

STATE OF NORTH DAKOTA.

---

JOURNAL OF THE SENATE

OF THE

SEVENTH SESSION

OF THE

Legislative Assembly

BEGUN AND HELD

AT THE CAPITOL

AT BISMARCK,

*January 8 to March 8, 1901, Inclusive.*

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BISMARCK, N. D.:  
TRIBUNE, STATE PRINTERS AND BINDERS,  
1901

MEMBERS AND OFFICERS  
OF THE  
SENATE OF NORTH DAKOTA  
FOR THE  
SEVENTH LEGISLATIVE ASSEMBLY, 1901  
MEMBERS.

Dist.	NAME	Post Office	Occupation	Where Born	Came to State	Married or Single	Age
8	Ames, Francis W. <i>rh.</i>	Mayville .....	Lawyer .....	Maine .....	1880	Mar.	49
26	Baker, Wesley, <i>rh.</i>	Livona .....	Farmer .....	Ohio .....	1883	..	54
4	Cashel, John L. <i>fh.</i>	Grafton .....	Banker .....	New York .....	1881	..	52
19	Clarke, Wm. <i>r.</i>	Rolla .....	Merchant .....	Canada .....	1884	Sin.	53
16	Cooper, Rollin C. <i>rh.</i>	Cooperstown .....	Farmer .....	Michigan .....	1880	Mar.	55
15	Cox, Alfred Beecher <i>r.</i>	Valley City .....	Machinery .....	Nova Scotia .....	1883	..	37
13	Devlin, John F. <i>r.</i>	Cayuga .....	Far. & R. Est. .....	New York .....	1882	..	49
2	Fuller, James Z. <i>rh.</i>	St. Thomas .....	Farmer .....	Illinois .....	1881	..	44
25	Geer, Duane E. <i>f.</i>	Ellendale .....	Real Est. & Ins .....	New York .....	1881	..	41
21	Hale, Henry <i>r.</i>	Devils Lake .....	Lumber .....	London, Eng .....	1878	..	48
20	Hegge, Ole I. <i>rh.</i>	Minnewaukan .....	Banker .....	Norway .....	1886	..	31
29	Jacobson, Martin <i>r.</i>	Minot .....	Merchant .....	Iowa .....	1886	..	37
18	Laidlaw, Walter A. <i>rh.</i>	Langdon .....	Banker .....	Canada .....	1883	..	38
1	LaMoure, Judson <i>r.</i>	Pembina .....	Merchant .....	Canada .....	1870	..	62
5	Lavayea, Henry E. <i>r.</i>	Larimore .....	Grain Dealer .....	Ohio .....	1881	..	48
9	Lewis, R. S. <i>r.</i>	Fargo .....	Banker .....	Tennessee .....	1882	..	44
27	Little, Clarence B. <i>r.</i>	Bismarck .....	Banker .....	New Hamp. .....	1882	..	43
3	Lofthus, O. E. <i>f.</i>	Park River .....	Merchant .....	Norway .....	1884	..	36
30	McDougal, J. A. <i>fh.</i>	Mandan .....	Merchant .....	Canada .....	1881	Sin.	42
22	Miner, Harlan J. <i>r.</i>	Bowden .....	Lumber .....	Michigan .....	1886	Mar.	31
6	*Murphy, Michael F. <i>rh.</i>	Grand Forks .....	Farm & Loans .....	Iowa .....	1879	..	43
28	Noble, Vigil B. <i>rh.</i>	Bottineau .....	Lawyer .....	Iowa .....	1882	..	41
14	Sanborn, Robt. C. <i>rh.</i>	Lisbon .....	Ag. Imp'ment. .....	Tennessee .....	1878	..	40
24	Sharpe, J. B. <i>rh.</i>	Kulm .....	Lawyer .....	New York .....	1892	Sin.	44
31	Simpson, Leslie A. <i>r.</i>	Dickinson .....	Lawyer .....	Maine .....	1889	Mar.	32
12	Slotten, Andrew <i>rh.</i>	Wahpeton .....	Farmer .....	Norway .....	1881	..	60
17	Swenson, Iver <i>r.</i>	Aneta .....	Farmer .....	Norway .....	1880	..	51
11	Talcott, Frank S. <i>r.</i>	Buffalo .....	Farmer .....	New York .....	1887	..	37
7	Taylor, John D. <i>r.</i>	Grand Forks .....	Physician .....	Canada .....	1879	Sin.	40
23	Williams, M. D. <i>f.</i>	Jamestown .....	Farmer .....	Pennsylvania .....	1882	Mar.	51
10	Wolbert, G. W. <i>r.</i>	Cassellton .....	Merchant .....	Wisconsin .....	1889	..	36

*r.* republican; *rh.* republican holdover; *f.* fusian; *fh.* fusian holdover.  
\* Supported Bryan in 1900 campaign.

## OFFICERS.

President—LIEUT. GOV. DAVID BARTLETT.  
President Pro Tempore—JUDSON LAMOURE.  
Secretary—GEORGE L. TOWNES.  
Assistant Secretary—I. O. MOE.  
Assistant to Secretary—P. R. ROGNLIE.  
Sergeant-at-Arms—W. H. BROWN.  
Doorkeeper—A. M. GREENFIELD.  
Journal Clerk—MRS. KATHERINE COLEMAN.  
Chief Enrolling and Engrossing Clerk—L. D. M'GAHAN.  
Bill Clerk—OLAF HOLTAN.  
Stenographer—R. M. TUTTLE.  
Messenger—WM. WARREN.  
Postmaster—ED. PARRETT.  
Watchman—B. SCHMIDT.  
Clerk of Judiciary Committee—GEO. GIBSON.  
Chaplain—REV. A. A. JOSS.  
Proofreader—M. E. SHIRLEY.  
Bill Room Clerk—ALEX. LOUDEN.  
Pages—CLARENCE M'LEAN, SHED LAMBERT, GRANT CALL, JOS. HARE,  
WM. POLLOCK.

# Journal of the Senate

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## SEVENTH SESSION.

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### FIRST DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
January 8, 1901.

At the hour of 12 o'clock meridian on Tuesday, the 8th day of January, A. D. 1901, being the day and hour designated by law for the convening of the legislative session of the state of North Dakota members-elect of the senate for the seventh 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, secretary of the senate of the sixth session of the legislative assembly, who introduced the Hon. David Bartlett, lieutenant governor, as president of the senate.

The lieutenant governor assumed the office of president of the senate.

Prayer was offered by Rev. A. A. Joss, of Burleigh.

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

Second District—James Fuller.

Fourth District—J. L. Cashel.

Sixth District—M. F. Murphy.

Eighth District—F. W. Ames.

Twelfth District—A. Slotten.

Fourteenth District—R. C. Sanborn.  
 Sixteenth District—R. C. Cooper.  
 Eighteenth District—W. A. Laidlaw.  
 Twentieth District—O. I. Hegge.  
 Twenty-fourth District—J. B. Sharpe.  
 Twenty-sixth District—W. Baker.  
 Twenty-eighth District—V. B. Noble.  
 Thirtieth District—J. A. McDougal.

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

First District—Judson LaMoure.  
 Third District—O. E. Loftus.  
 Fifth District—H. E. Lavayea.  
 Seventh District—J. D. Taylor.  
 Ninth District—R. S. Lewis.  
 Tenth District—G. W. Wolbert.  
 Eleventh District—F. S. Talcott.  
 Thirteenth District—J. F. Devlin.  
 Fifteenth District—A. B. Cox.  
 Seventeenth District—I. Swenson.  
 Nineteenth District—Wm. Clarke.  
 Twenty-first District—Henry Hale.  
 Twenty-second District—H. J. Miner.  
 Twenty-third District—M. D. Williams.  
 Twenty-fifth District—D. E. Geer.  
 • Twenty-seventh District—C. B. Little.  
 Twenty-ninth—M. Jacobson.  
 Thirty-first District—L. A. Simpson.

The oath of office was administered to the senators-elect by Hon. W. H. Winchester, judge of the Sixth judicial district.

Mr. Little nominated Mr. Judson LaMoure for president pro tem of the senate.

There being no other nomination the roll being called those voting in the affirmative were:

Messrs. Ames, Baker, Cashel, Clarke, Cooper, Cox, Devlin, Fuller, Geer, Hale, Hegge, Jacobson, Laidlaw, Lewis, Little, Loftus, McDougal, Miner, Murphy, Noble, Sanborn, Sharpe, Simpson, Slotten, Swenson, Talcott, Taylor, Williams, Wolbert.

Messrs. Lavayea and LaMoure absent and not voting.

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

Mr. Talcott nominated Geo. L. Townes for secretary of the senate.

There being no other nomination, the roll being called those voting in the affirmative were:

Messrs. Ames, Baker, Cashel, Clarke, Cooper, Cox, Devlin, Fuller, Geer, Hale, Hegge, Jacobson, Laidlaw, LaMoure, Lewis,

Little, Loftus, McDougal, Miner, Murphy, Noble, Sanborn, Sharpe, Simpson, Slotten, Swenson, Talcott, Taylor, Williams, Wolbert.

Mr. Lavayea absent and not voting.

Geo. L. Townes receiving a majority of the votes cast was declared elected.

Judge Winchester administered oath of office to Geo. L. Townes, secretary.

Mr. Cox nominated I. J. Moe as assistant secretary.

There being no other nomination the roll being called those voting in the affirmative were:

Messrs. Ames, Baker, Cashel, Clarke, Cooper, Cox, Devlin, Fuller, Geer, Hale, Hegge, Jacobson, Laidlaw, Lavayea, LaMoure, Lewis, Little, Loftus, McDougal, Miner, Murphy, Noble, Sanborn, Sharpe, Simpson, Slotten, Swenson, Talcott, Taylor, Williams, Wolbert.

Mr Moe having received a majority of the votes cast, was declared elected.

Mr. Hale nominated L. D. McGahan as chief enrolling and enrolling clerk.

There being no other nomination the roll being called those voting in the affirmative were:

Messrs. Ames, Baker, Cashel, Clarke, Cooper, Cox, Devlin, Fuller, Geer, Hale, Hegge, Jacobson, Laidlaw, Lavayea, LaMoure, Lewis, Little, Loftus, McDougal, Miner, Murphy, Noble, Sanborn, Sharpe, Simpson, Slotten, Swenson, Talcott, Taylor, Williams, Wolbert.

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

Mr. Miner nominated P. B. Rognlie as assistant to the assistant secretary.

The chair stated that the law did not provide for a second assistant secretary, and he ruled the motion out of order.

The decision of the chair was appealed from and the chair was not sustained.

The president so announced.

The roll being called for the election of Mr. Rognlie, those voting in the affirmative were:

Messrs. Ames, Baker, Cashel, Clarke, Cooper, Cox, Devlin, Fuller, Geer, Hale, Hegge, Jacobson, Laidlaw, Lavayea, LaMoure, Lewis, Little, Loftus, Miner, Murphy, Noble, Sanborn, Sharpe, Simpson, Slotten, Swenson, Talcott, Taylor, Wolbert.

Messrs. McDougal and Williams voting in the negative.

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

Mr. Little nominated R. M. Tuttle as stenographer.

There being no other nomination, the roll being called those voting in the affirmative were:

Messrs. Ames, Baker, Cashel, Clarke, Cooper, Cox, Devlin, Fuller, Geer, Hale, Hegge, Jacobson, Laidlaw, Lavayea, LaMoure, Lewis, Little, Loftus, McDougal, Miner, Murphy, Noble, Sanborn, Sharpe, Simpson, Slotten, Swenson, Talcott, Taylor, Williams, Wolbert.

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

Mr. Lavayea nominated Olaf Holton as bill clerk.

There being no other nomination, the roll being called, those voting in the affirmative were:

Messrs. Ames, Baker, Cashel, Clarke, Cooper, Cox, Devlin, Fuller, Geer, Hale, Hegge, Jacobson, Laidlaw, Lavayea, LaMoure, Lewis, Little, Loftus, McDougal, Miner, Murphy, Noble, Sanborn, Sharpe, Simpson, Slotten, Swenson, Talcott, Taylor, Williams, Wolbert.

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

Mr. Taylor nominated Mr. Brown, of Grand Forks, as sergeant-at-arms.

There being no other nomination, the roll being called, those voting in the affirmative were:

Messrs. Ames, Baker, Cashel, Clarke, Cooper, Cox, Devlin, Fuller, Geer, Hale, Hegge, Jacobson, Laidlaw, Lavayea, LaMoure, Lewis, Little, Loftus, McDougal, Miner, Murphy, Noble, Sanborn, Sharpe, Simpson, Slotten, Swenson, Talcott, Taylor, Williams, Wolbert.

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

Mr. Hegge nominated A. M. Greenfield as doorkeeper.

There being no other nomination the roll being called those voting in the affirmative were:

Messrs. Ames, Baker, Cashel, Clarke, Cooper, Cox, Devlin, Fuller, Geer, Hale, Hegge, Jacobson, Laidlaw, Lavayea, LaMoure, Lewis, Little, Loftus, McDougal, Miner, Murphy, Noble, Sanborn, Sharpe, Simpson, Slotten, Swenson, Talcott, Taylor, Williams, Wolbert.

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

Mr. Sanborn nominated Wm. Warren, of Ransom county, as messenger.

There being no other nomination the roll being called those voting in the affirmative were:

Messrs. Ames, Baker, Cashel, Clarke, Cooper, Cox, Devlin, Fuller, Geer, Hale, Hegge, Jacobson, Laidlaw, Lavayea, LaMoure, Lewis,

Little, Loftus, McDougal, Miner, Murphy, Noble, Sanborn, Sharpe, Simpson, Slotten, Swenson, Talcott, Taylor, Williams, Wolbert.

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

Mr. Wolbert nominated Ed Porritt as postmaster of the senate.

There being no other nomination the roll being called those voting in the affirmative were:

Messrs. Ames, Baker, Cashel, Clarke, Cooper, Cox, Devlin, Fuller, Geer, Hale, Hegge, Jacobson, Laidlaw, Lavayea, LaMoure, Lewis, Little, Loftus, McDougal, Miner, Murphy, Noble, Sanborn, Sharpe, Simpson, Slotten, Swenson, Talcott, Taylor, Williams, Wolbert.

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

Mr. Laidlaw nominated Geo. Gibson as clerk of the judiciary committee.

There being no other nomination the roll being called those voting in the affirmative were:

Messrs. Ames, Baker, Cashel, Clarke, Cooper, Cox, Devlin, Fuller, Geer, Hale, Hegge, Jacobson, Laidlaw, Lavayea, LaMoure, Lewis, Little, Loftus, McDougal, Miner, Murphy, Noble, Sanborn, Sharpe, Simpson, Slotten, Swenson, Talcott, Taylor, Williams, Wolbert.

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

Mr. Cooper nominated Mrs. J. N. Brown as journal clerk.

There being no other nomination, the roll being called, those voting in the affirmative were:

Messrs. Ames, Baker, Cashel, Clarke, Cooper, Cox, Devlin, Fuller, Geer, Hale, Hegge, Jacobson, Laidlaw, Lavayea, LaMoure, Lewis, Little, Loftus, McDougal, Miner, Murphy, Noble, Sanborn, Sharpe, Simpson, Slotten, Swenson, Talcott, Taylor, Williams, Wolbert.

Mrs. Brown having received a majority of the votes cast was declared elected.

Mr. Simpson nominated Miss Katherine Coleman as assistant journal clerk.

The president ruled the motion out of order.

An appeal was taken from the decision of the chair, and the president announced that the chair was overruled.

There being no other nomination the roll being called, those voting in the affirmative were:

Ames, Baker, Cashel, Clarke, Cooper, Cox, Devlin, Fuller, Geer, Hale, Hegge, Jacobson, Laidlaw, Lavayea, LaMoure, Lewis, Little, Loftus, McDougal, Miner, Murphy, Noble, Sanborn, Sharpe, Simpson, Slotten, Swenson, Talcott, Taylor, Williams, Wolbert.

Miss Coleman having received a majority of the votes cast was declared elected.



Mr. Lewis nominated B. Schmidt as watchman.

There being no other nomination the roll being called those voting in the affirmative were:

Messrs. Ames, Baker, Cashel, Clarke, Cooper, Cox, Devlin, Fuller, Geer, Hale, Hegge, Jacobson, Laidlaw, Lavayea, LaMoure, Lewis, Little, Loftus, McDougal, Miner, Murphy, Noble, Sanborn, Sharpe, Simpson, Slotten, Swenson, Talcott, Taylor, Williams, Wolbert.

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

Mr. Little nominated Rev. A. A. Joss as chaplain of the senate.

There being no other nomination the roll being called those voting in the affirmative were:

Messrs Ames, Baker, Cashel, Clarke, Cooper, Cox, Devlin, Fuller, Geer, Hale, Hegge, Jacobson, Laidlaw, Lavayea, LaMoure, Lewis, Little, Loftus, McDougal, Miner, Murphy, Noble, Sanborn, Sharpe, Simpson, Slotten, Swenson, Talcott, Taylor, Williams, Wolbert.

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

Mr. Swenson nominated M. E. Shirley as proof reader of the senate.

The president ruled the motion out of order.

An appeal from the decision of the chair was taken and the president announced that the chair was not sustained.

There being no other nomination the roll being called those voting in the affirmative were:

Messrs. Ames, Baker, Cashel, Clarke, Cooper, Cox, Devlin, Fuller, Geer, Hale, Hegge, Jacobson, Laidlaw, Lavayea, LaMoure, Lewis, Little, Loftus, McDougal, Miner, Murphy, Noble, Sanborn, Sharpe, Simpson, Slotten, Swenson, Talcott, Taylor, Williams, Wolbert.

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

Mr. LaMoure nominated Alex Loudon as clerk of the bill room.

The president ruled the motion out of order.

An appeal was taken from the decision of the chair and the president announced that the chair was not sustained.

There being no other nomination the roll being called those voting in the affirmative were:

Messrs. Ames, Baker, Cashel, Clarke, Cooper, Cox, Devlin, Fuller, Geer, Hale, Hegge, Jacobson, Laidlaw, Lavayea, LaMoure, Lewis, Little, Loftus, McDougal, Miner, Murphy, Noble, Sanborn, Sharpe, Simpson, Slotten, Swenson, Talcott, Taylor, Williams, Wolbert.

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

Mr. Sharpe nominated as enrolling and engrossing clerks: Chas. Prentz, J. M. Stewart, R. Walton, W. H. Bartz, E. C. Campbell, Who were duly declared elected.

Mr. LaMoure nominated as pages: Clarence McLean, Shed Lambert, Grant Call, Jos. Hare, Wm. Pollock.

The president declared the motion out of order.

An appeal was taken from the decision of the chair, and the president announced the chair was not sustained.

There being no other nominations the roll being called those voting in the affirmative were:

Messrs. Ames, Baker, Cashel, Clarke, Cooper, Cox, Devlin, Fuller, Geer, Hale, Hegge, Jacobson, Laidlaw, Lavayea, LaMoure, Lewis, Little, Loftus, McDougal, Miner, Murphy, Noble, Sanborn, Sharpe, Simpson, Slotten, Swenson, Talcott, Taylor, Williams, Wolbert.

The pages mentioned having received a majority of the votes cast were declared elected.

The oath was administered by the president to the following clerks and employes:

I. J. Moe, assistant secretary.

Olaf Holton, bill clerk.

R. M. Tuttle, stenographer.

W. H. Brown, sergeant-at-arms.

Ed Porritt, postmaster.

Mrs. J. N. Brown, journal clerk.

L. D. McGahan, chief enrolling and engrossing clerk:

Clarence McLean, Shed Lambert, pages.

Mr. Little moved

That a committee of three be appointed to inform the governor that the senate was organized and ready for business,

Which motion prevailed, and

The president appointed as such committee Messrs. Little, Noble and Cox.

Mr. Simpson moved

That a committee of three be appointed to inform the house that the senate was organized and ready for business,

Which motion prevailed, and

The president appointed as such committee Messrs. Simpson, Cashel and Sharpe.

Mr. Little moved

That the old rules of the senate be in force until new rules shall have been reported and approved,

Which motion prevailed.

Mr. Little moved

That the president appoint a committee on rules,

Which motion prevailed.

The president appointed as committee on rules Messrs. LaMoure, Little, Cashel, Noble, Cox, Sharpe and Wolbert.

INTRODUCTION AND FIRST READING OF SENATE BILLS.

Mr. Little introduced

Senate Bill No. 1,

A bill for an act to provide for the trial of civil actions.

Also,

Senate Bill No. 2,

A bill for an act to provide a time at which claims against the estates of decedents shall be barred.

Also,

Senate Bill No. 3,

A bill for an act to amend section 5256, revised codes.

Mr. LaMoure introduced

Senate Bill No. 4,

A bill for an act amending section 5 of chapter 103 of the session laws of 1895, relating to terms of court in the Seventh judicial district.

Mr. Little moved

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

Which motion prevailed.

The president appointed Messrs. Wolbert, Cashel and Cooper as such committee.

MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,  
January 8, 1901.

Mr. President:

I have the honor to inform you that the house is now organized and ready for business, with the following officers:

Speaker, R. M. Pollock, of Cass.

Chief clerk, Joseph Scanlan.

Assistant chief clerk, W. D. Austin.

Chief enrolling and engrossing clerk, W. E. Clark.

Bill clerk, E. E. Ellis.

Official stenographer, Miss Bessie Waggoner.

Sergeant-at-arms, Thomas Harrison.

Doorkeeper, James Flanagan.

Messenger, Burton L. Weld.

Postmaster, C. Lisk.

Chaplain, Rev. R. T. Guernsey.

Two janitors, John Clark, C. D. Rogers.

Watchman, Hans O. Blagen.

Clerk of judiciary committee, A. M. Baldwin.

Journal clerk, William Surens.

Pages, Arthur Mason, Chester Erstrom, Leo Horner, Kirk Noyes.

JOSEPH SCANLAN,  
Chief Clerk.

The president pro tem administered the oath to Assistant Secretary P. B. Rognlie, Assistant Journal Clerk Miss Catherine Coleman, Pages Joseph Hare, Wm. Pollock, Grant Call.

Mr. Wolbert moved

That the senate take a recess until tomorrow at 1 o'clock p. m.,

Which motion prevailed.

GEORGE L. TOWNES,  
Secretary.

AFTER RECESS.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
January 9, 1901.

Senate reconvened at 1 o'clock p. m.

Mr. Wolbert moved

That the senate adjourn to meet at 2 o'clock p. m.

Which motion prevailed, and

The senate adjourned.

GEO. L. TOWNES,  
Secretary.

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SECOND DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
January 9, 1901.

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

The president presiding.

Prayer by the chaplain.

Roll call.

Present: Messrs. Ames, Baker, Cashel, Clarke, Cooper, Cox,

Devlin, Fuller, Geer, Hale, Hegge, Jacobson, Laidlaw, Lavayea, LaMoure, Lewis, Little, Loftus, McDougal, Miner, Murphy, Noble, Sanborn, Sharpe, Simpson, Slotten, Swenson, Talcott, Williams, Wolbert.

Mr Taylor being excused.

Mr. Noble moved

That the journal be referred to a committee of three for correction.

Which motion prevailed, and

The president appointed as a committee on correction of the journal Messrs. Noble, Sharpe and Wolbert.

## INTRODUCTION AND FIRST READING OF SENATE BILLS.

Mr. Lewis introduced

Senate bill No. 5,

A bill for an act to provide for the status, organization, and government of associations known as lodges, chapters, posts, encampments, councils, commanderies, consistories and other similar organizations of the fraternities or associations commonly known as the various organizations of Free Masons, Independent Order of Odd Fellows, Grand Army of the Republic, Knights of Pythias and other similar benevolent or charitable fraternities or associations not organized for profit or fraternal insurance.

Mr. Lewis introduced

Senate bill No. 6,

A bill for an act to amend sections 3183 and 3184 of the Revised Codes of North Dakota, relating to the incorporation of certain classes of benevolent, charitable and social institutions.

Mr. Talcott introduced

Senate bill No. 7,

A bill amending section 7464 of the Revised Codes of North Dakota.

Mr. Little introduced

Senate bill No. 8,

A bill for an act entitled an act to amend section 6219 of the Revised Codes.

Mr. Cashel introduced

Senate bill No. 9,

A bill providing for the issuing of funding warrants and the protection of the public credit.

Also,

Senate bill No. 10.

A bill for an act providing for the selection of candidates for election by popular vote and relating to their nomination.

A committee from the house announced that the house was ready to receive the senate in joint session to hear the messages of the outgoing and incoming governors.

Mr. Little moved

That the senate proceed to the house chamber to hear the messages of the governors.

Which motion prevailed.

The senate reassembled.

Mr. Sharpe introduced

Senate bill No. 11,

A bill to amend sections 1536, 1537, 1538, 1542 and 1543 of the Revised Codes of the state of North Dakota, relating to the recording of marks and brands.

The oath was administered by the president to the following clerks:

B. Schmidt—Watchman.

Alex. Louden—Bill Room Clerk.

Geo. Gibson—Clerk of the Judiciary Committee.

Wm. H. Bortz—Enrolling and Engrossing Clerk.

Mr. Wolbert moved

The senate do now adjourn.

Which motion prevailed, and

The senate adjourned.

GEO. L. TOWNES,  
Secretary.

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### THIRD DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
January 10, 1901.

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. LaMoure and Talcott, who were excused.

## REPORTS OF STANDING COMMITTEES.

Mr. President:

Your committee on rules recommend the adoption of the old rules with the following exception: Rule thirty-five to be amended to read "on apportionment eleven members."

C. B. LITTLE,  
Acting Chairman.

J. B. SHARPE,  
V. B. NOBLE,  
G. W. WOLBERT,  
J. L. CASHEL,  
A. B. COX,

Committee.

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

## REPORT OF SELECT COMMITTEE.

Mr. President:

Your special committee appointed to revise and correct the journal of the first day have had the same under consideration and recommend the following corrections:

On page 1 of the printed journal after the word "secretary" insert "of the senate" and change the name "Cashell" to "Cashel."

On page 2, change "O. J. Hegge" to "O. I. Hegge."

On page 3, line 12, after the name "Hale" insert "Hegge."

Strike out all of line 15, page 3.

On same page change the name "P. R. Rognlie" to "P. B. Rognlie."

In line 28, page 3, strike out "to the assistant"—

On page 5 change the name Mrs. J. M. Brown" to "Mrs. J. N. Brown.

On page 6 change the name "Mr. Severson" to Mr. "Swenson," and the name of "A. H. Louden" to "Alex Louden."

On page 7 strike out the word "said" and insert "pages."

On same page change the name "Mrs. J. M. Brown" to "Mrs. J. N. Brown.

On page 8 change the word "chaplin" to "chaplain."

On page 9 change the name "Towne" to "Townes," and the name "Surers" to "Surerus."

On page 4, line 10, change the word "Ole" to "Olof."

And when so amended recommend that the journal of the first day be approved.

V. B. NOBLE,  
J. B. SHARPE,  
G. M. WOLBERT,  
Committee.

Mr. Noble moved  
Its adoption,  
Which motion prevailed, and  
The report was adopted.

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**INTRODUCTION AND FIRST READING OF SENATE BILLS.**

Senate bill No. 12,

A bill for an act to amend section 28 of the Revised Codes of North Dakota, 1899, the same being chapter 104 of the session laws of 1899, relating to legislative officers and employes and their compensation.

Which was read the first time.

Mr. Simpson moved

That the rules be suspended and Senate bill No. 12 be read a second time and referred to a select committee of five to be appointed by the president.

Which motion prevailed, and

Senate bill No. 12,

A bill for an act to amend section 28 of the Revised Codes of North Dakota, 1899, the same being chapter 104 of the session laws of 1899, relating to legislative officers and employes and their compensation.

Was read a second time and so referred.

The president announced as such special committee Messrs. Simpson, Wolbert, Noble, Cooper and Laidlaw.

Mr. Lavayea introduced

Senate bill No. 13,

A bill for an act to amend section 5687 of the Revised Codes of North Dakota, relating to exceptions to depositions.

Which was read the first time.

Mr. Wolbert moved

That the senate take a recess of twenty minutes.

Which motion prevailed.

The senate reconvened.

The oath was administered by the president to the following: R. Walton, enrolling and engrossing clerk; J. M. Stewart, enrolling and engrossing clerk; E. C. Campbell, enrolling and engrossing clerk, and A. M. Greenfield as doorkeeper.

Mr. Little moved

That the senate do now adjourn.

Which motion prevailed, and

The senate adjourned,

GEORGE L. TOWNES,  
Secretary.



## JOURNAL OF THE SENATE.

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### FOURTH DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
January 11, 1901.

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. Cox, LaMoure, McDougal, Talcott, Williams, who were excused.

### STANDING COMMITTEES.

The president appointed the following committees:

Judiciary—Messrs. Little, chairman; Ames, Noble, Sharpe, Talcott, Cox, Cashel, LaMoure, Lavayea, Simpson and Hale.

Education—Messrs. Wolbert, chairman; Hale, Cashel, Sharpe, Lavayea, Hegge and Cooper.

Elections—Messrs. Hale, chairman; Cashel, Minor, Clarke, Sanborn, Fuller and Swenson.

Appropriations—Messrs. LaMoure, chairman; Ames, Lewis, Cox, Taylor, Cooper, Little, Noble, Slotten, Laidlaw and Jacobson.

Railroads—Messrs. Lewis, chairman; Devlin, Cooper, Sharpe, Wolbert, Sanborn, Swenson, Clarke, Minor, Murphy and Geer.

State Affairs—Messrs. Cox, chairman; Wolbert, Minor, Baker, Sanborn, Murphy and Williams.

Banks and Banking—Messrs. Murphy, chairman; Cashel, Sanborn, Devlin, Minor, McDougal and Sharpe.

Cities and Municipal Corporations—Messrs. Talcott, chairman; LaMoure, Lofthus, Cashel, Lewis, Simpson and Laidlaw.

Indian Affairs—Messrs. Baker, chairman; Hale, Little, McDougal and Simpson.

Statistics—Messrs. Clark, chairman; Lewis, LaMoure, Hale and Minor.

Federal Relations—Messrs. Laidlaw, chairman; Fuller, Taylor, Ames and Clarke.

Insurance—Messrs. Hegge, chairman; Cox, Sanborn, Lofthus and Little.

Public Health—Messrs. Taylor, chairman; Lofthus, Devlin, Clarke and Hegge.

Public Printing—Messrs. Devlin, chairman; Taylor, McDougal, Laidlaw and Geer.

Public Printing—Messrs. Devlin, chairman; Talyor, McDougal, Laidlaw and Geer.

Temperance—Messrs. Slotten, chairman; Cooper, Ames, Cashel, Geer, Williams and Swenson.

Mines and Minerals—Messrs. McDougal, chairman; Jacobson, Simpson, Noble and Sanborn.

Rules—Messrs. LaMoure, chairman; Little, Cashel, Noble, Cox, Sharpe and Wolbert.

Immigration—Messrs. Swenson, chairman; Clarke, Devlin, Noble and Cox.

Highways, Bridges and Ferries—Messrs. Minor, chairman; Slotten, McDougal, Jacobson and Lofthus.

Irrigation—Messrs. Lofthus, chairman; Little, Sharpe, Ames, Simpson, Laidlaw and Cooper.

Public Lands—Messrs. Simpson, chairman; Hegge, Williams, Slotten, Lewis, Jacobson and Fuller.

Ways and Means—Messrs. Sharpe, chairman; Murphy, Talcott, Geer, Jacobson, Lavayea and Baker.

Agriculture—Messrs. Swenson, chairman; Talcott, Slotten, Williams, Baker, Jacobson and Simpson.

Warehousing, Grain and Grain Grading—Messrs. Fuller, chairman; Slotten, Devlin, Cooper, Swenson, Williams, Geer, Baker and Talcott.

Counties—Messrs. Jacobson, chairman; Baker, McDougal, Swenson, Clarke, Williams and Hegge.

Engrossed and Enrolled Bills—Messrs. Lavayea, chairman; Little, Wolbert, Hale and Geer.

Apportionment—Messrs. Ames, chairman; Little, Cox, Taylor, LaMoure, Noble, Talcott, Minor, Baker, Laidlaw and Sharpe.

Corporations Other than Municipal—Messrs. Cashel, chairman; Sanborn, Hegge, Murphy, Williams, Geer and Wolbert.

Military Affairs—Messrs. Sanborn, chairman; Hale, Fuller, Lofthus and Lavayea.

Women Suffrage—Messrs. Noble, chairman; Taylor, Cooper, Geer and Williams.

#### JOINT COMMITTEES.

Public Buildings—Messrs. Slotten, chairman; Simpson, Lewis, Clarke and Cashel.

Charitable Institutions—Messrs. Cox, chairman; Murphy, Fuller, McDougal and Jacobson.

Penal Institutions—Messrs. Little, chairman; Sanborn, Baker, Devlin and Laidlaw.

Educational Institutions—Messrs. Ames, chairman; Hegge, Cashel, Sanborn, Lavayea, Talcott and Geer.

State Library—Messrs. Sharpe, chairman; Slotten, Hale, Wolbert and Baker.

Joint Rules—Messrs. LaMoure, chairman; Little, Noble, Cashel, Cox, Ames and Cooper.

Mr. Little moved

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

Which motion prevailed, and

The president appointed as such committee Messrs. Devlin, Lewis and Murphy.

#### REPORT OF SPECIAL COMMITTEE.

Mr. President:

Your special committee to whom was referred senate bill No. 12,

A bill for an act to amend section 28 of the Revised Codes of North Dakota, 1899, the same being chapter 104 session laws of 1899 relating to legislative officers and employes and their compensation,

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

Respectfully submitted,  
L. A. SIMPSON,  
Chairman.

#### CONCURRENT RESOLUTION.

Mr. Little presented the following concurrent resolution:

Be it resolved by the senate, the house concurring, that when we adjourn we adjourn until January 16th.

Mr. Little moved

That the resolution be adopted.

Which motion prevailed.

#### COMMUNICATION FROM THE GOVERNOR.

The following communication was received from the governor:

EXECUTIVE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
January 11, 1901.

To the Senate:

Gentlemen: I have the honor to inform you that I have appointed C. W. Getchell, of Valley City, N. D., my private secretary.

Very respectfully yours,  
FRANK WHITE,  
Governor.

Mr. Simpson moved

That the report of the special committee of Senate Bill No. 12 be adopted, and that the rules be suspended and it be placed on its third reading and final passage.

Which motion prevailed.

#### THIRD READING OF SENATE BILLS.

Senate bill No. 12,

A bill for an act to amend section 28 of the Revised Codes of North Dakota, 1899, the same being chapter 104 of the session laws of 1899, relating to legislative officers and employes and their compensation.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 25, nays 2, absent and not voting 5.

Those who voted in the affirmative were:

Messrs.—

Ames,  
Baker,  
Clarke,  
Cooper,  
Devlin,  
Fuller,  
Geer,  
Hale,

Messrs.—

Hegge,  
Jacobson,  
Laidlaw,  
Lavayea,  
Lewis,  
Little,  
Miner,  
Murphy,

Messrs.—

Noble,  
Sanborn,  
Sharpe,  
Simpson,  
Slotten,  
Swenson,  
Taylor,  
Wolbert,

Those voting in the negative were: Messrs. Cashel and Loftus.

Absent and not voting:

Messrs.—

Cox,  
LaMoure,

Messrs.—

McDougal,  
Talcott,

Messrs.—

Williams,

who were excused.

So the bill passed and the title was agreed to.

Mr. Simpson moved

That the vote by which senate bill No. 12 was passed be reconsidered and that the motion to reconsider be laid upon the table.

Which motion prevailed.

### MESSAGES FROM THE HOUSE.

The following messages were received from the house:

HOUSE OF REPRESENTATIVES,  
BISMARCK, NORTH DAKOTA,  
January 11, 1901.

Mr. President:

I have the honor to transmit herewith the following concurrent resolution which the house has passed, and your favorable consideration thereof is respectfully requested:

Whereas, Owing to the financial condition of the state of North Dakota, and recommendations of the governor; therefore, be it

Resolved, By the house of representatives, the senate concurring, that the seventh legislative assembly shall consist of fifty days.

Also,

I have the honor to transmit herewith the following concurrent resolution which the house has passed, and your favorable consideration of the same is respectfully requested:

### CONCURRENT RESOLUTION.

Whereas, It has generally been the custom of every legislative assembly of this state to appoint a committee to visit the several institutions to see what their needs may be, and as to how they are managed, and any other matters that might come up before the committee from the legislature, and whereas it has been the custom of this committee to report to the legislature as to the condition the several state institutions are in and as to their needs in the way of appropriations; therefore be it

Resolved, That the house of representatives, the senate concurring; ap-

point a committee of five; three to be appointed by the speaker of the house and two to be appointed by the president of the senate.

Also,

I have the honor to transmit herewith the following concurrent resolution which the house has passed, and your favorable consideration of the same is respectfully requested.

#### CONCURRENT RESOLUTION.

Concurrent resolution and memorial of the senate and house of representatives of the state of North Dakota, to the senate and house of representatives of the United States, asking for the election of a United States senator by a direct vote of the people.

Whereas, Experience has demonstrated that the interests of the people would be best served by the election of United States senators by the vote of the people of the various states; therefore, be it

Resolved, By the house of representatives of the state of North Dakota, the senate concurring, that our representatives in congress are hereby requested to use all honorable means to secure the submission of an amendment to the constitution of the United States providing for the election of United States senators by the direct vote of the people.

Resolved, further, That copies of this resolution, properly attested, be sent to our representatives in congress of the United States; and be it hereby further

Resolved, That a copy of the foregoing resolution duly signed and certified, be sent to the proper officials of the several states in the union, together with the request, hereby expressed, that such resolution be laid before the legislative assembly of each such state, to be by it approved at the discretion thereof, and notice of such approval communicated, when given, to the senators and representatives acting for such state in the congress of the United States.

J. D. SCANLAN,  
Chief Clerk.

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

Mr. Sanborn introduced

Senate bill No. 14,

A bill for an act providing for an extension of the time of payment of the taxes for the year 1900.

Was read the first time.

Mr. Sanborn introduced

Senate bill No. 15,

A bill for an act to provide what persons may be made parties to actions for the foreclosure of mortgages.

Was read first time.

Mr. Sanborn introduced

Senate bill No. 16,

A bill for an act to repeal chapter 60 of the session laws of 1897 forbidding and preventing the practice of law by judges of county courts having increased jurisdiction.

Was read first time.

## SECOND READING OF SENATE BILLS.

Senate bill No. 2,

A bill for an act entitled an act to provide a time at which claims against the estates of decedents shall be barred.

Was read the second time and

Referred to the committee on judiciary.

Senate bill No. 3,

A bill for an act entitled an act to amend section 5256, Revised Codes, relating to mailing summons and complaint.

Was read the second time and

Referred to the committee on judiciary.

Senate bill No. 4,

A bill for an act amending section 5, of chapter 103, of the session laws of 1895, relating to terms of court in the Seventh judicial district.

Was read the second time and

Referred to the committee on judiciary.

Senate bill No. 5,

A bill for an act to provide for the status, organization, and government of associations known as lodges, chapters, posts, encampments, councils, commanderies, consistories and other similar organizations of the fraternities or associations commonly known as the various organizations of Free Masons, Independent Order of Odd Fellows, Grand Army of the Republic, Knights of Pythias and other similar benevolent or charitable fraternities or associations not organized for profit or fraternal insurance.

Was read the second time and

Referred to the committee on corporations other than municipal.

Senate bill No. 6,

A bill for an act to amend sections 3183 and 3184 of the Revised Codes of North Dakota, relating to the incorporation of certain classes of benevolent, charitable and social institutions.

Was read the second time and

Referred to the committee on corporations other than municipal.

Senate bill No. 7,

A bill amending section 7464 of the Revised Codes of North Dakota.

Was read the second time and

Referred to the committee on judiciary.

Senate bill No. 8,

A bill for an act entitled an act to amend section 6219 of the Revised Codes.

Was read the second time and

Referred to the committee on judiciary.

Senate bill No. 9,

A bill providing for the issuing of funding warrants and the protection of the public credit.

Was read the second time and

Referred to the committee on ways and means.

Senate bill No. 11,

A bill to amend sections 1536, 1537, 1538, 1542 and 1543 of the Revised Codes of the state of North Dakota, relating to the recording of marks and brands.

Was read the second time and

Referred to the committee on judiciary.

Mr. Little moved

That August Olson be appointed janitor of the senate.

Which motion prevailed.

#### MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
BISMARCK, NORTH DAKOTA,  
January 11, 1901.

Mr. President:

I have the honor to inform you that the house has concurred in the resolution, that when the legislative assembly adjourn, it adjourn to January 16.

Very respectfully,  
J. D. SCANLAN,  
Chief Clerk.

#### CONSIDERATION OF MESSAGES FROM THE HOUSE.

Mr. Noble moved

That the following resolution be referred to the committee on judiciary.

#### CONCURRENT RESOLUTION.

Concurrent resolution and memorial of the senate and house of representatives of the state of North Dakota, to the senate and house of representatives of the United States, asking for the election of a United States senator by a direct vote of the people.

Whereas, Experience has demonstrated that the interests of the people would be best served by the election of United States senators by the vote of the people of the various states; therefore, be it

Resolved, By the house of representatives of the state of North Dakota, the senate concurring, that our representatives in congress are hereby requested to use all honorable means to secure the submission of an amendment to the constitution of the United States providing for the election of United States senators by the direct vote of the people;

Resolved, further, that copies of this resolution, properly attested, be sent to our representatives in congress of the United States; and be it hereby further

Resolved, That a copy of the foregoing resolution, duly signed and certified, be sent to the proper officials of the several states in the union, together with the request, hereby expressed, that such resolution be laid be-

fore the legislative assembly of each such state, to be by it approved at the discretion thereof, and notice of such approval communicated, when given, to the senators and representatives acting for such state in the congress of the United States.

Which motion prevailed.

CONCURRENT RESOLUTION.

Whereas, It has generally been the custom of every legislative assembly of this state to appoint a committee to visit the several state institutions to see what their needs may be, and as to how they were managed, and any other matters that might come up before the committee from the legislature, and whereas it has been the custom of this committee to report to the legislature as to the condition the several state institutions are in and as to their needs in the way of appropriations; therefore, be it

Resolved, That the house of representatives, the senate concurring, appoint a committee of five; three to be appointed by the speaker of the house and two to be appointed by the president of the senate.

Mr. Little moved

To lay the above resolution on the table.

Which motion prevailed.

CONCURRENT RESOLUTION.

Whereas, Owing to the financial condition of the state of North Dakota and recommendations of the governor; therefore, be it

Resolved, By the house of representatives, the senate concurring, that the seventh legislative session shall consist of fifty days.

Mr. Little moved

To amend the resolution by substituting 35 days for 50 days.

Which motion prevailed.

The oath was administered by the president to August Olson as janitor of the senate, and Wm. Warren as messenger of the senate.

Mr. Hegge moved

That the senate do now adjourn,

Which motion prevailed, and

The senate adjourned.

GEORGE L. TOWNES,

Secretary.



## NINTH DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
January 16, 1901.

The senate met pursuant to adjournment.

The president presiding.

Prayer by the chaplain.

Roll call.

All members present except Messrs. Cashel, Fuller, Hegge and Talcott, who were excused.

Mr. Little moved

That reading of journal be dispensed with and a committee of three be appointed on correction,

Which motion prevailed, and

The president appointed as such committee Messrs. Devlin, Murphy and Jacobson.

## MOTIONS AND RESOLUTIONS.

Mr. Little moved

That the following concurrent resolution:

Whereas, Owing to the financial condition of the state of North Dakota, and recommendations of the governor; therefore, be it

Resolved, By the house of representatives, the senate concurring, that the seventh legislative assembly shall consist of fifty days.

Which on the last legislative day was amended in the last line to read "35 days" instead of "50 days," be adopted as amended,

Which motion prevailed.

## INTRODUCTION AND FIRST READING OF SENATE BILLS.

Mr. Slotten introduced

Senate bill No. 17,

A bill for an act to reimburse parties sustaining loss on leasing school lands, and providing for an appropriation therefor.

Mr. Lavayea introduced

Senate bill No. 18,

A bill providing for an extension of time for the payment of the taxes for the year 1900.

Mr. Taylor introduced

Senate bill No. 19,

A bill to amend section 1941 of the Revised Codes, relating to depositories of county funds.

Also,

Senate bill No. 20,

A bill for an act to provide for the admission of graduates from the law department of the university of North Dakota to the bar of this state.

Mr. Lewis introduced

Senate bill No. 21,

A bill for an act regulating fraternal beneficiary societies, orders or associations.

Also,

Senate bill No. 22,

A bill for an act to amend sections 5518 and 5519 of article 2, chapter 2 of the Code of Civil Procedure, relating to exemptions.

Mr. Hale introduced

Senate bill No. 23,

A bill for an act to amend section 5526, Revised Codes of North Dakota, relating to exemptions.

Also,

Senate bill No. 24,

A bill for an act providing for a lien upon threshing engines or separators for repairing the same.

Also,

Senate bill No. 25,

A bill for an act granting a right-of-way for a public highway across the military encampment grounds or Rock Island, Ramsey county, N. D.

Mr. Lewis introduced

Senate bill No. 26,

A bill for an act to amend section 479 of the Revised Codes of North Dakota, relating to the qualifications of voters.

Also,

Senate bill No. 27,

A bill for an act authorizing the board of trustees of the North Dakota agricultural college to co-operate with the geological, agricultural, and other surveys, organized under the department of the interior of the United States, in completing a topographic, agricultural and geological survey and map of North Dakota and making an appropriation therefor.

Also,

Senate bill No. 28,

A bill for an act to provide for the incorporation of cities in this state having a population of 9,000, and over.

Mr. Little introduced

Senate bill No. 29,

A bill for an act entitled an act authorizing district courts and also the supreme court of the state to direct judgment to be entered in certain cases instead of granting a motion for a new trial.

Also,

Senate bill No. 30,

A bill for an act entitled "An act making appropriations for the current and contingent expenses of the state penitentiary and for making permanent improvements and additions thereto.

Mr. McDougal introduced

Senate bill No. 31,

A bill for an act to provide for the erection of necessary buildings for the state reform school at Mandan, North Dakota.

#### SECOND READING OF SENATE BILLS.

Senate bill No. 1,

A bill for an act entitled an act to provide for the trial of civil actions.

Which was read the second time and

Referred to the committee on judiciary.

Senate bill No. 10.

A bill for an act providing for the selection of candidates for election by popular vote and relating to their nomination.

Which was read the second time and

Referred to the committee on elections.

Senate bill No. 13,

A bill for an act to amend section 5687 of the Revised Codes of North Dakota, relating to exceptions to depositions.

Which was read the second time and

Referred to the committee on judiciary.

Senate bill No. 14,

A bill for an act providing for an extension of the time of payment of the taxes for the year 1900.

Which was read the second time and

Referred to the committee on ways and means.

Senate bill No. 15,

A bill for an act to provide what persons may be made parties to actions for the foreclosure of mortgages.

Which was read the second time and

Referred to the committee on judiciary.

Senate bill No. 16,

A bill for an act to repeal chapter 60 of the session laws of 1897 forbidding and preventing the practice of law by judges of county courts having increased jurisdiction.

Which was read the second time and

Referred to the committee on judiciary.

## MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
BISMARCK, NORTH DAKOTA,  
January 16, 1901.

Mr. President:

I have the honor to request the return of a concurrent resolution relating to a committee of the legislative assembly visiting the state institutions, which was sent to the senate by mistake on the 11th inst.

J. D. SCANLAN,  
Chief Clerk.

Mr. Lavayea moved

That the resolution be taken from the table and returned to the house as requested,

Which motion prevailed.

Mr. LaMoure moved

That the courtesies of the floor be extended to Messrs. H. G. Vick, C. M. Johnson and A. M. Tofthagen,

Which motion prevailed.

Mr. Little moved

That the senate take a recess of 15 minutes,

Which motion prevailed.

Senate reassembled.

Mr. Lewis moved

That 50 extra copies of Senate Bill No. 28 be printed for the use of the senate.

Which motion prevailed.

## REPORT OF SPECIAL COMMITTEE.

The special committee to revise and correct the journal made the following report:

Mr. President:

Your special committee appointed to revise the journal of the third day, report the same correct as printed.

J. F. DEVLIN,  
Chairman.  
M. F. MURPHY,  
R. S. LEWIS.

Mr. Cooper moved

That the senate do now adjourn,

Which motion prevailed, and

The senate adjourned.

GEORGE L. TOWNES,  
Secretary.

## TENTH DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
January 17, 1901.

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. Cashel and Laidlaw, who were excused.

Mr. Sharpe moved

That the reading of the journal be dispensed with and the committee on corrections be appointed.

Which motion prevailed, and

The president appointed as such committee Messrs. Ames, Baker and Clarke.

## REPORT OF SELECT COMMITTEE.

Mr. President:

Your committee on revision and correction of the Journal of the fourth day find the same correct except the omission of the letter "n" in the tenth word of the thirteenth line.

J. F. DEVLIN,  
M. F. MURPHY,  
M. JACOBSON,

Committee.

The courtesies of the floor were extended to Messrs. George A. Fridd, of Valley City, N. D.; A. F. Kraable, of Clifford, N. D.; E. J. More, of Fargo, N. D.; Guy J. DeFrance and W. R. Virgil, of Stark county, N. D.

## INTRODUCTION AND FIRST READING OF SENATE BILLS.

Mr. Ames introduced

Senate bill No. 32,

A bill for an act taxing the occupation of hawkers and peddlers regulating the licensing of persons engaged in such occupation, and increasing the ordinary county revenue by such taxation.

Which was read the first time.

Mr. Ames introduced

Senate bill No. 33,

A bill for an act to secure from loss persons who furnish materials or labor in the alteration, repair, erection or betterment of public buildings.

Which was read the first time.

Mr. Murphy introduced

Senate bill No. 34,

A bill for an act to amend section 5200 of the Revised Codes of the state of North Dakota, 1899, being section 5200 of the Revised Codes of 1895, in regard to the limitation of actions.

Which was read the first time.

Mr. Lewis introduced

Senate bill No. 35,

A bill for an act entitled "An act for the examination of parties and persons interested in an action or proceeding under the rules of cross-examination when called to testify by an adverse party and providing that the party calling for such examination shall not be concluded thereby."

Which was read the first time.

Mr. Swenson introduced

Senate bill No. 36,

A bill for an act entitled an act to provide for the settlement of estates of decedents.

Which was read the first time.

Mr. Wolbert introduced

Senate bill No. 37,

A bill for an act to amend section 338d of the Revised Codes of 1899, relating to vouchers and warrants.

Which was read the first time.

Mr. Wolbert introduced

Senate bill No. 38,

A bill for an act to amend section 913 of the Revised Codes of 1899, relating to education.

Which was read the first time.

Also,

Senate bill No. 39,

A bill for an act to amend section 888, Revised Codes, 1899, relating to education.

Which was read the first time.

Mr. Little introduced

Senate bill No. 40,

A bill for an act in relation to the transaction of business by fire insurance companies or associations otherwise than through resident agents.

Which was read the first time.

Mr. Little introduced

Senate bill No. 41,

A bill for an act entitled "An act amending section six (6) of chapter 163 of the laws of 1899, as to the rules and regulations under which the product of the twine and cordage plant at the state penitentiary by the board of trustees thereof."

Which was read the first time.

Mr. Noble moved

That the senate take a recess of fifteen minutes,

Which motion prevailed.

Senate re-assembled.

#### REPORT OF SPECIAL COMMITTEE.

Report of committee to secure committee rooms:

Your committee on 'rooms for the use of senate committees hereby recommend that three (3) rooms at "Northwest Hotel" be taken at the total price of \$300.00 for the session of the legislature, with light and heat furnished free.

The rooms selected are as follows: the room east of the dining room, the room at the south end of west wing, and the room adjoining the above on the north.

We also recommend that the room east of dining room be assigned for use of the judiciary and appropriation committees.

That the room at south of west wing be assigned to the apportionment and ways and means and railroad committee.

That the room north of the above be assigned to the education committee.

We also recommend that only one janitor be employed for each room.

The other committees not assigned have the use of any of these rooms when not in use by above committees.

Respectfully,

G. M. WOLBERT,  
R. C. COOPER.

Mr. Wolbert moved

That the report be adopted,

Which motion prevailed.

#### MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
BISMARCK, NORTH DAKOTA,  
January 17, 1901.

Mr. President:

I have the honor to inform you that  
Senate bill No. 12,

A bill for an act to amend section 28 of the Revised Codes of North Dakota, 1899, the same being chapter 104 of the session laws of 1899, relating to legislative officers and employes and their compensation.

Has passed the house with the following amendments:

Line 25 of printed bill shall read one watchman, whose compensation shall be \$4 per day.

Line 14 of printed bill shall read one stenographer, whose compensation shall be \$5 per day.

Line 53 of printed bill shall read two doorkeepers, whose compensation shall be \$4 per day.

Line 55 of printed bill shall read one messenger, whose compensation shall be \$4 per day.

Line 62 shall read one watchman, whose compensation shall be \$4 per day.

Line 65 shall read two attendants in cloak room, whose compensation shall be \$3 per day.

Line 75, after the word "day" in the printed bill shall read "and such janitors as may be deemed necessary by the house, and who shall receive \$3 per day."

And your favorable consideration thereof is respectfully requested.

J. D. SCANLAN,  
Chief Clerk.

Mr. Simpson moved

That the rules be suspended and the senate concur in the amendments of the house to

Senate bill No. 12,

A bill for an act to amend section 28 of the Revised Codes of North Dakota, 1899, the same being chapter 104 of the session laws of 1899, relating to legislative officers and employes and their compensation.

Which motion prevailed.

The question being upon the concurrence in the house amendments,

The roll being called there were ayes 28, nays none, absent and not voting 3.

Those who voted in the affirmative were:

Messrs.—

Ames,  
Baker,  
Clarke,  
Cooper,  
Cox,  
Devlin,  
Fuller,  
Geer,  
Hale,  
Hegge,

Messrs.—

Jacobson,  
Lavayea,  
LaMoure,  
Lewis,  
Little,  
Lofthus,  
McDougal,  
Miner,  
Murphy,

Messrs.—

Sanborn,  
Sharpe,  
Simpson,  
Slotten,  
Swenson,  
Talcott,  
Taylor,  
Williams,  
Wolbert,

Absent and not voting:

Messrs.—

Cashel,

Messrs.—

Laidlaw,

Messrs.—

Noble,



Mr. Wolbert called the attention of the secretary of the senate to joint rule 9 and referred him to

House bill No. 2,

A bill for an act to provide for the status, organization, and government of associations known as lodges, chapters, posts, encampments, councils, commanderies, consistories and other similar organizations of the fraternities or associations commonly known as the various organizations of Free Masons, Independent Order of Odd Fellows, Grand Army of the Republic, Knights of Pythias and other similar benevolent or charitable fraternities or associations not organized for profit or fraternal insurance.

And

Senate bill No. 5,

A bill for an act to provide for the status, organization, and government of associations known as lodges, chapters, posts, encampments, councils, commanderies, consistories and other similar organizations of the fraternities or associations commonly known as the various organizations of Free Masons, Independent Order of Odd Fellows, Grand Army of the Republic, Knights of Pythias and other similar benevolent or charitable fraternities or associations not organized for profit or fraternal insurance.

Which are duplicates, and which under the above rule should not have been both printed.

The oath was administered by the president to the following: James Folley, clerk of the appropriation committee; M. A. Shirley, proofreader, and H. Bartz, enrolling and engrossing clerk.

Mr. Lewis moved

That the senate do now adjourn,

Which motion prevailed, and

The senate adjourned.

GEORGE L. TOWNES,  
Secretary.

## ELEVENTH DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
January 18, 1901.

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. Cashel and Laidlaw, who were excused.

Mr. Cox moved

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

Which motion prevailed, and

The president appointed as such committee Messrs. Cooper, Cox and Fuller.

## 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. 11,

A bill to amend sections 1536, 1537, 1538, 1542 and 1543 of the Revised Codes of the state of North Dakota, relating to the recording of marks and brands.

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

Section 1538. The first word "secretary" to be omitted and the words "commissioner of agriculture and labor" 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 of the committee,

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. 8,

A bill for an act entitled an act to amend section 6219 of the Revised Codes.

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

Amend the title of the bill by adding after word codes "1899 relating to effect of appearance in probate court."

And when so amended recommend that the same do pass.

C. B. LITTLE,  
Chairman.

Mr. Little moved

The adoption of the report of the committee,

Which motion prevailed, and

The report was adopted.

#### REPORT OF SELECT COMMITTEE.

Mr. President:

Your committee appointed to revise the Journal of the eighth day report the same correct as printed.

F. W. AMES,  
Chairman.

WM. CLARKE,  
WESLEY BAKER.

The courtesies of the floor were extended to Col. A. P. Peake of Valley City, N. D.

Mr. Little presented the following.

#### CONCURRENT RESOLUTION.

Be it resolved by the senate of the state of North Dakota, the house of representatives concurring:

That the state treasurer with the advice and consent of the governor and state auditor be hereby authorized and instructed to negotiate and dispose of state funding warrants not to exceed one hundred and fifty thousand dollars, at such discount as will allow a reasonable rate of interest. Such indebtedness to become due and payable on or before Jan. 1, 1902. The condition of the treasury is such that there is no money in the general fund to meet the balance of expenses 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

The adoption of the resolution,

The roll was called and there were ayes 27, nays 0, absent and not voting 4.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Jacobson,	Noble,
Baker,	Lavayea,	Sanborn,
Clarke,	LaMoure,	Sharpe,
Cooper,	Lewis,	Slotten,
Cox,	Little,	Swenson,
Devlin,	Lofthus,	Talcott,
Fuller,	McDougal,	Taylor,
Geer,	Miner,	Williams,
Hale,	Murphy,	Wolbert,
Hegge,		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.
Cashel,	Laidlaw,	Simpson,

Messrs. Cashel and Laidlaw being excused.

Mr. Little moved

That the vote by which the resolution was adopted be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

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

Mr. Ames introduced  
Senate bill No. 42,

A bill for an act entitled an act to provide for the creation of special school districts in incorporated cities, towns and villages constituting a part of a school district, and to divide the property and indebtedness of such school district.

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

Mr. Cox introduced  
Senate bill No. 43,

A bill for an act providing for an appropriation for the maintenance and improvement of the state normal school at Valley City, North Dakota.

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

Mr. Lewis introduced  
Senate bill No. 44,

A bill for an act making an annual appropriation for the maintenance of the North Dakota Agricultural College and Experiment Station, located at Fargo, North Dakota.

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

Mr. Murphy introduced  
Senate bill No. 45,

A bill for an act entitled an act to amend section 2061 of the

Revised Codes of North Dakota, relating to salary of clerk of district court.

Which was read the first and second times and

Referred to the committee on judiciary.

Mr. Murphy introduced

Senate bill No. 46,

A bill for an act to cure defective acknowledgments.

Which was read the first and second times and

Referred to the committee on judiciary.

Senate bill No. 47,

A bill for an act to repeal section 1549 of the Revised Codes of 1899, relating to When lawful for stock to run at large.

Which was read the first and second times and

Referred to the committee on judiciary.

Senate bill No. 48,

A bill for an act to amend section 6153 of the Revised Codes of 1891 relating to liability of owner for trespass of animals.

Which was read the first and second times and

Referred to the committee on judiciary.

Senate bill No. 49,

A bill for an act to authorize boards of county commissioners to provide for the discovery of property withheld from taxation, and to list the same and collect taxes thereon.

Which was read the first and second times and

Referred to the committee on ways and means.

Senate bill No. 50,

A bill for an act to amend sections 867, 869, 870, 871, 872, Revised Codes, 1899, relating to education.

Which was read the first and second times and

Referred to the committee on education.

Senate bill No. 51,

A bill for an act to repeal sections 1392 and 1393 of the Revised Codes of North Dakota, relating to state military board.

Which was read the first and second times and

Referred to the committee on military affairs.

Mr. Hale introduced

Senate bill No. 52,

A bill for an act to promote the efficiency of the national guard of the state of North Dakota.

Which was read for the first and second times and

Referred to committee on military affairs.

Substitute for Senate bill No. 4,

A bill for an act repealing section 410 of the Revised Codes of 1899, relating to chambers of the district judge of the Seventh judicial district.

Which was read the first and second times and

Referred to the committee on judiciary.

## SECOND READING OF SENATE BILLS.

Senate bill No. 17,

A bill for an act to reimburse parties sustaining loss on leasing school lands, and providing for an appropriation therefor.

Was read the second time, and

Referred to committee on appropriations.

Senate bill No. 18,

A bill providing for an extension of time for the payment of the taxes for the year 1900.

Was read the second time, and

Referred to the committee on ways and means.

Senate bill No. 19,

A bill to amend section 1941 of the Revised Codes, relating to depositories of county funds.

Was read the second time, and

Referred to committee on state affairs.

Senate bill No. 20,

A bill for an act to provide for the admission of graduates from the law department of the university of North Dakota to the bar of this state.

Was read the second time, and

Referred to the committee on judiciary.

Senate bill No. 22,

A bill for an act to amend sections 5518 and 5519 of article 2, chapter 2 of the Code of Civil Procedure, relating to exemptions.

Was read the second time and

Referred to the committee on state affairs.

Senate bill No. 23,

A bill for an act to amend section 5526, Revised Codes of North Dakota, relating to exemptions.

Was read the second time and

Referred to the committee on state affairs.

Senate bill No. 24,

A bill for an act providing for a lien upon threshing engines or separators for repairing the same.

Was read the second time and

Referred to the committee on judiciary.

Senate bill No. 25,

A bill for an act granting a right-of-way for a public highway across the military encampment grounds or Rock Island, Ramsey county, N. D.

Was read the second time and

Referred to the committee on military affairs.

Senate bill No. 26,

A bill for an act to amend section 479 of the Revised Codes of North Dakota, relating to the qualifications of voters.

- Was read the second time and  
Referred to the committee on elections.  
Senate bill No. 29,  
A bill for an act entitled an act authorizing district courts and also the supreme court of the state to direct judgment to be entered in certain cases instead of granting a motion for a new trial.  
Was read the second time and  
Referred to the committee on judiciary.  
Senate bill No. 30,  
A bill for an act entitled "An act making appropriations for the current and contingent expenses of the state penitentiary and for making permanent improvements and additions thereto.  
Was read the second time and  
Referred to the committee on appropriations.  
Senate bill No. 31,  
A bill for an act to provide for the erection of necessary buildings for the state reform school at Mandan, North Dakota.  
Was read the second time and  
Referred to the committee on appropriations.  
Senate bill No. 33,  
A bill for an act to secure from loss persons who furnish materials or labor in the alteration, repair, erection or betterment of public buildings.  
Was read the second time and  
Referred to the committee on judiciary.  
Senate bill No. 34,  
A bill for an act to amend section 5200 of the Revised Codes of the state of North Dakota, 1899, being section 5200 of the Revised Codes of 1895, in regard to the limitation of actions.  
Was read the second time and  
Referred to the committee on judiciary.  
Senate bill No. 35,  
A bill for an act entitled "An act for the examination of parties and persons interested in an action or proceeding under the rules of cross-examination when called to testify by an adverse party and providing that the party calling for such examination shall not be concluded thereby."  
Was read the second time and  
Referred to the committee on judiciary.  
Senate bill No. 36,  
A bill for an act entitled an act to provide for the settlement of estates of decedents.  
Was read the second time and  
Referred to the committee on judiciary.  
Senate bill No. 37,  
A bill for an act to amend section 338d of the Revised Codes of 1899, relating to vouchers and warrants.

Was read the second time and  
Referred to the committee on state affairs.

Senate bill No. 38,

A bill for an act to amend section 913 of the Revised Codes of 1899, relating to education.

Was read the second time and  
Referred to the committee on education.

Senate bill No. 39,

A bill for an act to amend section 888, Revised Codes, 1899, relating to education.

Was read the second time and  
Referred to the committee on education.

Senate bill No. 40,

A bill for an act in relation to the transaction of business by fire insurance companies or associations otherwise than through resident agents.

Was read the second time and  
Referred to the committee on insurance.

Mr. Little moved

That the rules be suspended, and that

Senate bill No. 8,

A bill for an act entitled an act to amend section 6219 of the Revised Codes.

Also,

Senate bill No. 11,

A bill to amend sections 1536, 1537, 1538, 1542 and 1543 of the Revised Codes of the state of North Dakota, relating to the recording of marks and brands.

Be placed upon this third reading and final passage.

Which motion prevailed, and

Senate bill No. 8,

A bill for an act entitled an act to amend section 6219 of the Revised Codes.

Was read the third time.

The question being on the final passage of the bill,

The roll was called and there were ayes 29, nays none, absent and not voting 2.

Those who voted in the affirmative were:

Messrs.—

Ames,  
Baker,  
Clarke,  
Cooper,  
Cox,  
Devlin,  
Fuller,  
Geer,

Messrs.—

Jacobson,  
Lavayea,  
LaMoure,  
Lewis,  
Little,  
Lofthus,  
McDougal,  
Miner,

Messrs.—

Sanborn,  
Sharpe,  
Simpson,  
Slotten,  
Swenson,  
Talcott,  
Taylor,  
Williams,



Messrs.—

Hale,  
Hegge,

Messrs.—

Murphy,  
Noble,

Messrs.

Wolbert,

Absent and not voting, Messrs. Cashel and Laidlaw, who were excused.

So the bill passed and the title was agreed to.

Senate bill No. 11,

A bill to amend sections 1536, 1537, 1538, 1542 and 1543 of the Revised Codes of the state of North Dakota, relating to the recording of marks and brands.

Was read the third time.

The question being on the final passage of the bill,

The roll was called and there were ayes 29, nays none, absent and not voting 2.

Those who voted in the affirmative were:

Messrs.—

Ames,  
Baker,  
Clarke,  
Cooper,  
Cox,  
Devlin,  
Fuller,  
Geer,  
Hale,  
Hegge,

Messrs.—

Jacobson,  
Lavayea,  
LaMoure,  
Lewis,  
Little,  
Lofthus,  
McDougal,  
Miner,  
Murphy,

Messrs.—

Noble,  
Sanborn,  
Sharpe,  
Slotten,  
Swenson,  
Talcott,  
Taylor,  
Williams,  
Wolbert,

Absent and not voting, Messrs. Cashel and Laidlaw, who were excused.

So the bill passed and the title was agreed to.

Mr. Lavayea moved

That a recess of twenty minutes be taken

Which motion prevailed.

Senate re-assembled.

The oath was administered by the president to Matthew Baker as janitor of the senate.

Mr. Sanborn moved

That the senate do now adjourn,

Which motion prevailed, and

The senate adjourned.

GEORGE L. TOWNES,  
Secretary.

TWELFTH DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
January 19, 1901

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. Cashel and McDougal, who were excused.

The courtesies of the floor were extended to Messrs. P. H. Rourke, of Ranson Co., N. D., Dr. R. P. Robertson, of Wahpeton, N. D., Charles H. Stanley, of Kidder Co., N. D., and J. F. Brodie and Chris Enghen, of Stark Co., N. D.

Mr. Hegge moved

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

Which motion prevailed, and

The president appointed as such committee Messrs. Geer, Hale and Hegge.

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. 12,

A bill for an act to amend section 28 of the Revised Codes of North Dakota, 1899, the same being chapter 104 of the session laws of 1899, relating to legislative officers and employes and their compensation.

Also,

Senate bill No. 11,

A bill to amend sections 1536, 1537, 1538, 1542 and 1543 of the Revised Codes of the state of North Dakota, relating to the recording of marks and brands.

And find the same correctly engrossed.

H. E. LAVAYEA,  
Chairman.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred  
Senate bill No. 3,

A bill for an act entitled an act to amend section 5256, Revised Codes, relating to mailing summons and complaint.

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

Amend the title by adding after the word "codes" the following: "of 1899."

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  
Senate bill No. 2,

A bill for an act entitled an act to provide a time at which claims against the estates of decedents shall be barred.

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

C. B. LITTLE,  
Chairman.

Mr. Sharpe moved

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

The secretary announced that the president was about to sign  
Senate bill No. 12,

A bill for an act to amend section 28 of the Revised Codes of North Dakota, 1899, the same being chapter 104 of the session laws of 1899, relating to legislative officers and employes and their compensation.

And the bill was signed by the president in the presence of the senate.

#### REPORT OF SPECIAL COMMITTEE.

Mr. President:

Your committee on revision and correction of the Journal for the tenth day, find the following corrections should be made:

Page 1, third line. instead of the ninth day, should read tenth day.

Page 5, eighth line from the bottom, instead of James Falley, should read James W. Foley.

R. C. COOPER,  
A. B. COX,  
JAMES FULLER,  
Committee.

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

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

Mr. Cooper introduced  
Senate bill No. 53

A bill for an act making an appropriation for deficit in fuel account at the North Dakota hospital for the insane.

Which was read the first time.

Mr. Noble introduced

Senate bill No. 54,

A bill for an act entitled an act to amend section 1596 of the Revised Codes of North Dakota, 1899, the same being section 1596 of the Revised Codes of 1895, relating to veterinarian districts.

Which was read the first time.

Mr. Hale introduced  
Senate bill No. 55,

A bill for an act entitled an act to prevent persons not attorneys from acting as attorneys or counsellors at law and providing a penalty therefor.

Which was read the first time.

Mr. Taylor introduced  
Senate bill No. 56,

A bill for an act to amend section 885, chapter 10, of the Revised Codes, relating to object and departments of the university.

Which was read the first time.

Mr. Little introduced  
Senate bill No. 57,

A bill for an act to provide for the drawing of warrants by the state auditor upon the state treasurer.

Which was read the first time.

#### SECOND READING OF SENATE BILLS.

Senate bill No. 21,

A bill for an act regulating fraternal beneficiary societies, orders or associations.

Was read the second time and

Referred to the committee on insurance.

Senate bill No. 27,

A bill for an act authorizing the board of trustees of the North Dakota agricultural college to co-operate with the geological, agricultural, and other surveys, organized under the department

of the interior of the United States, in completing a topographic, agricultural and geological survey and map of North Dakota and making an appropriation therefor.

Was read the second time and  
Referred to committee on appropriations.

Senate bill No. 32,

A bill for an act taxing the occupation of hawkers and peddlers regulating the licensing of persons engaged in such occupation, and increasing the ordinary county revenue by such taxation.

Was read the second time and  
Referred to the committee on state affairs.

Senate bill No. 41,

A bill for an act entitled "An act amending section six (6) of chapter 163 of the laws of 1899, as to the rules and regulations under which the product of the twine and cordage plant at the state penitentiary by the board of trustees thereof."

Was read the second time and  
Referred to the committee on state affairs.

Mr. Sanborn moved  
That a recess be taken for 15 minutes,  
Which motion prevailed.

Senate re-assembled.

#### REPORT OF SENATE COMMITTEE ON ENROLLED AND ENGROSSED BILLS.

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 to amend section 6219 of the Revised Codes.

And find the same correctly engrossed.

H. E. LAVAYEA,  
Chairman.

Also,

Mr. President:

Your committee on enrolled bills respectfully reports that at the hour of 2:15 p. m., this day

Senate bill No. 12,

A bill for an act to amend section 28 of the Revised Codes of North Dakota, 1899, the same being chapter 104 of the session laws of 1899, relating to legislative officers and employes and their compensation.

Was delivered to his excellency, the governor, for his approval.

H. E. LAVAYEA,  
Chairman.

The oath of office was administered by the president to Alex McFadden as janitor of committee rooms.

Mr. Little moved

That the senate do now adjourn,

Which motion prevailed, and

The senate adjourned.

GEORGE L. TOWNES,  
Secretary.

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FOURTEENTH DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
January 21, 1901.

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. Cashel, Murphy, Simpson and Talcott, who were excused.

Mr. Ames moved

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

Which motion prevailed, and

The president appointed as such committee Messrs. Jacobson, Lavayea and LaMoure.

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. 36,

A bill for an act entitled an act to provide for the settlement of estates of decedents.

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

Also,

Substitute for Senate bill No. 4,

A bill for an act repealing section 410 of the Revised Codes of 1899, relating to chambers of the district judge of the Seventh judicial district.

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

Also,

Senate bill No. 33,

A bill for an act to secure from loss persons who furnish materials or labor in the alteration, repair, erection or betterment of public buildings.

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

1. There be added to the title the words "or any other public improvements."
2. That in line 3 on page 1 after the word "building" there be added the words "or any other public improvements."
3. That in line 4 the words "in a penal sum double the amount of said contract" be stricken out and in lieu thereof there be inserted after the word "bond" the words "for an amount at least equal to the price stated in the contract."
4. That there be inserted after section 4 the following section, to-wit:  
"Section 5. That all acts or laws or parts thereof inconsistent herewith be and the same hereby are repealed."
5. That on page 3 in line 1 the words "Section 5" be changed to "Section 6."

And when so amended recommend that the same do pass.

C. B. LITTLE,  
Chairman.

Mr. Little moved

That the report be adopted,

Which motion prevailed.

The committee on insurance made the following report:

Mr. President:

Your committee on insurance to whom was referred

Senate bill No. 40,

A bill for an act in relation to the transaction of business by fire insurance companies or associations otherwise than through resident agents.

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

Section 3, lines 6 and 7, strike out the words, "or in any foreign country."

And when so amended recommend that the same do pass.

O. J. HEGGE,  
Chairman.

Mr. Hegge moved  
That the report be adopted as read,  
Which motion prevailed.

#### REPORT OF SELECT COMMITTEE.

Mr. President:

Your committee appointed to revise the journal of the eleventh day report the same correct as printed.

D. E. GEER,  
Chairman.

HENRY HALE,  
O. J. HEGGE,

The courtesies of the floor be extended to C. L. Richmond of Minnewaukan; C. N. Valentine, J. F. Treat, A. L. Loomis, H. Johnson, Fargo, N. D.; M. L. Ayers, Dickinson; T. M. Gunderson, Valley City; O. A. Boynton and L. B. Niemier of Jamestown.

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

Mr. Ames introduced  
Senate bill No. 58,

A bill for an act to amend section 6435 of the Revised Codes of 1899, the same being section 27 of chapter 111 of the laws of 1897, relating to sales of real estate by executors and administrators.

Which was read the first time.

Mr. Cooper introduced  
Senate bill No. 59,

A bill for an act to provide for the current and contingent expenses for the hospital for the insane at Jamestown, North Dakota.

Which was read the first time.

Mr. Sharpe introduced  
Senate bill No. 60,

A bill for an act to define the senatorial and representative districts of North Dakota and prescribe the number of senators and representatives therein.

Which was read the first time.

Mr. Noble introduced  
Senate bill No. 61,

A bill for an act entitled an act to amend section 6633 of Revised Codes of 1899, relating to commencement of actions in justice court.



Which was read the first time.

Also,

Senate bill No. 62,

A bill for an act entitled an act to amend section 6256 of the Revised Codes of 1899, the same being section 6256 of the Revised Codes of 1895, relating to appeals in county court.

Which was read the first time.

Mr. Cox introduced

Senate bill No. 63,

A bill for an act to amend article 7, chapter 22, Revised Codes of 1899, being an act providing for the appointment of a state veterinarian and of district veterinarians, prescribing their duties and defining the various districts of the state.

Which was read the first time.

Mr. Little introduced

Senate bill No. 64,

A bill for an act entitled an act to amend section 5260, Revised Codes of 1899, relating to the manner of commencing civil actions.

Which was read the first time.

### THIRD READING OF SENATE BILLS.

Senate bill No. 2,

A bill for an act entitled an act to provide a time at which claims against the estates of decedents shall be barred.

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 none, absent and not voting 5.

Those who voted in the affirmative were:

Messrs.—

Ames,  
Baker,  
Clarke,  
Cooper,  
Cox,  
Devlin,  
Fuller,  
Geer,  
Hale,

Messrs.—

Hegge,  
Jacobson,  
Laidlaw,  
Lavayea,  
LaMoure,  
Lewis,  
Little,  
Lofthus,  
McDougal,

Messrs.—

Miner,  
Sanborn,  
Sharpe,  
Slotten,  
Swenson,  
Taylor,  
Williams,  
Wolbert,

Absent and not voting:

Messrs.—

Cashel,  
Murphy,

Messrs.—

Noble,  
Simpson,

Messrs.—

Talcott,

Messrs. Cashel, Murphy, Simpson and Talcott being excused.

So the bill passed and the title was agreed to.

Senate bill No. 3,

A bill for an act entitled an act to amend section 5256, Re-

vised Codes, relating to mailing summons and complaint.

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 none, absent and not voting 5.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Hegge,	Miner,
Baker,	Jacobson,	Sanborn,
Clarke,	Laidlaw,	Sharpe,
Cooper,	Lavayea,	Slotten,
Cox,	LaMoure,	Swenson,
Devlin,	Lewis,	Taylor,
Fuller,	Little,	Williams,
Geer,	Loftaus,	Wolbert,
Hale,	McDougal,	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Cashel,	Noble,	Talcott,
Murphy,	Simpson,	

Messrs. Cashel, Murphy, Simpson and Talcott being excused.

So the bill passed and the title was agreed to.

Mr. Ames moved

That the secretary be instructed to procure 150 extra copies of Senate bill No. 60,

A bill for an act to define the senatorial and representative districts of North Dakota and prescribe the number of senators and representatives therein.

Which motion prevailed.

Mr. Lavayea moved

That the vote by which the last motion was adopted be reconsidered.

Which motion prevailed.

Mr. Lavayea moved

As an amendment to Mr. Ames' motion

That the secretary be instructed to procure 300 extra copies of Senate bill No. 60,

A bill for an act to define the senatorial and representative districts of North Dakota and prescribe the number of senators and representatives therein.

Which motion prevailed.

#### MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
BISMARCK, NORTH DAKOTA,  
January 21, 1901.

Mr. President:

I have the honor to return herewith your concurrent resolution relating to the issuance and disposition of funding warrants,

Which the house has adopted with the following amendments and your favorable consideration thereof is respectfully requested  
By changing the date January 1st, 1902, to March 1st, 1902.

Very respectfully,  
J. D. SCANLAN,  
Chief Clerk.

Mr. Little moved  
That the house amendment be concurred in  
Which motion prevailed.

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

The roll was called and there were ayes 26, absent and not voting 5.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Hegge,	Miner,
Baker,	Jacobson,	Sanborn,
Clarke,	Laidlaw,	Sharpe,
Cooper,	Lavayea,	Slotten,
Cox,	LaMoure,	Swenson,
Devlin,	Lewis,	Taylor,
Fuller,	Little,	Williams,
Geer,	Lofthus,	Wolbert,
Hale,	McDougal,	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Cashel,	Simpson,	Talcott,
Murphy,	Noble,	

Messrs. Cashel, Murphy, Simpson and Talcott being excused.

Mr. Hegge moved  
That the senate do now adjourn,  
Which motion prevailed, and  
The senate adjourned.

GEORGE L. TOWNES,  
Secretary.

FIFTEENTH DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
January 22, 1901.

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

The president presiding.

Prayer by the chaplain.

Roll call.

All the members present except Mr. Lofthus, who was excused

Mr. Cox moved that the reading of the Journal be dispensed with and a committee on revision and correction be appointed.

Which motion prevailed, and

The president appointed as such committee Messrs. Lewis, Little and McDougal.

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. 34,

A bill for an act to amend section 5200 of the Revised Codes of the state of North Dakota, 1899, being section 5200 of the Revised Codes of 1895, in regard to the limitation of actions.

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

Also,

Senate bill No. 46,

A bill for an act to cure defective acknowledgments.

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

C. B. LITTLE,

Chairman.

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

Mr. President:

Your committee on enrolled and engrossed bills have examined Senate bill No. 3,

A bill for an act entitled an act to amend section 5256, Revised Codes, relating to mailing summons and complaint.

Also,

Senate bill No. 2,

A bill for an act entitled an act to provide a time at which claims against the estates of decedents shall be barred.

Also,

Senate bill No. 33,

A bill for an act to secure from loss persons who furnish materials or labor in the alteration, repair, erection or betterment of public buildings.

Also,

Senate bill No. 40,

A bill for an act in relation to the transaction of business by fire insurance companies or associations otherwise than through resident agents.

And find the same correctly engrossed.

H. E. LAVAYEA,  
Chairman.

#### REPORT OF SPECIAL COMMITTEE.

Mr. President:

Your special committee appointed to revise the Journal of the twelfth day report the following corrections:

On page 1, line 6, instead of January 16, 1900, it should read January 19, 1901.

On page 3 after ninth line add the words:

"And the bill was signed by the president in the presence of the senate."

Also on page 5, line 16, after the words "hour of 2:15 p. m." insert the word "of."

And with these corrections your special committee respectfully recommend the approval of the journal.

M. JACOBSON,  
Chairman.

H. E. LAVAYEA,  
JUDSON LAMOURE.

#### MOTIONS AND RESOLUTIONS.

That the courtesies of the floor be extended to Messrs. Dr. D. L. Moore, J. D. Bugster, A. M. Halstead and H. B. Wood, of Jamestown, N. D.; J. H. Wast, E. E. Kaufman and O. J. Olson, of Fargo, N. D.; Fred Snare, of Minnewaukan, N. D., and Joseph Carhart.

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

Mr. Murphy introduced

Senate bill No. 65,

A bill for an act to amend sections 72, 83, 84, 85, 94, chapter

126 of the laws of 1897, and chapter 136 of the laws of 1899, being sections 1257, 1267 and 1277 of the Revised Codes of the state of North Dakota, 1899, in regard to revenue and taxation.

Which was read the first time.

Mr. Simpson introduced

Senate bill No. 66,

A bill for an act entitled "An act repealing sections 7674 of the Revised Codes of the session of 1899, relating to fraudulently obtaining food or accommodation at inns."

Which was read the first time.

Mr. Ames introduced

Senate bill No. 67,

A bill for an act for an appropriation for the maintenance and improvements of the state normal school at Mayville, North Dakota.

Which was read the first time.

Mr. Noble introduced

Senate bill No. 68,

A bill for an act entitled an act relating to the board of pardons and prescribing the powers and duties thereof.

Was read the first time.

Mr. Miner introduced

Senate bill No. 69,

A bill for an act to define senatorial and representative districts of North Dakota and describe the number of senators and representatives therein.

Which was read the first time.

Mr. LaMoure introduced

Senate bill No. 70,

A bill for an act to create a state auditing board for the state of North Dakota.

Which was read the first time.

Mr. Little introduced

Senate bill No. 71,

A bill for an act to amend section 497b of the Revised Codes, relating to the time of holding caucuses and the issuance of certificates of election of delegates.

Which was read the first time.

Mr. LaMoure introduced

Senate bill No. 72,

A bill for an act entitled "An act to repeal sections 1681 and 1682 of the Revised Codes of 1899, relating to bounty on starch."

Which was read the first time.

Also,

Senate bill No. 73,

A bill for an act entitled "An act to amend sections 2737 and

2743 of the Revised Codes of 1899, relating to dissolution of marriage.”

Which was read the first time.

Also,

Senate bill No. 74,

A bill for an act entitled “An act to amend sections 643, 681 and 682 of the Revised Codes of 1899, relating to education.”

Which was read the first time.

#### MESSAGE FROM THE GOVERNOR.

The following message was received from the governor:

EXECUTIVE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
January 22, 1901.

To the Senate:

Gentlemen: I have the honor to inform you that I have this day approved and filed with the honorable secretary of state

Senate bill No. 12,

A bill for an act to amend section 28 of the Revised Codes of North Dakota, 1899, the same being chapter 104 of the session laws of 1899, relating to legislative officers and employes and their compensation.

Very respectfully yours,

FRANK WHITE,  
Governor.

#### MESSAGE FROM THE HOUSE.

Mr. President:

I have the honor to transmit concurrent resolution relating to a reduction of railroad rates on grain and fuel shipped into the state,

#### CONCURRENT RESOLUTION.

1. Whereas, as the growing season of nineteen hundred was extremely dry preventing the growth and maturity of grain crops and hay throughout the entire state.

2. Whereas, in consequence of said drouth there is a shortage of coarse grain to meet the demand for feeding purposes.

3. Whereas, a consequence of said drouth there are many sections of the state entirely destitute of hay necessary to feed work stock during seed time.

4. Whereas, the available supplies to meet the demand must be shipped into the state from outside sources of supply.

5. Resolved, that the house of representatives, the senate concurring, petition the railway companies operating railways within the state to grant a reduced freight rate on corn, oats, hay and ground feed.

6. Resolved, that a copy of this resolution be sent to each of the following railway companies viz: Great Northern, Northern Pacific, Soo Line, Milwaukee & St. Paul and Chicago & Northwestern.

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

Also,

I have the honor to transmit herewith

A concurrent resolution relative to the observance of "John Marshall Day," which the house has adopted and your favorable consideration thereof is requested,

#### CONCURRENT RESOLUTION.

Whereas, the state bar association of this state is to observe "John Marshall Day" with appropriate ceremonies Feb. 4, 1901.

Resolved by the house of representatives the senate concurring that a committee of three members of this house be appointed by the speaker and two members of the senate be appointed by the president of the senate as a committee to act with a committee of said bar association in arranging for the suitable observance of said day.

Very respectfully,

J. D. SCANLAN,

Chief Clerk.

#### SECOND READING OF SENATE BILLS.

Senate bill No. 28,

A bill for an act to provide for the incorporation of cities in this state having a population of 9,000 and over.

Was read the second time and

Referred to committee on cities and municipal corporation.

Senate bill No. 53

A bill for an act making an appropriation for deficit in fuel account at the North Dakota hospital for the insane.

Was read the second time and

Referred to committee on appropriations.

Senate bill No. 55,

A bill for an act entitled an act to prevent persons not attorneys from acting as attorneys or counsellors at law and providing a penalty therefor.

Was read the second time and

Referred to the committee on judiciary.

Senate bill No. 57,

A bill for an act to provide for the drawing of warrants by the state auditor upon the state treasurer.

Was read the second time and

Referred to committee on state affairs.

Senate bill No. 60,

A bill for an act to define the senatorial and representative districts of North Dakota and prescribe the number of senators and representatives therein.

Was read the second time and



Referred to the committee on apportionment.

Senate bill No. 61,

A bill for an act entitled an act to amend section 6633 of Revised Codes of 1899, relating to commencement of actions in justice court.

Was read the second time and

Referred to the committee on judiciary.

Senate bill No. 62,

A bill for an act entitled an act to amend section 6256 of the Revised Codes of 1899, the same being section 6256 of the Revised Codes of 1895, relating to appeals in county court.

Was read the second time and

Referred to the committee on judiciary.

### THIRD READING OF SENATE BILLS.

Senate bill No. 36,

A bill for an act entitled an act to provide for the settlement of estates of decedents.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 29, nays none, absent and not voting 2.

Those who voted in the affirmative were:

Messrs.—

Ames,  
Baker,  
Cashel,  
Clarke,  
Cooper,  
Cox,  
Devlin,  
Fuller,  
Geer,  
Hale,

Messrs.—

Hegge,  
Jacobson,  
Laidlaw,  
Lavayea,  
LaMoure,  
Little,  
McDougal,  
Miner,  
Murphy,  
Noble,

Messrs.—

Sanborn,  
Sharpe,  
Simpson,  
Slotten,  
Swenson,  
Talcott,  
Taylor,  
Williams,  
Wolbert,

Absent and not voting, Messrs. Lewis and Lofthus.

Mr. Loftus being excused.

So the bill passed and the title was agreed to.

Senate bill No. 33,

A bill for an act to secure from loss persons who furnish materials or labor in the alteration, repair, erection or betterment of public buildings.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 28, nays none, absent and not voting 3.

Those voting in the affirmative were:

Messrs.—

Ames,  
Baker,  
Cashel,  
Clarke,  
Cooper,  
Cox,  
Devlin,  
Fuller,  
Geer,  
Hale,

Messrs.—

Hegge,  
Jacobson,  
Lavayea,  
Lewis,  
Little,  
McDougal,  
Miner,  
Murpay,  
Noble,

Messrs.—

Sanborn,  
Sharpe,  
Simpson,  
Slotten,  
Swenson,  
Talcott,  
Taylor,  
Williams,  
Wolbert,

Absent and not voting:

Messrs.—

Laidlaw,

Messrs.—

LaMoure,

Messrs.—

Lofthus,

Mr. Lofthus being excused.

So the bill passed and the title was agreed to.

Senate bill No. 40,

A bill for an act in relation to the transaction of business by fire insurance companies or associations otherwise than through resident agents.

Was read the third time.

The question being upon the final passage of the bill.

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

Those voting in the affirmative were:

Messrs.—

Ames,  
Baker,  
Cashel,  
Clarke,  
Cooper,  
Devlin,  
Fuller,  
Geer,  
Hale,

Messrs.—

Hegge,  
Jacobson,  
Lavayea,  
Lewis,  
Little,  
McDougal,  
Miner,  
Murphy,  
Noble,

Messrs.—

Sanborn,  
Sharpe,  
Simpson,  
Slotten,  
Swenson,  
Talcott,  
Taylor,  
Williams,  
Wolbert,

Absent and not voting:

Messrs.—

Cox,  
Laidlaw,

Messrs.—

Lofthus,

Messrs.—

LaMoure,

Mr. Lofthus being excused.

So the bill passed and the title was agreed to.

Mr. Little moved

That it is the sense of the senate that the president appoint two enrolling and engrossing clerks and a door keeper for the gallery,

Which motion prevailed.

Mr. Lewis moved

That the senate do now adjourn,

Which motion prevailed, and

The senate adjourned.

GEORGE L. TOWNES,

Secretary.

## SIXTEENTH DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
January 23, 1901.

The senate met pursuant to adjournment.

The president presiding.

Prayer by the chaplain.

Roll call.

All members present except Messrs. Hegge, Lofthus, and McDougal, who were excused.

Mr. Cooper moved

That the reading of the journal be dispensed with and a committee on revision and correction be appointed,

Which motion prevailed, and

The president appointed as such committee Messrs. Miner, Murphy and Noble.

## 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. 36,

A bill for an act entitled an act to provide for the settlement of estates of decedents.

And find the same correctly engrossed.

H. E. LAVAYEA,  
Chairman.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred

Senate bill No. 48,

A bill for an act to amend section 6153 of the Revised Codes of 1899 relating to liability of owner for trespass of animals.

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

Also,

Senate bill No. 47,

A bill for an act to repeal section 1549 of the Revised Codes of 1899, relating to When lawful for stock to run at large.

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. 19,

A bill to amend section 1941 of the Revised Codes, relating to depositories of county funds.

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

In the printed bill insert the words "for an act" after the words "a bill."

On line 11 of the printed bill change "the" to "such" so it will read "deposited in such bank."

On page 2, line 28 of the printed bill insert after the word "bond" following: "for a sum equal to the amount of funds such bank may receive according to this law. If at any time the amount of funds on deposit in any of such depositories shall exceed the amount named in such bond it shall be the duty of the board at its next regular meeting thereafter to require from such depositor an additional bond in the sum of not less than the amount of such excess. Such surety bonds"—

And when so amended recommend that the same do pass.

Mr. Cox moved

That the report be adopted,  
Which motion prevailed.

Also,

Senate bill No. 37,

A bill for an act to amend section 338d of the Revised Codes of 1899, relating to vouchers and warrants.

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

Section 2. Emergency.) Whereas an emergency exists in that there is no provision in this law for the immediate payment of the expenses of the legislative assembly, therefore this act shall take effect and be in force on and after its passage and approval.

And when so amended recommend that the same do pass.

A. B. COX,  
Chairman.

Mr. Cox moved

That the report be adopted,  
Which motion prevailed.

#### REPORT OF SPECIAL COMMITTEE.

Mr. President:

Your committee appointed to revise the journal of the twelfth day report the same correct as printed.

R. S. LEWIS,  
C. B. LITTLE,  
Committee.

## MOTIONS AND RESOLUTIONS.

The courtesies of the floor were extended to J. D. Moulder and H. Donaldson, of Fargo, N. D.; W. J. Westergaard, Valley City, N. D.; D. C. Tufts, Fargo, N. D.; Will Freeman, Argusville, N. D.

Mr. Hale offered the following resolution:

Whereas, the reports of the accounting officers of this state show the existence of the following standing appropriations for the bi-ennial period, viz:

## STANDING APPROPRIATIONS.

Salary of governor .....	\$ 6,000 00	
Clerk hire, etc., governor's office .....	6,000 00	\$ 12,000 00
Salary of lieutenant governor .....		2,000 00
Salary of secretary of state .....	\$ 4,000 00	
Clerk hire in office .....	5,000 00	9,000 00
Salary of state auditor .....	\$ 4,000 00	
Clerk hire in office .....	5,000 00	9,000 00
Salary of state treasurer .....	\$ 4,000 00	
Clerk hire in office .....	4,800 00	8,800 00
Salary of attorney general .....	\$ 4,000 00	
Clerk hire in office .....	4,403 00	
Legal expenses .....	1,470 00	9,873 00
Salary of railroad commissioners .....	\$ 7,200 00	
Salary of secretary .....	2,000 00	
Traveling expenses .....	1,600 00	
Office expenses .....	1,000 00	11,800 00

## DEPARTMENT OF PUBLIC INSTRUCTION.

Salary of superintendent .....	\$ 4,000 00	
Clerk hire in office .....	6,800 00	
Traveling expenses superintendent .....	1,200 00	
State high school aid .....	8,000 00	
Educational library .....	336 00	
Traveling library .....	1,470 00	
Lecturers, teachers' institutes .....	\$ 1,381 00	
Conductors .....	3,763 00	\$ 26,050 00

## SALARY COMMISSIONER.

Agriculture and labor .....	\$ 4,000 00	
Clerk hire in office .....	2,697 00	
Assistant dairy and food commissioner .....	1,200 00	
Expenses .....	800 00	
Promotion of immigration .....	1,000 00	\$ 9,697 00
Salary commissioner of insurance .....	\$ 4,000 00	
Clerk hire in office .....	4,200 00	\$ 8,200 00

## SUPREME COURT.

Salary of judges .....	\$ 24,000 00	
Salary of clerk .....	3,000 00	
Salary of reporter .....	3,000 00	
Salary of stenographer .....	1,400 00	
Fees of marshal .....	336 00	
Expense .....	2,306 00	\$ 34,042 00
Salary of district judges .....		\$ 49,000 00

Salary of state examiner.....		\$ 4,000 00
Salary of deputy examiner.....	\$ 3,600 00	
Salary of assistant examiner.....	3,000 00	
Traveling expenses.....	2,720 00	\$ 13,320 00
Salary of adjutant general.....	\$ 2 000 00	
Expenses.....	1,000 00	\$ 3,000 00
Commissioner of irrigation and forestry salary.....	2,000 00	
Expenses.....	518 00	2,518 00
Salary state veterinarians.....	\$ 10,800 00	
Expenses chief veterinarian.....	1,000 00	
Consultation district veterinarian.....	177 00	
Expense veterinarian board.....	104 00	\$ 12,082 00
Superintendent state board of health.....	\$ 1,800 00	
Expenses.....	620 00	\$ 2,420 00
Transportation of Convicts.....	\$ 8,735 00	
"    "    Refractories to reform school.....	597 00	
"    "    Patients to insane asylum.....	16,342 00	\$ 25,674 00
Per diem trustees state board, university.....	\$ 1,184 00	
"    "    "    "    Penitentiary.....	2,640 00	
"    "    "    "    Insane asylum.....	1,601 00	
"    "    "    "    Soldiers home.....	966 00	
"    "    "    "    Deaf school.....	1,445 00	
"    "    "    "    Agricultural college.....	1,125 00	
"    "    "    "    State normal school (directors)....	405 00	
"    "    "    "    Mayville.....	471 00	
"    "    "    "    Valley City.....	430 00	
"    "    "    "    Ellendale.....	449 00	
Salary resident officers insane asylum.....	\$ 11,400 00	\$ 10,716 00
Flags.....		94 00
State militia.....		22,200 00
State fair.....		2,500 00

LAND DEPARTMENT.

Clerk hire and expenses of board of university and school lands..	\$ 12,536 00	
Expenses and fees for selecting U. and S. lands.....	205 00	
Advertising and expense of leasing.....	6,065 00	
Expense for pltg. and ap. for leasing U. and S. lands.....	1,500 00	
Expense reappraisal.....	677 00	\$ 20,983 00
Maintenance of capitol.....	40,000 00	
Public printing.....	30,000 00	

LEGISLATIVE ASSEMBLY.

Mileage and per diem.....	\$ 32,529 00	
Officers and employes.....	34,973 00	
Expenses.....	15,428 00	\$ 82,920 00
Expense board of equalization.....		397 00
Conviction of horse thieves.....		900 00
Wool markets.....		395 00
Publishing notices of constitutional amendments.....		1,339 00
State library.....	\$ 2,000 00	
Care and custody.....	1,000 00	3 0 00
Geological survey.....		\$ 600 00
Return of fugitives from justice.....		2,385 00
State weather service.....		1,000 00
Care of refractories at reform school.....		6,366 00
Insurance.....		10,191 00

Burial of deceased soldiers .....	\$ 350 00
Starch bounties.....	5,536 00
Prevention of cruelty to animals.....	745 00
State firemen's association.....	2,000 00
Aggregate, more or less.....	\$500,000 00

Therefore, Be it Resolved, That the committee on appropriations is hereby requested to examine into the necessity for the same and report such recommendations as it may deem best for a reduction of such appropriations without injury to the public service.

Mr. Hale moved

That the resolution be adopted.

Which motion prevailed.

Mr. LaMoure introduced the following resolution:

Resolved, That a special committee of three be appointed by the chair to make inquiries into the several offices of the state to ascertain what reductions can be made without jeopardizing in any way the efficiency of the service;

Further, That the committee have power to examine the records of expenditures, and if necessary send for persons and papers.

Mr. LaMoure moved

The adoption of the resolution,

Which motion prevailed.

The president announced as such committee Messrs. Hale, Wolbert and Noble.

Mr. Sharpe moved

That Miss Winterer of Valley City, N. D., be elected stenographer for the senate.

The roll was called and there were ayes 28, nays none, absent and not voting 3.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Jacobson,	Sanborn,
Baker,	Laidlaw,	Sharpe,
Cashel,	Lavayea,	Simpson,
Clarke,	LaMoure,	Slotten,
Cooper,	Lewis,	Swenson,
Cox,	Little,	Talcott,
Devlin,	Miner,	Taylor,
Fuller,	Murphy,	Williams,
Geer,	Noble,	Wolbert,
Hale,		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Hegge,	Lofthus,	McDougal,

Messrs. Loftus, McDougal and Hegge being excused.

Miss Winterer was declared elected.

#### CONCURRENT RESOLUTION.

Whereas, The state bar association of this state is to observe "John Marshall Day" with appropriate ceremonies Feb. 4, 1901.

Resolved by the house of representatives, the senate concurring, that a committee of three members of this house be appointed by the speaker and two members of the senate be appointed by the president of the sen-

ate as a committee to act with a committee of said bar association in arranging for the suitable observance of said day.

Mr. Ames moved

That the resolution be adopted.

Mr. Little moved

That the resolution be referred to the judiciary committee

Which motion prevailed.

### CONCURRENT RESOLUTION.

1. Whereas, the growing season of nineteen hundred was extremely dry preventing the growth and maturity of grain crops and hay throughout the entire state.

2. Whereas, in consequence of said drouth there is a shortage of coarse grain to meet the demand for feeding purposes.

3. Whereas, a further consequence of said drouth there are many sections of the state entirely destitute of hay necessary to feed work stock during seed time.

4. Whereas, the available supplies to meet the demand must be shipped into the state from outside sources of supply.

5. Resolved, that the house of representatives, the senate concurring, petition the railway companies operating railways within the state to grant a reduced freight rate on corn, oats, hay and ground feed.

6. Resolved, that a copy of this resolution be sent to each of the following railway companies viz: Great Northern, Northern Pacific, Soo Line, Milwaukee & St. Paul and Chicago & Northwestern.

Mr. Little moved

That the resolution be adopted,

Which motion prevailed, and

The resolution was adopted.

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

Mr. Sanborn introduced

Senate bill No. 75,

A bill for an act entitled an act making appropriation for the current and contingent expenses of the Soldiers' Home located at Lisbon, North Dakota, and for making permanent improvements and additions thereto.

Which was read the first and second times, and

Referred to committee on appropriation.

Mr. Lavayea introduced

Senate bill No. 76,

A bill to amend section 7110, chapter 20 of the Revised Codes of 1899, relating to the crime of kidnapping.

Which was read the first and second times, and

Referred to the committee on judiciary.

Also,

Senate bill No. 77,

A bill for an act entitled an act to amend section 672 of article



4 of chapter 9 of the revised Codes of 1899, relating to the qualifications of voters.

Which was read the first and second times, and

Referred to the committee on woman's suffrage.

Mr. Simpson introduced

Senate bill No. 78,

A bill for an act to amend and re-enact section 1570g of the Revised Codes of the revision of 1899, the same being chapter 35 of the laws of 1899 relating to special tax for the payment of state wolf bounties.

Which was read the first and second times, and

Referred to the committee on appropriations.

Mr. Noble introduced

Senate bill No. 79,

A bill for an act entitled an act to amend section 5046 of the Revised Codes of 1899 relating to injunctions.

Which was read the first and second times, and

Referred to the committee on judiciary.

Mr. Cox introduced

Senate bill No. 80,

A bill for an act fixing the residence, salaries and clerk hire of the state officers.

Which was read the first and second times, and

Referred to the committee on appropriations.

Mr. Sharpe introduced

Senate bill No. 81,

A bill for an act to provide for the maintenance of the Industrial School and School for Manual Training, located at Ellendale, North Dakota, and for making necessary improvements, and making an appropriation therefor.

Which was read the first and second times, and

Referred to the committee on appropriations.

Mr. Lavayea moved

That the rules be suspended, and that all bills on the secretary's desk which have had their first reading only, be read a second time and referred to their respective committees.

The secretary announced

That the president is about to sign a concurrent resolution relating to the negotiation and disposal of state funding warrants, and

The resolution was signed by the president in the presence of the senate.

#### SECOND READING OF SENATE BILLS.

Senate bill No. 54,

A bill for an act entitled an act to amend section 1596 of the Revised Codes of North Dakota, 1899, the same being section

1596 of the Revised Codes of 1895, relating to veterinarian districts.

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

Senate bill No. 56,

A bill for an act to amend section 885, chapter 10, of the Revised Codes, relating to object and departments of the university.

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

Senate bill No. 58,

A bill for an act to amend section 6435 of the Revised Codes of 1899, the same being section 27 of chapter 111 of the laws of 1897, relating to sales of real estate by executors and administrators.

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

Senate bill No. 59,

A bill for an act to provide for the current and contingent expenses for the hospital for the insane at Jamestown, North Dakota.

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

Senate bill No. 63,

A bill for an act to amend article 7, chapter 22, Revised Codes of 1899, being an act providing for the appointment of a state veterinarian and of district veterinarians, prescribing their duties and defining the various districts of the state.

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

Senate bill No. 64,

A bill for an act entitled an act to amend section 5260, Revised Codes of 1899, relating to the manner of commencing civil actions.

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

Senate bill No. 65,

A bill for an act to amend sections 72, 83, 84, 85, 94, chapter 126 of the laws of 1897, and chapter 136 of the laws of 1899, being sections 1257, 1267 and 1277 of the Revised Codes of the state of North Dakota, 1899, in regard to revenue and taxation.

Which was read the second time, and  
Referred to the committee on ways and means.

Senate bill No. 66,

A bill for an act entitled "An act repealing sections 7674 of the Revised Codes of the session of 1899, relating to fraudulently obtaining food or accommodation at inns."

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

Senate bill No. 70,

A bill for an act to create a state auditing board for the state of North Dakota.

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

Senate bill No. 72,

A bill for an act entitled "An act to repeal sections 1681 and 1682 of the Revised Codes of 1899, relating to bounty on starch."

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

Senate bill No. 73,

A bill for an act entitled "An act to amend sections 2737 and 2743 of the Revised Codes of 1899, relating to dissolution of marriage."

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

Senate bill No. 74,

A bill for an act entitled "An act to amend sections 643, 681 and 682 of the Revised Codes of 1899, relating to education."

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

### THIRD READING OF SENATE BILLS.

Senate bill No. 34,

A bill for an act to amend section 5200 of the Revised Codes of the state of North Dakota, 1899, being section 5200 of the Revised Codes of 1895, in regard to the limitation of actions.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 28, nays none, absent and not voting 3.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Jacobson,	Sanborn,
Baker,	Laidlaw,	Sharpe,
Cashel,	Lavayea,	Simpson,
Clarke,	LaMoure,	Slotten,
Cooper,	Lewis,	Swenson,
Cox,	Little,	Talcott,
Devlin,	Miner,	Taylor,
Fuller,	Murphy,	Williams,
Geer,	Noble,	Wolbert,
Hale,		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Hegge,	Lofthus,	McDougal,

Messrs. Hegge, Lofthus and McDougal being excused.

So the bill passed and the title was agreed to.

Senate bill No. 46,

A bill for an act to cure defective acknowledgments.

Was read the third time.

The question being upon the final passage of the bill.

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

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Hale.	Sanborn,
Baker,	Hegge,	Sharpe,
Cashel,	Jacobson,	Simpson,
Clarke,	Laidlaw,	Slotten,
Cooper,	Lewis,	Swenson,
Cox,	Little,	Talcott,
Devlin,	Miner,	Taylor,
Fuller,	Murphy,	Williams,
Geer,	Noble,	Wolbert,

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Hegge,	Lofthus,	McDougal,
Lavayea,		

Messrs. Hegge, Lofthus and McDougal being excused.

So the bill passed and the title was agreed to.

Mr. Wolbert moved

That the the rules be suspended and that senate bill No. 37 be placed on its third reading and final passage,

Which motion prevailed.

Senate bill No. 37,

A bill for an act to amend section 338d of the Revised Codes of 1899, relating to vouchers and warrants.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 28, nays none, absent and not voting 3.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Jacobson,	Sanborn,
Baker,	Laidlaw,	Sharpe,
Cashel,	Lavayea,	Simpson,
Clarke,	LaMoure,	Slotten,
Cooper,	Lewis,	Swenson,
Cox,	Little,	Talcott,
Devlin,	Miner,	Taylor,
Fuller,	Murphy,	Williams,
Geer,	Noble,	Wolbert,
Hale,		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Hegge,	Lofthus,	McDougal,

Messrs. Hegge, Lofthus and McDougal being excused.

So the bill passed and the title was agreed to.

Mr. Wolbert moved

That the vote by which senate bill No. 37 was passed be reconsidered and the motion to reconsider be laid upon 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 bills respectfully reports that at the hour of 2:55 p. m. of this day, senate concurrent resolution providing for negotiation and disposing of state funding warrants was delivered to the secretary of state.

H. E. LAVAYEA,  
Chairman.

Mr. Little moved

That the senate take a recess of 15 minutes,  
Which motion prevailed, and

The senate took a recess.

Senate reassembled.

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. 37,

A bill for an act to amend section 338d of the Revised Codes of 1899, relating to vouchers and warrants.

And find the same correctly engrossed.

H. E. LAVAYEA,  
Chairman.

The oath was administered by the president to J. D. McDougall, of Cavalier county, as janitor.

Mr. Wolbert moved

That the senate do now adjourn,  
Which motion prevailed, and

The senate adjourned.

GEORGE L. TOWNES,  
Secretary.

## SEVENTEENTH DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
January 24, 1901.

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

The president presiding.

Prayer by the chaplain.

Roll call.

All members present excepting Messrs. Hegge, Lofthus and McDougal who were excused.

Mr. Jacobson moved,

That the reading of the Journal be dispensed with and a committee on revision and correction be appointed.

Which motion prevailed, and

The president appointed as such committee, Messrs. Simpson, Slotten and Swenson.

Mr. Little moved

That Senate Bills No. 47 and No. 48 be recommitted to the judiciary committee.

Senate bill No. 47,

A bill for an act to repeal section 1549 of the Revised Codes of 1899, relating to When lawful for stock to run at large.

Senate bill No. 48,

A bill for an act to amend section 6153 of the Revised Codes of 1891 relating to liability of owner for trespass of animals.

Which motion prevailed.

The courtesies of the floor were extended to G. W. Bacon of Kulm, N. D.; O. A. Webster of Grand Forks, N. D.; Robert Neil of Stark County, N. D.

Mr. Cox moved

That the president appoint a standing committee of three to correct the Journal each day and that the proof reader of the senate act as secretary of said committee.

Which motion prevailed and

The president appointed as such committee Messrs. Minor, Geer and Hale.

## 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. 61,

A bill for an act entitled an act to amend section 6633 of Revised Codes of 1899, relating to commencement of actions in justice court.

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

C. B. LITTLE,  
Chairman.

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

Mr. President:

Your committee on enrolled and engrossed bills have examined  
Senate bill No. 19,

A bill to amend section 1941 of the Revised Codes, relating to depositories of county funds.

Also,

Senate bill No. 34,

A bill for an act to amend section 5200 of the Revised Codes of the state of North Dakota, 1899, being section 5200 of the Revised Codes of 1895, in regard to the limitation of actions.

Also,

Senate bill No. 46,

A bill for an act to cure defective acknowledgments.

And find the same correctly engrossed.

H. E. LAVAYEA,  
Chairman.

## REPORT OF COMMITTEE ON JOINT RULES.

Mr. President:

Your committee on joint rules beg leave to report the same joint rules and joint convention rules for the government of the senate and house as were adopted by the legislative assembly of 1899, and recommend that the secretary of state be authorized to incorporate them in proper form in the legislative manual of 1901, which shall also contain similar information to that contained in the last manual, and when printed that copies be furnished the state officers and five copies to each member of the seventh legislative assembly, and sufficient copies be retained to supply each member of the eighth legislative assembly with one copy. Advance sheets of the manual containing the rules of each house and the standing

committees shall be furnished for the use of the members of the respective bodies at once.

Respectfully submitted,  
**JUDSON LaMOURE,**  
 Chairman of the Senate Committee.  
**R. L. BENNETT,**  
 Chairman of the House Committee.

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

#### MOTIONS AND RESOLUTIONS.

Mr. Cashel introduced the following resolution:

Whereas, a committee has been appointed to investigate, determine and report the lowest amount required for the maintenance of each department, where an appropriation is necessary, for the bi-ennial period commencing Jan. 1st, 1901; retrenchment being the object, and

Whereas, it is equally as important that ways and means should be devised for increasing the revenues of the state, in order to maintain our public institutions, and the necessary expenses of state, and at the same time reduce our floating indebtedness, therefore, be it

Resolved; that, a special committee of three be appointed by the president of this senate, whose duty it shall be to investigate, ascertain and report, in due time, its findings and recommendations of ways and means by which the finances of this state can be augmented.

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

The president announced as such committee Messrs. Ames, Sanborn and Cashel.

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

Mr. Baker introduced  
 Senate bill No. 82,  
 A bill for an act to regulate primary elections.  
 Which was read the first and second times, and  
 Referred to committee on elections.

Mr. Hale introduced  
 Senate bill No. 83,  
 A bill for an act for the maintenance of the deaf and dumb asylum of North Dakota and making an appropriation therefor,  
 Which was read the first and second times, and  
 Referred to the committee on appropriations.

Mr. Little introduced  
 Senate bill No. 84,  
 A bill for an act entitled an act to provide for making unknown persons parties defendant in certain civil actions and to amend



section 5907 and repeal section 5907a, Revised Codes of 1899, relating to unknown parties defendant.

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

Also,

Senate bill No. 85,

A bill for an act entitled an act to provide an appropriation for increased clerical work in the office of the state treasurer.

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

Mr. Simpson introduced

Senate bill No. 86,

A bill for an act to amend section 8494 of the Revised Codes of 1899, relating to the governor demanding the return of fugitives from justice in this state of the executive authority of any other state or territory, within the United States, providing for the appointment of agents to receive and return such fugitives and providing for payment of such agents.

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

Mr. Jacobson introduced

Senate bill No. 87,

A bill for an act entitled an act relating to the sale of dressed beef.

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

Mr. Wolbert introduced

Senate bill No. 88,

A bill for an act to amend section 2095 of the Revised Codes of 1899 relating to compensation of county commissioners.

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

Mr. Miner introduced

Senate bill No. 89,

A bill for an act defining the duties of county judge in courts of limited jurisdiction.

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

Mr. Minor introduced

Senate bill No. 90,

A bill for an act defining the duties of attorneys-at-law.

Which was read the first and second times, and

Referred to the committee on judiciary.

Mr. Lewis introduced

Senate bill No. 91,

A bill for an act to provide for the erection and equipment of necessary additional buildings, for a system of sewerage and for

other necessary improvements for the North Dakota Agricultural college at Fargo.

Which was read the first and second times, and

Referred to committee on appropriations.

Mr. Noble introduced

Senate bill No. 92,

A bill for an act to prevent the extermination of antelope.

Which was read the first and second times, and

Referred to the committee on state affairs.

Mr. Cox moved

That the rules be suspended, and all bills that have had their first reading only, be placed on their second reading and reference.

Which motion prevailed.

#### SECOND READING OF SENATE BILLS.

Senate bill No. 67,

A bill for an act for an appropriation for the maintenance and improvements of the state normal school at Mayville, North Dakota.

Which was read the second time and

Referred to committee on appropriations.

Senate bill No. 68,

A bill for an act entitled an act relating to the board of pardons and prescribing the powers and duties thereof.

Which was read the second time and

Referred to the committee on judiciary.

Senate bill No. 69,

A bill for an act to define senatorial and representative districts of North Dakota and describe the number of senators and representatives therein.

Which was read the second time and

Referred to the committee on appropriations.

Senate bill No. 71,

A bill for an act to amend section 497b of the Revised Codes, relating to the time of holding caucuses and the issuance of certificates of election of delegates.

Which was read the second time and

Referred to the committee on elections.

#### MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,

BISMARCK, NORTH DAKOTA,

January 24, 1901.

Mr. President:

I have the honor to transmit herewith

House bill No. 14,

A bill for an act authorizing board of county commissioners

to offer reward for the destruction of buffalo or timber wolves.  
Which the house has passed, and your favorable consideration thereof is respectfully requested.

Very respectfully,

W. D. AUST,

Asst. Chief Clerk.

### THIRD READING OF SENATE BILLS.

Senate bill No. 19,

A bill to amend section 1941 of the Revised Codes, relating to depositories of county funds.

The further consideration of this bill was deferred until tomorrow.

The oath was administered by the president to Mr. Ole Sather, as janitor, and Miss Louise Winterer, as stenographer.

Mr. Talcott moved

That the senate do now adjourn,

Which motion prevailed, and

The senate adjourned.

GEORGE L. TOWNES,

Secretary.

### EIGHTEENTH DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
January 25, 1901.

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. Hegge, Lofthus and Slotten, who were excused.

### PRESENTATION OF PETITIONS AND MEMORIALS.

The following petition was presented by Mr. Talcott by request:  
To the Honorable the Senate and House of Representatives of the State of North Dakota in Legislature Convened:

Your petitioners, resident and taxpaying legal voters of Cass county, respectfully represent to your honorable body the need of having the study of foreign languages made optional in our district schools. A great

majority of families in a number of districts in this county desire that their children should, besides the branches specified by law, have the choice to learn to read and write the German, Norwegian or some other foreign languages. We therefore petition your honorable body to enact the following law:

That the study of any foreign language (including German or Scandinavian) may be added to the regular course of study now prescribed by law in the district schools of this state whenever the majority of the patrons of any district schools shall, through their district board, petition their respective county superintendent for the same.

Signed by

HENRY RICHTER,  
And 71 Others.

### 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. 41,

A bill for an act entitled "An act amending section six (6) of chapter 163 of the laws of 1899, as to the rules and regulations under which the product of the twine and cordage plant at the state penitentiary by the board of trustees thereof."

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

Amend the title so it will read: "A bill—for an act to amend section 8567 of the Revised Codes 1899 relating to, product of the plant, how disposed of."

Change lines 1, 2 and 1, on page 1, of the printed bill to read as follows:

"That section 8567 of the Revised Codes of 1899 be amended to read as follows:

Section 8567, product of the plant, how disposed of.

The product of said twine and cordage plant shall be disposed of by."

And when so amended recommend that the same do pass.

A. B. COX,  
Chairman.

Mr. Cox moved

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

Mr. President:

Your committee on state affairs to whom was referred.

Senate bill No. 32,

A bill for an act taxing the occupation of hawkers and peddlers regulating the licensing of persons engaged in such occupation, and increasing the ordinary county revenue by such taxation.

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

Insert the word "state" between the words "shall" and "in" on line 3, section 2, of printed bill.

Drop the word "twenty" on line 4, page 2, of printed bill; change the word "fifty" to "thirty" on line 6, page 2, of printed bill.

Change the words "seventy-five" to "one hundred" on line 8, page 2 of printed bill.

Insert the words "or propelled in any other manner" after the word "animals" on line 9, page 2, of the printed bill.

Change the words "twenty-five" to "fifty" on line 10, page 2, of printed bill.

And when so amended recommend that the same do pass.

A. B. COX,  
Chairman.

Mr. Cox 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. 19,

A bill to amend section 1941 of the Revised Codes, relating to depositories of county funds.

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

Amend title—by instituting—"1899"—after the word "codes"—Add to the bill—

Section 2. Whereas an emergency exists in that there is no provision in the present law allowing county depositories to give surety company bond, therefore this act shall take effect and be in force on and after its passage and approval.

And when so amended recommend that the same do pass.

A. B. COX,  
Chairman.

Mr. Cox 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. 70,

A bill for an act to create a state auditing board for 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 state affairs made the following report:

Mr. President:

Your committee on state affairs to whom was referred

Senate bill No. 57,

A bill for an act to provide for the drawing of warrants by the state auditor upon the state treasurer.

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

Also,

Senate bill No. 72,

A bill for an act entitled "An act to repeal sections 1681 and 1682 of the Revised Codes of 1899, relating to bounty on starch."

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

Also,

Senate bill No. 23,

A bill for an act to amend section 5526, Revised Codes of North Dakota, relating to exemptions.

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

A. B. COX,

Chairman.

#### REPORT OF SPECIAL COMMITTEE.

Mr. President:

Your committee appointed to revise and correct the journal of the sixteenth day report the following corrections, viz:

On page 5, change the word "senate" appearing on the third line from bottom of said page to "senators."

On page 8, to line 9 add the following words: "which motion prevailed,"

And when so corrected recommend that the same be approved

L. A. SIMPSON, Chairman,

A. SLOTTEN,

I. SWENSON.

Mr. Simpson moved

The adoption of the report,

Which motion prevailed, and

The report was adopted.

The courtesies of the floor were extended to Messrs. John Mc Govern, of Cavalier County; E. T. Burke and A. H. Hanson, of Barnes Co., N. D.

Mr. LaMoure presented the following concurrent resolution:

Be it resolved by the senate, the house concurring that when we adjourn, we adjourn until January 30th.

Mr. LaMoure moved  
 The adoption of the resolution,  
 Which motion prevailed, and  
 The resolution was adopted.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
 BISMARCK, NORTH DAKOTA.  
 January 25, 1901.

The following message was received from the house:

Mr. President:

I have the honor to transmit herewith  
 House bill No. 38,

A bill for an act to amend section 5 of chapter 64 of the session laws of 1899, relating to fees of the clerks of the district courts.

Also,

House bill No. 3,

A bill for an act entitled an act to provide for the exemption of property used exclusively for religious purposes from taxation.

Also,

House bill No. 5,

A bill for an act entitled an act to provide for directors and officers of religious corporations.

Also,

House bill No. 19,

A bill for an act entitled An act to amend section 345 of the Code of Civil Procedure, being section 5541 of the Revised Codes North Dakota, 1899.

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

Very respectfully yours,

J. D. SCANLAN,

Chief Clerk.

Also,

Senate bill No. 37,

A bill for an act to amend section 338d of the Revised Codes of 1899, relating to vouchers and warrants.

Which the house has passed with the following amendment  
 That the title of the bill be amended as to read:

A bill for an act to amend section 1 of chapter 170 of session laws of 1899, viz: same as section 338d of the Revised Codes of 1899, relating to vouchers and warrants.

And respectfully request your favorable consideration thereof.

Very respectfully yours,

W. D. AUSTIN,

Assistant Chief Clerk.

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INTRODUCTION AND FIRST AND SECOND READING OF  
SENATE BILLS.

Mr. Hale introduced

Senate bill No. 93,

A bill for an act repealing sections 1675, 1676, 1677 and 1678, Revised Codes, 1899, relating to bounties for the manufacture of spinning fibres.

Which was read the first and second times, and

Referred to the committee on agriculture.

Also,

Senate bill No. 94,

A bill for an act repealing sections 1679 and 1680, Revised Codes, 1899, relating to bounties for the manufacture of binding twine.

Which was read the first and second times, and

Referred to the committee on state affairs.

Also,

Senate bill No. 95,

A bill for an act prescribing the duties of county auditor in reference to the certification of abstracts of titles to real estate.

Which was read the first and second times, and

Referred to the committee on judiciary.

Mr. Talcott introduced

Senate bill No. 96,

A bill for an act amending section 1278 of the Revised Codes of 1899, relating to "deed not to be recorded without auditor's certificate of taxes paid."

Which was read the first and second times, and

Referred to the committee on judiciary.

Also,

Senate bill No. 97,

A bill for an act to provide for the study of foreign languages in the district schools of North Dakota.

Which was read the first and second times, and

Referred to the committee on education.

Also,

Senate bill No. 98,

A bill for an act to amend section 5545 of the 1899 Revised Codes of North Dakota, of 1899, relating to redemption, filing of certificates.

Which was read the first and second times, and

Referred to the committee on judiciary.

Mr. Wolbert introduced

Senate bill No. 99,

A bill for an act to amend section 1219 of the 1899 Revised



Codes of North Dakota relating to assessor's statement and return to auditor.

Which was read the first and second times, and

Referred to the committee on ways and means.

Mr. Simpson introduced

Senate bill No. 100,

A bill for an act entitled an act to repeal section 1613 of the Revised Codes of the revision of 1899 relating to appropriation for district veterinarians and the chief state veterinarians.

Which was read the first and second times, and

Referred to the committee on state affairs.

Mr. Talcott introduced

Senate bill No. 101,

A bill for an act to amend section 7464 of the Revised Codes of North Dakota, 1899, relating to embezzlement.

Which was read the first and second times, and

Referred to the committee on judiciary.

Mr. Little moved

That the senate do not concur in the house amendments on senate bill No. 37 and that a conference committee be appointed consisting of two from the senate and three from the house,

Which motion prevailed and the president appointed as such committee

Messrs. Little and Murphy.

Mr. Little moved

That the resolution relating to the John Marshall day be recalled from the judiciary committee and considered by the senate,

Which motion prevailed.

Mr. LaMoure moved

To amend the aforesaid resolution to read as follows:

#### CONCURRENT RESOLUTION.

Whereas, The state bar association of this state is to observe "John Marshal Day" with appropriate ceremonies, Feb. 4, 1901.

Resolved by the house of representatives, the senate concurring, that a committee consisting of the governor, the lieutenant governor and the speaker of the house be appointed to arrange for the suitable observance of said day.

Which motion prevailed.

#### THIRD READING OF SENATE BILLS.

Senate bill No. 61,

A bill for an act entitled an act to amend section 6633 of Revised Codes of 1899, relating to commencement of actions in justice court.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 28, nays none, absent and not voting 3.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Jacobson,	Sanborn,
Baker,	Lavayea,	Sharpe,
Clarke,	LaMoure,	Simpson,
Cooper,	Lewis,	Swenson,
Cox,	Little,	Talcott,
Devlin,	McDougal,	Taylor,
Fuller,	Miner,	Williams,
Geer,	Murphy,	Wolbert,
Hale,	Noble,	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Hegge,	Lofthus,	Slotten,

Messrs. Hegge, Lofthus and Slotten being excused.

So the bill passed and the title was agreed to.

#### FIRST READING OF HOUSE BILLS.

House bill No. 14,

A bill for an act authorizing board of county commissioners to offer reward for the destruction of buffalo or timber wolves.

#### MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,  
BISMARCK, NORTH DAKOTA,  
January 25, 1901.

Mr. President:

I have the honor to transmit herewith

House bill No. 4,

A bill for an act to amend sections 3183 and 3184 of the Revised Codes of North Dakota, relating to the incorporation of certain classes of benevolent, charitable and social institutions.

Also,

House bill No. 21,

A bill for an act entitled "An act for the examination of parties and persons interested in an action or proceeding under the rules of cross-examination when called to testify by an adverse party and providing that the party calling for such examination shall not be concluded thereby."

Also,

House bill No. 6,

A bill for an act to repeal chapter 76 of the session laws of 1891, being an act entitled "an act creating the office of state superintendent of irrigation and forestry, and prescribing the duties thereof."

Which have passed the house.

And your favorable consideration thereof is respectfully requested.

J. D. SCANLAN,  
Chief Clerk.

#### REPORTS OF STANDING COMMITTEES.

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

Mr. President:

Your committee on enrolled bills have examined  
Senate bill No. 41,

A bill for an act entitled "An act amending section six (6) of chapter 163 of the laws of 1899, as to the rules and regulations under which the product of the twine and cordage plant at the state penitentiary by the board of trustees thereof."

And find the same correctly engrossed.

H. E. LAVAYEA,  
Chairman.

#### MESSAGE FROM THE HOUSE.

The following message was received from the house:

Mr. President:

I have the honor to transmit herewith  
Your concurrent resolution providing

"That when we adjourn we adjourn until January 30th, which the house has concurred in.

Very respectfully yours,  
J. D. SCANLAN,  
Chief Clerk.

Mr. Little moved

That the rules be suspended, and that

Senate bill No. 41,

A bill for an act entitled "An act amending section six (6) of chapter 163 of the laws of 1899, as to the rules and regulations under which the product of the twine and cordage plant at the state penitentiary by the board of trustees thereof."

Be given its third reading and final passage.

Which motion prevailed, and

Senate bill No. 41,

A bill for an act entitled "An act amending section six (6) of chapter 163 of the laws of 1899, as to the rules and regulations under which the product of the twine and cordage plant at the state penitentiary by the board of trustees thereof."

Was read the third time.

The question being upon the final passage of the bill.

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

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Hale,	Noble,
Baker,	Jacobson,	Sanborn,
Cashel,	Laidlaw,	Sharpe,
Clarke,	Lavayea,	Simpson,
Cooper,	LaMoure,	Swenson,
Cox,	Little,	Talcott,
Devlin,	McDougal,	Taylor,
Fuller,	Miner,	Williams,
Geer,	Murphy,	Wolbert,

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Lewis,	Hegge,	Lofthus,
Slotten,		

Messrs. Hegge, Loftus and Slotten being excused.

So the bill passed and the title was agreed to.

Mr. Wolbert moved

That the rules be suspended, and all senate bills reported today without amendment be placed upon their third reading and final passage.

Which motion prevailed.

Senate bill No. 23,

A bill for an act to amend section 5526, Revised Codes of North Dakota, relating to exemptions.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 27, nays none, absent and not voting 3.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Hale,	Noble,
Baker,	Jacobson,	Sanborn,
Cashel,	Laidlaw,	Sharpe,
Clarke,	Lavayea,	Simpson,
Cooper,	Lewis,	Swenson,
Cox,	Little,	Talcott,
Devlin,	McDougal,	Taylor,
Fuller,	Miner,	Williams,
Geer,	Murphy,	Wolbert,

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Hegge,	Lofthus,	Slotten,
LaMoure,		

Messrs. Hegge, Lofthus and Slotten being excused.

So the bill passed and the title was agreed to.

Senate bill No. 57,

A bill for an act to provide for the drawing of warrants by the state auditor upon the state treasurer.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 27, nays none, absent and not voting 3.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Hale,	Noble,
Baker,	Jacobson,	Sanborn,
Cashel,	Laidlaw,	Sharpe,
Clarke,	Lavayea,	Simpson,
Cooper,	Lewis,	Swenson,
Cox,	Little,	Talcott,
Devlin,	McDougal,	Taylor,
Fuller,	Miner,	Williams,
Geer,	Murphy,	Wolbert,

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Hegge,	LaMoure,	Slotten,
Lofthus,		

Messrs. Hegge, Lofthus, Slotten being excused.

So the bill passed and the title was agreed to.

Senate bill No. 70,

A bill for an act to create a state auditing board for the state of 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 28, nays none, absent and not voting 3.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Jacobson,	Sanborn,
Baker,	Laidlaw,	Sharpe,
Cashel,	Lavayea,	Simpson,
Clarke,	LaMoure,	Swenson,
Cooper,	Lewis,	Talcott,
Cox,	Little,	Taylor,
Devlin,	McDougal,	Williams,
Fuller,	Miner,	Wolbert,
Geer,	Murphy,	
Hale,	Noble,	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Hegge,	Lofthus,	Slotten,

Messrs. Hegge, Lofthus and Slotten being excused.

So the bill passed and the title was agreed to.

Senate bill No. 72,

A bill for an act entitled "An act to repeal sections 1681 and 1682 of the Revised Codes of 1899, relating to bounty on starch."

Was read the third time.

The question being upon the final passage of the bill,

The roll was called and there were ayes 28, nays none, absent and not voting 3.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Jacobson,	Noble,
Baker,	Laidlaw,	Sanborn,
Cashel,	Lavayea,	Sharpe,
Clarke,	LaMoure,	Simpson,
Cooper,	Lewis,	Swenson,
Cox,	Little,	Talcott,
Devlin,	McDougal,	Taylor,
Fuller,	Miner,	Williams,
Geer,	Murphy,	Wolbert,
Hale,		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Hegge,	Lofthus,	Slotten,

Messrs. Hegge, Lofthus and Slotten being excused.

So the bill passed and the title was agreed to.

Mr. Little moved

That the president appoint four additional clerks on the enrolling and engrossing force,

Which motion prevailed.

#### MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,  
BISMARCK, NORTH DAKOTA,  
January 25, 1901.

Mr. President:

I have the honor to transmit herewith

House bill No. 43,

A bill for an act to amend sections 736, 740, 741, 742 and 743 of the Revised Codes, 1899, relating to education.

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

Very respectfully,

J. D. SCANLAN,  
Chief Clerk.

#### REPORT OF SPECIAL COMMITTEE.

Mr. President:

The conference committee appointed to consider the amendment

made by the house to Senate bill No. 37, recommend that the house recede from said amendment.

C. B. LITTLE,  
M. F. MURPHY,  
For the Senate.  
GEORGE ROSE,  
GEO. M. YOUNG,  
A. W. THOMAS,  
For the House.

### MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,  
BISMARCK, NORTH DAKOTA,  
January 25, 1901.

Mr. President:

I have the honor to inform you that

The house has adopted the report of the joint committee, recommending that the house recede from its amendment to title of

Senate Bill No. 37.

A bill for an act to amend section 338d of the Revised Codes of 1899, relating to vouchers and warrants.

Very respectfully,  
J. D. SCANLAN,  
Chief Clerk.

### REPORTS OF STANDING COMMITTEES.

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

Mr. President:

Your committee on enrolled and engrossed bills respectfully report

That at the hour of 5:10 p. m. of this day.

Senate Bill No. 37.

A bill for an act to amend section 338d of the Revised Codes of 1899, relating to vouchers and warrants.

Was delivered to his Excellency the Governor for his approval.

H. E. LAVAYEA,  
Chairman.

The secretary announced

That the president was about to sign

Senate bill No. 37,

A bill for an to amend section 338d of the Revised Codes of 1899, relating to vouchers and warrants.

And the president signed the bill in the presence of the senate.

Mr. Baker moved  
The senate do now adjourn.  
Which motion prevailed, and  
The senate adjourned.

GEORGE L. TOWNES,  
Secretary.

### TWENTY-THIRD DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
January 30, 1901.

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. Hegge, Jacobson and Lav-  
ayea, who were excused.

### PRESENTATION OF PETITIONS AND COMMUNICA- TIONS.

Mr. McDougal presented the following petitions:

NEW SALEM, N. D., Jan. 24, 1901.

Hon. J. A. McDougal, Senate, Bismarck, N. D.

Dear Sir:--Whereas, an effort is now being made to secure the passage of a bill amending the exemption laws of this state and fixing the amount of such exemption at \$500.00 instead of \$1,500.00 as at present. Believing this reduction will not only be beneficial to the commercial advancement of the state, but will improve the credit of the state and all individually engaged in farming and business, and feeling the necessity of such a reduction and realizing the benefits to be derived therefrom, we, the



undersigned citizens, do hereby petition you to give this measure your support and use your efforts to secure the passage of the same.

CHAS. F. PETERSON,  
And 22 Others.

GLEN ULLIN, N. D., Jan. 24, 1901.

Hon. J. A. McDougal, Bismarck, N. D.

Dear Sir:—We the undersigned constituents of the 30th legislative district of the state of North Dakota, which district you are representing, respectfully and earnestly ask you to give your full support to passing a bill to amend the exemption laws to such an extent as to read (\$500.00) five hundred dollars instead of (\$1,500) fifteen hundred dollars and use all reasonable means in your power to secure the passage of such a bill.

J. T. NELSON,  
And 21 Others.

Mr. Lewis presented the following petition:

CROOKSTON, Minn., Jan. 19, 1901.

We, the representatives from the counties of Pembina, Walsh, Grand Forks, Traill, Cass and Richland of North Dakota, and the counties of Kittson, Marshall, Polk, Norman, Clay, Wilkins, Traverse, Big Stone, Lac Qui Parle, Swift and Chippewa, Minnesota, and the counties of Grant and Robert of South Dakota, in convention assembled at Crookston, Minnesota, January 18th and 19th, 1901, for the purpose of promoting the development of the natural resources of the Red River Valley of the North, which embraces within the United States nine million acres of the most fertile agricultural land in North America, pass the following resolutions:

Whereas, there exists certain federal surveys organized under the Department of the Interior of the United States, for the purpose of pursuing geological, agricultural, economic and scientific surveys, and

Whereas, these surveys are of prime importance in the economic development of young or partially developed states, and

Whereas, these federal surveys are secured by co-operation on the part of the states interested, therefore,

Be It Resolved, that this convention heartily endorse any legislation which favors the co-operation of the states with the United States in securing and pursuing these surveys; and

Resolved, that this convention also urge upon the legislative assemblies of these federal states represented to establish state highway funds, and to provide state officers to bring about the co-operation between counties and districts, and to provide for the building and maintenance of our public highways.

Resolved, that copies of these resolutions be sent to each of the legislative assemblies of the states represented at this convention.

N. CAMPBELL,  
Chairman of Committee.  
JOHN R. MATTSON,  
Secretary of Convention.

#### 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. 37,

A bill for an act to amend section 338d of the Revised Codes of 1899, relating to vouchers and warrants.

And find the same correctly enrolled.

Also,

Senate bill No. 19,

A bill to amend section 1941 of the Revised Codes, relating to depositories of county funds.

Also,

Senate bill No. 72,

A bill for an act entitled "An act to repeal sections 1681 and 1682 of the Revised Codes of 1899, relating to bounty on starch."

Also,

Senate bill No. 57,

A bill for an act to provide for the drawing of warrants by the state auditor upon the state treasurer.

Also,

Senate bill No. 23,

A bill for an act to amend section 5526, Revised Codes of North Dakota, relating to exemptions.

Also,

Senate bill No. 32,

A bill for an act taxing the occupation of hawkers and peddlers regulating the licensing of persons engaged in such occupation, and increasing the ordinary county revenue by such taxation.

Also,

Senate bill No. 61,

A bill for an act entitled an act to amend section 6633 of Revised Codes of 1899, relating to commencement of actions in justice court.

Also,

Senate bill No. 70,

A bill for an act to create a state auditing board for the state of North Dakota.

And find the same correctly engrossed.

C. B. LITTLE,

Acting Chairman.

The committee on ways and means made the following report:

Mr. President:

Your committee on ways and means to whom was referred

Senate bill No. 18,

A bill providing for an extension of time for the payment of the taxes for the year 1900.

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

That in line 6, section 1 of the printed bill the word "November" be inserted in lieu of the word "October."

And when so amended recommend that the same do pass.

J. B. SHARPE,

Chairman.

Mr. Sharpe moved

That further consideration of the report of committee be laid over until tomorrow at 2:30 p. m.

Which motion prevailed.

The committee on ways and means made the following report:

Mr. President:

Your committee on ways and means to whom was referred  
Senate bill No. 14,

A bill for an act providing for an extension of the time of payment of the taxes for the year 1900.

Have had the same under consideration and recommend that the same be indefinitely postponed.

J. B. SHARPE,  
Chairman.

Mr. Sharpe moved

The adoption of the report,

Which motion prevailed.

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

Mr. President:

Your committee on revision and correction of the journal report no corrections to make in the journal of the 17th day.

H. J. MINER,  
Chairman.

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

Mr. Ames introduced

Senate bill No. 102,

A bill for an act entitled an act to authorize cities having one thousand or more inhabitants, whose area is wholly contained within one governmental section of land, to extend their corporate limits.

Which was read the first and second times, and

Referred to the committee on cities and municipal corporations.

Also,

Senate bill No. 103,

A bill for an act entitled an act authorizing the requirement of an additional bond to be furnished by city treasurers, and declaring the office vacant upon neglect or refusal so to do.

Which was read the first and second times, and

Referred to the committee on cities and municipal corporations.

Mr. Hale introduced

Senate bill No. 104,

A bill for an act to amend section 662, Revised Codes, 1899, relating to division of school districts.

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

**MESSAGE FROM THE GOVERNOR.**

The following communication was received from the governor:

EXECUTIVE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
January 30, 1901.

To the Senate:

Gentlemen: I have the honor to inform you that I have approved and filed with the honorable secretary of state

Senate bill No. 37,

A bill for an act to amend section 338d of the Revised Codes of 1899, relating to vouchers and warrants.

Very respectfully yours,

FRANK WHITE,  
Governor.

Mr. LaMoure introduced

Senate bill No. 105,

A bill for an act to amend section 4680 of article 2, chapter 72, of the Revised Codes of the state of North Dakota, for the year 1899, entitled liens in general.

Which 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 which have received their first reading be read the second time and referred,

Which motion prevailed.

**THIRD READING OF SENATE BILLS.**

Senate bill No. 19,

A bill to amend section 1941 of the Revised Codes, relating to depositories of county funds.

Mr. Little moved

That the bill be recommitted for correction,

Which motion prevailed.

Senate bill No. 32,

A bill for an act taxing the occupation of hawkers and peddlers regulating the licensing of persons engaged in such occupation, and increasing the ordinary county revenue by such taxation.

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 5, absent and not voting 3.

Those who voted in the affirmative were:

Messrs.—

Ames,  
Cashel,  
Cooper,  
Cox,  
Devlin,  
Fuller,  
Geer,  
Laidlaw,

Messrs.—

LaMoure,  
Little,  
Lofthus,  
McDougal,  
Miner,  
Noble,  
Sanborn,

Messrs.—

Sharpe,  
Simpson,  
Slotten,  
Swenson,  
Talcott,  
Williams,  
Wolbert,

Those voting in the negative were:

Messrs.—

Baker,  
Hale,

Messrs.—

Lewis,  
Murphy,

Messrs.—

Taylor,

Absent and not voting:

Messrs.—

Hegge,

Messrs.—

Jacobson,

Messrs.—

Lavayea,

Messrs. Hegge, Jacobson and Lavayea being excused.

Mr. Clarke not voting.

So the bill passed and the title was agreed to.

#### FIRST READING OF HOUSE BILLS.

House bill No. 3,

A bill for an act entitled an act to provide for the exemption of property used exclusively for religious purposes from taxation.

Was read the first time.

House bill No. 4,

A bill for an act to amend sections 3183 and 3184 of the Revised Codes of North Dakota, relating to the incorporation of certain classes of benevolent, charitable and social institutions.

Was read the first time.

House bill No. 5,

A bill for an act entitled an act to provide for directors and officers of religious corporations.

Was read the first time.

House bill No. 6,

A bill for an act to repeal chapter 76 of the session laws of 1891, being an act entitled "an act creating the office of state superintendent of irrigation and forestry, and prescribing the duties thereof."

Was read the first time.

House bill No. 19,

A bill for an act entitled "An act to amend section 345 of the Code of Civil Procedure, being section 5541 of the Revised Codes

Was read the first time.

House bill No 21,

A bill for an act entitled "An act for the examination of parties and persons interested in an action or proceeding under the

rules of cross-examination when called to testify by an adverse party and providing that the party calling for such examination shall not be concluded thereby."

Was read the first time.

House bill No. 38,

A bill for an act to amend section 5 of chapter 64 of the session laws of 1899, relating to fees of the clerks of the district courts.

Was read the first time.

House bill No. 43,

A bill for an act to amend sections 736, 740, 741, 742 and 743 of the Revised Codes, 1899, relating to education.

Was read the first time.

#### SECOND READING OF HOUSE BILLS.

House bill No. 14,

A bill for an act authorizing board of county commissioners to offer reward for the destruction of buffalo or timber wolves.

Was read the second time and

Referred to the committee on state affairs.

The president administered the oath of office to the following as enrolling and engrossing clerks: Joseph Souci, Theo. Johnson, D. A. Lindsay, Frank McKenzie, Robert Thompson.

Mr. Williams presented the following resolution:

Whereas, In the providence of Almighty God, on the twenty-sixth day of January, Nineteen Hundred and One, the Honorable Alfred Dickey, late lieutenant governor of the state of North Dakota, and by virtue of that office president of this body, was removed from the scene of his earthly activities by sudden death; now therefore,

Resolved, By the senate of North Dakota, that in the death of Governor Dickey we deplore the loss of a citizen eminent for his abilities, his usefulness and his virtues, prominent for his influence for good in all that concerned the well being, prosperity, and fair fame of our state and distinguished for his devotion to her interests;

That we commend his example to all citizens of our commonwealth in the purity of his life, public and private, his fearless devotion to principle, and for his diligence, honesty and integrity in all his political, business and private relations.

Resolved, That these resolutions be signed by the president of the senate and attested by the secretary, and that these be properly engrossed and a copy of them be transmitted to the bereaved family as an expression of our heartfelt sympathy in this hour of their sad affliction.

Resolved, That as a token of respect for the memory of Honorable Alfred Dickey, the senate do now adjourn.

Mr. Williams moved

The adoption of the resolution,

Which motion prevailed, and

The senate adjourned.

GEORGE L. TOWNES,

Secretary.

TWENTY-FOURTH DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
January 31, 1901.

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. Hegge, Jacobson and McDougal, who were excused.

PRESENTATION OF PETITIONS AND COMMUNICATIONS.

Mr. Swenson presented the following petition:

ANETA, N. D., Jan. 28, 1901.

To Honorable Iver Swenson, Bismarck, N. D.:

Dear Sir:—We, the undersigned, request that you use every honorable effort to defeat senate bill No. 24 introduced by Mr. Hale, providing for a lien upon threshing engines or separators for the repairing of same, as we firmly believe that same will prove a detriment to dealers and operators of threshing machinery.

WALHOOD BROS.,  
And 30 Others.

REPORTS OF STANDING COMMITTEES.

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

Mr. President:

Your committee on revision and correction of the Journal respectfully report that they have carefully examined the Journal of the twenty-third day and report the following correction:

On page 7, line 3, in the resolution, the first "i" in the word lieutenant be stricken out and the letter "l" be inserted in lieu thereof.

And when so corrected recommend that the journal of the twenty-third day be approved.

Respectfully submitted,

H. J. MINER,

Chairman.

The report was adopted.

The committee on military affairs made the following report:

Mr. President:

Your committee on military affairs to whom was referred  
Senate bill No. 51,

A bill for an act to repeal sections 1392 and 1393 of the Revised  
Codes of North Dakota, relating to state military board.

Respectfully report a substitute bill, and

Recommend that the same do pass.

R. C. SANBORN,

Chairman.

Mr. Sanborn moved

That the report be adopted,

Which motion prevailed.

The committee on military affairs made the following report:

Mr. President:

Your committee on military affairs to whom was referred  
Senate bill No. 25,

A bill for an act granting a right-of-way for a public highway  
across the military encampment grounds or Rock Island, Ramsey  
county, N. D.

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

R. C. SANBORN,

Chairman.

Mr. Sanborn moved

The report be adopted,

Which motion prevailed.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred

Senate bill No. 58,

A bill for an act to amend section 6435 of the Revised Codes  
of 1899, the same being section 27 of chapter 111 of the laws of  
1897, relating to sales of real estate by executors and adminis-  
trators.

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

Also,

Senate bill No. 76,

A bill to amend section 7110, chapter 20 of the Revised Codes  
of 1899, relating to the crime of kidnapping.

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

Also,

Senate bill No. 88,

A bill for an act to amend section 2095 of the Revised Codes  
of 1899 relating to compensation of county commissioners.



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

By striking out the word "ten" in line six and inserting in lieu thereof the word "nine."

And when so amended recommend that the same do pass.

C. B. LITTLE,  
Chairman.

Mr. Little moved  
The report be adopted  
Which motion prevailed.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred  
Senate bill No. 73,

A bill for an act entitled "An act to amend sections 2737 and 2743 of the Revised Codes of 1899, relating to dissolution of marriage."

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

C. B. LITTLE,  
Committee.

The committee on ways and means made the following report:

Mr. President:

Your committee on ways and means to whom was referred  
Senate bill No. 99,

A bill for an act to amend section 1219 of the 1899 Revised Codes of North Dakota relating to assessor's statement and return to auditor.

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

Also,  
Senate bill No. 65,

A bill for an act to amend sections 72, 83, 84, 85, 94, chapter 126 of the laws of 1897, and chapter 136 of the laws of 1899, being sections 1257, 1267 and 1277 of the Revised Codes of the state of North Dakota, 1899, in regard to revenue and taxation.

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

J. B. SHARPE,  
Chairman.

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

Mr. Murphy introduced  
Senate bill No. 106,

A bill for an act to amend section 4820 of the Revised Codes of 1899, providing for a lien for grain to be used for seed.

Which was read the first time.

Also,

Senate bill No. 107,

A bill for an act to prevent the sale and use in this state of dangerous and impure oils.

Which was read the first time.

Mr. Wolbert introduced

Senate bill No. 108,

A bill for an act to amend section 3139 of the Revised Codes of 1899 relating to county mutual insurance companies.

Which was read the first time.

Mr. Hale introduced

Senate bill No. 109,

A bill for an act to prescribe a penalty for the sale and bringing into the state for sale cigarettes or cigarette paper.

Which was read the first time.

Substitute for Senate bill No. 51,

A bill for an act amending sections 1392 and 1393, Revised Codes of North Dakota, relating to state military boards.

Which was read the first time.

Substitute for Senate bill No. 19,

A bill for an act to amend section 1941 of the Revised Codes of 1899, relating to depositories of county funds.

Which was read the first time.

## SECOND READING OF HOUSE BILLS.

House bill No. 3,

A bill for an act entitled an act to provide for the exemption of property used exclusively for religious purposes from taxation.

Was read the second time and

Referred to the committee on ways and means.

House bill No. 4,

A bill for an act to amend sections 3183 and 3184 of the Revised Codes of North Dakota, relating to the incorporation of certain classes of benevolent, charitable and social institutions.

Was read the second time, and

Referred to the committee on corporations other than municipal.

House bill No. 5,

A bill for an act entitled an act to provide for directors and officers of religious corporations.

Was read the second time and

Referred to the committee on corporations other than municipal.

House bill No. 6,

A bill for an act to repeal chapter 76 of the session laws of 1891, being an act entitled "an act creating the office of state superintendent of irrigation and forestry, and prescribing the duties thereof."

Was read the second time and

Referred to the committee on state affairs.

House bill No. 19,

A bill for an act entitled An act to amend section 345 of the Code of Civil Procedure, being section 5541 of the Revised Codes North Dakota, 1899.

Was read the second time, and

Referred to the committee on judiciary.

House bill No. 21,

A bill for an act entitled "An act for the examination of parties and persons interested in an action or proceeding under the rules of cross-examination when called to testify by an adverse party and providing that the party calling for such examination shall not be concluded thereby."

Was read the second time, and

Referred to the committee on judiciary.

House bill No. 38,

A bill for an act to amend section 5 of chapter 64 of the session laws of 1899, relating to fees of the clerks of the district courts.

Was read the second time, and

Referred to the committee on judiciary.

House bill No. 43,

A bill for an act to amend sections 736, 740, 741, 742 and 743 of the Revised Codes, 1899, relating to education.

Was read the second time and

Referred to the committee on education.

Mr. Little moved

That the senate do now adjourn,

Which motion prevailed, and

The senate adjourned.

GEORGE L. TOWNES,  
Secretary.

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TWENTY-FIFTH DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
February 1, 1901.

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 Mr. McDougal, who was excused.

#### REPORTS OF STANDING COMMITTEES.

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

Mr. President:

Your committee on revision and correction of the Journal beg to report no corrections of the Journal of the twenty-fourth day.

H. J. MINER,  
Chairman.

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

Mr. President:

Your committee on enrolled and engrossed bills have examined Senate bill No. 88,

A bill for an act to amend section 2095 of the Revised Codes of 1899 relating to compensation of county commissioners.

And find the same correctly engrossed.

H. E. LAVAYEA,  
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. 4,

A bill for an act to amend sections 3183 and 3184 of the Revised Codes of North Dakota, relating to the incorporation of certain classes of benevolent, charitable and social institutions.

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

Also,

House bill No. 5,

A bill for an act entitled an act to provide for directors and officers of religious corporations.

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

J. L. CASHEL,  
Chairman.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred

Senate bill No. 48,

A bill for an act to amend section 6153 of the Revised Codes of 1899 relating to liability of owner for trespass of animals.

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

C. B. LITTLE,  
Chairman.

The courtesies of the floor were extended to Dr. S. Almkloy, T. E. Warner and H. A. Langlie, all of Cooperstown, N. D.; N. G. Larimore, of Larimore, N. D.; and C. B. Wade.

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

Mr. Murphy introduced

Senate bill No. 110,

A bill for an act prescribing the form of judgment when sales of land for taxes are adjudged void and for the recovery of money in all such cases and in cases where by mistake or wrongful act of the county treasurer or auditor land has been sold upon which no taxes were due or where taxes are paid on lands not subject to taxation, or on lands where upon subsequent payment the entry has been or may be cancelled, and for the recovery of interest on money so paid.

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

The judiciary committee introduced

Substitute for Senate bill No. 47,

A bill for an act to amend section 1549 of the Revised Codes of 1899, relating to time when lawful for stock to run at large.

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

#### SECOND READING OF SENATE BILLS.

Substitute for Senate bill No. 51,

A bill for an act amending sections 1392 and 1393, Revised Codes of North Dakota, relating to state military boards.

Was read the second time, and  
Referred to the committee on military affairs.

Senate bill No. 106,

A bill for an act to amend section 4820 of the Revised Codes of 1899, providing for a lien for grain to be used for seed.

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

Senate bill No. 108,

A bill for an act to amend section 3139 of the Revised Codes of 1899 relating to county mutual insurance companies.

Was read the second time, and  
Referred to the committee on insurance.

Senate bill No. 109,

A bill for an act to prescribe a penalty for the sale and bringing into the state for sale cigarettes or cigarette paper.

Was read the second time, and  
Referred to the committee on temperance.

### MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,  
BISMARCK, NORTH DAKOTA,  
February 1, 1901.

Mr. President:

I have the honor to transmit herewith  
House bill No. 2,

A bill for an act to provide for the status, organization, and government of associations known as lodges, chapters, posts, encampments, councils, commanderies, consistories and other similar organizations of the fraternities or associations commonly known as the various organizations of Free Masons, Independent Order of Odd Fellows, Grand Army of the Republic, Knights of Pythias and other similar benevolent or charitable fraternities or associations not organized for profit or fraternal insurance.

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

Also,

Senate bill No. 41,

A bill for an act entitled "An act amending section six (6) of chapter 163 of the laws of 1899, as to the rules and regulations under which the product of the twine and cordage plant at the state penitentiary by the board of trustees thereof."

Which has passed the house.

Very respectfully,  
J. D. SCANLAN,  
Chief Clerk.

### THIRD READING OF SENATE BILLS.

Senate bill No. 25,

A bill for an act granting a right-of-way for public highway across the military encampment grounds at Rock Island, Ramsey county, N. D.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 28, nays none, absent and not voting 3.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Jacobson,	Noble,
Baker,	Laidlaw,	Sanborn,
Cashel,	Lavayea,	Sharpe,
Clarke,	LaMoure,	Slotten,
Cooper,	Lewis,	Swenson,
Devlin,	Little,	Talcott,
Fuller,	Lofthus,	Taylor,
Geer,	Miner,	Williams,
Hale,	Murphy,	Wolbert,
Hegge,		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Cox,	McDougal,	Simpson,

Mr. McDougal being excused.

So the bill passed and the title was agreed to.

Senate bill No. 58,

A bill for an act to amend section 6435 of the Revised Codes of 1899, the same being section 27 of chapter 111 of the laws of 1897, relating to sales of real estate by executors and administrators.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 28, nays none, absent and not voting 3.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Jacobson,	Noble,
Baker,	Laidlaw,	Sanborn,
Cashel,	Lavayea,	Sharpe,
Clarke,	LaMoure,	Slotten,
Cooper,	Lewis,	Swenson,
Devlin,	Little,	Talcott,
Fuller,	Lofthus,	Taylor,
Geer,	Miner,	Williams,
Hale,	Murphy,	Wolbert,
Hegge,		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Cox,	McDougal,	Simpson,

Mr. McDougal being excused.

So the bill passed and the title was agreed to.

Senate bill No. 65,

A bill for an act to amend sections 72, 83, 84, 85, 94, chapter 126 of the laws of 1897, and chapter 136 of the laws of 1899, being

sections 1257, 1267 and 1277 of the Revised Codes of the state of North Dakota, 1899, in regard to revenue and taxation.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 21, nays 5, absent and not voting 2.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Jacobson,	Sanborn,
Baker,	Lavayea,	Sharpe,
Cashel,	LaMoure,	Slotten,
Clarke,	Lewis,	Swenson,
Devlin,	Lofthus,	Talcott,
Fuller,	Murphy,	Taylor,
Geer,	Noble,	Williams,

Those voting in the negative were:

Messrs.—	Messrs.—	Messrs.—
Cooper,	Hale,	Hegge,
Miner,	Wolbert,	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Cox,	Laidlaw,	Little,
McDougal,	Simpson,	

Messrs. Little and Simpson not voting.

Mr. McDougal being excused.

So the bill passed and the title was agreed to.

Mr. Murphy moved

That the vote by which senate bill No. 65 was passed be reconsidered, and the motion to reconsider be laid upon the table,

Which motion prevailed.

Senate bill No. 73,

A bill for an act entitled "An act to amend sections 2737 and 2743 of the Revised Codes of 1899, relating to dissolution of marriage."

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 29, nays none, absent and not voting 2.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Jacobson,	Sanborn,
Baker,	Laidlaw,	Sharpe,
Cashel,	Lavayea,	Simpson,
Clarke,	LaMoure,	Slotten,
Cooper,	Lewis,	Swenson,
Devlin,	Little,	Talcott,
Fuller,	Lofthus,	Taylor,
Geer,	Miner,	Williams,
Hale,	Murphy,	Wolbert,
Hegge,	Noble,	



Absent and not voting Messrs. Cox and McDougal.

Mr. McDougal being excused.

So the bill passed and the title was agreed to.

Senate bill No. 76,

A bill to amend section 7110, chapter 20<sup>o</sup> of the Revised Codes of 1899, relating to the crime of kidnapping.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 29, nays none, absent and not voting 2.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Jacobson,	Sanborn,
Baker,	Laidlaw,	Sharpe,
Cashel,	Lavayea,	Simpson,
Clarke,	LaMoure,	Slotten,
Cooper,	Lewis,	Swenson,
Devlin,	Little,	Talcott,
Fuller,	Loftthus,	Taylor,
Geer,	Miner,	Williams,
Hale,	Murphy,	Wolbert,
Hegge,	Noble,	

Absent and not voting Messrs. Cox and McDougal.

Mr. McDougal being excused.

So the bill passed and the title was agreed to.

Senate bill No. 88,

A bill for an act to amend section 2095 of the Revised Codes of 1899 relating to compensation of county commissioners.

The roll was called and there were ayes 29, nays none, absent and not voting 2.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Jacobson,	Sanborn,
Baker,	Laidlaw,	Sharpe,
Cashel,	Lavayea,	Simpson,
Clarke,	LaMoure,	Slotten,
Cooper,	Lewis,	Swenson,
Devlin,	Little,	Talcott,
Fuller,	Loftthus,	Taylor,
Geer,	Miner,	Williams,
Hale,	Murphy,	Wolbert,
Hegge,	Noble,	

Absent and not voting Messrs. Cox and McDougal.

Mr. McDougal being excused.

So the bill passed and the title was agreed to.

Mr. Wolbert moved

To amend the title of senate bill No. 88 by adding to the title the following:

And fixing the hours of meeting.

Which motion prevailed, and

The title so amended was agreed to.

Senate bill No. 99,

A bill for an act to amend section 1219 of the 1899 Revised Codes of North Dakota relating to assessor's statement and return to auditor.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 29, nays none, absent and not voting 2.

Those who voted in the affirmative were:

Messrs.—

Ames,  
Baker,  
Cashel,  
Clarke,  
Cooper,  
Devlin,  
Fuller,  
Geer,  
Hale,  
Hegge,

Messrs.—

Jacobson,  
Laidlaw,  
Lavayea,  
LaMoure,  
Lewis,  
Little,  
Lothaus,  
Miner,  
Murphy,  
Noble,

Messrs.—

Sanborn,  
Sharpe,  
Simpson,  
Slotten,  
Swenson,  
Talcott,  
Taylor,  
Williams,  
Wolbert,

Absent and not voting Messrs. Cox and McDougal.

Mr. McDougal being excused.

So the bill passed and the title was agreed to.

#### MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
BISMARCK, NORTH DAKOTA,  
February 1, 1901.

The following message was received from the house:

Mr. President:

I have the honor to transmit herewith

House Bill No. 92.

A bill for an act entitled an act legalizing the levy of taxes as made by the state, the various counties, townships and school districts for the years 1890 to 1900 inclusive.

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

Also,

House bill No. 74,

A bill for an act to appropriate money to meet a deficiency in the salary and expenses of the office of assistant dairy and food commissioner.

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

Very respectfully,

J. D. SCANLAN,  
Chief Clerk.

Mr. Lavayea moved

The report of the committee on Senate bill No. 18 be taken up for consideration

Which motion prevailed.

The report of the committee was as follows:

Mr. President:

Your committee on ways and means to whom was referred Senate bill No. 18,

A bill providing for an extension of time for the payment of the taxes for the year 1900.

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

That in line 6, section 1 of the printed bill the word "November" be inserted in lieu of the word "October."

And when so amended recommend that the same do pass.

J. B. SHARPE,  
Chairman.

Mr. Little moved

To lay the report on the table.

Mr. Lavayea moved

As a substitute that the report of the committee be adopted.

The substitute prevailed, and

The report was adopted.

Mr. Lavayea moved

That the rules be suspended and

Senate bill No. 18,

A bill providing for an extension of time for the payment of the taxes for the year 1900.

Be placed on its third reading and final passage.

The motion was lost.

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 providing for a lien upon threshing engines or separators for repairing the same.

Have had the same under consideration and recommend that further consideration of the same be indefinitely postponed.

Mr. Little moved

The adoption of the report  
Which motion prevailed.

Mr. Wolbert moved

That the rules be suspended and that senate bills given their  
first reading be given second reading and reference,  
Which motion prevailed.

Mr. Lavayea moved

That the senate take a recess of 15 minutes.

Mr. Little moved

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

GEORGE L. TOWNES,  
Secretary.

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TWENTY-SIXTH DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
February 2, 1901.

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

Prayer by the chaplain.

Roll call.

All members present except Messrs. Cox and McDougal, who  
were excused.

REPORTS OF STANDING COMMITTEES.

Mr. President:

The committee on revision and correction of the journal beg to  
report no corrections of the journal of the 25th day.

H. J. MINER,  
Chairman.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred

Senate bill No. 86,

A bill for an act to amend section 8494 of the Revised Codes  
of 1899, relating to the governor demanding the return of fugi-

tives from justice in this state of the executive authority of any other state or territory, within the United States, providing for the appointment of agents to receive and return such fugitives and providing for payment of such agents.

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

By striking out the word "a" after the word "treason" in the 5th line of printed bill, and inserting after the word "felony" in same line the words "or other crimes," and by inserting at the end of 7th line the words "in cases of treason and felony be paid by the state and for other crime."

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. 105,

A bill for an act to amend section 4680 of article 2, chapter 72, of the Revised Codes of the state of North Dakota, for the year 1899, entitled liens in general.

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 section 5545 of the 1899 Revised Codes of North Dakota, of 1899, relating to redemption, filing of certificates.

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

By striking out the figures "1899" in the first line of the title of the 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 ways and means made the following report:

Mr. President:

Your committee on ways and means to whom was referred

House bill No. 3,

A bill for an act entitled an act to provide for the exemption of property used exclusively for religious purposes from taxation.

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

J. B. SHARPE,  
Chairman.

#### REPORT OF SPECIAL COMMITTEE.

To the Senate and House of Representatives:

Your committee appointed by concurrent resolution of your honorable body to make arrangements for the proper observance of John Marshall Day,

Respectfully report and recommend, that the senate and house adjourn Monday, February 4th, at 3 o'clock p. m., and meet in the chamber of the house in an informal joint session, Governor White presiding.

The program will be as follows:

First—Ladies' Quartette.

Second—Invocation, Rev. A. Durrie.

Third—Solo, Miss Bartholomew.

Fourth—Introductory Remarks, Gov. White.

Fifth—Oration, Hon. J. M. Bartholomew.

Sixth—America, by the audience.

DAVID BARTLETT,  
Pres. of the Senate,  
ROBERT M. POLLOCK,  
Speaker of the House.

#### MOTIONS AND RESOLUTIONS.

Be it Resolved by the Senate and the House concurring that a committee of five consisting of two from the senate and three from the house, be appointed to examine the penitentiary twine plant and report a proposition for maintenance of the same.

Mr. Little moved

The adoption of the resolution

Which motion prevailed, and

The resolution was adopted.

The president appointed as such committee Messrs. Jacobson and Sharpe.

#### MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
BISMARCK, NORTH DAKOTA,  
February 2, 1901.

The following message was received from the house:

Mr. President:

I have the honor to transmit herewith

House bill No. 11,

A bill for an act entitled an act to amend section 1143 of article 7, of chapter 17 of the Revised Codes of 1899.

Also,

House bill No. 18,

A bill for an act to amend section 7677 of chapter 72 of the Revised Codes of 1899, relating to game and fish.

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

Very respectfully,

J. D. SCANLAN,

Chief Clerk.

#### 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 granting a right-of-way for public highway across the military encampment grounds at Rock Island, Ramsey county, N. D.

Also,

Senate bill No. 76,

A bill to amend section 7110, chapter 20 of the Revised Codes of 1899, relating to the crime of kidnapping.

Also,

Senate bill No. 58,

A bill for an act to amend section 6435 of the Revised Codes of 1899, the same being section 27 of chapter 111 of the laws of 1897, relating to sales of real estate by executors and administrators.

Also,

Senate bill No. 88,

A bill for an act to amend section 2095 of the Revised Codes of 1899 relating to compensation of county commissioners.

Also,

Senate bill No. 73,

A bill for an act entitled "An act to amend sections 2737 and 2743 of the Revised Codes of 1899, relating to dissolution of marriage."

And find the same correctly engrossed.

H. E. LAVAYEA,

Chairman.

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

Mr. President:

Your committee on enrolled and engrossed bills have examined Senate bill No. 41,

A bill for an act to amend section 8567 of the Revised Codes, 1899, relating to, product of the plant, how disposed of.

And find the same correctly enrolled.

H. E. LAVAYEA,  
Chairman.

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

Mr. Ames introduced

Senate bill No. 111,

A bill for an act entitled "An act to amend section 5631 of the Revised Codes of 1899, relating to the printing of briefs and abstracts upon appeals to the supreme court."

Which was read the first and second times, and

Referred to the committee on judiciary.

Mr. Lewis introduced

Senate bill No. 112,

A bill for an act entitled "An act to provide punishment for the refusal or neglect to maintain and support a minor child.

Which was read the first and second times, and

Referred to the committee on judiciary.

Mr. Sharpe introduced

Senate bill No. 113,

A bill for an act authorizing counties to issue bonds to procure seed grain for needy farmers resident therein.

Which was read the first and second times, and

Referred to the committee on ways and means.

Mr. Cashel introduced

Senate bill No. 114,

Concurrent resolution.

Which was read the first and second times, and

Referred to the committee on judiciary.

Mr. Talcott introduced

Senate bill No. 115,

A bill for an act to amend sections 1890 and 1896 of the Revised Codes of 1899, relating to number and election of county officers.

Which was read the first and second times, and

Referred to the committee on judiciary.

The secretary announced that the president was about to sign

Senate bill No. 41,

A bill for an act to amend section 8567 of the Revised Codes, 1899, relating to, product of the plant, how disposed of.

And the president signed the bill in the presence of the senate.



## 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. 97,

A bill for an act to provide for the study of foreign languages in the district schools of North Dakota.

Have had the same under consideration, and recommend that the same be indefinitely postponed.

HENRY HALE,  
Acting Chairman.

Mr. Little moved

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

The committee on education made the following report:

Mr. President:

Your committee on education to whom was referred

Senate bill No. 104,

A bill for an act to amend section 662, Revised Codes, 1899, relating to division of school districts.

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

Also,

House bill No. 43,

A bill for an act to amend sections 736, 740, 741, 742 and 743 of the Revised Codes, 1899, relating to education.

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

G. W. WOLBERT,  
Chairman.

## SECOND READING OF SENATE BILLS.

Substitute for Senate bill No. 19,

A bill for an act to amend section 1941 of the Revised Codes of 1899, relating to depositories of county funds.

Which was read the second time, and

Referred to the committee on state affairs.

Senate bill No. 107,

A bill for an act to prevent the sale and use in this state of dangerous and impure oils.

Which was read the second time, and

Referred to the committee on judiciary.

Mr. Sharpe moved

That the bills having had their first reading be given their second reading and reference,

Which motion prevailed.

## THIRD READING OF SENATE BILLS.

Substitute for Senate bill No. 4,

A bill for an act repealing section 410 of the Revised Codes of 1899, relating to chambers of the district judge of the Seventh judicial district.

Was read the third time.

Mr. Cashel presented the following protests against the passage of Substitute for Senate bill No. 4,

A bill for an act repealing section 410 of the Revised Codes of 1899, relating to chambers of the district judge of the Seventh judicial district.

GRAFTON, N. D., Jan. 22, 1901.

Hon. J. S. Cashel, Bismarck, N. D.:

At a meeting today Walsh County Bar unanimously opposed to repeal the law making Grafton judicial chambers for this district.

C. A. M. SPENCER, President.

GRAFTON, N. D., Jan. 19, 1901.

To the Walsh County Members of the Seventh Legislative Assembly of the State of North Dakota:

Gentlemen: We, the undersigned members of the Walsh County Bar, respectfully request you and each of you to use whatever influence you can to prevent the passage of the Substitute for Senate Bill No. 4, repealing No. 410 of the Revised Codes of North Dakota. Under existing conditions the repeal of this section of the Revised Codes means the establishment of court chambers at the city of Pembina, Pembina county, located in the sparsely populated northeastern corner of the district, and inaccessible by railroad except at considerable expense and loss of time which will add to the expense of litigation. In going to Pembina by train it will be necessary for all lawyers and litigants to pass through the city of Grafton, with the exception of the attorneys living at Drayton, N. D., and even those will have a shorter distance to Grafton than to Pembina. By having chambers at Grafton, the largest city in the district, where there are ten practicing attorneys, it makes it convenient for other attorneys and their clients living in the district. In the past when attorneys outside of Grafton wished matters attended to before the court in chambers and did not wish to spend the time to attend to them personally, they called upon some of the attorneys in Grafton to look after such matters for them; with chambers at Pembina this will be practically impossible. In view of the incontestible facts stated above you can see how injurious to the people and lawyers of the district will be the passage of the proposed bill, and in view of the fact that this is a matter which vitally interests not only the legal profession of the Seventh and First districts; but every one of your constituents who may in any way be interested in litigation, we trust that you will leave no stone unturned to encompass its defeat.

Respectfully submitted,

WM. MACKENZIE,  
H. W. PHELPS,  
JEFF M. MYERS,  
O. E. SAUTER,  
E. R. SIMKEN,  
J. E. GRAY,  
W. R. DEPUY,  
E. W. SWIGGUM,  
C. A. M. SPENCER,  
T. D. CASEY,  
J. H. FRAINE.

Substitute for Senate bill No. 4,

A bill for an act repealing section 410 of the Revised Codes of 1899, relating to chambers of the district judge of the Seventh judicial district.

The question being upon the final passage of the bill.

The roll was called and there were ayes 27, nays 2, absent and not voting 2.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Jacobson,	Sanborn,
Baker,	Laidlaw,	Slotten,
Clarke,	Lavayea,	Sharpe,
Cooper,	LaMoure,	Simpson,
Devlin,	Lewis,	Swenson,
Fuller,	Little,	Talcott,
Geer,	Miner,	Taylor,
Hale,	Murphy,	Williams,
Hegge,	Noble,	Wolbert,

Messrs. Cashel and Lofthus voting in the negative.

Absent and not voting, Messrs. Cox and McDougal, who were excused.

So the bill passed and the title was agreed to.

#### MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,  
BISMARCK, NORTH DAKOTA,  
February 2, 1901.

Mr. President:

I have the honor to inform you that senate concurrent resolution providing that a committee of two from the senate and three from the house be appointed to examine the penitentiary twine plant and report a proposition for maintenance of same, has been concurred in by the house.

Very respectfully,

J. D. SCANLAN,  
Chief Clerk.

Senate bill No. 48,

A bill for an act to amend section 6153 of the Revised Codes of 1891 relating to liability of owner for trespass of animals.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 28, nays none, absent and not voting 2.

Those who voted in the affirmative were:

**Messrs.—**

Ames,  
Baker,  
Cashel,  
Clarke,  
Cooper,  
Devlin,  
Fuller,  
Geer,  
Hale,  
Hegge,

**Messrs.—**

Jacobson,  
Laidlaw,  
Lavayea,  
LaMoure,  
Lewis,  
Little,  
Lofthus,  
Miner,  
Murphy,  
Noble,

**Messrs.—**

Sanborn,  
Sharpe,  
Simpson,  
Slotten,  
Swenson,  
\*Talcott,  
Taylor,  
Williams,  
Wolbert,

Absent and not voting, Messrs. Cox and McDougal, who were excused.

So the bill passed and the title was agreed to.

**Mr. President:**

Your committee on enrolled bills respectfully report that at the hour of 2:40 p. m. of this day,

Senate bill No. 41,

A bill for an act to amend section 8567 of the Revised Codes, 1899, relating to, product of the plant, how disposed of.

Was delivered to his Excellency, the Governor, for his approval.

H. E. LAVAYEA,  
Chairman.

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

**Mr. President:**

Your committee on enrolled and engrossed bills have examined Senate bill No. 65,

A bill for an act to amend sections 72, 83, 84, 85, 94, chapter 126 of the laws of 1897, and chapter 136 of the laws of 1899, being sections 1257, 1267 and 1277 of the Revised Codes of the state of North Dakota, 1899, in regard to revenue and taxation.

Also,

Senate bill No. 18,

A bill providing for an extension of time for the payment of the taxes for the year 1900.

And find the same correctly engrossed.

H. E. LAVAYEA,  
Chairman.

Senate bill No. 18.

A bill providing for an extension of time for the payment of the taxes for the year 1900.

**Mr. Little moved**

The further consideration of this bill be indefinitely postponed.

Which motion prevailed.

## FIRST READING OF HOUSE BILLS.

House bill No. 2,

A bill for an act to provide for the status, organization, and government of associations known as lodges, chapters, posts, encampments, councils, commanderies, consistories and other similar organizations of the fraternities or associations commonly known as the various organizations of Free Masons, Independent Order of Odd Fellows, Grand Army of the Republic, Knights of Pythias and other similar benevolent or charitable fraternities or associations not organized for profit or fraternal insurance.

Was read the first time.

House bill No. 74,

A bill for an act to appropriate money to meet a deficiency in the salary and expenses of the office of assistant dairy and food commissioner.

Was read the first time.

House bill No. 92,

A bill for an act entitled an act legalizing the levy of taxes as made by the state, the various counties, townships and school districts for the years 1890 to 1900 inclusive.

Was read the first time.

## THIRD READING OF HOUSE BILLS.

House bill No. 4,

A bill for an act to amend sections 3183 and 3184 of the Revised Codes of North Dakota, relating to the incorporation of certain classes of benevolent, charitable and social institutions.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 28, nays none, absent and not voting 3.

Those who voted in the affirmative were:

Messrs.—

Ames,  
Baker,  
Cashel,  
Clarke,  
Cooper,  
Devlin,  
Fuller,  
Geer,  
Hale,  
Hegge,

Messrs.—

Noble,  
Jacobson,  
Laidlaw,  
Lava yea,  
Lewis,  
Little,  
Loftthus,  
Miner,  
Murphy,

Messrs.—

Sanborn,  
Sharpe,  
Simpson,  
Slotten,  
Swenson,  
Talcott,  
Taylor,  
Williams,  
Wolbert,

Absent and not voting:

Messrs.—

Cox,

Messrs.—

LaMoure,

Messrs.—

McDougal,

Messrs. Cox and McDougal being excused.

So the bill passed and the title was agreed to.

House bill No. 5,

A bill for an act entitled an act to provide for directors and officers of religious corporations.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 29, nays none, absent and not voting 2.

Those who voted in the affirmative were:

Messrs.—

Ames,  
Baker,  
Cashel,  
Clarke,  
Cooper,  
Devlin,  
Fuller,  
Geer,  
Hale,  
Hegge,

Messrs.—

Jacobson,  
Laidlaw,  
Lavayea,  
LaMoure,  
Lewis,  
Little,  
Lofthus,  
Miner,  
Murphy,  
Noble,

Messrs.—

Sanborn,  
Sharpe,  
Simpson,  
Slotten,  
Swenson,  
Talcott,  
Taylor,  
Williams,  
Wolbert,

Absent and not voting: Messrs. Cox and McDougal who were excused.

So the bill passed and the title was agreed to.

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

Mr. President:

Your committee on enrolled and engrossed bills have examined Senate bill No. 99,

A bill for an act to amend section 1219 of the 1899 Revised Codes of North Dakota relating to assessor's statement and return to auditor.

And find the same correctly engrossed.

H. E. LAVAYEA,  
Chairman.

Mr. Little moved

That four additional clerks be added to the enrolling and engrossing force.

Which motion prevailed.

J. E. Trummer was sworn in by the president as an enrolling and engrossing clerk.

Mr. LaMoure moved

The senate do now adjourn,

Which motion prevailed, and

The senate adjourned.

INGRAM J. MOE,  
Acting Secretary.

TWENTY-EIGHTH DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
February 4, 1901.

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 Mr. McDougal who was excused.

REPORTS OF STANDING COMMITTEES.

**Mr. President:**

Your committee on revision and correction of the Journal for the 26th day beg leave to report the following corrections:

On page 6, 4th line from bottom, change word "Thorpe" to Sharpe.

H. J. MINER,  
Chairman.

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

The committee on agriculture made the following report:

**Mr. President:**

Your committee on agriculture to whom was referred.

Senate bill No. 106,

A bill for an act to amend section 4820 of the Revised Codes of 1899, providing for a lien for grain to be used for seed.

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

Also,

Senate bill No. 93,

A bill for an act repealing sections 1675, 1676, 1677 and 1678, Revised Codes, 1899, relating to bounties for the manufacture of spinning fibres.

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

I. SWENSON,  
Chairman.

The committee on military affairs made the following report:

Mr. President:

Your committee on military affairs to whom was referred  
Senate bill No. 52.

A bill for an act to promote the efficiency of the national guard  
of the state of North Dakota.

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

R. C. SANBORN,  
Chairman.

The committee on cities and municipal corporations made the  
following report:

Mr. President:

Your committee on cities and municipal corporations to whom  
was referred

Senate bill No. 103,

A bill for an act entitled an act authorizing the requirement  
of an additional bond to be furnished by city treasurers, and  
declaring the office vacant upon neglect or refusal so to do.

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

Section 2, line 2 of printed bill the word "ten" be changed to "twenty."

And when so amended recommend that the same do pass.

F. S. TALCOTT,  
Chairman.

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

The committee on enrolled and engrossed bills made the fol-  
lowing report:

Mr. President:

Your committee on enrolled and engrossed bills have examined  
Substitute for Senate bill No. 4,

A bill for an act repealing section 410 of the Revised Codes of  
1899, relating to chambers of the district judge of the Seventh  
judicial district.

Also,  
Senate bill No. 48,

A bill for an act to amend section 6153 of the Revised Codes of  
1899 relating to liability of owner for trespass of animals.

Also,  
Senate bill No. 98,

A bill for an act to amend section 5545 of the 1899 Revised



Codes of North Dakota, of 1899, relating to redemption, filing of certificates.

Also,

Senate bill No. 86,

A bill for an act to amend section 8494 of the Revised Codes of 1899, relating to the governor demanding the return of fugitives from justice in this state of the executive authority of any other state or territory, within the United States, providing for the appointment of agents to receive and return such fugitives and providing for payment of such agents.

And find the same correctly engrossed.

H. E. LAVAYEA,

Chairman.

Mr. Little moved that

Senate bill No. 105,

A bill for an act to amend section 4680 of article 2, chapter 72, of the Revised Codes of the state of North Dakota, for the year 1899, entitled liens in general.

Be recommitted to the judiciary committee,

Which motion prevailed.

The courtesies of the floor were extended to James G. Wallace, of Minneapolis, Minn.; Hon. S. G. More, of Buffalo, N. D.; Hon. James Kennedy, of Fargo, N. D.

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

Mr. Little introduced

Senate bill No. 116,

A bill for an act to amend section 6670 of the Revised Codes and to repeal section 6671 of the Revised Codes.

Which was read the first time.

Mr. Sanborn introduced

Senate bill No. 117,

A bill for an act to amend section 1015 and article 2 of chapter 10 of the Revised Codes of the state of North Dakota, 1899.

Which was read the first time.

Mr. Noble introduced

Senate bill No. 118,

A bill for an act entitled an act relating to covenants of warranty.

Which was read the first time.

Mr. Lofthus introduced

Senate bill No. 119,

A bill for an act entitled an act amending section 6777, relating to appeals from justice court and making the payment of transcript fee a condition precedent to granting an order compelling a justice to certify up the record.

Which was read the first time.

MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,  
BISMARCK, NORTH DAKOTA,  
February 4, 1901.

Mr. President:

I have the honor to transmit herewith

Senate bill No. 8,

A bill for an act entitled an act to amend section 6219 of the Revised Codes.

Which the house has passed.

Also,

House bill No. 27,

A bill for an act to amend subdivision 3 of section 7110, chapter 20 of the Revised Codes of 1899, relating to the punishment for kidnapping.

Also,

House bill No. 15,

A bill for an act to amend section 960 of the Revised Codes of North Dakota relating to residents entitled to education free.

Also,

House bill No. 51,

A bill for an act to amend section 1645 of the Revised Codes of the state of North Dakota, relating to permits.

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

Very respectfully,

J. D. SCANLAN,

Chief Clerk.

THIRD READING OF SENATE BILLS.

Senate bill No. 104,

A bill for an act to amend section 662, Revised Codes, 1899, relating to division of school districts.

Was read the third time.

The question being upon the final passage of the bill.

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

Those who voted in the affirmative were:

Messrs.—

Ames,  
Baker,  
Cashel,  
Clarke,  
Cooper,  
Cox,

Messrs.—

Hale,  
Hegge,  
Laidlaw,  
Lavayea,  
Lewis,  
Little,

Messrs.—

Noble,  
Samborn,  
Sharpe,  
Slotten,  
Swenson,  
Talcott,

Messrs.—	Messrs.—	Messrs.—
Devlin,	Lofthus,	Taylor,
Fuller,	Miner,	Williams,
Geer,	Murphy,	Wolbert,
Absent and not voting:		
Messrs.—	Messrs.—	Messrs.—
Jacobson,	McDougal,	Simpson,
LaMoure,		

Mr. McDougal being excused.

So the bill passed and the title was agreed to.

Senate bill No. 86,

A bill for an act to amend section 8494 of the Revised Codes of 1899, relating to the governor demanding the return of fugitives from justice in this state of the executive authority of any other state or territory, within the United States, providing for the appointment of agents to receive and return such fugitives and providing for payment of such agents.

Was read the third time.

The question being upon the final passage of the bill.

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

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Hegge,	Noble,
Baker,	Jacobson,	Sanborn,
Cashel,	Laidlaw,	Sharpe,
Clarke,	Lavayea,	Simpson,
Cooper,	LaMoure,	Slotten,
Cox,	Lewis,	Swenson,
Devlin,	Little,	Talcott,
Fuller,	Lofthus,	Taylor,
Geer,	Miner,	Williams,
Hale,	Murphy,	Wolbert,

Mr. McDougal being excused.

So the bill passed and the title was agreed to.

Senate bill No. 98,

A bill for an act to amend section 5545 of the 1899 Revised Codes of North Dakota, of 1899, relating to redemption, filing of certificates.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 28, nays none, absent and not voting 3.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Baker,	Jacobson,	Noble,
Cashel,	Laidlaw,	Sanborn,
Clarke,	Lavayea,	Sharpe,
Cooper,	LaMoure,	Slotten,
Cox,	Lewis,	Swenson,

Messrs.—  
 Devlin,  
 Fuller,  
 Geer,  
 Hale,  
 Hegge,

Messrs.—  
 Little,  
 Lofthus,  
 Miner,  
 Murphy,

Messrs.—  
 Talcott,  
 Taylor,  
 Williams,  
 Wolbert,

Absent and not voting:

Messrs.—  
 Ames,

Messrs.—  
 McDougal,

Messrs.—  
 Simpson,

Mr. McDougal being excused.

So the bill passed and the title was agreed to.

FIRST READING OF HOUSE BILLS.

House bill No. 18,

A bill for an act to amend section 7677 of chapter 72 of the Revised Codes of 1899, relating to game and fish.

Which was read the first time.

House bill No. 11,

A bill for an act entitled an act to amend section 1143 of article 7, of chapter 17 of the Revised Codes of 1899.

Which was read the first time.

SECOND READING OF HOUSE BILLS.

House bill No. 2,

A bill for an act to provide for the status, organization, and government of associations known as lodges, chapters, posts, encampments, councils, commanderies, consistories and other similar organizations of the fraternities or associations commonly known as the various organizations of Free Masons, Independent Order of Odd Fellows, Grand Army of the Republic, Knights of Pythias and other similar benevolent or charitable fraternities or associations not organized for profit or fraternal insurance.

Which was read the second time, and

Referred to the committee on corporations other than municipal.

House bill No. 74,

A bill for an act to appropriate money to meet a deficiency in the salary and expenses of the office of assistant dairy and food commissioner.

Which was read the second time, and

Referred to the committee on appropriations.

House bill No. 92,

A bill for an act entitled an act legalizing the levy of taxes as made by the state, the various counties, townships and school districts for the years 1890 to 1900 inclusive.

Which was read the second time, and

Referred to the committee on judiciary.

Edna Mae Scofield, Stanley Miller and John Black were sworn in by the president as enrolling and engrossing clerks.

Mr. Lewis moved

That the senate do now adjourn,

- Which motion prevailed, and
- The senate adjourned.

GEORGE L. TOWNES,  
Secretary.

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## TWENTY-NINTH DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
February 5, 1901.

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. Ames, Cooper, Cox, Jacobson, Laidlaw, LaMoure, Noble, Slotten and Taylor, who were excused.

### REPORTS OF STANDING COMMITTEES.

Mr. President:

Your committee on revision and correction of the journal beg leave to report no corrections of the journal for the twenty-eighth day.

H. J. MINER,  
Chairman.

The committee on military affairs made the following report:

Mr. President:

Your committee on military affairs to whom was referred  
Substitute for Senate bill No. 51,

A bill for an act amending sections 1392 and 1393, Revised  
Codes of North Dakota, relating to state military boards.

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

R. C. SANBORN,  
Chairman.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred

Senate bill No. 114,  
Concurrent resolution.

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

C. B. LITTLE,  
Chairman.

The committee on insurance made the following report:

Mr. President:

Your committee on insurance to whom was referred

Senate bill No. 21,

A bill for an act regulating fraternal beneficiary societies,  
orders or associations.

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

On page 3 of the printed bill, line 20, after the word to strike out  
"\$50.00" and in lieu thereof insert "\$100.00."

After section 16 add emergency clause as follows:

Section 17. Whereas, an emergency exists, in that there is no adequate  
or proper law to provide for the status, organization or government of  
associations known as lodges, councils, courts, chapters, tents or other  
similar names, organized for the purpose of doing a fraternal insurance  
business and not for profit as heretofore stated in this act.

Therefore an emergency exists and this act shall take effect and be in  
force from and after its passage and approval.

And when so amended recommend that the same do pass.

O. I. HEGGE,  
Chairman.

Mr. Hegge moved

The adoption of the report.

Which motion prevailed, and

The report was adopted.

The committee on insurance made the following report:

Mr. President:

Your committee on insurance to whom was referred

Senate bill No. 108,

A bill for an act to amend section 3139 of the Revised Codes of 1899 relating to county mutual insurance companies.

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

Section 2. Whereas, the present law providing the amount of sinking funds is not sufficient for the demands of some of the mutual insurance companies organized under the laws of this state, therefore this act shall take effect and be in force after its passage and approval.

And when so amended recommend that the same do pass.

O. I. HEGG

Chairman.

Mr. Hegge 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

Substitute for Senate bill No. 47,

A bill for an act to amend section 1549 of the Revised Codes of 1899, relating to time when lawful for stock to run at large.

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

C. B. LITTLE,

Chairman.

The committee on ways and means made the following report:

Mr. President:

Your committee on ways and means to whom was referred

Senate bill No. 113,

A bill for an act authorizing counties to issue bonds to procure seed grain for needy farmers resident therein.

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

By striking out the word "therein" in line 11, section 5 of printed bill and inserting in lieu thereof the word "herein." Also in line 11, section 9, add after the word "paid" the following: "Interest payable annually," and strike out after the said word "paid" the remainder of line 11 and all of lines 12 and 13, except the last word on line 13. Also in line 16 add after the word "annum" the following: "Interest payable annually," and then strike out balance of said section 9.

In line 2, section 10, add after the word "upon" the word "all."

In line 8, section 12, after the word "dollars" change the word "not" to "nor."

In line 7, section 13, change the word "and" to "or."

And when so amended recommend that the same do pass.

J. B. SHARPE,

Chairman.

Mr. Sharpe 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. 8,

A bill for an act entitled an act to amend section 6219 of the Revised Codes.

And find the same correctly enrolled.

Also,

Senate bill No. 104,

A bill for an act to amend section 662, Revised Codes, 1899, relating to division of school districts.

Also,

Senate bill No. 103,

A bill for an act entitled an act authorizing the requirement of an additional bond to be furnished by city treasurers, and declaring the office vacant upon neglect or refusal so to do.

And find the same correctly engrossed.

H. E. LAVAYEA,  
Chairman.

Mr. Talcott moved  
That the vote by which  
Senate bill No. 98,

A bill for an act to amend section 5545 of the 1899 Revised Codes of North Dakota, of 1899, relating to redemption, filing of certificates.

Was passed be reconsidered.

Which motion prevailed.

Mr. Talcott moved that  
Senate bill No. 98,

A bill for an act to amend section 5545 of the 1899 Revised Codes of North Dakota, of 1899, relating to redemption, filing of certificates.

Be referred to the committee on judiciary.

Which motion prevailed.

The courtesies of the floor were extended to F. G. Kline, Fessenden, N. D.; Maj. F. O. Getchell, Fort Totten, A. J. Gronna, of Lakota, N. D.; Hon. B. S. Russel, Jamestown, N. D.; Col. A. P. Peake, Valley City, N. D.

The secretary announced that the president was about to sign  
Senate bill No. 8,



A bill for an act entitled an act to amend section 6219 of the Revised Codes.

The president signed the bill in the presence of the senate.

Mr. Hale moved that

Senate bill No. 26,

A bill for an act to amend section 479 of the Revised Codes of North Dakota, relating to the qualifications of voters.

Be recalled from the committee on elections and referred to the committee on judiciary.

Which motion prevailed.

#### CONCURRENT RESOLUTION.

Whereas, The law only provides for the printing of five hundred copies of the report of the experimental department of the North Dakota Agricultural college, and

Whereas, Under the law a copy has to be furnished to each member of the senate and house of representatives and to each state official, and also to each institution doing the same kind of work in the United States; also to the department at Washington; and,

Whereas, This distribution will practically exhaust the number printed; and,

Whereas, This report contains the results of all experiments of practical use and benefit to the agricultural interests of the state;

Resolved, By the senate, the house of representatives concurring, that three thousand extra copies be printed and furnished to the North Dakota agricultural college for distribution among the farmers of this state.

Mr. Lewis moved

The adoption of the resolution,

Mr. Hale moved

That the resolution be referred to the committee on appropriation.

The motion of Mr. Lewis prevailed.

#### COMMUNICATION FROM BOARD OF TRUSTEES OF PUBLIC PROPERTY.

The following communication was received from the board of trustees of public property:

BISMARCK, NORTH DAKOTA,  
February 5, 1901.

To the Senate:

Gentlemen:—In compliance with section 155 of the Revised Codes we beg leave to submit the following estimate of the appropriation necessary under this section for the ensuing two years:

Capitol maintenance, \$32,000.00.

FRANK WHITE,  
Governor.

E. F. PORTER,  
Secretary of State.

A. N. CARLBLOM,  
State Auditor.

Board of Trustees of Public Property.

Mr. Hale moved

That the communication be referred to the committee on appropriations.

INTRODUCTION AND FIRST AND SECOND READING OF  
SENATE BILLS.

Mr. Murphy introduced

Senate bill No. 120,

A bill for an act to amend section 1704 of the Civil Code, being section 4680 of the Revised Codes of North Dakota, relating to the creation of liens upon future interests and providing for written notice of such lien and the manner of service of such notice, and that certain liens shall apply to but fifty per cent of gross earnings.

Which was read the first and second times, and

Referred to the committee on judiciary.

Mr. Little introduced

Senate bill No. 121,

A bill for an act making an appropriation for repairing and furnishing the executive mansion.

Which was read the first and second times, and

Referred to the committee on appropriations.

Mr. Sanborn introduced

Senate bill No. 122,

A bill for an act to empower the board of county commissioners to offset due or delinquent taxes, due from any person, corporation or society, in whose favor an indebtedness has accrued against such county.

Which was read the first and second times, and

Referred to the committee on ways and means.

Mr. Talcott introduced

Senate bill No. 123,

A bill for an act to amend section 1942 of the Revised Codes of 1899, relating to depositories for county funds.

Which was read the first and second times, and

Referred to the committee on state affairs.

Mr. Cashell introduced

Senate bill No. 124,

A bill for an act to provide a fund for the purpose of retiring the principal of the bonded indebtedness of the state.

Which was read the first and second times, and

Referred to the committee on appropriations.

Mr. Lavayea introduced

Senate bill No. 125,

A bill for an act creating the office of superintendent of asylum and poor farm and providing for his election and to amend sec-

tions 1495 and 1496, article 2, Revised Codes of 1899.—(Asylum and Poor Farm.)

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

Mr. Hegge introduced  
Senate bill No. 126,

A bill for an act to amend section 51 of chapter 126 of the session laws of 1897, being section 1229 of the political code, relating to the rate of state and county tax, prescribing the manner in which township taxes may be levied, fixing the rates of township, road and bridge tax and directing the expenditures of road and poll taxes in certain cases.

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

Mr. Little moved

That senate bills having had their first reading, be read a second time and referred to their appropriate committees.

Which motion prevailed.

#### SECOND READING OF SENATE BILLS.

Senate bill No. 119,

A bill for an act entitled "An act amending section 6777, relating to appeals from justice court making the payment of transcript fees a condition precedent to granting an order compelling a justice to certify up the record."

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

Senate bill No. 118,

A bill for an act entitled an act concerning covenants of warranty.

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

Senate bill No. 116,

A bill for an act to amend section 6670, of the Revised Codes and to repeal section 6671 of the Revised Codes.

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

Senate bill No. 117,

A bill for an act to amend section 1015 and article 2 of chapter 10 of the Revised Codes of the state of North Dakota, 1899.

Which was read the second time, and  
Referred to the committee on military affairs.

#### THIRD READING OF SENATE BILLS.

Senate bill No. 52,

A bill for an act to promote the efficiency of the national guard of the state of 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 20, nays none, absent and not voting 11.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Baker,	Hegge,	Sharpe,
Cashel,	Lewis,	Simpson,
Clarke,	Little,	Swenson,
Devlin,	Lofthus,	Talcott,
Fuller,	Miner,	Williams,
Geer,	Murphy,	Wolbert,
Hale,	Sanborn,	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Ames,	Laidlaw,	Noble,
Cooper,	Lavayea,	Slotten,
Cox,	LaMoure,	Taylor,
Jacobson,	McDougal,	

Messrs. Ames, Cooper, Cox, Jacobson, Laidlaw, LaMoure, Noble, Taylor and Slotten being excused.

So the bill passed and the title was agreed to.

Senate bill No. 93,

A bill for an act repealing sections 1675, 1676, 1677 and 1678, Revised Codes, 1899, relating to bounties for the manufacture of spinning fibres.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 21, nays none, absent and not voting 10.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Baker,	Hegge,	Sanborn,
Cashel,	Lavayea,	Sharpe,
Clarke,	Lewis,	Simpson,
Devlin,	Little,	Swenson,
Fuller,	Lofthus,	Talcott,
Geer,	Miner,	Wolbert,
Hale,	Murphy,	Williams,

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Ames,	Laidlaw,	Noble,
Cooper,	LaMoure,	Slotten,
Cox,	McDougal,	Taylor,
Jacobson,		

Messrs. Ames, Cooper, Cox, Jacobson, Laidlaw, LaMoure, Noble, Taylor and Slotten being excused.

So the bill passed and the title was agreed to.

## FIRST READING OF HOUSE BILLS.

House bill No. 15,

A bill for an act to amend section 960 of the Revised Codes of North Dakota relating to residents entitled to education free. Which was read the first time.

House bill No. 27,

A bill for an act to amend subdivision 3 of section 7110, chapter 20 of the Revised Codes of 1899, relating to the punishment for kidnapping.

Which was read the first time.

House bill No. 51,

A bill for an act to amend section 1645 of the Revised Codes of the state of North Dakota, relating to permits.

Which was read the first time.

## SECOND READING OF HOUSE BILLS.

House bill No. 11,

A bill for an act entitled an act to amend section 1143 of article 7, of chapter 17 of the Revised Codes of 1899.

Which was read the second time, and

Referred to the committee on highways, bridges and ferries.

House bill No. 18,

A bill for an act to amend section 7677 of chapter 72 of the Revised Codes of 1899, relating to game and fish.

Which was read the second time, and

Referred to the committee on state affairs.

The president administered the oath to John Black and B. C. Shaw, as enrolling and engrossing clerks.

Mr. Little moved

That the senate do now adjourn,

Which motion prevailed, and

The senate adjourned.

GEORGE L. TOWNES,

Secretary.

## THIRTIETH DAY

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
February 6, 1901.

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. McDougal and Laidlaw, who were excused.

## MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,  
BISMARCK, NORTH DAKOTA,  
February 6, 1901.

Mr. President:

I have the honor to transmit herewith

House bill No. 71,

A bill for an act to amend section 5958 of the Revised Codes, enumerating what property may be taken in the exercise of the right of eminent domain.

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

Very respectfully,

B. W. SHAW,

Assistant Chief Clerk.

## PRESENTATION OF PETITIONS AND MEMORIALS.

NORTHWOOD, N. D., Feb. 2, 1901.

We, the undersigned citizens of Northwood and vicinity, do hereby respectfully petition the honorable senate of North Dakota to use their influence against the enactment of the Lavayea bill (No. 77), depriving the women of North Dakota of their right to vote at school elections and hold office.

REV. ALBERT JOHANSEN  
And 176 Others.

Mr. Lavayea moved

That the petition be referred to the committee on woman's suffrage.

Which motion prevailed.

To the Senate of the State of North Dakota.

We, the undersigned, citizens of Lisbon do most respectfully petition your honorable body to pass Senate bill No. 109, prohibiting the sale of cigarettes.

H. K. ADAMS,  
And 59 Others.

### REPORTS OF STANDING COMMITTEES.

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

Mr. President:

Your committee on revision and correction of the Journal beg leave to correct the Journal of the twenty-ninth day as follows: Page 6, 11th line from the top add, "which motion prevailed."

H. J. MINER,  
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  
Senate bill No. 115,

A bill for an act to amend sections 1890 and 1896 of the Revised Codes of 1899, relating to number and election of county officers.

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

That section 3, be amended to read as follows: "The election of county commissioners whose terms of office will expire in the years 1901, 1903 shall be filled as provided in section 366 of the Revised Codes of 1899.

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  
Senate bill No. 101,

A bill for an act to amend section 7464 of the Revised Codes of North Dakota, 1899, relating to embezzlement.

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

Also,

Senate bill No. 95,

A bill for an act prescribing the duties of county auditor in reference to the certification of abstracts of titles to real estate.

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

C. B. LITTLE,

Chairman.

The committee on military affairs made the following report:

Mr. President:

Your committee on military affairs to whom was referred

Senate bill No. 117,

A bill for an act to amend section 1015 and article 2 of chapter 10 of the Revised Codes of the state of North Dakota, 1899.

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

R. C. SANBORN,

Chairman.

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

Mr. President:

Your committee on enrolled and engrossed bills have examined Senate bill No. 93,

A bill for an act repealing sections 1675, 1676, 1677 and 1678, Revised Codes, 1899, relating to bounties for the manufacture of spinning fibres.

Also,

Senate bill No. 21,

A bill for an act regulating fraternal beneficiary societies, orders or associations.

Also,

Senate bill No. 113,

A bill for an act authorizing counties to issue bonds to procure seed grain for needy farmers resident therein.

Also,

Senate bill No. 108,

A bill for an act to amend section 3139 of the Revised Codes of 1899 relating to county mutual insurance companies.

Also,

Senate bill No. 52,

A bill for an act to promote the efficiency of the national guard of the state of North Dakota.

And find the same correctly engrossed.



Also,  
Senate bill No. 8,

An act to amend section 6219 of the Revised Codes 1899, relating to effect of appearance in probate court.

Was delivered to his Excellency, the Governor, at 3 p. m., February 5th for his approval.

H. E. LAVAYEA,

Chairman.

The courtesies of the floor were extended to Messrs. B. S. Russell, of Jamestown, N. D.; H. L. Haussamen, of Grafton, N. D.; John Mastus, of Jamestown, N. D.; Col. A. P. Peake, of Valley City, N. D.; Major Getchell and W. J. Burk, of Bathgate; N. D.

Mr. Hale moved

That the vote by which  
Senate bill No. 52,

A bill for an act to promote the efficiency of the national guard of the state of North Dakota.

Was passed be reconsidered.

Which motion prevailed.

Mr. Hale moved that

Senate bill No. 52,

A bill for an act to promote the efficiency of the national guard of the state of North Dakota.

Be placed on its third reading under suspension of the rules.

Which motion prevailed,

### THIRD READING OF SENATE BILLS.

Senate bill No. 52,

A bill for an act to promote the efficiency of the national guard of the state of 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 28, nays none, absent and not voting 3.

Those who voted in the affirmative were:

Messrs.—

Ames,  
Baker,  
Cashel,  
Clarke,  
Cooper,  
Cox,  
Devlin,  
Fuller,  
Geer,  
Hale,

Messrs.—

Hegge,  
Jacobson,  
Lavayea,  
LaMoure,  
Lewis,  
Little,  
Lothaus,  
Murphy,  
Noble,

Messrs.—

Sanborn,  
Sharpe,  
Simpson,  
Slotten,  
Swenson,  
Talcott,  
Taylor,  
Williams,  
Wolbert,

Absent and not voting:

Messrs.—

Laidlaw,

Messrs.—

McDougal,

Messrs.—

Miner,

Messrs. Laidlaw and McDougal being excused.

So the bill passed and the title was agreed to.

Mr. Hegge moved

That all house bills which were read the first time today be read a second time and referred to their appropriate committees.

Which motion prevailed,

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

Mr. Simpson introduced

Senate bill No. 127,

A bill for an act entitled an act to amend and re-enact section 2082 of the Revised Codes of the Revision of 1899, relating to fees and compensation of sheriffs.

Which was read the first and second times, and

Referred to the committee on judiciary.

Mr. Wolbert introduced

Senate bill No. 128,

A bill for an act entitled an act to amend section 338d of the Revised Codes, 1899, relating to vouchers filed to be consecutively numbered and paid.

Which was read the first and second times, and

Referred to the committee on state affairs.

Also,

Senate bill No. 129,

A bill for an act relating to the manner of making and filing claims against the state, and prescribing forms to be used.

Which was read the first and second times, and

Referred to the committee on state affairs.

Mr. Hegge introduced

Senate bill No. 130,

A bill for an act conferring jurisdiction as judges of conciliation upon the courts of Indian offenses.

Which was read the first and second times, and

Referred to the committee on judiciary.

Mr. Taylor introduced (by request of the North Dakota Medical Association)

Senate bill No. 131,

A bill for an act to amend section 277 and section 280 of chapter 4, of article 6 of the Revised Codes, relating to the practice of medicine, surgery and obstetrics.

Which was read the first and second times, and

Referred to the committee on public health.

### THIRD READING OF SENATE BILLS.

Senate bill No. 103,

A bill for an act entitled an act authorizing the requirement

of an additional bond to be furnished by city treasurers, and declaring the office vacant upon neglect or refusal so to do.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 28, nays none, absent and not voting 3.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Hegge,	Sanborn,
Baker,	Jacobson,	Sharpe,
Cashel,	Lavayea,	Simpson,
Clarke,	Lewis,	Slotten,
Cooper,	Little,	Swenson,
Cox,	Lofthus,	Talcott,
Devlin,	Miner,	Taylor,
Fuller,	Murphy,	Williams,
Geer,	Noble,	Wolbert,
Hale,		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
LaMoure,	Laidlaw,	McDougal,

Messrs. Laidlaw and McDougal being excused.

So the bill passed and the title was agreed to.

Substitute for Senate bill No. 47,

A bill for an act to amend section 1549 of the Revised Codes of 1899, relating to time when lawful for stock to run at large.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 29, nays none, absent and not voting 2.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Hegge,	Sanborn,
Baker,	Jacobson,	Sharpe,
Cashel,	Lavayea,	Simpson,
Clarke,	LaMoure,	Slotten,
Cooper,	Lewis,	Swenson,
Cox,	Little,	Talcott,
Devlin,	Lofthus,	Taylor,
Fuller,	Miner,	Williams,
Geer,	Murphy,	Wolbert,
Hale,	Noble,	

Absent and not voting, Messrs. Laidlaw and McDougal, who were excused.

So the bill passed and the title was agreed to.

#### MESSAGE FROM THE GOVERNOR.

EXECUTIVE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
February 2, 1901.

The following message was received from the governor:

To the Senate:

Gentlemen—I have the honor to inform you that I have this day approved and filed with the honorable secretary of state

Senate bill No. 41,

A bill for an act to amend section 8567 of the Revised Codes, 1899, relating to, product of the plant, how disposed of.

Very respectfully yours,

FRANK WHITE,

Governor.

The secretary announced that the president was about to sign House bill No. 4,

A bill for an act to amend sections 3183 and 3184 of the Revised Codes of North Dakota, relating to the incorporation of certain classes of benevolent, charitable and social institutions.

Also,

House bill No. 5,

A bill for an act entitled an act to provide for directors and officers of religious corporations.

And the president signed the bills in the presence of the senate.

Substitute for Senate bill No. 51,

A bill for an act amending sections 1392 and 1393, Revised Codes of North Dakota, relating to state military boards.

Was read the third time.

Those who voted in the affirmative were:

The question being upon the final passage of the bill.

The roll was called and there were ayes 29, nays none, absent and not voting 2.

Those who voted in the affirmative were:

Messrs.—

Ames,  
Baker,  
Cashel,  
Clarke,  
Cooper,  
Cox,  
Devlin,  
Fuller,  
Geer,  
Hale,

Messrs.—

Hegge,  
Jacobson,  
Lavayea,  
LaMoure,  
Lewis,  
Little,  
Lofthus,  
Miner,  
Murphy,  
Noble,

Messrs.

Sanborn,  
Sharpe,  
Simpson,  
Slotten,  
Swenson,  
Talcott,  
Taylor,  
Williams,  
Wolbert,

Absent and not voting, Messrs. Laidlaw and McDougal who were excused.

So the bill passed and the title was agreed to.

Mr. Simpson gave notice that on the following day he would move the reconsideration of the vote by which

Substitute for Senate bill No. 51,

A bill for an act amending sections 1392 and 1393, Revised Codes of North Dakota, relating to state military boards.

Was passed.

Senate bill No. 106,

A bill for an act to amend section 4820 of the Revised Codes of 1899, providing for a lien for grain to be used for seed.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 28, nays none, absent and not voting 3.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Hegge,	Sharpe,
Baker,	Jacobson,	Simpson,
Cashel,	Lavayea,	Slotten,
Clarke,	LaMoure,	Swenson,
Cooper,	Lewis,	Talcott,
Cox,	Little,	Taylor,
Devlin,	Lofthus,	Williams,
Fuller,	Miner,	Wolbert,
Geer,	Murphy,	
Hale,	Sanborn,	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Laidlaw,	McDougal,	Noble,

Messrs. Laidlaw and McDougal being excused.

So the bill passed and the title was agreed to.

Senate bill No. 114,

Concurrent resolution.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 29, nays none, absent and not voting 2.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Hegge,	Sanborn,
Baker,	Jacobson,	Sharpe,
Cashel,	Lavayea,	Simpson,
Clarke,	LaMoure,	Slotten,
Cooper,	Lewis,	Swenson,
Cox,	Little,	Talcott,
Devlin,	Lofthus,	Taylor,
Fuller,	Miner,	Williams,
Geer,	Murphy,	Wolbert,
Hale,	Noble,	

Absent and not voting, Messrs. Laidlaw and McDougal who were excused.

So the bill passed and the title was agreed to.

Senate bill No. 113,

A bill for an act authorizing counties to issue bonds to procure seed grain for needy farmers resident therein.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 28, nays none, absent and not voting 3.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Hegge,	Noble,
Baker,	Jacobson,	Sanborn,
Cashel,	Lavayea,	Sharpe,
Clarke,	LaMoure,	Simpson,
Cooper,	Lewis,	Slotten,
Cox,	Little,	Swenson,
Devlin,	Lofthus,	Talcott,
Fuller,	Miner,	Taylor,
Geer,	Murphy,	Williams,
Hale,		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Laidlaw,	McDougal,	Wolbert,

Messrs. Laidlaw, McDougal and Wolbert being excused.

So the bill passed and the title was agreed to.

Mr. Simpson moved

That the senate return to the eleventh order of business, the first reading of senate bills,

Which motion prevailed.

Mr. Simpson introduced

Senate bill No. 132,

A bill for an act entitled an act to repeal section 301a of the Revised Codes of the revision of 1899, the same being chapter 105 of the laws of 1897, relating to practice of Osteopathy.

Which was read the first and second times, and

Referred to the committee on judiciary.

Senate bill No. 108,

A bill for an act to amend section 3139 of the Revised Codes of 1899 relating to county mutual insurance companies.

Was read the third time.

The question being on the final passage of the bill.

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

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Baker,	Hegge,	Noble,
Cashel,	Jacobson,	Sanborn,
Clarke,	Lavayea,	Simpson,
Cooper,	LaMoure,	Slotten,
Cox,	Lewis,	Swenson,
Devlin,	Little,	Talcott,
Fuller,	Lofthus,	Taylor,
Geer,	Miner,	Williams,
Hale,	Murphy,	Wolbert,

Absent and not voting:

Messrs.—

Ames,  
Laidlaw,

Messrs.—

McDougal,

Messrs.—

Sharpe,

Messrs. Laidlaw and McDougal being excused.

So the bill passed and the title was agreed to.

Mr. Hegge moved

That the senate do now adjourn.

Which motion prevailed, and

The senate adjourned.

GEORGE L. TOWNES,  
Secretary.

### THIRTY-FIRST DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
February 7, 1901.

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

The president presiding.

Prayer by the chaplain.

Roll call.

All the members present except Messrs. Laidlaw and McDougal, who were excused.

The courtesies of the floor were extended to P. H. Rourke, J. F. Sheffield and Ed. Pierce, of Ransom county; F. W. Schlberg, Grand Forks, N. D.; Hon. John Russell, Valley City, N. D.

#### PRESENTATION OF PETITIONS AND COMMUNICATIONS.

To the Senate of the State of North Dakota:

We, the undersigned, citizens of Mayville, N. D., do most respectfully petition your honorable body to pass Senate bill No. 109, prohibiting the sale of cigarettes.

W. H. ROBINSON,  
And 91 others.

To the Senate of the State of North Dakota:

We, the undersigned, citizens of Hunter, N. D., do most respectfully petition your honorable body to pass Senate bill No. 109, prohibiting the sale of cigarettes.

MRS. JENNIE LORRANCE,  
And 104 others.

## REPORTS OF STANDING COMMITTEES.

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

Mr. President:

Your committee on revision and correction of the Journal of the thirtieth day make the following report:

On page 5 after 25th line from top, insert:

Mr. Hegge moved that all senate bills which are on the clerk's desk for first reading, be also read a second time, and referred to their appropriate committees.

Which motion prevailed.

On page 10 strike out lines 5th, 6th, 7th and 8th from top.

H. J. MINER,  
Chairman.

Mr. Cooper moved

The report be adopted.

Which motion prevailed, and

The report was adopted.

The committee on ways and means made the following report:

Mr. President:

Your committee on ways and means to whom was referred

Senate bill No. 122,

A bill for an act to empower the board of county commissioners to offset due or delinquent taxes, due from any person, corporation or society, in whose favor an indebtedness has accrued against such county.

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

J. B. SHARPE,  
Chairman.

The committee on state affairs made the following report:

Mr. President:

Your committee on state affairs to whom was referred

Senate bill No. 92,

A bill for an act to prevent the extermination of antelope.

Also,

Senate bill No. 94,

A bill for an act repealing sections 1679 and 1680, Revised Codes, 1899, relating to bounties for the manufacture of binding twine.

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

Also,

Senate bill No. 63,

A bill for an act to amend article 7, chapter 22, Revised Codes



of 1899, being an act providing for the appointment of a state veterinarian and of district veterinarians, prescribing their duties and defining the various districts of the state.

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

On line 5, section 1 in the printed bill after the word "county" insert the following "and who shall act as sheep inspector for said county;" also on line 10, section 1 of the printed bill substitute the word "shall" for the word "may;" and, also after the word "in" in the same line substitute "any county within the state;" also on line 12, section 3 substitute the words "county commissioners" for "chief state veterinarian."

And when so amended recommend that the same do pass.

A. B. COX,  
Chairman.

Mr. Cox moved  
The adoption of the report.

Mr. Hegge moved  
As a substitute that the bill be indefinitely postponed.

The roll was called and there were ayes 16, nays 10, absent and not voting 5.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Baker,	Hegge,	Lofthus,
Cashel,	Jacobson,	Noble,
Clarke,	Lavayea,	Sharpe,
Devlin,	LaMoure,	Swenson,
Fuller,	Little,	Talcott,
Geer,		

Those voting in the negative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Miner,	Slotten,
Cooper,	Sanborn,	Taylor,
Cox,	Simpson,	Williams,
Murphy,		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Hale,	Lewis,	Wolbert,
Laidlaw,	McDougal,	

Messrs Laidlaw and McDougal being excused.

So the substitute motion prevailed.

The committee on state affairs made the following report:

Mr. President:

Your committee on state affairs to whom was referred

Substitute for Senate bill No. 19,

A bill for an act to amend section 1941 of the Revised Codes of 1899, relating to depositories of county funds.

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

Online 4, of the printed bill the word "meetings" should read "meeting"  
 On line 11 of the printed bill change the word "payment" to read "re-  
 payment."

And when so amended recommend that the same do pass.

A. B. COX,  
 Chairman.

Mr. Cox 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. 123,

A bill for an act to amend section 1942 of the Revised Codes of  
 1899, relating to depositories for county funds.

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

On line 1, section 1, of the printed bill insert, "1899" after the word  
 Codes,

And when so amended recommend that the same do pass.

A. B. COX,  
 Chairman.

Mr. Cox 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. 79,

A bill for an act entitled an act to amend section 5046 of the  
 Revised Codes of 1899 relating to injunctions.

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

By striking out the word "would" in the second line of sub-division 5  
 in section 1, and inserting in lieu thereof the word "could."

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. 87,

A bill for an act entitled an act relating to the sale of dressed  
beef.

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

By striking out the words in line 1 "except a butcher," and inserting  
after the word "purchaser" in line 2 the words "on demand."

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. 54,

A bill for an act entitled an act to amend section 1596 of the  
Revised Codes of North Dakota, 1899, the same being section  
1596 of the Revised Codes of 1895, relating to veterinarian districts.

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

Also,  
Senate bill No. 116,

A bill for an act to amend section 6670, of the Revised Codes  
and to repeal section 6671 of the Revised Codes.

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

By striking out the figures "1895" in line 1 of section 1, and inserting  
in lieu thereof the figures "1899," and by striking out the figures "1895"  
in line 1 of section 3, and inserting in lieu thereof the figures "1899."

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 public health made the following report:

Mr. President:

Your committee on public health to whom was referred  
Senate bill No. 131,

A bill for an act to amend section 277 and section 280 of chap-

ter 4, of article 6 of the Revised Codes, relating to the practice of medicine, surgery and obstetrics.

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

J. D. TAYLOR,  
Chairman.

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

Mr. President:

Your committee on enrolled and engrossed bills have examined Senate bill No. 106,

A bill for an act to amend section 4820 of the Revised Codes of 1899, providing for a lien for grain to be used for seed.

Also,

Senate bill No. 114,  
Concurrent resolution.

Also,

Senate bill No. 115,

A bill for an act to amend sections 1890 and 1896 of the Revised Codes of 1899, relating to number and election of county officers.

Also,

Substitute for Senate bill No. 51,

A bill for an act amending sections 1392 and 1393, Revised Codes of North Dakota, relating to state military boards.

And find the same correctly engrossed.

H. E. LAVAYEA,  
Chairman.

#### MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,  
BISMARCK, NORTH DAKOTA,  
February 7, 1901.

Mr. President:

I have the honor to return herewith

Senate bill No. 40,

A bill for an act in relation to the transaction of business by fire insurance companies or associations otherwise than through resident agents.

Which the house has amended as follows:

That the enacting clause be amended by striking out the word "legislature" where it appears therein and insert in lieu thereof the words "legislative assembly."

By striking out in line 2, section 1, after the word "herein" the words "shall be made" and insert in lieu thereof the words "shall make."

And as amended passed.

Also,

Senate bill No. 76,

A bill to amend section 7110, chapter 20 of the Revised Codes of 1899, relating to the crime of kidnapping.

Which the house has passed unchanged.

Also,

Senate bill No. 70,

A bill for an act to create a state auditing board for the state of North Dakota.

Which the house has passed unchanged.

Also,

House bill No. 47,

A bill for an act to amend section 4064 of the Revised Codes of the state of North Dakota, 1895, in regard to usury, and providing that a contract or agreement providing for a greater rate of interest after than before maturity shall be deemed usurious.

Also,

House bill No. 66,

A bill for an act to amend section 441 of the Revised Codes of North Dakota, relating to jurors.

Also,

House bill No. 100,

A bill for an act defining slander of females and making the same a misdemeanor.

Also,

House bill No. 67,

A bill for an act to amend section 7679 of the Revised Codes of 1899, being chapter 93 of the session laws of 1899, relating to game and fish.

Also,

House bill No. 88,

A bill for an act to create a state farmers' institute board of directors and prescribing its powers and duties, and making an appropriation for conducting farmers' institutes.

Also,

House bill No. 12,

A bill for an act to amend section 278 of the Political Code of North Dakota, being section 4 of the act entitled "an act to regulate the practice of medicine in the state of North Dakota, to license physicians, surgeons and obstetricians and to punish persons violating the provisions of this act.

Also,

House bill No. 52,

A bill for an act to amend section 717 of the Revised Codes of North Dakota.

Also,

House bill No. 97,

A bill for an act to amend chapter 21 of the Revised Codes, governing the location, establishment and construction of drains and relating to the allowance and taxation of costs and attorneys fees against the defendants in actions to enjoin drainage proceedings or the levy and collection of taxes and assessments therefor.

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

Very respectfully,

B. W. SHAW,

Asst. Chief Clerk.

#### MESSAGE FROM THE GOVERNOR.

The following message was received from the governor:

EXECUTIVE CHAMBER,  
BISMARCK, NORTH DAKOTA.  
February 7, 1901,

To the Senate:

Gentlemen—I have the honor to inform you that I have this day approved and filed with the honorable secretary of state

Senate bill No. 8,

A bill for an act to amend section 6219 of the Revised Codes, 1899, relating to effect of appearance in probate court.

Very respectfully yours,

FRANK WHITE,

Governor.

Mr. Little moved

That the senate do now concur in the house amendments to

Senate bill No. 40,

A bill for an act in relation to the transaction of business by fire insurance companies or associations otherwise than through resident agents.

Which motion prevailed.

The question being upon the final passage of the bill.

The roll was called and there were ayes 29, nays none, absent and not voting 2.

Those who voted in the affirmative were:

Messrs.—

Ames,  
Baker,  
Cashel,  
Clarke,  
Cooper,  
Cox,  
Devlin,  
Fuller,

Messrs.—

Hegge,  
Jacobson,  
Lavayea,  
LaMoure,  
Lewis,  
Little,  
Lofthus,  
Miner,

Messrs.—

Sanborn,  
Sharpe,  
Simpson,  
Slotten,  
Swenson,  
Talcott,  
Taylor,  
Williams,

Messrs.—

Geer,  
Hale,

Messrs.—

Murphy,  
Noble,

Messrs.—

Wolbert,

Absent and not voting, Messrs. Laidlaw and McDougal, who were excused.

So the bill passed and the title was agreed to.

#### MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,  
BISMARCK, NORTH DAKOTA,  
February 7, 1901.

Mr. President:

I have the honor to transmit herewith

House bill No. 16,

Concurrent resolution amending the constitution of the state of North Dakota.

Also,

House bill No. 36,

A bill for an act to amend section 1566 of the Political Code of North Dakota, relating to bounty for killing wolves.

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

Very respectfully,

B. W. SHAW,

Asst. Chief Clerk.

#### REPORT OF SPECIAL COMMITTEE.

Mr. Hale presented a report of special committee for investigation appointed Jan. 23, 1901, and moved that the report be not printed in Journal, and that 500 copies be printed for the use of the legislative assembly.

Which motion prevailed.

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

Mr. Lewis introduced

Senate bill No. 133,

A bill for an act entitled an act to prevent sales of merchandise in fraud of creditors.

Which was read the first time.

Also,

Senate bill No. 134,

A bill for an act to provide for the maintenance of the agricultural college as a part of the system of public schools.

Which was read the first time.

Mr. Swenson introduced

Senate bill No. 135,

A bill for an act empowering the county commissioners to contract with the sheriff for the collection of personal property tax judgments, or personal property taxes delinquent more than one year.

Which was read the first time.

Mr. Lavayea introduced

Senate bill No. 136,

A bill for an act authorizing the board of trustees of the state university to issue bonds to provide a fund for the necessary repairs of buildings and to pay the floating indebtedness of said university.

Which was read the first time.

• Mr. Wolbert introduced

Senate bill No. 137,

A bill for an act to amend sections 73 and 76 of the Revised Codes of 1899, relating to public printing and making an appropriation therefor.

Which was read the first time.

Mr. Little introduced

Senate bill No. 138,

Concurrent resolution for an act to amend section 182 of the constitution of the state of North Dakota.

Which was read the first time.

Also,

Senate bill No. 139,

A bill for an act making the state of North Dakota a preferred creditor in the case of sales of binding twine upon time and in the case of other contracts with the state.

Which was read the first time.

### THIRD READING OF SENATE BILLS.

Mr. Simpson moved that

Senate bill No. 21,

A bill for an act regulating fraternal beneficiary societies, orders or associations.

Be referred to a special committee of seven to be appointed by the chair,

Which motion prevailed, and

The president appointed as such committee Messrs. Jacobson, Cashel, Hegge, Geer, Lavayea, Ames and Noble.

Senate bill No. 101,

A bill for an act to amend section 7464 of the Revised Codes of North Dakota, 1899, relating to embezzlement.

Was read the third time.

The question being upon the final passage of the bill.



The roll was called and there were ayes 29, nays none, absent and not voting 2.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Hegge,	Sanborn,
Baker,	Jacobson,	Sharpe,
Cashel,	Lavayea,	Simpson,
Clarke,	LaMoure,	Slotten,
Cooper,	Lewis,	Swenson,
Cox,	Little,	Talcott,
Devlin,	Loftaus,	Taylor,
Fuller,	Miner,	Williams,
Geer,	Murphy,	Wolbert,
Hale,	Noble.	

Absent and not voting, Messrs. Laidlaw and McDougal, who were excused.

So the bill passed and the title was agreed to.

Mr. Little moved

That in line 13, page 2 of the printed bill the word "embezzlement" be substituted for "embezzled,"

Which motion prevailed.

Senate bill No. 95,

A bill for an act prescribing the duties of county auditor in reference to the certification of abstracts of titles to real estate. Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 29, nays none, absent and not voting 2.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Hegge,	Sanborn,
Baker,	Jacobson,	Sharpe,
Cashel,	Lavayea,	Simpson,
Clarke,	LaMoure,	Slotten,
Cooper,	Lewis,	Swenson,
Cox,	Little,	Talcott,
Devlin,	Loftaus,	Taylor,
Fuller,	Miner,	Williams,
Geer,	Murphy,	Wolbert,
Hale,	Noble,	

Absent and not voting, Messrs. Laidlaw and McDougal, who were excused.

So the bill passed and the title was agreed to.

Senate bill No. 117,

A bill for an act to amend section 1015 and article 2 of chapter 10 of the Revised Codes of the state of North Dakota, 1899.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 29, nays none, absent and not voting 2.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Hegge,	Sanborn,
Baker,	Jacobson,	Sharpe,
Cashel,	Lavayea,	Simpson,
Clarke,	LaMoure,	Slotten,
Cooper,	Lewis,	Swenson,
Cox,	Little,	Talcott,
Devlin,	Lothius,	Taylor,
Fuller,	Miner,	Williams,
Geer,	Murpny,	Wolbert,
Hale,	Noble,	

Absent and not voting, Messrs. Laidlaw and McDougal, who were excused.

So the bill passed and the title was agreed to.

FIRST READING OF HOUSE BILLS.

House bill No. 71,

A bill for an act to amend section 5958 of the Revised Codes, enumerating what property may be taken in the exercise of the right of eminent domain.

Which was read the first time.

SECOND READING OF HOUSE BILLS.

House bill No. 15,

A bill for an act to amend section 960 of the Revised Codes of North Dakota relating to residents entitled to education free.

Which was read the second time, and

Referred to the committee on education.

House bill No. 27,

A bill for an act to amend subdivision 3 of section 7110, chapter 20 of the Revised Codes of 1899, relating to the punishment for kidnapping.

Which was read the second time, and

Referred to the committee on judiciary.

House bill No. 51,

A bill for an act to amend section 1645 of the Revised Codes of the state of North Dakota, relating to permits.

Which was read the second time, and

Referred to the committee on state affairs.

Mr. Lewis moved

That the senate do now adjourn.

Which motion prevailed, and

The senate adjourned.

GEORGE L. TOWNES,  
Secretary.

## THIRTY-SECOND DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
February 8, 1901.

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 Mr. Laidlaw, who was excused.

The secretary announced that the president was about to sign Senate bill No. 40,

A bill for an act in relation to the transaction of business by fire insurance companies or associations otherwise than through resident agents.

Also,

Senate bill No. 76,

A bill to amend section 7110, chapter 20 of the Revised Codes of 1899, relating to the crime of kidnapping.

Also,

Senate bill No. 70,

A bill for an act to create a state auditing board for the state of North Dakota.

And the president signed the bills in the presence of the senate.

## PRESENTATION OF PETITIONS AND COMMUNICATIONS.

HILLSBORO, N. D., Feb. 4, 1901.

To the Senate of the State of North Dakota:

We, the undersigned citizens of Hillsboro, N. D., do most respectfully petition your honorable body to pass Senate bill No. 109, prohibiting the sale of cigarettes.

E. L. WHITNEY,  
And 60 Others.

ELLIOTT, N. D., Feb. 4, 1901.

To the Senate of the State of North Dakota:

We, the undersigned citizens of Elliott, Ransom county, N. D., do most respectfully petition your honorable body to pass Senate bill No. 109, prohibiting the sale of cigarettes.

L. B. CHAMBERLAIN,  
And 49 Others.

ENDERLIN, N. D., Feb. 4, 1901,

To the Senate of the State of North Dakota:

We, the undersigned citizens of Enderlin, N. D., do most respectfully petition your honorable body to pass Senate bill No. 109, prohibiting the sale of cigarettes.

C. M. ENGLE,  
And 14 Others.

BOWESMONT, N. D., Feb. 4, 1901.

To the Senate of the State of North Dakota:

We, the undersigned citizens of Bowesmont, N. D., do most respectfully petition your honorable body to pass Senate bill No. 109, prohibiting the sale of cigarettes.

JOHN HALCROW,  
And 45 Others.

INKSTER, N. D., Feb. 1, 1901.

To the Senate of the State of North Dakota:

We, the undersigned citizens of this district respectfully petition the senate of North Dakota not to pass the Senate bill No. 77 introduced by Senator Lavayea, and intended to deprive women of their right to hold a school office, or vote for a candidate for such office.

BYRON M. COOK,  
And 50 Others.

### REPORTS OF STANDING COMMITTEES.

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

Mr. President:

Your committee on revision and correction of the Journal of the thirtieth day recommend the following correction:

On page 2, line 6 from the top, change the word "thirteenth" to "thirtieth."

H. J. MINER,  
Chairman.

Mr. Miner moved

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

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. 2,

A bill for an act to provide for the status, organization, and government of associations known as lodges, chapters, posts, encampments, councils, commanderies, consistories and other similar organizations of the fraternities or associations commonly known as the various organizations of Free Masons, Independent Order of Odd Fellows, Grand Army of the Republic, Knights of Pythias and other similar benevolent or charitable fraternities or associations not organized for profit or fraternal insurance.

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

J. L. CASHEL,  
Chairman.

Mr. Little rose to a point of order that the report of the committee on temperance on

Senate bill No. 109,

A bill for an act to prescribe a penalty for the sale and bringing into the state for sale cigarettes or cigarette paper.

Was out of order as the house had indefinitely postponed a similar bill.

The chair ruled that the point of order was well taken.

The committee on elections made the following report:

Mr. President:

Your committee on elections to whom was referred

Senate bill No. 71,

A bill for an act to amend section 497b of the Revised Codes, relating to the time of holding caucuses and the issuance of certificates of election of delegates.

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

HENRY HALE,

Chairman.

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

Mr. President:

Your committee on enrolled and engrossed bills have examined Senate bill No. 123,

A bill for an act to amend section 1942 of the Revised Codes of 1899, relating to depositories for county funds.

Also,

Substitute for Senate bill No. 19,

A bill for an act to amend section 1941 of the Revised Codes of 1899, relating to depositories of county funds.

Also,

Senate bill No. 79,

A bill for an act entitled an act to amend section 5046 of the Revised Codes of 1899 relating to injunctions.

Also,

Senate bill No. 87,

A bill for an act entitled an act relating to the sale of dressed beef.

Also,

Senate bill No. 117,

A bill for an act to amend section 1015 and article 2 of chapter 10 of the Revised Codes of the state of North Dakota, 1899.

Also,

Senate bill No. 95,

A bill for an act prescribing the duties of county auditor in reference to the certification of abstracts of titles to real estate.

Also,

Senate bill No. 101,

A bill for an act to amend section 7464 of the Revised Codes of North Dakota, 1899, relating to embezzlement.

Also,

Substitute for Senate bill No. 47,

A bill for an act to amend section 1549 of the Revised Codes of 1899, relating to time when lawful for stock to run at large.

Also,

Senate bill No. 116,

A bill for an act to amend section 6670, of the Revised Codes and to repeal section 6671 of the Revised Codes.

And find the same correctly engrossed.

Also,

Senate bill No. 76,

A bill to amend section 7110, chapter 20 of the Revised Codes of 1899, relating to the crime of kidnapping.

Also,

Senate bill No. 40,

A bill for an act in relation to the transaction of business by fire insurance companies or associations otherwise than through resident agents.

Also,

Senate bill No. 70,

A bill for an act to create a state auditing board for the state of North Dakota.

And find the same correctly enrolled.

H. E. LAVAYEA,  
Chairman.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred

Senate bill No. 64,

A bill for an act entitled an act to amend section 5260, Revised Codes of 1899, relating to the manner of commencing civil actions.

Also,

Senate bill No. 68,

A bill for an act entitled an act relating to the board of pardons and prescribing the powers and duties thereof.

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

Also,

Senate bill No. 1,

A bill for an act to provide for the title of civil actions.

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

Insert after line 19 on page 5 of the printed bill "Provided, however, not embodying testimony in such abstract. The same shall be condensed and reduced to narrative form preserving throughout the complete sense, except where the full question or answer or both are essential to a complete understanding of any objection or exception contained in the record."

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. 16,

A bill for an act to repeal chapter 60 of the session laws of 1897 forbidding and preventing the practice of law by judges of county courts having increased jurisdiction.

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

C. B. LITTLE,  
Chairman.

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

Mr. President:

Senate bill No. 70,

A bill for an act to create a state auditing board for the state of North Dakota.

Also,

Senate bill No. 76,

A bill to amend section 7110, chapter 20 of the Revised Codes of 1899, relating to the crime of kidnapping.

Also

Senate bill No. 40,

An act in relation to the transaction of business of insurance companies or associations otherwise than through resident agents.

Were delivered to his excellency, the governor, for approval.

H. E. LAVAYEA,  
Chairman.

The committee on apportionment made the following report:

Mr. President:

Your committee on apportionment to whom was referred

Senate bill No. 60,

A bill for an act to define the senatorial and representative districts of North Dakota and prescribe the number of senators and representatives therein.

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

In its provisions regarding senatorial district No. 3, by adding after the word "Glenwood" in line 4 of the printed bill in the numbering of lines relating to the Fourth district, on page 2, the words "Kenloss, Shepard, Sauter, and the unorganized township number 145, range number 59," and before the words "in the county of Walsh."

And in its provisions regarding the Eighth senatorial district on page 3, of printed bill, in line 1, in the numbering of the lines of matter relating to said district, there be added after the words "townships of" and before the words "in the county of Traill" the following words, viz.: "Belmont, Buxton, Caledonia, Elm River, Eldorado, Ervin, Hillsboro, Kelso, Logan, Norway, and the city of Hillsboro, and all of the city of Reynolds in the county of Traill."

And in its provisions regarding senatorial district No. 15, on page 4 of the printed bill, in the numbering of lines of matter relating to senatorial district No. 15, after the words "shall consist of" there be added the words "Baldwin, Dazey, Pierce, Utbridge, Edna, Minnie Lake, Hobart, Potter, village of Sanborn, city of Valley City, township 143, range 56, township 143, range 58, township 143, range 60, township 142, range 59, township 142, range 58, township 142, range 57, township 141, range 58, township 141, range 59, township 141, range 60, township 141, range 61, township 140, range 61, township 140, range 58."

And in its provisions regarding senatorial district No. 18, on page 5 of the printed bill, in line 1, in the numbering of lines relating to said district strike out all after the words "shall consist of" and insert the words "Cypress, Linden, Dresden, Langdon, Langdon city, South Dresden, Grey, Glenila, Huron, Moscow, Berlin, Jackson, Perry, Billings, Storlie, Weber, Trier, Gordon, Henderson, township 159, range 64, township 161, range 64, in the county of Cavalier and shall be entitled to one senator and two representatives."

And in its provisions regarding senatorial district No. 37, on page 7 of the printed bill strike out all the matter contained in lines 1, 2, 3 and 4, in the numbering of lines of matter relating to the Twenty-seventh senatorial district and insert in lieu thereof the following, viz.:

"The Thirty-seventh district shall consist of the townships, Walcott, Colfax, Barrie, Helendale, Sheyenne, Viking, Garborg, Freman, West End, Homestead, Grafton, Antelope, Danton, Garfield, Dexter, Wyndmere, Belford, Liberty, Brightwood, village of Hankinson, Elma, Park, village of Lidgerwood, Moran and Grant," in the county of Richland, and be entitled to one senator and two representatives.

And in its provisions regarding senatorial district No. 12, on page 4 of the printed bill, strike out all the matter contained in lines 1, 2, 3 and 4 in the numbering of lines of matter relating to the Twelfth senatorial district an insert in lieu thereof the following, viz.:

"The Twelfth district shall consist of the townships of Eagle, Abercrombie, Dwight, Ibsen, Center, Morton, Brandenburg, Summit, Fairmount Village, Fairmount, De Villo, Le Mars, Waldow, Greenfield, Wahpeton, First District Wahpeton, Second District Wahpeton, Third District," in the county of Richland, and be entitled to one senator and three representatives.

And in its provisions regarding the Twenty-eighth senatorial district, on page 7 of the printed bill in line 1, in the numbering of lines relating to said district after the words "townships of" and before the words "in the county of Barnes" and insert the words "Weimer, Noltmier, Alta, Oriska, Springvale, Cuba, Svea, Skandia, Norman, Binghampton, Raritan, Thordenskjold, Oakville, Spring Creek, Lincoln, Greenland, township 138, range 61, township 138, range 58, township 139, range 58, Green Herman township 139, range 61."



And in its provisions regarding the Thirty-ninth senatorial district, on page 7 of the printed bill, in the numbering of lines relating to said district, in line 1, after the words "townships of" and before the words "in the county of Traill" insert the following words "Bohnsack, Blanchard, Bloomfield, Garfield, Galeberg, Mayville, city of Mayville, Morgan, Norman, Roseville and the town of Portland, and village of Hatton."

And after line 5, on page 7 of the printed bill, in the numbering of lines of matter relating to senatorial district No. 39, and before section 2, there be inserted the words:

"The Fortieth district shall consist of viz.: the townships of Mt. Carmel, Hope, Fremont, Olga, Loam, Harvey, Easby, Alma, East Alma, Montrose, Milton village, Os nabrock, in the county of Cavalier, and be entitled to one senator and two representatives."

With the foregoing amendments the committee on apportionment recommend that the bill do pass.

F. W. AMES,  
Chairman.

Mr. President:

The minority of your committee on apportionment beg leave to submit the following report:

We cannot agree with the majority of your committee for the following reasons.

1st. We believe the recommendation of the majority makes too large body, thereby incurring an additional legislative expense of between fifty and sixty thousand dollars every session.

2d. There is no demand on the part of the people for so large a legislative assembly and we believe their wishes should govern our actions.

3d. We believe that the basis of representation established by the majority of the committee is unfair and does not do justice to all sections of the state, for example, the Twelfth district, consisting of part of Richland county having a population of 9,000 is given one senator and two representatives, while Sargent county, with 6,000, is given the same.

The Thirty-seventh district with 9,000 is given one senator and two representatives, while the Twenty-fourth district with 6,000 is given the same representation.

For these and other reasons, particularly the present financial condition of the state we feel it our duty to those whom we represent to oppose the majority report.

For the above reasons we recommend the following as a substitute for the majority report and recommend its adoption.

JUDSON LaMOURE,  
A. B. COX.  
W. A. LAIDLAW.

#### A BILL

For an Act to Define Senatorial and Representative Districts of North Dakota and Describe the Number of Senators and Representatives Therein.

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

Section 1. Until otherwise provided by law, under the terms of the constitution the senatorial and legislative districts in the

state of North Dakota shall be formed, and the senators and representatives shall be apportioned as follows:

The First district shall consist of the townships of Walhalla, St. Joseph, Niche, Pembina, Bathgate, Carlisle, Joliet, Midland, Lincoln, Drayton, in the county of Pembina, and be entitled to one senator and two representatives.

The second district shall consist of the townships of St. Thomas, Hamilton, Cavalier, Akra, Beauleau, Thingvalla, Gardner, Park, Driscoll, Elora, Lodema, in the county of Pembina, and be entitled to one senator and two representatives.

The Third district shall consist of the townships of Perth, Latonia, Adams, Sylvester, Cleaveland, Morton, Vesta, Tyber, Medford, Vernon, Golden, Lampton, Eden, Rushford, Kensington, Dundee, Ops, Prairie Centre, Fertile, Park River and Glenwood, in the county of Walsh, and be entitled to one senator and three representatives.

The Fourth district shall consist of the townships of Forest River, Walsh, Centre, Grafton, Farmington, Ardock, Harrison, the city of Grafton, Oakwood, Martin, Walshville, Polaski, Acton, Minto, and St. Andrews, in the county of Walsh, and be entitled to one senator and two representatives.

The Fifth district shall consist of the townships of Gilby, Johnstown, Straban, Wheatland, Hegton, Arivilla, Avon, Northwood, Lind, Grace, Larimore, and the city of Larimore, Elm Grove, Inkster, Agnes, Elk Mount, Oakwood, Niagara, Morane, and Logan, in the county of Grand Forks, and be entitled to one senator and two representatives.

The Sixth district shall consist of the Third, Fourth, Fifth and Sixth wards of the city of Grand Forks, now constituted and the townships of Falconer, Harvey, Turtle River, Ferry, Rye, Bloomin, Meckinock, Linkville, and Levant, in the county of Grand Forks, and be entitled to one senator and two representatives.

The Seventh district shall consist of the First and Second wards of the city of Grand Forks as now constituted and the townships of Grand Forks, Oakville, Brenna, Chester, Pleasentives, Fairfield, Ellendale, Walle, Bentru, Americus, Michigan, Union and Washington, in the county of Grand Forks, and be entitled to one senator and two representatives.

The Eighth district shall consist of the county of Traill, and be entitled to one senator and four representatives.

The Ninth district shall consist of the township of Fargo and the city of Fargo, in the county of Cass and the fractional township of No. 138, in range 48, and be entitled to one senator and three representatives.

The Tenth district shall consist of the townships of Noble, Wisner, Harwood, Reed, Barnes, Stanley, Pleasant, Kenyon,

Gardner, Berlin, Raymond, Mapleton, Warren, Norman, Elm River, Harmony, Durbin, Addison, Davenport, Casselton, and the city of Casselton, in the county of Cass, and be entitled to one senator and three representatives.

The Eleventh district shall consist of the townships of Webster, Rush River, Hunter, Arthur, Amenia, Everest, Maple River, Leonard, Dows, Erie, Wheatland, Gill, Walberg, Watson, Page, Rice, Ayr, Buffalo, Howes, Eldred, Highland, Rochester, Lake, Cornell, Tower, Hill, Clifton, and Pontiac, in the county of Cass, and be entitled to one senator and three representatives.

The Twelfth district shall consist of the townships of Eagle, Abercrombie, Dwight, Gibson, Morton, Centre, Summit, Brandenburg, Devilla, Fairmount, Le Mars, Waldo, Greenfield, Wahpeton, in the county of Richland, and be entitled to one senator and two representatives.

The Thirteenth district shall consist of the county of Sargent, and be entitled to one senator and one representative.

The Fourteenth district shall consist of the county of Ransom, and be entitled to one senator and one representative.

The Fifteenth district shall consist of the county of Barnes, and be entitled to one senator and four representatives.

The Sixteenth district shall consist of the counties of Steele and Griggs, and be entitled to one senator and three representatives.

The Seventeenth district shall consist of the county of Nelson, and be entitled to one senator and two representatives.

The Eighteenth district shall consist of the county of Cavalier, and be entitled to one senator and four representatives.

The Nineteenth district shall consist of Rolette county, and be entitled to one senator and two representatives.

The Twentieth district shall consist of the county of Benson, and be entitled to one senator and two representatives.

The Twenty-first district shall consist of the county of Ramsey, and be entitled to one senator and two representatives.

The Twenty-second district shall consist of the county of Towner, and be entitled to one senator and one representative.

The Twenty-third district shall consist of the county of Stutsman, and be entitled to one senator and two representatives.

The Twenty-fourth district shall consist of the county of La Moure, and be entitled to one senator and one representative.

The Twenty-fifth district shall consist of the county of Dickey, and be entitled to one senator and one representative,

The Twenty-sixth district shall consist of the counties of Emmons and Kidder, and be entitled to one senator and one representative.

The Twenty-seventh district shall consist of the county of Burleigh, and be entitled to one senator and one representative.

The Twenty-eighth district shall consist of the county of Bottineau, and be entitled to one senator and two representatives.

The Twenty-ninth district shall consist of the counties of Ward and Williams, and be entitled to one senator and two representatives.

The Thirtieth district shall consist of the counties of Morton and Oliver, and be entitled to one senator and two representatives.

The Thirty-first district shall consist of the counties of Stark and Billings, and be entitled to one senator and two representatives.

The Thirty-second district shall consist of the counties of Eddy and Foster, and be entitled to one senator and two representatives.

The Thirty-third district shall consist of the county of Wells, and be entitled to one senator and two representatives.

The Thirty-fourth district shall consist of the counties of McHenry and Pierce, and be entitled to one senator and three representatives.

The Thirty-fifth district shall consist of the counties of McLean and Mercer, and be entitled to one senator and one representative.

The Thirty-sixth district shall consist of the counties of McIntosh and Logan, and be entitled to one senator and one representative.

The Thirty-seventh district shall consist of the townships of Hellendale, Barrie, Walcott, Sheyenne, Viking, Garberg, West End, Homestead, Wynnure, Dexter, Liberty, Belford, Greenfield, Grant, Park, Moran, Elma, Brightwood, in the county of Richland, and be entitled to one senator and two representatives.

Sec. 2. Section 37 of the Revised Codes of 1899, and all acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Mr. Sharpe moved

The adoption of the majority report.

Roll call demanded.

The roll was called and there were ayes 21, nays 9, absent and not voting 1.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Jacobson,	Sanborn,
Baker,	Lavayea,	Sharpe,
Clarke,	Lewis,	Simpson,
Devlin,	Little,	Swenson,
Geer,	Miner,	Talcott,
Hale,	Murphy,	Taylor,
Hegge,	Noble,	Wolbert,

Those voting in the negative were:

Messrs.—

Cashel,  
Cooper,  
Cox,

Messrs.—

Fuller,  
LaMoure,  
Lofthus,

Messrs.—

McDougal,  
Slotten,  
Williams,

Absent and not voting, Mr. Laidlaw, who was excused.

So the report was adopted.

#### REPORT OF SELECT COMMITTEE.

Mr. Cashel moved

The reading of this report be dispensed with and be printed in the journal and 300 copies be printed for distribution,

Which motion prevailed.

February 8, 1901.

Mr. President:

Your special committee appointed to devise ways and means to augment the revenues of this state, beg leave to report as follows:

#### CLASSIFICATION. I.

#### SINKING FUND.

The bonded indebtedness of this state amounts to \$845,300, of this debt \$153,000, of the insane asylum bonds being 4.1-2 per cent interest, will mature May 1, 1902, and \$150,000 of revenue bonds to defray extraordinary expenses bearing 4.1-2 per cent interest will mature April 25, 1905.

Section 182 of the state constitution allows for levying a tax to pay the interest on the public debt semi-annually and the principal within thirty years.

It is the prevailing opinion based on the fact that these bonds were issued and outstanding prior to statehood, that a tax can be levied in one year sufficient to pay off the \$153,000 bonds maturing May 1, 1902, providing a proper law is enacted for that purpose.

Your committee recommends that a law be enacted providing for this levy, and that the state board of equalization make the levy at the same time that it makes the other levies for state taxes in 1901, and that these bonds be paid at maturity after which new ones can be issued for \$153,000 and remain within the debt limit, the proceeds of which can be placed in the general fund to meet extraordinary expenses.

Thus classification 1, providing a proper law is enacted, and the levy made, will produce \$153,000 within the present bi-ennial period.

The \$150,000 bonds maturing April 25, 1905 were issued after the adoption of our constitution and provisions only can be made for their payment on the thirty years basis, under section 182 of the constitution, requiring a tax levy sufficient to raise about \$28,175 annually. We would recommend that this levy be not

made in 1901 on account of the heavy tax, to retire, in that year, the \$153,000 bonds; make levies in 1902, 1903 and 1904 to apply towards redeeming them at their maturity, when new bonds for \$84,525 can be issued and the proceeds put into the general fund. Thus classification 1, by April 25, 1905, will produce \$237,525.

### CLASSIFICATION 2.

#### ASSESSMENT.

The present assessed valuation of the state, real and personal, amounts to a little over \$117,000,000 which will produce for the general fund at 3.8 mills about \$445,000 annually.

Suppose that in 1901 after the classification and equalization of the real and personal property of the state the assessed valuation amounts to \$120,000,000, then add to this 10 per cent of itself which will increase the valuation \$12,000,000 making a total of \$132,000,000, which will only increase the state tax, the counties, cities, towns and schools levying a specific amount in dollars. Excepting a 2-mill levy for county school tax. At 3.8 mills on the dollar, state tax, on \$132,000,000 will produce annually, \$501,600; we receive on the present assessed valuation, \$445,000; thus gained by the 10 per cent increase, \$56,600; and for the bi-ennial period, \$113,200.

Your committee recommend that this increase be made.

### CLASSIFICATION 3.

#### PUBLIC LANDS.

We herewith give the recommendations of the commissioner of university and school lands in his report for the period ending June 30, 1900.

#### SALE OF LANDS.

“By reference to the last bi-ennial report of the commissioner of university and school lands, you will notice that among the recommendations made by the commissioner, is one to the effect that a sale of school lands to be held in the fall of 1899; and also that the legislature provide the necessary funds for making such sale. This matter was brought to the attention of the board of university and school lands in June, 1899, and the commissioner urged that a sale be held in the fall. The board took the matter under consideration and after a full discussion decided that it would not be best for the interest of the state to hold such sale. Your commissioner has again taken the matter up with the board this year, with the result that such board has issued instructions to procure a list of the saleable lands in Cavalier, Towner, Ramsey, Foster, Eddy, Wells, Stutsman, Barnes, Griggs and Sargent counties, with a view of holding a sale in as many of these counties next fall as the means at our disposal will permit.

We believe that the framers of the school laws of this state intended that whenever any school or institution lands could be offered for sale at the minimum price and sold, that it became the duty of the board to offer such lands for sale. Especially is this true of the lands belonging to the common schools and institutions that are leased for hay and pasturage purposes. For instance, during the past three years about an average price per acre for such lands, as rental, has been not to exceed three and one-half cents per acre per year, besides there is the cost of advertising lands for lease, which is a considerable item, although this expense is paid by the general fund of the state, it not being deducted from rentals received from school lands. Were such tracts of lands to be offered and sold as would bring the minimum price, which is ten dollars per acre, or sixteen hundred dollars per quarter section, upon the sale of a quarter section there would be paid into the treasury of the state three hundred and twenty dollars for the permanent fund and this amount invested in bonds at four cent, would bring in a revenue of twelve dollars and eighty cents a year; the four deferred payments for five years would bear six per cent interest and yield a revenue of seventy-eight dollars and eighty cents per year, making a total revenue derived from interest for the first five years on the sale of a quarter section at the minimum price of, ninety-one dollars and sixty cents, whereas we have received by leasing the land only five dollars and sixty cents for the same period. At the end of twenty years the total amount of principal, sixteen hundred dollars, would be paid in, and this invested in bonds at four per cent would yield a revenue of sixty-four dollars per year.

There is still a further reason why institution lands should be sold as soon as they can be sold under the law, and that is this: In the counties of Wells, Foster, Benson, Ramsey, Towner and Cavalier, there have been selected by this department in former years thousands of acres of land in each of these counties in satisfaction of the grant to the state for educational and charitable purposes, and of the six hundred and sixty-eight thousand and eighty acres, granted to the state for the foregoing, the majority of the land has been selected in the counties before mentioned. The result is that in a great many townships the state has title to one-half of the land in the township. This retards the settlement of the county to a certain extent and throws the entire burden of taxation for an entire township upon the settlers of one-half of the township. As soon as the state lands are sold they are subject to taxation and we believe that it is only simple justice to these counties to sell all the lands that the state can whenever it is assured that the minimum price will be bid.

In connection with sales of lands we would say that the de-

partment for the past two years has been flooded with inquiries as to when lands would be sold, terms and conditions of sale; in many instances parties have offered to pay the minimum price if we would put the land up for sale, also to pay whatever expense there was attendant upon offering such lands for sale. In the majority of cases we recommend to the board that the request be not granted for the reason that it would complicate and increase the work of this office materially, and further we did not deem it to be the best interests of the school fund to so offer the lands, in that, while the land was sold at public sale, yet only one party was interested as a rule and there would be no competitive bids, whereas were all the lands that could be sold at the minimum price in any county offered for sale, there would be a large attendance at the sale and a better price would be realized.

The institutions of this state are in their infancy and it is our belief that their lands should be handled in such manner that the greatest income be derived therefrom for the immediate use of the institutions. The more the institutions receive from the income of their lands the less assistance they will need direct from the state. In selling their lands at the minimum (ten dollars per acre) and there are a great many acres of land that will bring more than the minimum price, we do not believe that the ultimate income of the institutions is being sacrificed for their immediate necessities.

We would therefore recommend that the legislative assembly appropriate a sufficient amount for appraisalment and expenses attendant upon the sale of lands, so the board from year to year may offer whatever lands it believes can be sold for ten dollars per acre."

Your committee approve of the recommendations made by the land commissioner. The government of the United States granted generously to this state lands for the maintenance of our common schools amounting to approximately, 2,290,000 acres, besides 668,080 acres granted for educational and charitable institutions.

This state is financially hard up but full of resources providing they are practically utilized. The early pioneers and citizens down to this time have endured the hardships of frontiers life, they established their homes, built school houses, city halls, county jails, court houses, and the several state institutions and maintained them almost exclusively by direct taxation. We, the advanced guard of the present generation are struggling to lift the mortgages from our homes to gain some financial relief from constant drudgery, at the same time we are battling to build and maintain all our public institutions from the sweat of our brow, to leave a legacy, public and private, to posterity. Why



not utilize prudently some of these resources from our public domain to assist in relieving our present financial stringency while we will leave an abundance for the future.

Out of the 2,290,000 acres granted for the common schools only 130,000 acres have been sold from which we derive a revenue for their maintenance. These lands were sold on an average of \$18 per acre. Taking the revenue from taxation, real and personal, and the sales netted six per cent revenue, per annum for ten years or equal to sixty per cent, thus increasing the sale to \$28.60 per acre, equal to over \$4,600 per quarter section.

In the meantime our school population has increased from about 70,000 to nearly 93,000, thus reducing the revenue per capita making it almost necessary to sell more of these lands in order to increase the revenue, with the increase of this population.

Your committee recommend that 125,000 acres of these lands be appraised, advertised and sold between September 1 and October 1, 1901, selecting the best, some of which are in the Red River valley. These should sell at an average of \$15 per acre producing \$875,000, which with the taxes will produce six per cent revenue annually or \$112,500, nearly 1.25 per capita per annum, for each child of school age. We will then have left over 2,000,000 acres unsold for the common schools with only 255,000 acres sold in twelve years of statehood.

Of the 668,080 acres granted for educational and charitable purposes not one acre has been sold.

Your committee recommends that a small portion of these lands be sold, at the same time the common school lands are sold, to assist in relieving the general fund from the constant drain in maintaining the several public institutions, as follows:

	Acres.	Sell Acres.
The University has.....	86,080	15,000
The Agricultural College has..	130,000	20,000
The Normal School, Valley City has.....	50,000	5,000
The Deaf and Dumb Asylum has	40,000	5,000
The Reform School has .....	40,000	5,000
The Soldier's Home has .....	40,000	5,000
The Industrial School has .....	40,000	5,000
The School of Mines has.....	40,000	5,000
The Capitol Building has .....	82,000	10,000
<b>Total .....</b>		<b>75,000</b>

The sale of these lands, at the minimum price of \$10 per acre, will produce \$750,000. Allowing some loss from the rentals of these lands, and some gains from taxation we will average the income at five per cent per annum, which will produce as follows:

		Revenue.
The University fund . . . . .	\$150,000	\$ 7,500
The Agricultural College fund	200,000	10,000
The Normal School, Valley City fund . . . . .	50,000	2,500
The Deaf and Dumb Asylum fund . . . . .	50,000	2,500
The Reform School fund . . . .	50,000	2,500
The Soldier's Home fund . . . .	50,000	2,500
The Industrial School fund . . .	50,000	2,500
The School of Mines fund . . . .	50,000	2,500
The Capitol Building fund . . . .	100,000	5,000
Total revenue annually . . . . .		\$37,500
Or of the bi-ennial period . . . . .		75,000

Your committee has a two-fold object in recommending the sale of 10,000 acres of the capitol lands.

First. To reimburse the state for the \$50,000 bonds issued by it under chapter 39 of the laws of 1893, for the erection of the new wing to the capitol.

These lands must be sold on one-third cash payments which should make the contracts reasonably safe, about \$33,000 in cash will be received. Contracts for the balance of the \$50,000 due the state and any arrearage of interest, could be sold and assigned to the board of university and school lands, at a proper rate, and the state reimbursed for the \$50,000 which would go into the general fund, the state assuming the interest on and payment of the capitol bonds at maturity.

The second object is, that the state should have a capitol building fund in case of an emergency, in the meantime deriving a revenue to keep up the necessary repairs on the building.

When these 200,000 acres are sold they will be placed on the tax rolls besides personal property connected with them thus producing additional revenue to the state and its subdivisions.

Your committee makes the following recommendations in connection with the sale of these lands.

First. That an appropriation be made for appraising, advertising and selling them, at the same time we would recommend that the general fund be reimbursed for this appropriation from the revenue of the proceeds of the sale of these lands, pro rata. While some doubt exists, from the construction of the enabling act, and the constitution as to whether this would be strictly admissible, at the same time it would seem but fair that the revenue on these sales should bear the necessary burdens to create the fund on which to derive the revenue for the purposes intended. Is it of sufficient interest for any taxpayer to enter into a contest in order to determine this question? We think not.

Second. That where there are tracts of one-half section, that

only one-quarter section be sold, and where there are full sections, that only two-quarter sections laying diagonally be sold. The object being that the improvements made on the lands sold will enhance the value of the unsold lands, adjoining, in the future.

#### CLASSIFICATION 4.

Express, freight lines, equipment, sleeping car, dining car, telegraph and telephone companies.

Your committee recommend that laws be enacted regulating the assessment and taxation of express, freight line, equipment, sleeping car, dining car, telegraph and telephone companies doing business in this state based on the recent constitutional amendment. We estimate that \$7,500 additional revenue would be received annually from this source or \$15,000 for the bi-ennial period.

Your committee also recommend that steps be taken to provide for a better system of taxing grain in elevators, additional revenue can be procured from this source.

#### CLASSIFICATION 5.

##### TAXATION OF RAILROADS.

Your committee offers suggestions, but make no recommendations relative to the taxation of railroads.

Section 176 of the constitution admits of a percentum of the gross earnings of railroads in lieu of other taxes, while section 179 provides for the levying of taxes on their assessed valuation which is the system upon which roads operating through this state now pay taxes.

There are two main objections raised to this method. First. The state receives only the percentum of 3.8 mills on the dollar of their assessed valuation or in round numbers \$66,000, for the general fund annually, and 7.10 of a mill on the dollar for interest on the public debt and wolf bounty, amounting to \$12,150, making a total received of \$78,150, the balance going to the counties and their subdivisions through which these roads run.

In our present financial straits the annual revenue from this source is considered very small, while it might be largely augmented under the gross earnings system, providing a percentage could be adopted that would compel these roads to pay as much tax as they do now. The second objection is the inequality in the revenues received by counties and the subdivisions of these counties through which the roads extends over counties having no railroads, and subdivisions, towns and schools adjoining and outlying from districts through which railroads run, besides being at the disadvantage of being a greater distance from market.

Your committee submits estimates showing the amount of revenue the state would derive from the gross earnings over the

present assessment plan. Based on the taxes paid by the railroads in 1900 we estimate that the average tax levy throughout the state, for all taxes will be  $27\frac{3}{4}$  mills on the dollar. The present assessed valuation of the railroads is \$17,367,525, at  $27\frac{3}{4}$  mills on the dollar would produce \$483,050 the amount these roads now pay into the various departments of this state for all taxes. Suppose they paid the same amount on their gross earnings, the state receiving 50 per cent of it, it would receive about \$163,375 more annually than under the present system, or \$326,750 more during the biennial period.

There would remain of this tax the other 50 per cent or about \$241,525 annually to be divided between the counties of the state and their subdivisions which we would suggest be distributed as follows:

To the counties, 15 per cent.

To the towns and cities, 15 per cent.

To the common schools, 20 per cent.

Your committee would respectfully suggest that careful consideration be given to this classification.

#### RECAPITULATION.

Should the recommendations of your committee be carried out the general fund will be augmented, at the close of the present biennial period ending December 31, 1902, as follows:

Classification 1. Sinking fund to apply on bonds maturing May 1, 1902 .....	\$153,000 00
Classification 2. Increasing the assessment 10 per cent .....	\$113,200 00
Classification 3. Revenue from sale of institutional lands (15 months) .....	46,850 00
Also classification 3. State reimbursed for Capitol bonds, issued 1893 .....	50,000 00
Classification 4. Taxation of express, freight line, et al. companies .....	15,000 00
Total .....	\$378,050 00

This does not include the \$112,500 revenue to be received annually from the sale of the 125,000 acres of common school lands, nor does it include the \$326,750 that we would receive for the biennial period, providing we adopted the gross earnings instead of the assessment plan for the taxation of railroads. Should we adopt this system the increase in our public revenues from all sources suggested by your committee for the present biennial period would be as follows:

Total of five classifications given .....	\$378,050 00
Increase from railroads, gross earnings .....	326,750 00
Revenue from sale of common school lands (15 months) .....	140,625 00
Grand total .....	\$845,425 00

Your committee further recommends that in all cases where it is possible, that the state refunding bonds, when issued, be sold to the board of university and school lands, thereby in time the state, or a department of it, controlling its indebtedness, thus allowing us to pay interest to ourselves instead of paying it abroad. Let us once for all devise ways and means to augment our revenues to relieve the present tension and dispel the charges of poverty and bad management that are constantly thrust into our faces by the metropolitan press from abroad.

It is a stigma that causes every good citizen to blush, besides the bad impression they leave, impedes capital and desirable immigration from coming to our state.

We want every public institution economically conducted and maintained properly. This can be done by applying good, practical, common sense principles and proper business methods in the management of our affairs.

The responsibility for this rests upon this legislative assembly. The people look to it for practical results. They ask that all avenues of extravagance and waste be closed. They want retrenchments and reforms instituted, then open and develop prudently the channels of resources.

These done, the future financial success of this state is assured.

On the other hand, will this legislative assembly adjourn leaving a debt legacy created by itself for the expenses of the session of .....	\$ 77,000
With the deficit January 1, 1901 (see governor's message), of .....	223,000

Making a total deficit when we adjourn March 7, 1901, of.....	\$ 300,000
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Under our past system of management will this grow less? If not, there will be interest to pay annually on this deficit at 6 per cent, amounting to \$18,000, which will bring us down over the financial abyss with greater velocity.

Statesmen, pause; first ascertain where your money is coming from before you arrange to spend it. If the revenues are not sufficient to meet the actual demands it is your duty to make proper provisions for providing them. You have the resources and authority to legislate at your command. Will you take advantage of these opportunities?

Respectfully submitted,  
 F. W. AMES,  
 R. C. SANBORN,  
 J. L. CASHEL,

Committee.

To the Senate and House of Representatives of the Legislative Assembly of the State of North Dakota;

Gentlemen—The undersigned composing the joint committee appointed to visit the penitentiary and report as to the twine factory located thereat

and as to its needs, would respectfully report that we have visited the said penitentiary and examined into all the matters pertaining to the said twine factory and its operation, and after doing so we are of the opinion that it is to the best interest of the institution and the state as well as an act of humanity towards the inmates that such action should be taken by the legislature as will make it possible to keep the said factory in continuous operation, and with this end in view we submit herewith a bill, containing the provisions which, in our judgment, are necessary to accomplish that purpose, and which we will introduce trusting that it will meet with your approval, receive your support and become a law.

All of which is respectfully submitted,

J. B. SHARPE,  
M. JACOBSON,  
JOSEPH HARE,  
M. B. CASSELL,  
F. J. DWIRE,

Dated February 7th, 1901.

Committee.

MOTIONS AND RESOLUTIONS.

Mr. Lavayea moved

That the petition presented in opposition to  
Senate bill No. 77,

A bill for an act entitled an act to amend section 672 of article 4 of chapter 9 of the revised Codes of 1899, relating to the qualifications of voters.

Be referred to the committee on woman suffrage,  
Which motion prevailed.

Mr. Sharpe moved

The senate do now concur in house amendments to  
Senate bill No. 11,

A bill to amend sections 1536, 1537, 1538, 1542 and 1543 of the Revised Codes of the state of North Dakota, relating to the recording of marks and brands.

The roll was called and there were ayes 29, nays none, absent and not voting 2.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Hegge,	Sanborn,
Baker,	Jacobson,	Sharpe,
Cashel,	Lavayea,	Simpson,
Clarke,	LaMoure,	Slotten,
Cooper,	Little,	Swenson,
Cox,	Lofthus,	Talcott,
Devlin,	McDougal,	Taylor,
Fuller,	Miner,	Williams,
Geer,	Murphy,	Wolbert,
Hale,	Noble,	

Absent and not voting, Messrs. Laidlaw and Lewis.

Mr. Laidlaw being excused.

## MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
BISMARCK, NORTH DAKOTA,  
February 8, 1901.

Mr. President:

I have the honor to return herewith  
Senate bill No. 11,

A bill to amend sections 1536, 1537, 1538, 1542 and 1543 of the Revised Codes of the state of North Dakota, relating to the recording of marks and brands.

Which the house has amended as follows:

That the title of said bill read as follows: An act to amend sections 1536, 1537, 1538, 1542 and 1543 of Revised Codes of North Dakota relating to the recording of marks and brands and for the transferring of all record of marks and brands now in the secretary of state's office to the commissioner of agriculture and labor.

After line 6, page 1: Section 1. Amendment.) That sections 1536, 1537, 1538, 1542 and 1543 of the Revised Codes be amended and re-enacted to read as follows:

And that the following be inserted after line 24, page 3: Sec. 2. Secretary of State to Turn Over to the Commissioner of Agriculture and Labor All Records of Marks and Brands.) After the passage and approval of this act the secretary of state shall turn over to the commissioner of agriculture and labor all records of marks and brands now in his office pertaining to domestic animals.

And as so amended passed.

Very respectfully,  
B. W. SHAW,  
Asst. Chief Clerk.

## MESSAGE FROM THE GOVERNOR.

The following communication was received from the governor:

EXECUTIVE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
February 8, 1901.

To the Senate:

Gentlemen: I have the honor to transmit herewith for your consideration a communication received from the manager of the St. Louis World's Fair.

Very respectfully yours,  
FRANK WHITE,  
Governor.

St. Louis, Mo., Jan. 26, 1901.

Hon. Frank White, Governor of North Dakota.

Dear Sir:—At a convention of delegates from the several states and territories comprised within the Louisiana Purchase, held in the city of St. Louis on Jan. 10th and 11th, 1899, it was resolved that the centennial anniversary of the acquisition of the Louisiana Territory by the United States, occurring in the year 1903, should be commemorated by an exposition of the arts and industries of the territory, in which all the nations

of the earth should be invited to join, and the city of St. Louis was agreed upon as the place for holding such exposition.

The people of St. Louis accepted the honorable and responsible obligation thus imposed upon them, and now announce that the exposition is an assured fact.

A corporation is now being organized to carry out the work, and subscriptions to its capital stock, to the extent of five millions of dollars, have been received or guaranteed.

By amendment to the constitution of the state, the city of St. Louis has been authorized to issue five million dollars in bonds to aid the exposition enterprise.

The government of the United States has pledged its support to the extent of five millions of dollars, and in addition to this will make a worthy and creditable exhibit.

The people of Missouri have, by popular vote, authorized the state to appropriate a million of dollars for the purpose of its exhibit.

The exposition will have not only the financial aid of the general government, but the government will have a practically equal voice with the local company in its management. All the nations of the earth will be invited to participate, and there is reason to believe that this exposition will surpass everything of the kind hitherto attempted.

It is very much desired that your state take part with us, and we respectfully ask that you call the attention of your general assembly to the subject, and, if consistent with your sense of duty, that you ask them to give it early and favorable consideration.

Very respectfully yours,

D. R. FRANCIS,  
Chairman executive committee.

W. H. THOMPSON,  
Chairman finance committee.

F. W. SHERMAN,  
Chairman legislation committee.

JAMES S. BLAIR,  
Chairman legal committee.

Mr. Lavayea presented the following resolution:

Be it resolved by the senate, the house concurring, that when we adjourn, we adjourn until February 13.

The resolution was lost.

Mr. Talcott moved that  
Senate bill No. 115,

A bill for an act to amend sections 1890 and 1896 of the Revised Codes of 1899, relating to number and election of county officers.

Be referred back to the judiciary committee.

Which motion prevailed.

Mr. Lewis moved

That the courtesies of the floor be extended to Col. E. C. Geary and A. W. Edwards of Fargo.

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

Mr. Noble introduced  
Senate bill No. 140,

A bill for an act entitled an act to amend section 1880 of the



Revised Codes of North Dakota of 1899, relating to the procedure for the location and removal of county seats.

Which was read the first time.

Mr. Little introduced

Senate bill No. 141,

A bill for an act entitled an act to provide when execution of judgment in civil actions may be stayed.

Which was read the first time.

Also,

Senate bill No. 142,

A bill for an act entitled an act to amend section 5730, Revised Codes, relating to service of notices and papers.

Which was read the first time.

Mr. LaMoure introduced

Senate bill No. 143,

A bill for an act entitled "an act to amend section 338 of the Revised Codes of 1899, providing for an appropriation for supplies for the capitol building, the executive mansion and the public grounds and parks connected therewith and for necessary repairs upon the capitol building."

Which was read the first time.

Also,

Senate bill No. 144,

A bill for an act to amend section 119 of the Revised Codes of 1899, relating to the duties of the attorney general.

Which was read the first time.

Also,

Senate bill No. 145,

A bill for an act to amend section 1979 of the Revised Codes of 1899, relating to duties of state's attorneys.

Which was read the first time.

Special committee visiting twine plant introduced

Senate bill No. 146,

A bill for an act entitled an act authorizing the board of trustees of the state penitentiary to issue bonds to obtain funds for the operation of the twine and cordage factory thereat, and providing for the sale and redemption of the same.

Which was read the first time.

Mr. Cox introduced

Senate bill No. 147,

A bill for an act authorizing the issuance of bonds, based upon the normal school land grant, for the purpose of erection and completion of buildings for the use of the state normal schools at Valley City and Mayville.

Which was read the first time.

Mr. Lewis introduced

Senate bill No. 148,

A bill for an act entitled an act to provide for the maintenance of the state university at Grand Forks, agricultural college at Fargo, state normal school at Valley City, state normal at Mayville, and the deaf and dumb asylum of Devils Lake, as a part of the system of public schools.

Which was read the first time.

## SECOND READING OF SENATE BILLS.

Senate bill No. 133,

A bill for an act entitled an act to prevent sales of merchandise in fraud of creditors.

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

Senate bill No. 134,

A bill for an act to provide for the maintenance of the agricultural college as a part of the system of public schools.

Which was read the second time, and  
Referred to the committee on appropriations.

Senate bill No. 135,

A bill for an act empowering the county commissioners to contract with the sheriff for the collection of personal property tax judgments, or personal property taxes delinquent more than one year.

Which was read the second time, and  
Referred to the committee on ways and means.

Senate bill No. 136,

A bill for an act authorizing the board of trustees of the state university to issue bonds to provide a fund for the necessary repairs of buildings and to pay the floating indebtedness of said university.

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

Senate bill No. 138,

Concurrent resolution for an act to amend section 182 of the constitution of the state of North Dakota.

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

Senate bill No. 139,

A bill for an act making the state of North Dakota a preferred creditor in the case of sales of binding twine upon time and in the case of other contracts with the state.

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

Mr. Noble moved

That the bills introduced today and given their first reading be given their second reading and reference.

Which motion prevailed.

Senate bill No. 140,

A bill for an act entitled an act to amend section 1880 of the Revised Codes of North Dakota of 1899, relating to the procedure for the location and removal of county seats.

Which was read the second time, and

Referred to the committee on judiciary.

Senate bill No. 141,

A bill for an act entitled an act to provide when execution of judgment in civil actions may be stayed.

Which was read the second time, and

Referred to the committee on judiciary.

Senate bill No. 142,

A bill for an act entitled an act to amend section 5730, Revised Codes, relating to service of notices and papers.

Which was read the second time, and

Referred to the committee on judiciary.

Senate bill No. 143,

A bill for an act entitled "an act to amend section 338 of the Revised Codes of 1899, providing for an appropriation for supplies for the capitol building, the executive mansion and the public grounds and parks connected therewith and for necessary repairs upon the capitol building."

Which was read the second time, and

Referred to the committee on appropriations.

Senate bill No. 144,

A bill for an act to amend section 119 of the Revised Codes of 1899, relating to the duties of the attorney general.

Which was read the second time, and

Referred to the committee on judiciary.

Senate bill No. 145,

A bill for an act to amend section 1979 of the Revised Codes of 1899, relating to duties of state's attorneys.

Which was read the second time, and

Referred to the committee on judiciary.

Senate bill No. 146,

A bill for an act entitled an act authorizing the board of trustees of the state penitentiary to issue bonds to obtain funds for the operation of the twine and cordage factory thereat, and providing for the sale and redemption of the same.

Which was read the second time, and

Referred to the committee on judiciary.

Senate bill No. 147,

A bill for an act authorizing the issuance of bonds, based upon the normal school land grant, for the purpose of erection and completion of buildings for the use of the state normal schools at Valley City and Mayville.

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

Senate bill No. 148,

A bill for an act entitled an act to provide for the maintenance of the state university at Grand Forks, agricultural college at Fargo, state normal school at Valley City, state normal at Mayville, and the deaf and dumb asylum of Devils Lake, as a part of the system of public schools.

Which was read the second time, and  
Referred to the committee on appropriations.

### THIRD READING OF SENATE BILLS.

Mr. Little moved

That the rules be suspended and that

Senate bill No. 60,

A bill for an act to define the senatorial and representative districts of North Dakota and prescribe the number of senators and representatives therein.

Be given its third reading and placed on its final passage,  
Which motion prevailed.

Mr. Cashel moved

To amend the bill relating to senatorial district 3 by making it read "unorganized township No. 155" instead of "unorganized township No. 145."

Which motion prevailed.

Mr. Ames moved

That on line 1, page 5 of the printed bill, after the words "consist of," insert the words "township of."

Which motion prevailed.

Mr. Lavayea moved

That the section relating to the Fifth district, second line of printed bill be amended after the word Northwood by adding the words "city of Northwood."

Which motion prevailed.

Senate bill No. 60,

A bill for an act to define the senatorial and representative districts of North Dakota and prescribe the number of senators and representatives therein.

Was read the third time.

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

The roll was called and there were ayes 23, nays 7, absent and not voting 1.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Lavayea,	Sharpe,
Baker,	Lewis,	Simpson,
Clarke,	Little,	Slotten,
Devlin,	McDougal,	Swenson,
Geer,	Miner,	Talcott,
Hale,	Murphy,	Taylor,
Hegge,	Noble,	Wolbert,
Jacobson,	Sanborn,	

Those voting in the negative were:

Messrs.—	Messrs.—	Messrs.—
Cashel,	Fuller,	Lofthus,
Cooper,	LaMoure,	Williams,
Cox,		

Absent and not voting, Mr. Laidlaw, who was excused.

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

Mr. Little moved that the vote by which  
Senate bill No. 60,

A bill for an act to define the senatorial and representative districts of North Dakota and prescribe the number of senators and representatives therein.

Passed, be reconsidered and the motion to reconsider be laid upon the table,

Which motion prevailed.

Mr. Noble moved that  
Senate bill No. 122,

A bill for an act to empower the board of county commissioners to offset due or delinquent taxes, due from any person, corporation or society, in whose favor an indebtedness has accrued against such county.

Be recommitted to the committee on ways and means,  
Which motion prevailed,

Senate bill No. 92,

A bill for an act to prevent the extermination of antelope.

Was read the third time.

The question being upon the final passage of the bill.

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

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Hale,	Sanborn,
Baker,	Jacobson,	Sharpe,
Cashel,	Lavayea,	Simpson,
Clarke,	Lewis,	Slotten,
Cooper,	Lofthus,	Swenson,
Cox,	McDougal,	Talcott,
Devlin,	Miner,	Taylor,
Fuller,	Murphy,	Williams,
Geer,	Noble,	Wolbert,

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Hegge,	LaMoure,	Little,
Laidlaw,		

Mr. Laidlaw being excused.

So the bill passed and the title was agreed to.

Mr. Wolbert moved that the secretary of the senate be requested to place on the desk of each senator and representative, five copies of the special report ordered yesterday.

Which motion prevailed.

Senate bill No. 94,

A bill for an act repealing sections 1679 and 1680, Revised Codes, 1899, relating to bounties for the manufacture of binding twine.

Was read the third time.

The question being upon the final passage of the bill.

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

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Hale,	Noble,
Baker,	Hegge,	Sanborn,
Cashel,	Jacobson,	Sharpe,
Clarke,	Lavayea,	Slotten,
Cooper,	Lewis,	Swenson,
Cox,	Lofthus,	Talcott,
Devlin,	McDougal,	Taylor,
Fuller,	Murphy,	Williams,
Geer,	Miner,	Wolbert,

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Laidlaw,	Little,	Simpson,
LaMoure,		

Mr. Laidlaw being excused.

So the bill passed and the title was agreed to.

Senate bill No. 131,

A bill for an act to amend section 277 and section 280 of chap-

ter 4, of article 6 of the Revised Codes, relating to the practice of medicine, surgery and obstetrics.

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 none, absent and not voting 5.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Hegge,	Noble,
Baker,	Jacobson,	Sanborn,
Cashel,	Lavayea,	Slotten,
Clarke,	LaMoure,	Swenson,
Cooper,	Lewis,	Talcott,
Cox,	Lofthus,	Taylor,
Fuller,	Mallough,	Williams,
Geer,	Miner,	Wolbert,
Hale,	Murphy,	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Devlin,	Little,	Simpson,
Laidlaw,	Sharpe,	

Mr. Laidlaw being excused.

So the bill passed and the title was agreed to.

Substitute for Senate bill No. 19,

A bill for an act to amend section 1941 of the Revised Codes of 1899, relating to depositories of county funds.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 28, nays none, absent and not voting 3.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Jacobson,	Sanborn,
Baker,	Lavayea,	Sharpe,
Cashel,	LaMoure,	Slotten,
Clarke,	Lewis,	Swenson,
Cooper,	Little,	Talcott,
Cox,	Lofthus,	Taylor,
Fuller,	McDougal,	Williams,
Geer,	Miner,	Wolbert,
Hale,	Murphy,	
Hegge,	Noble,	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Devlin,	Laidlaw,	Simpson,

Mr. Laidlaw being excused.

So the bill passed and the title was agreed to.

Senate bill No. 116,

A bill for an act to amend section 6670, of the Revised Codes and to repeal section 6671 of the Revised Codes.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 28, nays 2, absent and not voting 3.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Jacobson,	Sanborn,
Baker,	Lavayea,	Sharpe,
Cashel,	LaMoure,	Simpson,
Clarke,	Little,	Slotten,
Cooper,	Lofthus,	Swenson,
Cox,	McDougal,	Talcott,
Fuller,	Miner,	Taylor,
Geer,	Murphy,	Williams,
Hale,	Noble,	Wolbert,
Hegge,		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Devlin,	Laidlaw,	Lewis,

Mr. Laidlaw being excused.

So the bill passed and the title was agreed to.

Senate bill No. 79,

A bill for an act entitled an act to amend section 5046 of the Revised Codes of 1899 relating to injunctions.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 28, nays none, absent and not voting 3.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Jacobson,	Sanborn,
Baker,	Lavayea,	Sharpe,
Cashel,	LaMoure,	Simpson,
Clarke,	Little,	Slotten,
Cooper,	Lofthus,	Swenson,
Cox,	McDougal,	Talcott,
Fuller,	Miner,	Taylor,
Geer,	Murphy,	Williams,
Hale,	Noble,	Wolbert,
Hegge,		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Devlin,	Laidlaw,	Lewis,

Mr. Laidlaw being excused.

So the bill passed and the title was agreed to.

Senate bill No. 123,



A bill for an act to amend section 1942 of the Revised Codes of 1899, relating to depositories for county funds.

Was read the third time.

The question being upon the final passage of the bill.

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

Those who voted in the affirmative were:

Messrs.—

Ames,  
Baker,  
Cashel,  
Clarke,  
Cooper,  
Cox,  
Devlin,  
Fuller,  
Geer,  
Hale,

Messrs.—

Hegge,  
Jacobson,  
Lavayea,  
LaMoure,  
Lewis,  
Little,  
Lofthus,  
McDougal,  
Miner,  
Murphy,

Messrs.—

Noble,  
Sanborn,  
Sharpe,  
Simpson,  
Slotten,  
Swenson,  
Talcott,  
Taylor,  
Williams,  
Wolbert,

Mr. Laidlaw being excused.

So the bill passed and the title was agreed to.

#### FIRST READING OF HOUSE BILLS.

Substitute for Senate bill No. 47,

A bill for an act to amend section 1549 of the Revised Codes of 1899, relating to time when lawful for stock to run at large.

Which was read the first time.

House bill No. 66,

A bill for an act to amend section 441 of the Revised Codes of North Dakota, relating to jurors.

Which was read the first time.

Senate bill No. 100,

A bill for an act entitled an act to repeal section 1613 of the Revised Codes of the revision of 1899 relating to appropriation for district veterinarians and the chief state veterinarians.

Which was read the first time.

House bill No. 67,

A bill for an act to amend section 7679 of the Revised Codes of 1899, being chapter 93 of the session laws of 1899, relating to game and fish.

Which was read the first time.

House bill No. 88,

A bill for an act to create a state farmers' institute board of directors and prescribing its powers and duties, and making an appropriation for conducting farmers' institutes.

Which was read the first time.

House bill No. 12,

A bill for an act to amend section 278 of the Political Code of North Dakota, being section 4 of the act entitled "an act to regulate the practice of medicine in the state of North Dakota, to license physicians, surgeons and obstetricians and to punish persons violating the provisions of this act.

Which was read the first time.

House bill No. 52,

A bill for an act to amend section 717 of the Revised Codes of North Dakota.

Which was read the first time.

House bill No. 16,

Concurrent resolution amending the constitution of the state of North Dakota.

Which was read the first time.

House bill No. 36,

A bill for an act to amend section 1566 of the Political Code of North Dakota, relating to bounty for killing wolves.

Which was read the first time.

House bill No. 97,

A bill for an act to amend chapter 21 of the Revised Codes, governing the location, establishment and construction of drains, and relating to the allowance and taxation of costs and attorneys fees against the defendants in actions to enjoin drainage proceedings or the levy and collection of taxes and assessments therefor.

Which was read the first time.

Mr. LaMoure moved

That the senate do now adjourn,

Which motion prevailed, and

The senate adjourned.

GEORGE L. TOWNES,

Secretary.

## THIRTY-THIRD DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
February 6, 1901.

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. Ames, Cox, Laidlaw and Simpson who were excused.

## REFERENCE OF THE JOURNAL.

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

Mr. President:

Your committee on revision and correction of the Journal beg leave to report no corrections for the thirty-second day.

H. J. MINER,  
Chairman.

## 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. 50,

A bill for an act to amend sections 867, 869, 870, 871, 872, Revised Codes, 1899, relating to education.

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

On page 1, line 7 of the printed bill, after the word "board" add the words, "and shall not exceed fifteen hundred dollars a year," also on same

page and same line after the word "expenses," add the words, "which shall be itemized and not exceed five hundred dollars a year."

And when so amended recommend that the same do pass.

G. M. WOLBERT,  
Chairman.

Mr. Cassell moved

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

The committee on education made the following report:

Mr. President:

Your committee on education to whom was referred

Senate bill No. 74,

A bill for an act entitled "An act to amend sections 643, 681 and 682 of the Revised Codes of 1899, relating to education."

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

In section 2, on line 13, page 2, of the printed bill change the word "three" to "five," and insert the words "in attending" in lieu of the word "for."

And when so amended recommend that the same do pass.

G. M. WOLBERT,  
Chairman.

Mr. Hale moved

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

The committee on education made the following report:

Mr. President:

Your committee on education to whom was referred

Senate bill No. 56,

A bill for an act to amend section 885, chapter 10, of the Revised Codes, relating to object and departments of the university.

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

In the title of bill add "1899" after "Codes," and change the word "objects" to "object."

On line 1, page 1, of printed bill add "1899" after "Codes."

And when so amended recommend that the same do pass.

G. M. WOLBERT,  
Chairman.

Mr. Cassell moved  
That the report be adopted  
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. 121,

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.

Also.

Senate bill No. 143,

A bill for an act entitled "an act to amend section 338 of the  
Revised Codes of 1899, providing for an appropriation for sup-  
plies for the capitol building, the executive mansion and the  
public grounds and parks connected therewith and for necessary  
repairs upon the capitol building."

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

JUDSON LaMOURE,  
Chairman.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred  
House bill No. 92,

A bill for an act entitled an act legalizing the levy of taxes as  
made by the state, the various counties, townships and school  
districts for the years 1890 to 1900 inclusive.

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

By striking out in lines 3 and 4 of section 1 in printed bill the figures  
"1890, 1891, 1892, 1893 and 1894," and by striking out in the title the  
figures "1890" and inserting in line thereof the figures "1895."

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

Senate bill No. 124,

A bill for an act to provide a fund for the purpose of retiring the principal of the bonded indebtedness of the state.

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

By striking out the word "annually" in the second line of original bill and inserting in lieu thereof the word and figures "January 1, 1892" and by striking out the entire emergency clause.

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  
Senate bill No. 105,

A bill for an act to amend section 4680 of article 2, chapter 72, of the Revised Codes of the state of North Dakota, for the year

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

By striking out all after the word "provided" in line 5 of the original bill and inserting in lieu thereof "however, that in case of a contract or agreement for a lien upon the future earnings of man, animal or machinery, personal notice thereof in writing shall be served upon the party for whom such services are performed before the payment of such services, which said notice may be served and returned in the same manner as a summons in a civil action and provided further, that in case of such agreement in regard to the earnings of machinery which is operated with man and animal, such lien shall not attach to more than 50 per cent of the gross earnings of such machinery, men and animals."

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 highways, bridges and ferries made the following report:

Mr. President:

Your committee on highways, bridges and ferries to whom was referred

House bill No. 11,

A bill for an act entitled an act to amend section 1143 of article 7, of chapter 17 of the Revised Codes of 1899.

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

H. J. MINER,  
Chairman.

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

Mr. President:

Your committee on enrolled and engrossed bills have examined Senate bill No. 92,

A bill for an act to prevent the extermination of antelope.

Also,

Senate bill No. 131,

A bill for an act to amend section 277 and section 280 of chapter 4, of article 6 of the Revised Codes, relating to the practice of medicine, surgery and obstetrics.

Also,

Senate bill No. 94,

A bill for an act repealing sections 1679 and 1680, Revised Codes, 1899, relating to bounties for the manufacture of binding twine.

Also,

Senate bill No. 1.

A bill for an act entitled an act to provide for the trial of civil actions.

Also,

Senate bill No. 60,

A bill for an act to define the senatorial and representative districts of North Dakota and prescribe the number of senators and representatives therein.

And find the same correctly engrossed.

H. E. LAVAYEA,  
Chairman.

#### MESSAGE FROM THE GOVERNOR.

The following communication was received from the governor:

EXECUTIVE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
February 9, 1901.

To the Senate:

Gentlemen: I have the honor to inform you that I have this day approved and filled with the honorable secretary of state

Senate bill No. 70,

A bill for an act to create a state auditing board for the state of North Dakota.

Also,

Senate bill No. 76,

A bill to amend section 7110, chapter 20 of the Revised Codes of 1899, relating to the crime of kidnapping.

Very respectfully yours,

FRANK WHITE,  
Governor.

#### MOTIONS AND RESOLUTIONS.

Mr. Cashel moved

That classification of the special committee to augment the revenues of the state be referred to the committee on judiciary to draft and introduce a bill to provide a law to create a sinking fund to pay the \$153,000 bonds coming due in 1902.

Which motion prevailed.

Mr. Cashel moved

That classification 4 be referred to the committee on judiciary for consideration, to draft a bill to tax telegraph lines, etc., in accordance with the constitutional amendments recently adopted,

Which motion prevailed.

Mr. Cashel moved

That classification 5 be referred to committee on railroads.

Which motion prevailed,

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

Mr. Murphy introduced

Senate bill No. 149,

A bill for an act entitled an act requiring agents and attorneys to have a power of attorney authorizing the foreclosure of real estate mortgages, and requiring it to be filed in the office of the register of deeds.

Which was read the first time.

Mr. LaMoure introduced

Senate bill No. 150,

A bill for an act entitled "An act to amend section 327 of the Revised Codes of 1899, providing for the record of fees and monthly reports and payments of said fees to the state treasurer monthly by any state officer or deputy authorized by law to receive said fees."

Which was read the first time.

Mr. Cashel introduced

Substitute for Senate bill No. 10,

A bill for an act providing for the selection of candidates for election by popular vote and relating to their nomination.

Which was read the first time.

Mr. Hegge introduced

Senate bill No. 151,

A bill for an act to appropriate money to pay the annual ex-



pense of appraising, advertising, and selling common school and institution lands.

Which was read the first time.

Mr. LaMoure moved

That all senate bills on the secretary's desk which have only been read a first time be read a second time and referred to their appropriate committees.

Which motion prevailed.

### SECOND READING OF SENATE BILLS.

Senate bill No. 137.

A bill for an act to amend sections 73 and 76 of the Revised Codes of 1899, relating to public printing and making an appropriation therefor.

Was read the second time, and

Referred to the committee on appropriations.

Senate bill No. 149.

A bill for an act entitled an act requiring agents and attorneys to have a power of attorney authorizing the foreclosure of real estate mortgages, and requiring it to be filed in the office of the register of deeds.

Was read the second time, and

referred to the committee on judiciary.

Senate bill No. 150.

A bill for an act entitled "An act to amend section 327 of the Revised Codes of 1899, providing for the record of fees and monthly reports and payments of said fees to the state treasurer monthly by any state officer or deputy authorized by law to receive said fees."

Was read the second time and

Referred to the committee on judiciary.

Substitute for Senate bill No. 10.

A bill for an act providing for the selection of candidates for election by popular vote and relating to their nomination.

Was read the second time and

Referred to the committee on elections.

Senate bill No. 151.

A bill for an act to appropriate money to pay the annual expense of appraising, advertising, and selling common school and institution lands.

Which was read the second time, and

Referred to the committee on appropriations.

## MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,  
BISMARCK, NORTH DAKOTA,  
February 9, 1901.

Mr. President:

I have the honor to transmit herewith

House bill No. 24,

A bill for an act entitled "An act to amend sections 324, 326, 328 and 333 of the Code of Civil Procedure of the state of North Dakota, being sections 5518, 5520, 5522 and 5528 of the Revised Codes of 1895 of the state of North Dakota, and to repeal section 325 of the Code of Civil Procedure of North Dakota, being section 5519 of the Revised Codes of said state, all of said sections relating to exemptions.

Also,

House bill No. 17,

A bill for an act to repeal section 3072a, section 3072b, and section 3072c of article 7 of chapter 12 of the Revised Codes of 1899, relating to stealing rides upon cars, engines and trains, and authorizing trainmen to arrest and prosecute offenders.

Also,

House bill No. 32,

A bill for an act to regulate the practice of barbering, the licensing of persons to carry on such practice, and to insure the better education of such practitioners in the state of North Dakota.

Also,

House bill No. 83,

A bill for an act requiring railroad companies to stop all regular passenger trains at county seats.

Also,

House bill No. 57,

A bill for an act to amend section 1596 of the Revised Codes of North Dakota, 1899, the same being section 1596 of the Revised Codes of 1895, relating to veterinarian districts.

Also,

House bill No. 118,

A bill for an act to amend sections 775 and 777 of the Revised Codes of 1899, relating to school district bonds.

Also,

House bill No. 137,

A bill for an act to amend section 1199 and to repeal section 1200 of the Revised Codes of the state of North Dakota, edition of 1899, relating to the mode of listing, assessing and taxing property, including grain in elevators, warehouses and grain houses.

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

Very respectfully,

J. D. SCANLAN.

Chief Clerk.

### THIRD READING OF HOUSE BILLS.

Mr. Little moved

That rules be suspended and  
House bill No. 92,

A bill for an act entitled an act legalizing the levy of taxes as made by the state, the various counties, townships and school districts for the years 1890 to 1900 inclusive.

Be given its third reading and placed on its final passage.

Which motion prevailed.

House bill No. 92,

A bill for an act entitled an act legalizing the levy of taxes as made by the state, the various counties, townships and school districts for the years 1890 to 1900 inclusive.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 25, nays none, absent and not voting 6.

Those who voted in the affirmative were:

Messrs.—

Baker,  
Cashel,  
Clarke,  
Cooper,  
Devlin,  
Fuller,  
Geer,  
Hale,  
Hegge,

Messrs.—

Jacobson,  
Lavayea,  
Little,  
Loftaus,  
McDougal,  
Miner,  
Murphy,  
Noble.

Messrs.—

Sanborn,  
Sharpe,  
Slotten,  
Swenson,  
Talcott,  
Taylor,  
Williams,  
Wolbert,

Absent and not voting:

Messrs.—

Ames,  
Cox,

Messrs.—

LaMoire,  
Lewis,

Messrs.—

Laidlaw,  
Simpson,

Messrs. Ames, Cox, Laidlaw and Simpson being excused.

### THIRD READING OF SENATE BILLS.

Senate bill No. 87,

A bill for an act entitled an act relating to the sale of dressed beef.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 24, nays none, absent and not voting 7.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Baker,	Jacobson,	Sharpe,
Cashel,	Lavayea,	Slotten,
Cooper,	LaMoure,	Swenson,
Devlin,	Little,	Talcott,
Fuller,	Miner,	Taylor,
Geer,	Murphy,	Williams,
Hale,	Noble,	Wolbert,
Hegge,	Sanborn,	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Ames,	Laidlaw,	Lofthus,
Clarke,	Lewis,	Simpson,
Cox,		

Messrs. Ames, Cox, Laidlaw and Simpson being excused.

So the bill passed and the title was agreed to.

Mr. Little moved  
That the vote by which  
House bill No. 92,

A bill for an act entitled an act legalizing the levy of taxes as made by the state, the various counties, townships and school districts for the years 1890 to 1900 inclusive.

Was passed be reconsidered, and the motion to reconsider be laid upon the table.

Which motion prevailed

Senate bill No. 16,

A bill for an act to repeal chapter 60 of the session laws of 1897 forbidding and preventing the practice of law by judges of county courts having increased jurisdiction.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 25, nays 1, absent and not voting 5.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Baker,	Jacobson,	Sanborn,
Cashel,	Lavayea,	Sharpe,
Clarke,	LaMoure,	Slotten,
Cooper,	Lewis,	Swenson,
Devlin,	Lofthus,	Talcott,
Fuller,	McDougal,	Taylor,
Geer,	Miner,	Williams,
Hale,	Noble,	Wolbert,
Hegge,		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Ames,	Murphy,	Simpson,
Cox,	Laidlaw,	

Mr. Little voting in the negative.

Messrs. Ames, Cox, Laidlaw and Simpson being excused.

So the bill passed and the title was agreed to.

Mr. LaMoure moved

That the rules be suspended and that

House bill No. 43,

A bill for an act to amend sections 736, 740, 741, 742 and 743 of the Revised Codes, 1899, relating to education.

Be placed on its third reading and final passage.

Which motion prevailed, and

House bill No. 43,

A bill for an act to amend sections 736, 740, 741, 742 and 743 of the Revised Codes, 1899, relating to education.

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 none, absent and not voting 5.

Those who voted in the affirmative were:

Messrs.—

Baker,  
Cashel,  
Clarke,  
Cooper,  
Fuller,  
Geer,  
Hale,  
Hegge,  
Jacobson,

Messrs.—

Lavayea,  
LaMoure,  
Lewis,  
Little,  
Lofthus,  
McDougal,  
Miner,  
Murpny,  
Noble,

Messrs.—

Sanborn,  
Sharpe,  
Slotten,  
Swenson,  
Talcott,  
Taylor,  
Williams,  
Wolbert,

Absent and not voting:

Messrs.—

Ames,  
Cox,

Messrs.—

Devlin,  
Laidlaw,

Messrs.—

Simpson,

Messrs. Ames, Cox, Laidlaw and Simpson being excused.

So the bill passed and the title was agreed to.

### MESSAGE FROM THE GOVERNOR.

The following communication was received from the governor:

EXECUTIVE CHAMBER,  
BISMARCK, NORTH DAKOTA.  
February 9, 1901,

To the Senate:

Gentlemen:—I have the honor to inform you that I have this day approved and filed with the honorable secretary of state.

Senate bill No. 40,

A bill for an act in relation to the transaction of business by fire insurance companies or associations otherwise than through resident agents.

Very respectfully yours,

FRANK WHITE,

Governor.

Mr. LaMoure moved

That the vote by which

House bill No. 43,

A bill for an act to amend sections 736, 740, 741, 742 and 743 of the Revised Codes, 1899, relating to education.

Was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Mr. Little moved

The rules be suspended and that all house bills on the secretary's desk be given their first and second reading

Which motion prevailed.

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

House bill No. 57,

A bill for an act to amend section 1596 of the Revised Codes of North Dakota, 1899, the same being section 1596 of the Revised Codes of 1895, relating to veterinarian districts.

Which was read the first and second times, and

Referred to the committee on judiciary.

House bill No. 24,

A bill for an act entitled "An act to amend sections 324, 326, 328 and 333 of the Code of Civil Procedure of the state of North Dakota, being sections 5518, 5520, 5522 and 5528 of the Revised Codes of 1895 of the state of North Dakota, and to repeal section 325 of the Code of Civil Procedure of North Dakota, being section 5519 of the Revised Codes of said state, all of said sections relating to exemptions.

Which was read the first and second times, and

Referred to the committee on judiciary.

House bill No. 137,

A bill for an act to amend section 1199 and to repeal section 1200 of the Revised Codes of the state of North Dakota, edition of 1899, relating to the mode of listing, assessing and taxing property, including grain in elevators, warehouses and grain houses.

Which was read the first and second times, and

Referred to the committee on ways and means.

House bill No. 118,

A bill for an act to amend sections 775 and 777 of the Revised Codes of 1899, relating to school district bonds.

Which was read the first and second times, and

Referred to the committee on education.

House bill No. 83,

A bill for an act requiring railroad companies to stop all regular passenger trains at county seats.

Which was read the first and second times, and

Referred to the committee on railroads.

House bill No. 32,

A bill for an act to regulate the practice of barbering, the licensing of persons to carry on such practice, and to insure the better education of such practitioners in the state of North Dakota.

Which was read the first and second times, and

Referred to the committee on state affairs.

House bill No. 17,

A bill for an act to repeal section 3072a, section 3072b, and section 3072c of article 7 of chapter 12 of the Revised Codes of 1899, relating to stealing rides upon cars, engines and trains, and authorizing trainmen to arrest and prosecute offenders.

Which was read the first and second times, and

Referred to the committee on railroads.

House bill No. 97,

A bill for an act to amend chapter 21 of the Revised Codes, governing the location, establishment and construction of drains and relating to the allowance and taxation of costs and attorneys fees against the defendants in actions to enjoin drainage proceedings or the levy and collection of taxes and assessments therefor.

Which was read the second time, and

Referred to the committee on judiciary.

House bill No. 36,

A bill for an act to amend section 1566 of the Political Code of North Dakota, relating to bounty for killing wolves.

Which was read the second time, and

Referred to the committee on state affairs.

House bill No. 16,

Concurrent resolution amending the constitution of the state of North Dakota.

Which was read the second time, and

Referred to the committee on judiciary.

House bill No. 52,

A bill for an act to amend section 717 of the Revised Codes of North Dakota.

Which was read the second time, and

Referred to the committee on education.

House bill No. 12,

A bill for an act to amend section 278 of the Political Code of North Dakota, being section 4 of the act entitled "an act to regulate the practice of medicine in the state of North Dakota, to license physicians, surgeons and obstetricians and to punish persons violating the provisions of this act.

Which was read the second time, and

Referred to the committee on public health.

House bill No. 88,

A bill for an act to create a state farmers' institute board of

directors and prescribing its powers and duties, and making an appropriation for conducting farmers' institutes.

Which was read the second time, and

Referred to the committee on appropriations.

House bill No. 67,

A bill for an act to amend section 7679 of the Revised Codes of 1899, being chapter 93 of the session laws of 1899, relating to game and fish.

Which was read the second time, and

Referred to the committee on state affairs.

House bill No. 100,

A bill for an act defining slander of females and making the same a misdemeanor.

Which was read the second time, and

Referred to the committee on judiciary.

House bill No. 66,

A bill for an act to amend section 441 of the Revised Codes of North Dakota, relating to jurors.

Which was read the second time, and

Referred to the committee on judiciary.

House bill No. 47,

A bill for an act to amend section 4064 of the Revised Codes of the state of North Dakota, 1895, in regard to usury, and providing that a contract or agreement providing for a greater rate of interest after than before maturity shall be deemed usurious.

Which was read the second time, and

Referred to the committee on judiciary.

House bill No. 71,

A bill for an act to amend section 5958 of the Revised Codes, enumerating what property may be taken in the exercise of the right of eminent domain.

Which was read the second time, and

Referred to the committee on judiciary.

### THIRD READING OF SENATE BILLS.

Senate bill No. 68,

A bill for an act entitled an act relating to the board of pardons and prescribing the powers and duties thereof.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 24, nays none, absent and not voting 7.

Those who voted in the affirmative were:

Messrs.—

Baker,  
Cashel,  
Clarke,

Messrs.—

Hegge,  
Lavayea,  
LaMoure,

Messrs.—

Noble,  
Sharpe,  
Slotten,



Messrs.—

Cooper,  
Devlin,  
Fuller,  
Geer,  
Hale,

Messrs.—

Lewis,  
Little,  
Lofthus,  
Miner,  
Murphy,

Messrs.—

Swenson,  
Talcott,  
Taylor,  
Williams,  
Wolbert,

Absent and not voting:

Messrs.—

Ames,  
Cox,  
Jacobson,

Messrs.—

Laidlaw,  
McDougal,

Messrs.—

Sanborn,  
Simpson,

Messrs. Ames, Cox, Laidlaw and Simpson being excused.

So the bill passed and the title was agreed to.

Mr. Murphy moved

That the senate do now adjourn,

Which motion prevailed, and

The senate adjourned.

INGRAM J. MOE,  
Acting Secretary.

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### THIRTY-FIFTH DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
February 11, 1901.

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. Ames, Laidlaw, Lewis, McDougal, Sanborn and Talcott who were excused.

**PRESENTATION OF PETITIONS AND COMMUNICATIONS.**

To the Senate of the State of North Dakota:

We, the undersigned, citizens of Leeds do most respectfully petition your honorable body to pass Senate bill No. 109, prohibiting the sale of cigarettes.

ADDIE RIDENOUR,  
And 40 Others.

Referred to the committee on woman's suffrage.

We, the undersigned residents of Hankinson and vicinity, being interested in and engaged in farming, and desirous of having a farmer's institute held at Hankinson, during the winter season, petition our honorable senator Andrew Slotte that he do all in his power to procure

the passage of the law now before the legislature, providing for funds necessary to defray the expenses of such institutes.

M. A. WHIPPERMAN  
And 79 others.

To the Senate of the State of North Dakota:

We, the undersigned, citizens of Leal, Barnes Co., do most respectfully petition your honorable body to pass Senate bill No. 109, prohibiting the sale of cigarettes.

J. J. BASCOM,  
And 200 others.

Referred to committee on woman's suffrage.

To the Senate of the State of North Dakota:

We, the undersigned, citizens of Steele Co., N. D., do most respectfully petition your honorable body to pass Senate bill No. 109, prohibiting the sale of cigarettes.

F. G. ANDERSON,  
And 45 others.

Referred to the committee on woman suffrage.

Mr. LaMoure moved

That a petition from Ramsey county relating to primary election law, be not made a part of the record.

Which motion prevailed.

#### REPORTS OF STANDING COMMITTEES.

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

Mr. President:

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

Senate bill No. 16,

A bill for an act to repeal chapter 60 of the session laws of 1897 forbidding and preventing the practice of law by judges of county courts having increased jurisdiction.

Also,

Senate bill No. 74,

A bill for an act entitled "An act to amend sections 643, 681 and 682 of the Revised Codes of 1899, relating to education."

Also,

Senate bill No. 68,

A bill for an act entitled an act relating to the board of pardons and prescribing the powers and duties thereof.

Also,

Senate bill No. 56,

A bill for an act to amend section 885, chapter 10, of the Revised Codes, relating to object and departments of the university.

Also,

Senate bill No. 124,

A bill for an act to provide a fund for the purpose of retiring the principal of the bonded indebtedness of the state.

Also,

House bill No. 105,

A bill for an act to amend section 4827 of the Revised Codes of North Dakota, relating to farm laborer's lien. How the same may be obtained, and extending the time for filing affidavit and notice.

And find the same correctly engrossed.

H. E. LAVAYEA,

Chairman.

The committee on state affairs made the following report:

Mr. President:

Your committee on state affairs to whom was referred

Senate bill No. 129,

A bill for an act relating to the manner of making and filing claims against the state, and prescribing forms to be used.

Also,

Senate bill No. 128,

A bill for an act entitled an act to amend section 338d of the Revised Codes, 1899, relating to vouchers filed to be consecutively numbered and paid.

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

A. B. COX,

Chairman.

The committee on ways and means made the following report:

Mr. President:

Your committee on ways and means to whom was referred

House bill No. 137,

A bill for an act to amend section 1199 and to repeal section 1200 of the Revised Codes of the state of North Dakota, edition of 1899, relating to the mode of listing, assessing and taxing property, including grain in elevators, warehouses and grain houses.

Have had the same under consideration and recommend that the same be referred to the committee on warehouses, grain and grain grading.

J. B. SHARPE,

Chairman.

Mr. Sharpe 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. 11,

A bill to amend sections 1536, 1537, 1538, 1542 and 1543 of the Revised Codes of the state of North Dakota, relating to the recording of marks and brands.

And find the same correctly enrolled.

H. E. LAVAYEA,  
Chairman.

House bill No. 137,

A bill for an act to amend section 1199 and to repeal section 1200 of the Revised Codes of the state of North Dakota, edition of 1899, relating to the mode of listing, assessing and taxing property, including grain in elevators, warehouses and grain houses.

Was re-referred to the committee on warehouses, grain and grain grading.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred Senate bill No. 138,

Concurrent resolution for an act to amend section 182 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. 57,

A bill for an act to amend section 1596 of the Revised Codes of North Dakota, 1895, relating to veterinarian districts.

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

Also,

Senate bill No. 140,

A bill for an act entitled an act to amend section 1880 of the Revised Codes of North Dakota of 1899, relating to the procedure for the location and removal of county seats.

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

C. B. LITTLE,  
Chairman.

The committee on ways and means made the following report:

Mr. President:

Your committee on ways and means to whom was referred Senate bill No. 122,

A bill for an act to empower the board of county commissioners to offset due or delinquent taxes, due from any person, corpora-

tion or society, in whose favor an indebtedness has accrued against such county.

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

J. B. SHARPE,  
Chairman.

#### REFERENCE OF THE JOURNAL.

Mr. Speaker:

Your committee on revision and correction of the Journal for the 33rd day report the following corrections:

On page 13, strike out lines 8 to 13 inclusive, and insert in lieu thereof the following:

“House bill No. 17,

“A bill for an act to repeal section 3072a, section 3072b, and section 3072c of article 7 of chapter 12 of the Revised Codes of 1899, relating to stealing rides upon cars, engines and trains, and authorizing trainmen to arrest and prosecute offenders.”

Which was read the first and second times, and

Referred to the committee on railroads.

Also strike out the word “appropriations” on page 7, line 7, from the bottom and insert the word “elections.”

H. J. MINER,  
Chairman.

Mr. Miner moved

The adoption of the report.

Which motion prevailed, and

The report was adopted.

Mr. Taylor moved

That the vote by which

Senate bill No. 131,

A bill for an act to amend section 277 and section 280 of chapter 4, of article 6 of the Revised Codes, relating to the practice of medicine, surgery and obstetrics.

Was passed be reconsidered and the same be recalled from the house

The motion to recall prevailed.

The motion to reconsider

Senate bill No. 131,

A bill for an act to amend section 277 and section 280 of chapter 4 of article 6 of the Revised Codes, relating to the practice of medicine, surgery and obstetrics.

Prevailed.

#### MOTIONS AND RESOLUTIONS.

The courtesies of the floor were extended to Franklin Potter, and C. R. Meredith, Casselton, N. D.; Dr. M. W. Miracle, Edgeley, N. D.; Prof. C. H. Shiees, Fargo, N. D.; O. F. Bryant,

Logan county, N. D.; Andres Schatz, Harvey, N. D.; Dr. Crawford, Valley City, N. D.; David Stewart, LaMoure, N. D.; M. F. Williams, W. J. Rooney, Frank Prockaska, Fargo, N. D.

Mr. Cashel moved

That two copies of the special report of the committee appointed to devise ways and means to augment the revenues of this state, be placed on the desk of each senator and representative.

Which motion prevailed.

Mr. Wolbert moved

That all senate bills on the secretary's desk be given their first and second reading and reference.

Which motion prevailed,

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

Mr. Devlin introduced

Senate bill No. 152,

A bill for an act legalizing the levy of taxes for road and general purposes by the township board of supervisors for the years 1899 and 1900.

Which was read the first time.

Mr. Baker introduced

Senate bill No. 153,

A bill for an act to amend section 1180 of the Revised Codes relating to property exempt from taxation.

Which was read the first time.

Mr. Wolbert introduced

Senate bill No. 154,

A bill for an act defining express companies, freight line companies, equipment companies, telegraph and telephone companies and providing for the assessment of their property and taxation

Which was read the first time.

Mr. Lavayea introduced

Senate bill No. 155,

A bill for an act entitled an act declaring noxious weeds a nuisance prescribing the manner of destroying the same and prescribing a penalty for failure so to do.

Which was read the first time.

#### SECOND READING OF SENATE BILLS.

Senate bill No. 149,

A bill for an act entitled an act requiring agents and attorneys to have a power of attorney authorizing the foreclosure of real estate mortgages, and requiring it to be filed in the office of the register of deeds.

Was read the second time, and

Referred to the committee on judiciary.

Senate bill No. 150,

A bill for an act entitled "An act to amend section 327 of the Revised Codes of 1899, providing for the record of fees and monthly reports and payments of said fees to the state treasurer monthly by any state officer or deputy authorized by law to receive said fees."

Was read the second time, and

Referred to the committee on judiciary.

Senate bill No. 151,

A bill for an act to appropriate money to pay the annual expense of appraising, advertising, and selling common school and institution lands.

Was read the second time, and

Referred to the committee on appropriations.

Senate bill No. 152,

A bill for an act legalizing the levy of taxes for road and general purposes by the township board of supervisors for the years 1899 and 1900.

Was read the second time, and

Referred to the committee on judiciary.

Senate bill No. 153,

A bill for an act to amend section 1180 of the Revised Codes relating to property exempt from taxation.

Was read the second time, and

Referred to the committee on ways and means.

Senate bill No. 154,

A bill for an act defining express companies, freight line companies, equipment companies, telegraph and telephone companies and providing for the assessment of their property and taxation of the same.

Was read the second time, and

Referred to the committee on judiciary.

Senate bill No. 155,

A bill for an act entitled an act declaring noxious weeds a nuisance prescribing the manner of destroying the same and prescribing a penalty for failure so to do.

Was read the second time, and

Referred to the committee on agriculture.

Mr. Little moved

The rules be suspended, and

House bill No. 57,

A bill for an act to amend section 1596 of the Revised Codes of North Dakota, 1899, the same being section 1596 of the Revised Codes of 1895, relating to veterinarian districts.

Be given its third reading and final passage,

Which motion prevailed.

THIRD READING OF HOUSE BILLS.

House bill No. 57,

A bill for an act to amend section 1596 of the Revised Codes of North Dakota, 1899, the same being section 1596 of the Revised Codes of 1895, relating to veterinarian districts.

Was read the third time.

The question being upon the final passage of the bill

The roll was called and there were ayes 24, nays none, absent and not voting 7.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Baker,	Hale,	Murphy,
Cashel,	Hegge,	Noble,
Clarke,	Jacobson,	Sharpe,
Cooper,	Lavayea,	Slotten,
Cox,	LaMoure,	Swenson,
Devlin,	Little,	Taylor,
Fuller,	Lofthus,	Williams,
Geer,	Miner,	Wolbert,

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Ames,	McDougal,	Simpson,
Laidlaw,	Sanborn,	Talcott,
Lewis,		

Messrs. Ames, Laidlaw, McDougal, Sanborn, Simpson, Talcott and Lewis being excused.

So the bill passed and the title was agreed to.

THIRD READING OF SENATE BILLS.

Senate bill No. 64,

A bill for an act entitled an act to amend section 5260, Revised Codes of 1899, relating to the manner of commencing civil actions.

Was read the third time.

The question being upon the final passage of the bill

The roll was called and there were ayes 24, nays none, absent and not voting 7.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Baker,	Hale,	Murphy,
Cashel,	Hegge,	Noble,
Clarke,	Jacobson,	Sharpe,
Cooper,	Lavayea,	Slotten,
Cox,	LaMoure,	Swenson,
Devlin,	Little,	Taylor,
Fuller,	Lofthus,	Williams,
Geer,	Miner,	Wolbert,



## Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Ames,	McDougal,	Simpson,
Laidlaw,	Sanborn,	Talcott,
Lewis,		

Messrs. Ames, Laidlaw, Lewis, McDougal, Sanborn, Simpson and Talcott being excused.

So the bill passed and the title was agreed to.

Mr. Noble moved

That the vote by which

House bill No. 57,

A bill for an act to amend section 1596 of the Revised Codes of North Dakota, 1899, the same being section 1596 of the Revised Codes of 1895, relating to veterinarian districts.

Passed the senate be reconsidered, and the motion to reconsider be laid upon the table

Which motion prevailed.

Senate bill No. 71,

A bill for an act to amend section 497b of the Revised Codes, relating to the time of holding caucuses and the issuance of certificates of election of delegates.

Was read the third time.

The question being upon the final passage of the bill

The roll was called and there were ayes 24, nays none, absent and not voting 7.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Baker,	Hale,	Murphy,
Cashel,	Hegge,	Noble,
Clarke,	Jacobson,	Sharpe,
Cooper,	Lavayea,	Slotten,
Cox,	LaMoure,	Swenson,
Devlin,	Little,	Taylor,
Fuller,	Lofthus,	Williams,
Geer,	Miner,	Wolbert,

## Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Ames,	McDougal,	Simpson,
Laidlaw,	Sanborn,	Talcott,
Lewis,		

Messrs. Ames, Laidlaw, Lewis, McDougal, Sanborn, Simpson and Talcott being excused.

So the bill passed and the title was agreed to.

Mr. Little moved that

Senate bill No. 1,

A bill for an act entitled an act to provide for the trial of civil actions.

Be recommended to the judiciary committee

Messrs. Ames, Laidlaw, Lewis, McDougal, Sanborn, Simpson and Talcott being excused.

So the bill passed and the title was agreed to.

Senate bill No. 121,

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 was called and there were ayes 24, nays none, absent and not voting 7.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Baker,	Hale,	Murphy,
Cashel,	Hegge,	Noble,
Clarke,	Jacobson,	Sharpe,
Cooper,	Lavayea,	Slotten,
Cox,	LaMoure,	Swenson,
Devlin,	Little,	Taylor,
Fuller,	Lofthus,	Williams,
Geer,	Miner,	Wolbert,

Which motion prevailed.

Senate bill No. 143,

A bill for an act entitled "an act to amend section 338 of the Revised Codes of 1899, providing for an appropriation for supplies for the capitol building, the executive mansion and the public grounds and parks connected therewith and for necessary repairs upon the capitol building."

Was read the third time.

The question being upon the final passage of the bill

The roll was called and there were ayes 24, nays none, absent and not voting 7.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.
Baker,	Hale,	Murphy,
Cashel,	Hegge,	Noble,
Clarke,	Jacobson,	Sharpe,
Cooper,	Lavayea,	Slotten,
Cox,	LaMoure,	Swenson,
Devlin,	Little,	Taylor,
Fuller,	Lofthus,	Williams,
Geer,	Miner,	Wolbert,

Absent and not voting:

Messrs.—	Messrs.—	Messrs.
Ames,	McDougal,	Simpson,
Laidlaw,	Sanborn,	Talcott,
Lewis,		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Ames,	McDougal,	Simpson,
Laidlaw,	Sanborn,	Talcott,
Lewis,		

Messrs. Ames, Laidlaw, Lewis, McDougal, Sanborn, Simpson and Talcott being excused.

So the bill passed and the title was agreed to.

Senate bill No. 74,

A bill for an act entitled "An act to amend sections 643, 681 and 682 of the Revised Codes of 1899, relating to education."

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 34, naves none, absent and not voting 7.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Baker,	Hale,	Murphy,
Cashel,	Hegge,	Noble,
Clarke,	Jacobson,	Sharpe,
Cooper,	Lavayea,	Slotten,
Cox,	LaMoure,	Swenson,
Devlin,	Little,	Taylor,
Fuller,	Lofthus,	Williams,
Geer,	Miner,	Wolbert,

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Ames,	McDougal,	Simpson,
Laidlaw,	Sanborn,	Talcott,
Lewis,		

Messrs. Ames, Laidlaw, Lewis, McDougal, Sanborn, Simpson and Talcott being excused.

So the bill passed and the title was agreed to.

The secretary announced that the president is about to sign

Senate bill No. 11,

A bill to amend sections 1536, 1537, 1538, 1542 and 1543 of the Revised Codes of the state of North Dakota, relating to the recording of marks and brands.

And the president signed the bill in the presence of the senate.

Mr. Little moved

That the senate do now adjourn,

Which motion prevailed, and

The senate adjourned.

INGRAM J. MOE,  
Acting Secretary.

## THIRTY-SEVENTH DAY.

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

The speaker presiding.

Prayer by the chaplain.

Roll call.

All members present except Messrs. Laidlaw and Sanborn, who were excused.

STATE OF NORTH DAKOTA,  
DEPARTMENT OF STATE,  
BISMARCK, Feb. 13, 1901.

To the Senate:

Gentlemen—I herewith submit to your honorable body a certified copy of a joint resolution sent to me by the honorable secretary of state of Oregon for presentation to this legislative assembly:

Very respectfully,

E. F. PORTER,

Secretary of State.

STATE OF OREGON,  
TWENTY-FIRST LEGISLATIVE ASSEMBLY.

## HOUSE JOINT RESOLUTION NO. 4.

Whereas, Under the present method of the election of United States senators by the legislatures of the several states, protracted contests frequently result in no election at all, and in all cases interfering with needed state legislation; and,

Whereas, Oregon, in common with many of the other states, has asked congress to adopt an amendment to the constitution of the United States providing for the election of United States senators by direct vote of the people, and said amendment has passed the house of representatives on several occasions, but the senate of the United States has continually refused to adopt said amendment; therefore be it

Resolved by the House of Representatives of the State of Oregon, the Senate concurring:

That the congress of the United States is hereby asked and urgently

requested to call a constitutional convention for proposing amendments to the constitution of the United States, as provided in Article V of the said constitution of the United States.

Resolved, That we hereby ask and urgently request that the legislative assembly of each of the other states in the union unite with us in asking and urgently requesting the congress of the United States to call a constitutional convention for the purpose of proposing amendments to the constitution of the United States.

Resolved, That the secretary of state be and he is hereby authorized and directed to send a certified copy of this joint resolution to the president of the United States senate, the speaker of the house of representatives of the United States, and to the legislative assembly of each and every of the other states of the union.

Adopted by the house January 23, 1901.

L. B. REEDER,  
Speaker of the House.

Concurred in by the senate January 25, 1901.

C. W. FULTON,  
President of the Senate.

(Endorsed).

House Joint Resolution No. 4.

A. C. JENNINGS,  
Chief Clerk.

Filed January 30, 1901.

F. I. DUNBAR,  
Secretary of State.

Mr. Talcott presented the following petition :

PAGE, N. D., Feb. 11, 1901.

To the Senate of the State of North Dakota:

We, the undersigned citizens of Page, N. D., do most respectfully petition your honorable body to pass Senate bill No. 109, prohibiting the sale of cigarettes.

A. SMITH,  
And 122 Others.

Mr. Cox presented the following petitions:

VALLEY CITY, N. D., Feb. 11, 1901.

To the Senate of the State of North Dakota:

We, the undersigned citizens of Valley City, N. D., do most respectfully petition your honorable body to pass Senate bill No. 109, prohibiting the sale of cigarettes.

GEO. A. McFARLAND,  
And 346 Others.

SANBORN, N. D., Feb. 11, 1901.

To the Senate of the State of North Dakota:

We, the undersigned, citizens of Sanborn, N. D., do most respectfully petition your honorable body to pass Senate bill No. 109, prohibiting the sale of cigarettes.

IRA BARTON,  
And 31 Others.

Mr. LaMoure presented the following petition:

BATHGATE, N. D., Feb. 11, 1901.

Senator LaMoure:

Dear Sir: Senator Lavayea's woman suffrage bill has created intense indignation among the people of this district, who believe in justice and right. In view of this fact I write requesting you to oppose this bill with all the strength of your ability and influence. We depend on you to leave no stone unturned in your efforts to defeat this most unjust bill.

Yours sincerely,

S. NEWLOVE.

Pastor M. E. Church.

Referred to the committee on woman's suffrage.

#### REFERENCE OF THE JOURNAL.

Mr. President:

Your committee on revision and correction of the Journal beg leave to report no corrections for the thirty-fifth day.

H. J. MINER,

Chairman.

#### 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. 96,

A bill for an act amending section 1278 of the Revised Codes of 1899, relating to "deed not to be recorded without auditor's certificate of taxes paid."

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

By inserting after the word "within" in line 11 of printed bill "or if it is an instrument entitled to record without regard to taxes (transfer entered)," and by inserting in line 21, after the word "courts." "shall have endorsed thereon auditor's certificate (transfer entered)," and by striking out the word "such" in line 22, and inserting in lieu thereof the word "other."

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. 111,

A bill for an act entitled an act to amend section 5631 of the Revised Codes of 1899, relating to the printing of briefs and abstracts upon appeals to the supreme court.

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

Also,

Senate bill No. 141,

A bill for an act entitled an act to provide when execution of judgment in civil actions may be stayed.

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

Also

Senate bill No. 142,

A bill for an act entitled an act to amend section 5730, Revised Codes, relating to service of notices and papers.

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

Also,

Senate bill No. 130,

A bill for an act conferring jurisdiction as judges of conciliation upon the courts of Indian offenses.

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

Also,

Senate bill No. 45,

A bill for an act entitled an act to amend section 2061 of the Revised Codes of North Dakota, relating to salary of clerk of district court.

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

By striking out in line 12 of printed bill the words, "Nine hundred dollars" and inserting in lieu thereof the words "Ten hundred dollars" and by striking out in line 16 the words, "Twelve hundred dollars," and inserting in lieu thereof "fourteen hundred dollars." By striking out in line 17 the words, "Fourteen hundred dollars" and inserting in lieu thereof the words, "Sixteen hundred dollars." By striking out in line 19 the words; "Sixteen hundred dollars" and inserting in lieu thereof the words, "Seventeen hundred dollars." And by striking out in line 22 the words, "Nine million dollars" and inserting in lieu thereof the words, "Ten million dollars," By striking out in line 23 the words, "Nine million dollars," and inserting in lieu thereof the words, "Ten million dollars."

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 enrolled and engrossed bills made the following report:

Mr. President:

Your committee on enrolled and engrossed bills have examined Senate bill No. 143,

A bill for an act entitled "an act to amend section 338 of the Revised Codes of 1899, providing for an appropriation for supplies for the capitol building, the executive mansion and the public grounds and parks connected therewith and for necessary repairs upon the capitol building."

Also,

Senate bill No. 71,

A bill for an act to amend section 497b of the Revised Codes, relating to the time of holding caucuses and the issuance of certificates of election of delegates.

Also,

Senate bill No. 64,

A bill for an act entitled an act to amend section 5260, Revised Codes of 1899, relating to the manner of commencing civil actions.

Also,

Senate bill No. 121,

A bill for an act making an appropriation for repairing and furnishing the executive mansion.

And find the same correctly engrossed.

H. E. LAVAYEA,  
Chairman.

The committee on appropriations made the following report:

Mr. President:

Your committee on appropriations to whom was referred

Senate bill No. 78,

A bill for an act to amend and re-enact section 1570g of the Revised Codes of the revision of 1899, the same being chapter 25 of the laws of 1899 relating to special tax for the payment of state wolf bounties.

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

In line 3 of the printed bill strike out the words, "five tenths" and insert the words "three tenths."



And when so amended recommend that the same do pass.

JUDSON LaMOURE,

Chairman.

Mr. Little moved

The adoption of the report,

Roll call demanded.

The roll was called and there were ayes 14, nays 13, absent and not voting 4.

Those who voted in the affirmative were:

Messrs.—

Ames,  
Baker,  
Hale,  
Hegge,  
Jacobson,

Messrs.—

Lewis,  
Little,  
Lofthus,  
McDougal,  
Noble,

Messrs.—

Simpson,  
Talcott,  
Taylor,  
Williams,

Those voting in the negative were:

Messrs.—

Cashel,  
Cooper,  
Cox,  
Devlin,  
Fuller,

Messrs.—

Geer,  
Lavayea,  
Miner,  
Murphy,

Messrs.—

Sharpe,  
Slotten,  
Swenson,  
Wolbert,

Absent and not voting:

Messrs.—

Clarke,  
Laidlaw,

Messrs.—

LaMoure,

Messrs.—

Sanborn,

Messrs. Laidlaw and Sanborn being excused.

So the motion prevailed.

### 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. 148,

A bill for an act entitled an act to provide for the maintenance of the state university at Grand Forks, agricultural college at Fargo, state normal school at Valley City, state normal at Mayville, and the deaf and dumb asylum of Devils Lake, as a part of the system of public schools.

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

That the title of said bill be amended so as to read as follows:

"A bill for an act to provide for the maintenance of the state university and school of mines at Grand Forks, the agricultural college at Fargo, the state normal school at Valley City, the state normal school at Mayville, the deaf and dumb asylum at Devils Lake and the school of forestry at Bottineau, as a part of the system of public schools."

That section 1 be amended so as to read as follows:

"Section 1. For the purpose of providing for the maintenance of the state university and school of mines at Grand Forks, the agricultura

college at Fargo, the state normal school at Valley City, the state normal school at Mayville, the deaf and dumb asylum at Devils Lake and the school of forestry at Bottineau, as a part of the public school system of this state, there is hereby levied upon all taxable property in the state, real and personal, an annual tax of one mill on each dollar of the assessed valuation of such property in each and every year hereafter."

That section 3 be amended so as to read as follows:

"Sec. 3. Such taxes so levied shall be apportioned by the state treasurer to the several institutions herein mentioned as follows: Forty-hundredths of a mill to the state university and schools of mines at Grand Forks; twenty-hundredths of a mill to the agricultural college at Fargo; twelve-hundredths of a mill to the state normal school at Valley City; twelve-hundredths of a mill to the state normal school at Mayville; thirteen-hundredths of a mill to the deaf and dumb asylum at Devils Lake; three-hundredths of a mill to the school of forestry at Bottineau."

That section 4 be amended so as to read as follows:

"Sec. 4. The money arising from the taxes hereinbefore levied are hereby appropriated for the maintenance of the state university and school of mines at Grand Forks, the agricultural college at Fargo, the state normal school at Valley City, the state normal school at Mayville, the deaf and dumb asylum at Devils Lake and the school of forestry at Bottineau, the same to be paid monthly to the board of trustees of the several institutions herein mentioned and in proportion as herein provided, upon vouchers of said board, signed by their respective presidents, and to be expended by the several boards, in their discretion, in the establishment and maintenance of institutions hereinbefore mentioned."

That section 5 be amended so as to read as follows:

"Sec. 5. All acts and parts of acts inconsistent with this act are hereby repealed."

And when so amended recommend that the same do pass.

JUDSON LaMOURE,  
Chairman.

Mr. LaMoure moved

The adoption of the report.

Which motion prevailed, and

The report was adopted.

#### MOTIONS AND RESOLUTIONS.

The courtesies of the floor were extended to J. H. Fraine, Grafton; P. R. Trubshaw, Chas. G. Boise and L. L. Lang, Coopers-town; J. B. McArthur, Hunter; Wm. Stevens, Buffalo; Fred Buechler, Kulm; John Tunstall, Chester Hodge and M. H. Whitaker, Jamestown; Mrs. O. J. de Lendrecie, Col. C. A. Morton, Mrs. C. A. Morton, Miss Rose Morton, Thos. Rooney, Miss Addie Kinnear and W. J. Price, Fargo.

Mr. Little moved

The courtesies of the floor be extended to all the visiting members of the North Dakota Press Association.

Which motion prevailed, and

The courtesies were so granted.

#### MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,  
BISMARCK, NORTH DAKOTA,  
February 13, 1901.

Mr. President:

I have the honor to return herewith

Senate bill No. 131,

A bill for an act to amend section 277 and section 280 of chapter 4 of article 6 of the Revised Codes relating to the practice of medicine, surgery and obstetrics.

As requested by your honorable body.

Also,

I have the honor to transmit herewith

House bill No. 124,

A bill for an act to amend section 51 of chapter 126 of the Session Laws of 1897, being section 1229 of the Political Code, relating to the rate of state and county tax, prescribing the manner in which township taxes may be levied, fixing the rates of township road and bridge tax and directing the expenditure of road and poll taxes in certain cases.

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

Very respectfully,

J. D. SCANLAN,

Chief Clerk.

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

Mr. Wolbert introduced

Senate bill No. 156,

A bill for an act entitled an act to amend section 3071 l of the Revised Codes of the state of North Dakota for 1899.

Which was read the first time.

Mr. Miner introduced

Senate bill No. 157,

A bill for an act entitled an act to amend section 238 of the Revised Codes, relating to state depositories.

Which was read the first time.

Mr. Jacobson introduced

Senate bill No. 158,

A bill to provide for the protection of the health, lives and interests of the coal miner of North Dakota, and to provide for the inspection of all coal mines in the state and the conducting and operating of coal mines and to create a state inspection of mines.

Which was read the first time.

Mr. Lewis introduced

House bill No. 159

A bill for an act to provide for the licensing of architects and regulating the practice of architecture, as a profession.

Which was read the first time.

Mr. Cox introduced

Senate bill No. 160,

A bill for an act entitled an act defining newspaper libel and providing for demanding remedy before action can be brought.

Which was read the first time.

Mr. Simpson introduced

Senate bill No. 161,

A bill for an act to legalize the assessment and levy of taxes in territory over which counties have exercised criminal and civil jurisdiction for four years last past, and providing for the collection of the same.

Which was read the first time.

Mr. Lewis introduced

Senate bill No. 162,

A bill for an act entitled an act providing for an appropriation of the payment of the current and contingent expenses of the North Dakota agricultural college for one year.

Which was read the first time.

The secretary announced that the president was about to sign

House bill No. 43,

A bill for an act to amend sections 736, 740, 741, 742 and 743 of the Revised Codes, 1899, relating to education.

Also,

House bill No. 92,

A bill for an act entitled "an act legalizing the levy of taxes as made by the state, the various counties, townships and school districts for the years 1890 to 1900 inclusive."

And the president signed the bills in the presence of the senate.

Mr. Cox moved

That all senate bills having had their first reading be given their second reading and reference.

Which motion prevailed.

#### SECOND READING OF SENATE BILLS.

Senate bill No. 156,

A bill for an act entitled an act to amend section 30711 of the Revised Codes of the state of North Dakota for 1899.

Was read the second time, and

Referred to the committee on railroads.

Senate bill No. 157,

A bill for an act entitled an act to amend section 238 of the Revised Codes, relating to state depositories.

Was read the second time, and

Referred to the committee on judiciary.

Senate bill No. 158,

A bill for an act to provide for the protection of the health,

lives and interests of the coal miners of North Dakota, and to provide for the inspection of all coal mines in this state, and the conducting and operating of coal mines, and to create a state inspection of mines.

Was read the second time, and

Referred to the committee on mines and mining.

Senate bill No. 159,

A bill for an act entitled "An act to amend section 3023 of the Revised Codes of 1899, relating to long and short hauls, upon railroads and common carriers."

Was read the second time and

Referred to the committee on railroads.

Senate bill No. 160,

A bill for an act entitled an act defining newspaper libel and providing for demanding remedy before action can be brought.

Was read the second time and

Referred to the committee on judiciary.

Senate bill No. 161,

A bill for an act to legalize the assessment and levy of taxes in territory over which counties have exercised criminal and civil jurisdiction for four years last past, and providing for the collection of the same.

Was read the second time and

Referred to the committee on ways and means.

Mr. Lewis introduced

Senate bill No. 162,

A bill for an act entitled an act providing for an appropriation of the payment of the current and contingent expenses of the North Dakota agricultural college for one year.

Was read the second time and

Referred to the committee on appropriations.

### THIRD READING OF SENATE BILLS.

Senate bill No. 56,

A bill for an act to amend section 885, chapter 10, of the Revised Codes, relating to object and departments of the university.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 28, nays none, absent and not voting 3.

Those who voted in the affirmative were:

Messrs.—

Ames,  
Baker,  
Cashel,  
Clarke,  
Cooper,

Messrs.—

Hegge,  
Jacobson,  
Lavayea,  
Lewis,  
Little,

Messrs.—

Noble,  
Sharpe,  
Simpson,  
Slotten,  
Swenson,

Messrs.—	Messrs.—	Messrs.—
Cox,	Lofthus,	Talcott,
Devlin,	McDougal,	Taylor,
Fuller,	Miner,	Williams,
Geer,	Murphy,	Wolbert,
Hale,		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Laidlaw,	LaMoure,	Sanborn,

Messrs. Laidlaw and Sanborn being excused.

So the bill passed and the title was agreed to.

Mr. LaMoure moved that

Senate bill No. 105,

A bill for an act to amend section 4680 of article 2, chapter 72, of the Revised Codes of the state of North Dakota, for the year 1899, entitled liens in general.

Be amended by adding thereto the following: "And provided further, That the payment hereinbefore referred to shall not be construed so as to include claims or debts held by the person for whom such services are so performed against the person owning or operating said machinery."

Mr. LaMoure moved

The adoption of the amendment.

Which motion prevailed.

Mr. LaMoure moved

That the vote by which

Senate bill No. 105,

A bill for an act to amend section 4680 of article 2, chapter 72, of the Revised Codes of the state of North Dakota, for the year 1899, entitled liens in general.

Was passed be reconsidered.

Which motion prevailed.

Mr. LaMoure moved

That the enacting clause be amended by adding after the word "assembly" the words "of the state of North Dakota."

Which motion prevailed.

Senate bill No. 105,

A bill for an act to amend section 4680 of article 2, chapter 72, of the Revised Codes of the state of North Dakota, for the year 1899, entitled liens in general.

Was read the third time.

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

The roll was called and there were ayes 29, nays none, absent and not voting 2.

Those who voted in the affirmative were:

Messrs.—

Ames,  
Baker,  
Cashel,  
Clarke,  
Cooper,  
Cox,  
Devlin,  
Fuller,  
Geer,  
Hale,

Messrs.—

Hegge,  
Jacobson,  
Lavayea,  
LaMoure,  
Lewis,  
Little,  
Lofthus,  
McDougal,  
Miner,  
Murphy,

Messrs.—

Noble,  
Sharpe,  
Simpson,  
Slotten,  
Swenson,  
Talcott,  
Taylor,  
Williams,  
Wolbert,

Absent and not voting, Messrs. Laidlaw and Sanborn, who were excused.

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

Mr. LaMoure moved

That the vote by whi

Senate bill No. 131,

A bill for an act to amend section 277 and section 280 of chapter 4 of article 6 of the Revised Codes, relating to the practice of medicine, surgery and obstetrics.

Was passed, be reconsidered,

Which motion prevailed.

Mr. LaMoure moved that

Senate bill No. 131,

A bill for an act to amend section 277 and section 280 of chapter 4 of article 6 of the Revised Codes, relating to the practice of medicine, surgery and obstetrics,

Be referred to the committee on public health.

Which motion prevailed.

Senate bill No. 124,

A bill for an act to provide a fund for the purpose of retiring the principal of the bonded indebtedness of the state.

Was read the third time.

Mr. Cashel moved

That the words "January first" be stricken from the 9th line of the en-rossed bill, and the word "in" be inserted before the figures "1902."

Which motion prevailed.

The question being upon the final passage of the bill.

The roll was called and there were ayes 28, nays none, absent and not voting 3.

Those who voted in the affirmative were:

Messrs.—

Ames,  
Baker,  
Cashel,  
Clarke,  
Cooper,  
Cox,  
Devlin,  
Fuller,  
Geer,  
Hale,

Messrs.—

Hegge,  
Jacobson,  
Lavayea,  
Lewis,  
Little,  
Lofthus,  
McDougal,  
Miner,  
Murphy,

Messrs.—

Noble,  
Sharpe,  
Simpson,  
Slotten,  
Swenson,  
Talcott,  
Taylor,  
Williams,  
Wolbert,

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Laidlaw,	LaMoure,	Sanborn,

Messrs. Laidlaw and Sanborn being excused.

Senate bill No. 129,

A bill for an act relating to the manner of making and filing claims against the state, and prescribing forms to be used.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 29, nays none, absent and not voting 2,

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Hegge,	Noble,
Baker,	Jacobson,	Sharpe,
Cashel,	Lavayea,	Simpson,
Clarke,	LaMoure,	Slotten,
Cooper,	Lewis,	Swenson,
Cox,	Little,	Talcott,
Devlin,	Lofthus,	Taylor,
Fuller,	McDougal,	Williams,
Geer,	Miner,	Wolbert,
Hale,	Murphy,	

Absent and not voting, Messrs. Laidlaw and Sanborn, who were excused.

So the bill passed and the title was agreed to:

Senate bill No. 128,

A bill for an act entitled an act to amend section 338d of the Revised Codes, 1899, relating to vouchers filed to be consecutively numbered and paid.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 29, nays none, absent and not voting 2.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.
Ames,	Hegge,	Noble,
Baker,	Jacobson,	Sharpe,
Cashel,	Lavayea,	Simpson,
Clarke,	LaMoure,	Slotten,
Cooper,	Lewis,	Swenson,
Cox,	Little,	Talcott,
Devlin,	Lofthus,	Taylor,
Fuller,	McDougal,	Williams,
Geer,	Miner,	Wolbert,
Hale,	Murphy,	

Absent and not voting, Messrs. Laidlaw and Sanborn, who were excused.

So the bill passed and the title was agreed to.



Senate bill No. 122,

A bill for an act to empower the board of county commissioners to offset due or delinquent taxes, due from any person, corporation or society, in whose favor an indebtedness has accrued against such county.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 29, nays none, absent and not voting 2.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Hegge,	Noble,
Baker,	Jacobson,	Sharpe,
Cashel,	Lavayea,	Simpson,
Clarke,	LaMoure,	Slotten,
Cooper,	Lewis,	Swenson,
Cox,	Little,	Talcott,
Devlin,	Lofthus,	Taylor,
Fuller,	McDougal,	Williams,
Geer,	Miner,	Wolbert,
Hale,	Murphy,	

Absent and not voting, Messrs. Laidlaw and Sanborn, who were excused.

So the bill passed and the title was agreed to.

Senate bill No. 140,

A bill for an act entitled an act to amend section 1880 of the Revised Codes of North Dakota of 1899, relating to the procedure for the location and removal of county seats.

Was read the third time.

Mr. Noble moved

That the 15th line be amended as follows: Strike out all after the word "manner" and insert in lieu thereof the following: "Now provided by law."

Which motion prevailed.

The question being upon the final passage of the bill.

The roll was called and there were ayes 29, nays none, absent and not voting 2.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Hegge,	Noble,
Baker,	Jacobson,	Sharpe,
Cashel,	Lavayea,	Simpson,
Clarke,	LaMoure,	Slotten,
Cooper,	Lewis,	Swenson,
Cox,	Little,	Talcott,
Devlin,	Lofthus,	Taylor,
Fuller,	McDougal,	Williams,
Geer,	Miner,	Wolbert,
Hale,	Murphy,	

Messrs. Laidlaw and Sanborn being excused.

So the bill passed and the title was agreed to.

Senate bill No. 138,

Concurrent resolution for an act to amend section 182 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 was called and there were ayes 28, nays none, absent and not voting 3.

Those who voted in the affirmative were:

Messrs.—

Ames,  
Bacon,  
Cashel,  
Clarke,  
Cooper,  
Cox,  
Devlin,  
Fuller,  
Geer,  
Hale,

Messrs.—

Hegge,  
Jacobson,  
Lavayea,  
Lewis,  
Little,  
Lofthus,  
McDougal,  
Miner,  
Murphy,

Messrs.—

Noble,  
Sharpe,  
Simpson,  
Slotten,  
Swenson,  
Talcott,  
Taylor,  
Williams,  
Wolbert,

Absent and not voting:

Messrs.—

Laidlaw,

Messrs.—

Sanborn,

Messrs.—

LaMoire,

Messrs. Laidlaw and Sanborn being excused.

So the bill passed and the title was agreed to.

Mr. Talcott moved

That the senate do now adjourn,

Which motion prevailed, and

The senate adjourned.

GEORGE L. TOWNES,

Secretary.

THIRTY-EIGHTH DAY.

SENATE CHAMBER,

BISMARCK, NORTH DAKOTA,

February 14, 1901.

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 Mr. Sanborn who was excused.

## PRESENTATION OF PETITIONS AND COMMUNICATIONS.

Mr. Devlin presented the following petition:

To the Senate of the State of North Dakota:

We, the undersigned citizens of Milnor, N. D., do most respectfully petition your honorable body to pass Senate bill No. 109, prohibiting the sale of cigarettes.

F. W. VAIL,  
And 200 others.

Mr. Lavayea presented the following petition:

To the Honorable Senators of the State of North Dakota:

Whereas, mothers, more than all others, are interested, and intelligently interested in the highest welfare of our public schools, and whereas, about 90 per cent of the teachers in this state are ladies, therefore;

We, the undersigned, do hereby most sincerely protest against the passage of Senate bill No. 77—a proposed amendment to the election laws, which purposes to take the school franchise from women.

GEO. M. NAYLOR,  
And 25 others.

Referred to the committee on woman suffrage.

## REFERENCE OF THE JOURNAL.

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

Mr. President:

Your committee on revision and correction of the Journal, report the following corrections for the 37th day:

On page 2, before line 6, from the bottom, insert "Mr. Cox presented the following petitions."

On page 6, after the line "so the motion prevailed" insert the following:

## 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. 148,

An act to provide for the maintenance of the state university at Grand Forks, agricultural college at Fargo, state normal school at Valley City state normal school at Mayville and the deaf and dumb asylum at Devil's Lake as a part of the system of public schools.

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

That the title of said bill be amended so as to read as follows:

"A bill for an act to provide for the maintenance of the state university and school of mines at Grand Forks, the agricultural college at Fargo, the state normal school at Valley City, the state normal school at Mayville, the deaf and dumb asylum at Devils Lake and the school of forestry at Bottineau, as a part of the system of public schools."

That section 1 be amended so as to read as follows:

"Section 1. For the purpose of providing for the maintenance of the state university and school of mines at Grand Forks, the agricultural college at Fargo, the state normal school at Valley City, the state normal school at Mayville, the deaf and dumb asylum at Devils Lake and the school of forestry at Bottineau, as a part of the public school system of this state, there is hereby levied upon all taxable property in the state, real and personal, an annual tax of one mill on each dollar of the assessed valuation of such property in each and every year hereafter."

That section 3 be amended so as to read as follows:

"Sec. 3. Such taxes so levied shall be apportioned by the state treasurer to the several institutions herein mentioned as follows: Forty-hundredths of a mill to the state university and school of mines at Grand Forks; twenty-hundredths of a mill to the agricultural college at Fargo; twelve-hundredths of a mill to the state normal school at Valley City; twelve-hundredths of a mill to the state normal school at Mayville; thirteen-hundredths of a mill to the deaf and dumb asylum at Devils Lake; three-hundredths of a mill to the school of forestry at Bottineau."

That section 4 be amended so as to read as follows:

"Sec. 4. The money arising from the taxes hereinbefore levied are hereby appropriated for the maintenance of the state university and school of mines at Grand Forks, the agricultural college at Fargo, the state normal school at Valley City, the state normal school at Mayville, the deaf and dumb asylum at Devils Lake and the school of forestry at Bottineau, the same to be paid monthly to the board of trustees of the several institutions herein mentioned and in proportion as herein provided, upon vouchers of said board, signed by their respective presidents, and to be expended by the several boards, in their discretion, in the establishment and maintenance of institutions hereinbefore mentioned."

That section 5 be amended so as to read as follows:

"Sec. 5. All acts and parts of acts inconsistent with this act are hereby repealed."

And when so amended recommend the same do pass.

JUDSON LAMOURE,  
Chairman.

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

On page 7, after line 4, add, "as requested by your honorable body."

On page 11, take out words, "Mr. Cashel moved that the words "January first" be stricken from the 9th line of the engrossed bill, and the word "in" be inserted before the figures "1902," and insert them after the line "was read the third time." Also add after figures "1902," on same page the words, "which motion prevailed."

On page 13, take out words, "Mr. Noble moved that the 15th line be amended as follows: Strike out all after the word "manner" and insert in lieu thereof the following: "Now provided by law."

Which motion prevailed.

And insert there after the line "was read the third time," below:

H. J. MINER,  
Chairman.

Mr. Miner moved  
The report be adopted  
Which motion prevailed, and  
The report was adopted.

#### 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. 52,

A bill for an act to amend section 717 of the Revised Codes of North Dakota.

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

On line 5, page 1, of the printed bill, insert the words "a part of" after the word "become."

At the end of line 20, page 2, of the printed bill add the following words: "Provided, that if said board or treasurer shall have failed to publish said statement by the first of August following, the presentation of the treasurer's annual report, then it shall be the duty of the county superintendent of schools to cause the publication of the same in a newspaper of the county, said publication to be paid for by the school district."

And when so amended recommend that the same do pass.

G. M. WOLBERT,  
Chairman.

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

The committee on education made the following report:

Mr. President:

Your committee on education to whom was referred  
House bill No. 118,

A bill for an act to amend sections 775 and 777 of the Revised Codes of 1899, relating to school district bonds.

Also,

House bill No. 15,

A bill for an act to amend section 960 of the Revised Codes of North Dakota relating to residents entitled to education free.

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

G. M. WOLBERT,  
Chairman.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred

Senate bill No. 144,

A bill for an act to amend section 119 of the Revised Codes of 1899, relating to the duties of the attorney general.

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

Also.

Senate bill No. 145,

A bill for an act to amend section 1979 of the Revised Codes of 1899, relating to duties of state's attorneys.

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

By inserting after the word "prosecutor" in line 36 of printed bill the

words, "excepting the attorney general," and by striking out the word "he" in the same line and inserting in lieu thereof the word "they," and by inserting in line 48, after the word "law" the words, "a resident of the county in which the action is pending."

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 ways and means made the following report:

Mr. President:

Your committee on ways and means to whom was referred  
Senate bill No. 49,

A bill for an act to authorize boards of county commissioners to provide for the discovery of property withheld from taxation, and to list the same and collect taxes thereon.

Have had the same under consideration and recommend that the same be indefinitely postponed.

M. F. MURPHY,  
WESLEY BAKER,  
M. JACOBSON,  
H. C. LAVAYEA.

The committee on ways and means made the following report:

Mr. President:

Your committee on ways and means to whom was referred  
Senate bill No. 49,

A bill for an act to authorize boards of county commissioners to provide for the discovery of property withheld from taxation, and to list the same and collect taxes thereon.

Beg leave to submit the following minority report:

Whereas, there is a demand on the part of the taxpayers of this state that every person shall bear his equal share of the burden of taxation, and whereas section 1241 of the Revised Codes of 1899 provides no person to find property not on the assessment roll or tax list, and whereas, we believe no honest person can suffer under the provisions of this act; therefore, we favor the passage of this bill.

J. B. SHARPE,  
D. E. GEER,  
F. S. TALCOTT.

Mr. Little moved  
That the minority report be adopted.  
Mr. Lavayea moved, as a substitute  
That the majority report be adopted,

Which motion was lost.

Roll call on the adoption of the minority called for.

Senate bill No. 49,

A bill for an act to authorize boards of county commissioners to provide for the discovery of property withheld from taxation, and to list the same and collect taxes thereon.

The roll was called and there were ayes 18, nays 12, absent and not voting 1.

Those who voted in the affirmative were:

Messrs.—

Ames,  
Clarke,  
Cooper,  
Cox,  
Fuller,  
Geer,

Messrs.—

Hale,  
Hegge,  
Laidlaw,  
Lewis,  
Little,  
McDougal,

Messrs.—

Miner,  
Sharpe,  
Simpson,  
Talcott,  
Williams,  
Wolbert,

Those voting in the negative were:

Messrs.—

Baker,  
Cashel,  
Devlin,  
Jacobson,

Messrs.—

Lavayea,  
LaMoure,  
Lofthus,  
Murphy,

Messrs.—

Noble,  
Slotten,  
Swenson,  
Taylor,

Mr. Sanborn being excused.

So the minority report was adopted.

The committee on ways and means made the following report:

Mr. President:

Your committee on ways and means to whom was referred

Senate bill No. 135,

A bill for an act empowering the county commissioners to contract with the sheriff for the collection of personal property tax judgments, or personal property taxes delinquent more than one year.

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

J. B. SHARPE,

Chairman.

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

Mr. President:

Your committee on enrolled and engrossed bills have examined

Senate bill No. 45,

A bill for an act entitled an act to amend section 2061 of the Revised Codes of North Dakota, relating to salary of clerk of district court.

Also,

Senate bill No. 78,

A bill for an act to amend and re-enact section 1570g of the

Revised Codes of the revision of 1899, the same being chapter 35 of the laws of 1899 relating to special tax for the payment of state wolf bounties.

Also,

Senate bill No. 96,

A bill for an act amending section 1278 of the Revised Codes of 1899, relating to "deed not to be recorded without auditor's certificate of taxes paid."

Also,

Senate bill No. 124,

A bill for an act to provide a fund for the purpose of retiring the principal of the bonded indebtedness of the state.

Also,

Senate bill No. 129,

A bill for an act relating to the manner of making and filing claims against the state, and prescribing forms to be used.

Also,

Senate bill No. 128,

A bill for an act entitled an act to amend section 338d of the Revised Codes, 1899, relating to vouchers filed to be consecutively numbered and paid.

Also,

Senate bill No. 140,

A bill for an act entitled an act to amend section 1880 of the Revised Codes of North Dakota of 1899, relating to the procedure for the location and removal of county seats.

Also,

Senate bill No. 138,

Concurrent resolution for an act to amend section 182 of the constitution of the state of North Dakota.

Also,

Senate bill No. 105,

A bill for an act to amend section 4680 of article 2, chapter 72, of the Revised Codes of the state of North Dakota, for the year 1899 entitled liens in general.

Also,

Senate bill No. 148,

A bill for an act entitled an act to provide for the maintenance of the state university at Grand Forks, agricultural college at Fargo, state normal school at Valley City, state normal at Mayville, and the deaf and dumb asylum of Devils Lake, as a part of the system of public schools.

Also,

Senate bill No. 122,

A bill for an act to empower the board of county commissioners



to offset due or delinquent taxes, due from any person, corporation or society, in whose favor an indebtedness has accrued against such county.

And find the same correctly engrossed.

H. E. LAVAYEA,  
Chairman.

#### PARTIAL REPORT OF SPECIAL COMMITTEE.

Mr. President:

Your special committee appointed by resolution of Jan. 23rd, report seven bills in line with previous recommendations, and beg leave to report further, said bills numbered 170 to 176, inclusive.

HENRY HALE,  
Chairman.

#### MESSAGE FROM THE GOVERNOR.

The following communication was received from the governor:

EXECUTIVE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
February 13, 1901.

To the Senate:

Gentleman: I have the honor to inform you that I have approved and filed with the honorable secretary of state,

Senate bill No. 11,

A bill to amend sections 1536, 1537, 1538, 1542 and 1543 of the Revised Codes of the state of North Dakota, relating to the recording of marks and brands.

Very respectfully yours,  
FRANK WHITE,  
Governor.

#### MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,  
BISMARCK, NORTH DAKOTA,  
February 14, 1901.

Mr. President:

I have the honor to transmit herewith

House bill No. 44,

A bill for an act to amend section 4719 of the Revised Codes of North Dakota, 1899, relating to the discharge of real estate mortgages.

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

Also,

Senate bill No. 113,

A bill for an act authorizing counties to issue bonds to procure seed grain for needy farmers resident therein.

Which the house has amended as follows:

Strike out the word "March" wherever it appears in said bill and insert in lieu thereof the word "April."

In line 25 of page 3, strike out the word "they" and insert in lieu thereof the word "it."

In line 9 of page 7, strike out the word "thereof" and insert in lieu thereof the word "therefor."

In line 30 of page 10 insert after the word "justice" the word "shall."

In line 2 of page 13, strike out the word "assessed" and insert in lieu thereof the word "levied."

Also in line 3, page 13, strike out the word "assessed" and insert in lieu thereof the word "levied."

And as so amended has passed.

Also,

Senate bill No. 58,

A bill for an act to amend section 6435 of the Revised Codes of 1899, the same being section 27 of chapter 111 of the laws of 1897, relating to sales of real estate by executors and administrators.

Also,

Senate bill No. 73,

A bill for an act entitled "An act to amend sections 2737 and 2743 of the Revised Codes of 1899, relating to dissolution of marriage."

Also,

Senate bill No. 57,

A bill for an act to provide for the drawing of warrants by the state auditor upon the state treasurer.

Which the house has passed unchanged.

Very respectfully,

J. D. SCANLAN,

Chief Clerk.

The courtesies of the floor were extended to G. T. Hager of Walsh county; A. E. Thangherge of Mandan; M. H. Habberstad and A. H. Frangsrud of Davenport, Mrs. S. E. Bates of Grafton; Albert Garrett and D. J. McIntosh of Pembina county.

Mr. Cox moved

That all bills on the secretary's desk be given their first and second reading and reference.

Which motion prevailed.

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

Mr. Cooper introduced (By request)

Senate bill No. 163,

A bill for an act to amend section 3231, Revised Codes, relating to capital of banks.

Which was read the first and second times, and

Referred to committee on banks and banking.

Mr. Hegge introduced

Senate bill No. 164,

A bill for an act entitled "An act to provide for transfer facilities at track crossings at grade of common carriers, determining how the expenses of such track crossings shall be paid and empowering the board of railroad commissioners to establish reasonable joint through rates."

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

Mr. Wolbert introduced

Senate bill No. 165,

A bill for an act to amend section 1203 of the Revised Codes, 1899, relating to bank stock "where and at what valuation to be listed."

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

Also,

Senate bill No. 166,

A bill for an act to repeal sections 1199, 1200 and 1201 of the Revised Codes of 1899, relating to assessment of grain in warehouses, statement of ownership, lien of agent or warehouseman for taxes. Penalty for failure to make true statements.

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

Mr. Laidlaw introduced

Senate bill No. 167,

A bill for an act to amend sections 3137 and 3142 of the Revised Codes of 1899, relating to insurance premiums to be paid, conditions of policy, assessments and liability of policy holders.

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

Mr. Wolbert introduced

Senate bill No. 168,

A bill for an act entitled an act to amend section 7678 of the Revised Codes, 1899 of the state of North Dakota.

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

Mr. Little introduced

Senate bill No. 169,

A bill for an act entitled "An act authorizing and requiring the state board of equalization at its annual meeting in the year 1901 to levy a sinking fund tax to pay the amount due on bonds issued by the territory of Dakota on the first day of May, 1887, and due and payable the first day of May, 1902, for the construction of buildings for the hospital for the insane at Jamestown, and mak-

ing an appropriation of the proceeds of such sinking fund tax."

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

A special committee introduced

Senate bill No. 170,

A bill for an act providing that certain records shall be kept  
in the office of the state treasurer.

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

Also,

Senate bill No. 171,

A bill for an act to amend and re-enact section 334, Revised  
Codes, 1899, in reference to allowance of clerk hire in state offices.

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

Also,

Senate bill No. 172,

A bill for an act entitled an act repealing section 131a of the  
Revised Codes, 1899, making an appropriation to promote immi-  
gration.

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

Also,

Senate bill No. 173

A bill for an act entitled an act amending section 2084 of the  
Revised Codes, 1899, relating to fees for transportation of prison-  
ers and patients.

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

Also,

Senate bill No. 174,

A bill for an act entitled an act repealing section 1375 of the  
Revised Codes, 1899, relating to additional duties of adjutant  
general and prescribing his salary.

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

Also,

Senate bill No. 175,

A bill for an act entitled an act amending sections 3003 and  
3006, Revised Codes, 1899, relating to the duties of railroad com-  
missioners and fixing their salaries.

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

Also,

Senate bill No. 176,

A bill for an act entitled an act to amend section 144a, Re-

vised Codes, 1899, relating to appointment of assistant examiner.

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

Mr. Lofthus introduced

Senate bill No. 177,

A bill for an act entitled "An act to amend section 7594 of the Revised Codes, relating to druggists' permits, and how to obtain the same."

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

Mr. McDougal introduced

Senate bill No. 178,

An act to amend section 1696 of the Revised Codes of North Dakota for 1899.

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

Mr. Simpson introduced

Senate bill No. 179,

A bill for an act entitled an act to appropriate money to Patrick McGinley for board and lodging furnished jurors in the criminal case arising in the unorganized county of Allred.

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

Mr. Cashel presented the following memorial:

To the Honorable, the Senators and Representatives in Congress from the States of Minnesota, South Dakota and North Dakota:

Resolved by the Senate, the House of Representatives concurring:

Whereas, The committee on resolutions appointed by the Tri-State Drainage Association in mass convention held at Crookston, Minn., Jan. 17, 18 and 19, 1901, reported as follows:

"CROOKSTON, Minn., Jan. 19, 1901.

Mr. President and Gentlemen of the Tri-State Drainage Association:

Your committee on resolutions respectfully submit the following report:

Whereas, There now resides in the valley of the Red River of the North and its tributaries nearly one million of people, and the valuation of the property thereon approximates one billion of dollars; and,

Whereas, Over twenty million of acres embraced in said area are not only assessed but subject to damage and overflow during the high water seasons, and the lives of the residents thereof endangered by fevers and kindred diseases resulting therefrom; and,

Whereas, The loss, lives not considered as a result of said overflows and lack of proper drainage and flowage of water has for many years averaged approximately the sum of one-half million of dollars annually; and,

Whereas, By the expenditure of the sum of one million dollars all necessary surveys could be made and a system of locks, dams and reservoirs be constructed, and in addition thereto over seven hundred miles of waterways be opened to navigation; and,

Whereas, The section of the country to be benefited is capable of main-

taining at least five millions of people if the improvements herein suggested could be made; therefore,

Be It Resolved by the delegates in convention here assembled, representing each and every part of the territory embraced in the said Red River Valley of the North and its tributaries, which includes a part of North Dakota, South Dakota and Minnesota, that the congress of the United States be and hereby is petitioned and urgently requested to appoint a federal commission to consist of three persons, one each from the states of North Dakota, South Dakota and Minnesota to investigate the work and matters above mentioned, in conjunction with a committee from congress, and to report at the next session of that body."

Resolution adopted.

J. ARBUTHNOT,

Chairman of Committee.

J. P. MATTSON,

Secretary of Convention.

Therefore, This state being deeply interested in the consummation of the improvements contemplated in this memorial;

Be It Resolved by the Legislative Assembly of the State of North Dakota that it fully concurs in the foregoing, and respectfully requests the representatives from this state in both branches of congress to co-operate with the senators and representatives from the states of Minnesota and South Dakota, they being interested with us in urging upon congress the necessity for appointing the federal commission prayed for in the foregoing resolution, and we further urge the legislators of these states to take into consideration the recommendations of the drainage convention which appointed a committee to secure the co-operation of the interests of the people along the drainage streams and call a convention after congress adjourns to meet at Fargo or some other convenient or central point to which shall be invited the United States senators and congressmen from each of the three states to meet and confer with said drainage convention, with a view to a full and free discussion of the facts and necessities of the work congress is asked to direct, and bring the matter properly before the national authorities.

And Be It Further Resolved, That we invite these states to also concur in this memorial, and request their delegations in congress to co-operate with ours in seeking the speedy relief sought for.

The secretary of state is hereby instructed to send certified copies of this memorial without delay after its passage to the senators and representatives of these three states directly interested; also one copy each to the president of the senate of Minnesota and South Dakota.

Mr. Cashel moved

That the rules be suspended and the memorial be adopted,

Which motion prevailed.

The secretary announced the president was about to sign

House bill No. 57,

A bill for an act to amend section 1596 of the Revised Codes of North Dakota, 1899, the same being section 1596 of the Revised Codes of 1895, relating to veterinary districts.

And the president signed the bill in the presence of the senate

### THIRD READING OF SENATE BILLS.

Senate bill No. 96,

A bill for an act amending section 1278 of the Revised Codes of 1899, relating to "deed not to be recorded without auditor's certificate of taxes paid."

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 28, nays none, absent and not voting 3.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Hegge,	Noble,
Baker,	Jacobson,	Sharpe,
Cashel,	Laidlaw,	Slotten,
Clarke,	Lavayea,	Swenson,
Cooper,	LaMoure,	Talcott,
Cox,	Lewis,	Taylor,
Devlin,	Little,	Williams,
Fuller,	Lofthus,	Wolbert,
Geer,	McDougal,	
Hale,	Murphy,	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Miner,	Sanborn,	Simpson,

Mr. Sanborn being excused.

So the bill passed and the title was agreed to.

Senate bill No. 111,

A bill for an act entitled "An act to amend section 5631 of the Revised Codes of 1899, relating to the printing of briefs and abstracts upon appeals to the supreme court."

Was read the third time.

The question being upon the final passage of the bill.

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

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Hale,	Murphy,
Baker,	Hegge,	Noble,
Cashel,	Jacobson,	Sharpe,
Clarke,	Laidlaw,	Slotten,
Cooper,	Lavayea,	Swenson,
Cox,	Lewis,	Talcott,
Devlin,	Little,	Taylor,
Fuller,	Lofthus,	Williams,
Geer,	McDougal,	Wolbert,

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
LaMoure,	Sanborn,	Simpson,
Miner,		

Mr. Sanborn being excused.

So the bill passed and the title was agreed to.

Senate bill No. 141,

A bill for an act entitled an act to provide when execution of judgment in civil actions may be stayed.

Was read the third time.

The question being upon the final passage of the bill.

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

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Hale,	Murphy,
Baker,	Hegge,	Noble,
Cashel,	Jacobson,	Sharpe,
Clarke,	Laidlaw,	Slotten,
Cooper,	Lavayea,	Swenson,
Cox,	Lewis,	Talcott,
Devlin,	Little,	Taylor,
Fuller,	Lofthus,	Williams,
Geer,	McDougal,	Wolbert,

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
LaMoure,	Sanborn,	Simpson,
Miner,		

Mr. Sanborn being excused.

So the bill passed and the title was agreed to.

Senate bill No. 142,

A bill for an act entitled an act to amend section 5730, Revised Codes, relating to service of notices and papers.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 29, nays none, absent and not voting 2.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Hegge,	Noble,
Baker,	Jacobson,	Sharpe,
Cashel,	Laidlaw,	Simpson,
Clarke,	Lavayea,	Slotten,
Cooper,	Lewis,	Swenson,
Cox,	Little,	Talcott,
Devlin,	Lofthus,	Taylor,
Fuller,	McDougal,	Williams,
Geer,	Miner,	Wolbert,
Hale,	Murphy,	

Absent and not voting: Messrs. LaMoure and Sanborn.

Mr. Sanborn being excused.

So the bill passed and the title was agreed to.

Senate bill No. 130,

A bill for an act conferring jurisdiction as judges of conciliation upon the courts of Indian offenses.

Was read the third time.



The question being upon the final passage of the bill.

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

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Hale,	Noble,
Baker,	Hegge,	Sharpe,
Cashel,	Jacobson,	Simpson,
Clarke,	Laidlaw,	Slotten,
Cooper,	Lavayea,	Swenson,
Cox,	Little,	Talcott,
Devlin,	Lofthus,	Taylor,
Fuller,	McDougal,	Williams,
Geer,	Murphy,	Wolbert,

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
LaMoore,	Miner,	Sanborn,
Lewis,		

Mr. Sanborn being excused.

So the bill passed and the title was agreed to.

Senate bill No. 45,

A bill for an act entitled an act to amend section 2061 of the Revised Codes of North Dakota, relating to salary of clerk of district court.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 28, nays 1, absent and not voting 2.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Hegge,	Noble,
Baker,	Jacobson,	Sharpe,
Cashel,	Laidlaw,	Simpson,
Clarke,	Lavayea,	Slotten,
Cooper,	Lewis,	Swenson,
Cox,	Little,	Talcott,
Devlin,	Lofthus,	Taylor,
Fuller,	Miner,	Williams,
Geer,	Murpny,	Wolbert,
Hale,		

Mr. McDougal voting in the negative.

Absent and not voting Messrs. LaMoore and Sanborn.

Mr. Sanborn being excused.

So the bill passed and the title was agreed to.

Senate bill No. 148,

A bill for an act entitled an act to provide for the maintenance of the state university at Grand Forks, agricultural college at Fargo, state normal school at Valley City, state normal at May-

ville, and the deaf and dumb asylum of Devils Lake, as a part of the system of public schools.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 27, nays 1, absent and not voting 3.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Hegge,	Noble,
Baker,	Jacobson,	Sharpe,
Cashel,	Laidlaw,	Simpson,
Clarke,	Lavayea,	Slotten,
Cooper,	Lewis,	Swenson,
Devlin,	Little,	Talcott,
Fuller,	Lofthus,	Taylor,
Geer,	McDougal,	Williams,
Hale,	Miner,	Wolbert,

Mr. Cox voted in the negative.

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
LaMoure,	Murphy,	Sanborn,

Mr. Sanborn being excused.

So the bill passed and the title was agreed to.

Mr. Little moved

That all house bills on the secretary's desk be given their first and second reading and reference.

Which motion prevailed.

FIRST AND SECOND READING OF HOUSE BILLS.

House bill No. 124,

A bill for an act to amend section 51 of chapter 126 of the Session Laws of 1897, being section 1229 of the Political Code, relating to the rate of state and county tax, prescribing the manner in which township taxes may be levied, fixing the rates of township road and bridge tax and directing the expenditure of road and poll taxes in certain cases.

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

Also,

House bill No. 44,

A bill for an act to amend section 4719 of the Revised Codes of North Dakota, making it lawful for stock to run at large from the first day of November until the first day of April each year.

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

Mr. Noble moved

That the senate take a recess of five minutes.

Which motion prevailed.

Mr. Little moved

That seven additional clerks be placed on the enrolling and engrossing force.

Which motion prevailed.

The president administered the oath to R. T. Heally as enrolling and engrossing clerk.

Mr. Sharpe moved

That the senate do now adjourn.

Which motion prevailed, and

The senate adjourned.

INGRAM J. MOE,  
Acting Secretary.

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### THIRTY-NINTH DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
February 15, 1901.

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

The president presiding.

Roll call.

All members present except Mr. Sanborn, who was excused.

#### REPORTS OF STANDING COMMITTEES.

Mr. President:

Your committee on revision and correction of the journal beg leave to report no corrections for the thirty-eighth day.

H. J. MINER,  
Chairman.

The committee on appropriations made the following report:

Mr. President:

Your committee on appropriations to whom was referred

Senate bill No. 43,

A bill for an act providing for an appropriation for the maintenance and improvement of the state normal school at Valley City, North Dakota.

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

That the title of the bill read as follows: "A bill for an act entitled an act providing for an appropriation for the maintenance and improvement of the state normal school at Valley City, for that portion of the year 1901, commencing March 1st and ending December 31st."

That section 1 of said bill be amended so as to read as follows: "There is hereby appropriated out of any funds in the state treasury, not otherwise appropriated, for the maintenance and improvement of the state normal school at Valley City, for that portion of the year 1901, commencing March 1st and ending December 31st, the sum of fifteen thousand dollars, which said sum shall be paid in like manner as appropriations for other state institutions are paid."

And when so amended recommend that the same do pass.

JUDSON LaMOURE,  
Chairman.

Mr. Cox moved  
That the report be adopted,  
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. 162,

A bill for an act entitled an act providing for an appropriation of the payment of the current and contingent expenses of the North Dakota agricultural college for one year.

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

That the title of the bill read as follows: "A bill for an act entitled An act providing for the payment of the current and contingent expenses of the agricultural college at Fargo for that portion of the year 1901 commencing March 1st and ending Dec. 31st."

That lines 3 and 4 of the printed bill be stricken out and the following inserted: "The current and contingent expense of the agricultural college at Fargo for that portion of the year 1901 commencing March 1st, and ending Dec. 31st, as follows:"

That after line 12 of the printed bill there be added the following: "For experiments at the branch station in LaMoure county, \$250."

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.

The committee on appropriations made the following report:

Mr. President:

Your committee on appropriations to whom was referred

Senate bill No. 134,

A bill for an act to provide for the maintenance of the agricultural college as a part of the system of public schools.

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 enrolled and engrossed bills made the following report:

Mr. President:

Your committee on enrolled and engrossed bills have examined Senate bill No. 145,

A bill for an act to amend section 1979 of the Revised Codes of 1899, relating to duties of state's attorneys.

Also,

Senate bill No. 111,

A bill for an act entitled "An act to amend section 5631 of the Revised Codes of 1899, relating to the printing of briefs and abstracts upon appeals to the supreme court."

Also,

Senate bill No. 141,

A bill for an act entitled an act to provide when execution of judgment in civil actions may be stayed.

Also,

Senate bill No. 142,

A bill for an act entitled an act to amend section 5730, Revised Codes, relating to service of notices and papers.

Also,

Senate bill No. 130,

A bill for an act conferring jurisdiction as judges of conciliation upon the courts of Indian offenses.

And find the same correctly engrossed.

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. 57,

A bill for an act to provide for the drawing of warrants by the state auditor upon the state treasurer.

Also,

Senate bill No. 73,

A bill for an act entitled "An act to amend sections 2737 and

2743 of the Revised Codes of 1899, relating to dissolution of marriage."

Also,

Senate bill No. 58,

A bill for an act to amend section 6435 of the Revised Codes of 1899, the same being section 27 of chapter 111 of the laws of 1897, relating to sales of real estate by executors and administrators.

And find the same correctly enrolled.

H. E. LAVAYEA,

Chairman.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred

Senate bill No. 84,

A bill for an act entitled an act to provide for making unknown persons parties defendant in certain civil actions and to amend section 5907 and repeal section 5907a, Revised Codes of 1899, relating to unknown parties defendant.

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

By striking out after the words "amend" in line 2 of the title to the original bill all the remaining of said title and inserting in lieu thereof the following:

Sections 5904, 5905, 5906, 5907, 5907a, 5908, 5909, 5910, 5911, 5912, 5913 of the Revised Codes of North Dakota for 1899, relating to the determination of conflicting claims to real estate and other actions and enacting other provisions relating thereto. And by striking out all after the enacting clause of the original bill and inserting in lieu thereof the following:

Section 1. Amendment.) That sections 5904, 5905, 5906, 5907, 5907a, 5908, 5909, 5910, 5911, 5912 and 5913 of the Revised Codes of North Dakota of 1899, be, and the same are hereby amended to read as follows:

Sec. 5904. Action to Determine Adverse Claims.) An action may be maintained by any persons having an estate or an interest in or lien incumbrance upon real property whether in or out of possession thereof, and whether said property is vacant or unoccupied against any person claiming an estate or interest in or lien or incumbrance upon the same, for the purpose of determining such adverse estate, interest, lien or incumbrance.

Sec. 5905. Use and Occupation. Waste. Pleading. Possession.) A recovery may be had in the action by any party against the defendant personally served or who has appeared or against the plaintiff for the value of the use and occupation of the premises and for the value of the property wasted or removed therefrom, in the case of a vendor holding over or a trespasser

as well as in case where the relation of vendor has existed. If such recovery is desired by plaintiff, he shall allege the fact, stating particularly the value of the use and occupation, the value of the property wasted or removed, and the value of the real property aside from the waste or removal, and demand appropriate relief in his complaint. A recovery of possession may also be had by the plaintiff or any defendant asking for the affirmative relief.

Sec. 5906. Joinder of Plaintiffs.) Any two or more persons having an estate or interest in, or lien or incumbrance upon real property, under a common source of title, whether holding as tenants in common, joint tenants, co-partners or in severalty, may unite in an action against any person claiming an adverse estate or interest in, or lien or incumbrance thereon, for the purpose of determining such adverse claim, or establishing such common source of title, or declaring the same to be held in trust, or of removing a cloud upon the same.

Sec. 5907. Description of Property. Complaint.) In an action for the determination of adverse claims, the property must be described in the complaint with such certainty as to enable an officer upon execution to identify it. In other respects the complaint, exclusive of the venue, title, subscription and verification, may be substantially in the following form, the blanks being properly filled. The plaintiff for cause of action shows to the court that he has an estate in, interest in, lien or incumbrance upon (as the case may be) the following described real property, situate in the above named county and state, to-wit:

.....  
 That the defendants claimed certain estates or interests in, or liens or incumbrances (as the case may be) upon the same, adverse to plaintiff. (Here allege the facts concerning use and occupation and value thereof, and any property wasted or removed and the value thereof, if pertinent.)

Wherefore plaintiff prays. (1) That the defendant be required to set forth all their adverse claims to the property above described, and that the validity, superiority and priority thereof be determined; (2) That the same be adjudged null and void, and that they be decreed to have no estate or interest in, or lien or incumbrance upon said property; (3) That this title be quieted as to such claim, and that defendants be forever debarred and enjoined from further asserting the same; (4) That he recover possession of the premises described. (If possession is desired); (5) That he recover.....dollars as the value of the use and occupation and value of property wasted and removed therefrom; (6) That he have such other general relief as may be just, together with costs and disbursements.

Sec. 5908. Joinder of Defendants.) In an action to determine

adverse claims all persons appearing of record to have estates or interests in, or liens or incumbrances upon the property, and all persons in possession, may be joined as defendant, and all others may be joined by inserting in the title of the action the following: "All other persons unknown claiming any estate or interest in, or lien or incumbrance upon the property described in the complaint, and their unknown heirs."

Sec. 5909. Unknown Parties. Heirs.) All persons having an estate or interest in, or lien or incumbrance upon the property involved in the estate, though not appearing of record to have such claim, and all heirs of any known or unknown defendants who may be deceased, may be proceeded against as persons unknown and heirs and any order, judgment and decree shall be valid and binding on such unknown parties and heirs, whether they be of age or minors. And service of summons may be had upon all such unknown persons and heirs defendant, by publication, in the manner provided in section 5254, Revised Codes of 1899, and subdivision 3 thereof. And the action shall proceed against such unknown person and heirs in the same manner as against the defendants who are named, upon whom service is made by publication; and any such unknown person or heirs who have any estate or interest in, or lien or incumbrance upon the property in controversy at the time of the commencement of the action, duly served as aforesaid, shall be bound and concluded by the judgment in such case, as effectually as if the action were brought against such defendants by name, and personal service of the summons obtained.

Sec. 5910. Answer. Counterclaim.) In an action to determine adverse claims a defendant in his answer may deny that the plaintiff has the estate, interest, lien or incumbrance alleged in the complaint coupled with allegations setting forth fully and particularly the origin, nature and extent of his own claim to the property, and if such defendant claim a lien the original amount secured thereby and the date of the same, and the sum remaining due thereon, also whether the same has been secured in any other way or not, and if so secured, the nature and extent of such security; or he may likewise set forth his rights in the property as a counterclaim and demand affirmative relief against the plaintiff and any co-defendant; and in such case he may also set forth a counterclaim and recovery from plaintiff or a co-defendant for permanent improvements made by him or those under whom he claims, holding under color of title in good faith adversely to the plaintiff or co-defendant against whom he seeks a recovery; such counterclaim is set forth among other things the value of the land aside from the improvements thereon, and as accurately and practicable the improvements upon the land and the value thereof; and in such case he may also set forth as



a counterclaim his demand for recovery of the value of the use and occupation of the premises and value of property wasted or removed therefrom, in the same manner as provided by section 5905. The answer shall be deemed served on co-defendants by filing the same in the office of the clerk of court of the county where the action is pending at any time within thirty days after the service of summons on such defendant is complete. Where affirmative relief is demanded against co-defendants, the allegations constituting counterclaims shall be deemed controverted by all the parties, as upon a direct denial or avoidance, as the case may require, without further pleading.

Sec. 5911. Reply. Betterments by Plaintiff.) No reply shall be required on the part of plaintiff, except that when he has made permanent improvements on the property in good faith while in possession under color of title, he may recover a reasonable value thereof as against the defendant recovering the property, provided a reply alleging the facts and stating particularly the value of such improvements, the value of the property, and demanding appropriate relief, be served on such defendant and filed with the clerk within twenty days after the service of his answer.

Sec. 5912. Trial. Findings. Possession. Costs.) The plaintiff or any defendant who has answered may bring the case on for trial by serving all other parties who have appeared with notice of trial. A defendant interposing a counterclaim, shall for purposes of trial, be deemed plaintiff, and the plaintiff and co-defendants against whom relief is sought, shall be deemed defendants as to him. The court in its decision shall find the nature and extent of the claim asserted by the various parties, and determine the validity, superiority and priority of the same, any defendant in default for want of an answer or not appearing at the trial, or a plaintiff not appearing at the trial, shall be adjudged to have no estate or interest in, or lien or incumbrance upon the property; and he shall also be adjudged to pay the amount demanded against him in any counterclaim or reply for the use and occupation of the premises, property removed therefrom, and waste committed, except in the case of a defendant served by publication and not appearing. If any counterclaim for improvements has been urged against one recovering property, the value of such improvements thereof and the value of the land aside from the improvements, shall be specifically found. There shall be likewise be findings on all other counterclaims urged at the trial. If possession of the premises is demanded by the plaintiff or by any defendant asking for affirmative relief, such possession shall be awarded to the party asking for possession who has the paramount claim to the property, and he may thereupon have a writ for possession as against all

other parties to the action. Costs shall be awarded to the prevailing parties against each adversary in the action by the court, except that no costs shall be allowed against the defendant not appearing.

Sec. 5912a. Judgment When Right Fails After Action Brought.) In an action for the recovery of real property, when a party shows a right to recover, at the time when the action was commenced, but it appears that his right has terminated during the pendency of the action, the finding and judgment must be according to the fact, and he may recover whatever he may show himself entitled to up to the time that his right terminated.

Sec. 5912b. Adjustment of Cross Judgments.) If the decision of the court is in favor of one party for the recovery of the real property, and in favor of another for improvements, the former shall have the option for sixty days after receiving notice that the findings are filed, obtain the value of such improvements less such sums may be found due for use and occupation and waste; or of taking judgment against him for the value of the land aside from the improvements, as determined by the findings, and such sums as may be found due for use and occupation and waste. If said option is not exercised in writing by said party or his attorney for him and filed with the clerk within sixty days, the other party may thereupon exercise the option for him in like manner. If the party entitled to the possession of the property received in lieu thereof a money judgment, the other party may be subrogated to all the former's rights therein including all the relief he would otherwise be entitled to under the finding; and judgment shall thereupon be entered accordingly. But until payment is made by the party recovering the land or tender and deposit in the office of the clerk of court in which the action is pending, no writ for the possession of the property shall be issued.

Sec. 5913. When Defendant Permitted to Defend.) A defendant in an action to determine adverse claim, proceed against by name or as an unknown party or heir, or his representative on application and sufficient cause shown at any time before trial, must be allowed to defend on such terms as may be just; and any such defendants or his representatives upon good cause shown, and on such terms as may be just, may be allowed to defend after trial and within one year after the rendition of judgment therein, but not otherwise.

Sec. 2. Repeal.) All acts or parts of acts in conflict with the provisions of this act, are hereby repealed.

Sec. 3. Emergency.) Whereas, an emergency exists in that there is no adequate law on the subject matter of this action, therefore this act shall take effect and be in force from and after its passage and approval.

And when so amended recommend that the same do pass.

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. 71,

A bill for an act to amend section 5958 of the Revised Codes, enumerating what property may be taken in the exercise of the right of eminent domain.

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

Also,  
Senate bill No. 127,

A bill for an act entitled an act to amend and re-enact section 2082 of the Revised Codes of the Revision of 1899, relating to fees and compensation of sheriffs.

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

By striking out in line 2 of original bill in subdivision 36 the words "not less than fifty dollars," and in line 4 of same subdivision the words, "court house."

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 enrolled and engrossed bills made the following report:

Mr. President:

Your committee on enrolled and engrossed bills respectfully report, that at the hour of 3:30 p. m.,

Senate bill No. 11,

A bill to amend sections 1536, 1537, 1538, 1542 and 1543 of the Revised Codes of the state of North Dakota, relating to the recording of marks and brands.

Was delivered and his excellency, the governor, for his approval.

H. E. LAVAYEA,  
Chairman.

The committee on state affairs made the following report:

Mr. President:

Your committee on state affairs to whom was referred

House bill No. 18,

A bill for an act to amend section 7677 of chapter 72 of the Revised Codes of 1899, relating to game and fish.

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

Strike out all of the printed bill from and including line 5 to line 26 inclusive, and insert in lieu thereof the following:

1. Shoots or kills, any prairie chicken, pinnated grouse, sharp-tailed grouse, ruffled grouse or woodcock between the fifteenth day of October and the first day of September following, or any song bird or insect-eating bird except snipe or plover at any time, or

2. Shoots, kills or takes any quail, English or Chinese pheasants or wild swan until after the first day of September, A. D. 1905, and after that time between the fifteenth day of October and the first day of September following, or

3. Shoots or kills any wild duck between the first day of January and the first day of September following, or

4. Shoots or kills any wild goose, crane or brant between the first day of May and the first day of September following, or

5. Shall at any time catch or kill any of the birds permitted to be killed by this act at any time in any other manner than by shooting them with a gun held to the shoulder of the person discharging the same, or

6. Shall at any time set, lay or prepare any traps, snare, net, bird line, medicated, drugged or poisoned food or grain, or swiveled gun or any contrivance or device whatever with intent to catch, take or kill any of the birds in this act mentioned, whether the same are caught or not, or make use of any artificial light, battery or any other deception, contrivance or device whatever with intent to attract or deceive any of the birds in this act mentioned except that decoys and blinds may be used in hunting wild geese, ducks and brants. No person shall at any time hunt or shoot from any boat, canoe, or contrivance or device whatever on any waters in this state between the hours of 5 p. m. and 8 a. m., and no person shall at any time make use of hunt or shoot from any floating battery, sink-boat or sunken tub or any similar device on any of the waters of this state.

7. Wantonly destroys any nest or eggs of any of the birds mentioned in subdivisions 1, 2, 3 or 4 of this section, or

8. Shoots or kills and buffalo, moose, elk, caribou, or mountain sheep at any time or any deer between the first day of December and the tenth day of November following, or

And add at the end of the printed bill the following,  
 13. All acts or parts of acts in conflict with this act are hereby repealed.

And when so amended recommend that the same do pass.

A. B. COX,  
 Chairman.

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

#### REPORT OF SPECIAL COMMITTEE.

Mr. President:

Your special committee to whom was referred

Senate bill No. 21,

A bill for an act regulating fraternal beneficiary societies, orders or associations.

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

On line 20 of page 3 of printed bill change "\$50" to read "\$100."

On page 4, section 5, after the word "association" on line 8, strike out all up to and including the word "association" where it occurs on line 10 of same section.

On page 8, section 7, line 3, after the word "association" insert the word "annually."

On line 4 of same section, strike out word "certificate" and insert in lieu thereof the word "permit."

In line 6 of same section, change figures "\$5.00" to read "\$15.00."

And when so amended recommend that the same do pass.

M. JACOBSON,  
 Chairman.

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

Mr. Murphy moved  
 That the vote by which  
 Senate bill No. 45,

A bill for an act entitled an act to amend section 2061 of the Revised Codes of North Dakota relating to salary of clerks of district court.

Was passed, be reconsidered,  
 Which motion prevailed.

Mr. Murphy moved  
 That Senate bill No. 45 be recommitted to the committee on judiciary,  
 Which motion prevailed.

The courtesies of the floor were extended to Herman Wenteran and E. T. Burke of Valley City, N. D., and D. J. McKenzie of Rutland, N. D.

Mr Sharpe moved

The senate do now concur in house amendments to Senate bill No. 113,

A bill for an act authorizing counties to issue bonds to procure seed grain for needy farmers resident therein.

Was read the third time.

The question being upon the final passage of the bill.

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

Those who voted in the affirmative were:

Messrs.—

Ames,  
Baker,  
Cashel,  
Clarke,  
Cooper,  
Cox,  
Devlin,  
Fuller,  
Geer,  
Hale,

Messrs.—

Hegge,  
Jacobson,  
Laidlaw,  
Lavayea,  
LaMoure,  
Lewis,  
Little,  
Lofthus,  
McDougal,  
Miner,

Messrs.—

Murphy,  
Noble,  
Sharpe,  
Simpson,  
Slotten,  
Swenson,  
Talcott,  
Taylor,  
Williams,  
Wolbert,

Absent and not voting, Mr. Sanborn, who was excused.

So the bill passed and the title was agreed to.

Mr. LaMoure moved

That D. A. Lindsay be assigned to the duties of Mr. Rognlie.

Which motion prevailed.

Mr. LaMoure moved

That the position of second assistant secretary of the senate be declared vacant.

Which motion was lost.

Resolved, That the president be authorized to appoint, not to exceed two additional members of the enrolling and engrossing force, who shall be stenographers and shall be assigned as assistants to the stenographer of the senators, and that the stenographers to the senators shall not be required to do any work except what pertains to or grows out of the official duties of the senators.

C. B. LITTLE,  
J. B. SHARPE,  
A. B. COX,

Committee.

Mr Sharpe moved

That the report be adopted

Which motion prevailed, and

The report was adopted.

## MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,  
BISMARCK, NORTH DAKOTA,  
February 15, 1901.

Mr. President:

I have the honor to transmit herewith  
House bill No. 77,

A bill for an act to amend chapter 160 of the session laws of 1899, being section 2591 of the Revised Codes of 1899, relating to the meetings of township board of supervisors.

Also,

House bill No. 103,

A bill for an act to prevent the adulteration, misbranding and selling of adulterated and unwholesome foods and beverages, prescribing a penalty for the violation, and charging the states attorney with the enforcement hereof.

Also,

House bill No. 139,

A bill for an act to amend section 7671 of the Revised Codes of 1899, relating to unlawful obligations.

Also,

House bill No. 76,

A bill for an act providing that deeds and mortgages shall not be recorded unless the post office address of grantor and grantee shall appear therein.

Also,

House bill No. 34,

A bill for an act to amend sections 4063 and 4064 of the Revised Codes of 1895.

Also,

House bill No. 105,

A bill for an act to amend section 4827 of the Revised Codes of North Dakota, relating to farm laborer's lien. How the same may be obtained, and extending the time for filing affidavit and notice.

Also,

House bill No. 86,

A bill for an act to provide for the giving of proper official bonds by school district treasurers, and to provide for the payment of the premiums on same.

Also,

House bill No. 98,

A bill for an act requiring notaries public to endorse on acknowledgments the date of the expiration of their commissions.

Also,

House bill No. 125,

A bill for an act regulating water rights for irrigation purposes.

Also,

House bill No. 126,

A bill for an act providing stables and hitching posts on school sites in rural school districts.

Also,

House bill No. 114,

A bill for an act to enforce payment of taxes on real property in those counties wherein proceedings under chapter 67, general laws of 1897 were not instituted or where such proceedings were defective, and upon which property taxes for the year 1896 and prior years are unpaid.

Also,

House bill No. 119,

A bill for an act to amend sections 5, 6 and 7 of chapter 82 of the session laws of 1897, being section 6676e of the Revised Codes of 1899, relating to garnishee procedure in justice court.

Also,

House bill No. 23,

A bill for an act entitled "An act to amend section 135 of the Probate Code of North Dakota, being section 6391 of the Revised Codes of North Dakota for 1895, relating to exemptions."

Also,

House bill No. 55,

A bill for an act to amend sections 2464 and 2465 of the Revised Codes of 1899, relating to volunteer firemen's association.

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

Very respectfully,

J. D. SCANLAN,

Chief Clerk.

Mr. Cox moved

That all senate bills on the secretary's desk be given their first and second reading and reference.

Which motion prevailed.

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

Mr. Laidlaw introduced

Senate bill No. 180,

A bill for an act to amend section 527 of the Revised Codes of 1899 relating to abstract of votes. Certificate of election. Publication of returns.



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

Mr. Cox introduced

Senate bill No. 181,

A bill for an act entitled an act to regulate the sale of land in the state of North Dakota by foreign corporations or individuals.

Which was read the first and second times, and

Referred to the committee on judiciary.

Mr. Lavayea introduced

Senate bill No. 182,

A bill for an act to repeal section 1115b, article 5, chapter 17 of the Revised Codes of 1899, the same being section 2, chapter 140, Session Laws of 1899, providing for purchase of road machines.

Which was read the first and second times, and

Referred to the committee on highways, bridges and ferries.

Mr. Taylor introduced

Senate bill No. 183,

A bill for an act entitled an act making appropriation for maintenance of the state university and for needed permanent improvements of the state university.

Which was read the first and second times, and

Referred to the committee on appropriations.

Substitute for Senate bill No. 115,

A bill for an act to amend sections 1842, 1893, 1896 and 2095 of the Revised Codes of 1899, relating to commissioner districts, and the powers, election and compensation of county commissioners.

Which was read the first and second times, and

Referred to the committee on judiciary.

Mr. Hale introduced

Senate bill No. 184,

A bill for an act repealing section 966a, Revised Codes, 1899, relating to issuing certificates of indebtedness to provide for the equipment of the deaf and dumb asylum.

Which 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. 57,

A bill for an act to provide for the drawing of warrants by the state auditor upon the state treasurer.

Also,

Senate bill No. 58,

A bill for an act to amend section 6435 of the Revised Codes of 1899, the same being section 27 of chapter 111 of the laws of

1897, relating to sales of real estate by executors and administrators.

Also.

Senate bill No. 73,

A bill for an act entitled "an act to amend sections 2737 and 2743 of the Revised Codes of 1899, relating to dissolution of marriage."

And the president signed the bills in the presence of the senate.

THIRD READING OF SENATE BILLS.

Senate bill No. 144,

A bill for an act to amend section 119 of the Revised Codes of 1899, relating to the duties of the attorney general.

Was read the third time.

The question being upon the final passage of the bill

The roll was called and there were ayes 27, nays 1, absent and not voting 3.

Those who voted in the affirmative were:

Messrs.—

Ames,  
Baker,  
Cashel,  
Clarke,  
Cooper,  
Cox,  
Devlin,  
Fuller,  
Geer,

Messrs.—

Hale,  
Jacobson,  
Lavayea,  
LaMoure,  
Little,  
Loffthus,  
McDougal,  
Miner,  
Murphy,

Messrs.

Noble,  
Sharpe,  
Simpson,  
Slotten,  
Swenson,  
Talcott,  
Taylor,  
Williams,  
Wolbert,

Absent and not voting:

Messrs.—

Laidlaw,

Messrs.—

Lewis,

Messrs.

Sanborn,

Mr. Hegge voting in the negative.

Mr. Sanborn being excused.

So the bill passed and the title was agreed to.

Senate bill No. 145,

A bill for an act to amend section 1979 of the Revised Codes of 1899, relating to duties of state's attorneys.

Was read the third time.

Mr. LaMoure moved

To amend line 35 by adding after the second word "the" the words "attorney general and;" in line 36 add "s" to the word "prosecutor," and after such word add the following "in all cases wherein the state or county is a party to the action;" change word "he" in line 36 to "they;" in line 48 after the word "law" insert the following "a resident of the county wherein the case is pending unless no practicing attorney lives in the county qualified to act."

Which motion prevailed.

The following communication was received and read:

Grand Forks, N. D., Sept. 21, 1900.

To W. J. Burke, Esq., Bathgate, N. D.:

Dear Sir: Sometime ago we commenced twelve actions against drug stores in your county in the name of the state at your relation. The papers in those cases have been served and the sheriff we notice by his returns has charged \$100.55 for serving the papers in all these cases, which we presume he has presented a bill for to the county and had the same paid.

In three of these cases we have effected settlements, using our own judgment as you advised us to in regard to the matter, and have settled the cases on a basis in proportion to the actual facts that existed and the case that we had against the parties.

In the case of state against Albert G. Ulm of Cavalier, we settled his case upon the payment of \$250 by him and the cancellation of his permit.

In the case of H. S. Dickinson at Crystal, we settled his case upon the cancellation of the permit and the payment of \$100 and in the case of state against G. W. Marshall of Cavalier, we settled that case upon the cancellation of the permit and the payment of \$100 so that from the three cases which we have settled in Pembina county we have received \$450. We have paid out of this an attorney fee in each of the three cases at \$50 apiece, making \$150. This is the amount we have been allowed in such actions in other counties and the amount that we believe without any question we would be allowed by the judge in such case when settled prior to trial.

We have also charged and paid out of this amount the sum of \$100 to the secretary of the enforcement league for his expenses in the investigations which have been had of the drug stores and the necessary expenses in investigating the matters personally before actions were commenced. We allowed him \$50 in the Albert G. Ulm case and \$25 in each of the other cases. This is less than he was allowed and paid \$50 in each case, but the payment to him of this \$100 does not more than pay the actual expenses he has been to and when the other cases are settled or tried and anything realized on them, we can then consider what further sum he shall receive in these matters. That leaves a balance of \$200 which you will see is twice the amount that the county has been to the expense of.

Of course, we have not as yet filed any of the cases with the clerk of ourt, but even when that is done the clerk can make no charge against the county as he is under a salary, so that this all the actual expense that the county will be to in those cases.

We enclose you a draft payable to yourself as states attorney for the sum of \$200, and you can use your own judgment in regard to the application of the same. The county should be re-

imbursed for these sheriff's fees which they have undoubtedly paid. If they have not been paid they should be paid and the county reimbursed out of this money. The balance of it goes into the school fund, as provided by the statute.

There is considerable question whether or not a recovery can be had in those cases if they are properly defended. The point has been raised on us in Traill county before Judge Pollock. We have not yet briefed it but we are of the opinion that perhaps no action will lie to recover more than actual damages, which in these cases does not amount to more than nominal.

Yours respectfully,

**BOSARD & BOSARD.**

Judson LaMoure, being first duly sworn, on oath deposes and says that he has read the foregoing that the same is a full, true, correct and complete copy of the original letter now on file in the office of the states attorney of Pembina county, that he has carefully compared the same with the original letter and said above transcript is exact and an absolute copy of the original.

**JUDSON L'MOURE.**

Subscribed and sworn to before me this 9th day of January, 1901.

(Seal.)

**R. D. HOSKINS,**

Clerk of the Supreme Court of the State of North Dakota.

The question being upon the final passage of the bill.

The roll was called and there were ayes 28, nays none, absent and not voting 3.

Those who voted in the affirmative were:

Messrs.—

Ames,  
Baker,  
Cashel,  
Clarke,  
Cooper,  
Cox,  
Devlin,  
Fuller,  
Geer,  
Hale,

Messrs.—

Hegge,  
Jacobson,  
LaMoure,  
Lewis,  
Little,  
Lofthus,  
McDougal,  
Miner,  
Murphy,

Messrs.—

Noble,  
Sharpe,  
Simpson,  
Slotten,  
Swenson,  
Talcott,  
Taylor,  
Williams,  
Wolbert,

Absent and not voting:

Messrs.—

Laidlaw,

Messrs.—

Lavayea,

Messrs.—

Sanborn,

Mr. Sanborn being excused.

So the bill passed and the title was agreed to.

Mr. Murphy moved that action on

Senate bill No. 49,

A bill for an act to authorize boards of county commissioners to provide for the discovery of property withheld from taxation, and to list the same and collect taxes thereon.

Be deferred until Monday.

Which motion prevailed.

Senate bill No. 135,

A bill for an act empowering the county commissioners to contract with the sheriff for the collection of personal property tax judgments, or personal property taxes delinquent more than one year.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 25, nays none, absent and not voting 6.

Those who voted in the affirmative were:

Messrs.—

Ames,  
Baker,  
Cashel,  
Clarke,  
Cooper,  
Devlin,  
Fuller,  
Geer,  
Hale,

Messrs.—

Hegge,  
Jacobson,  
LaMoure,  
Lewis,  
Lofthus,  
McDougal,  
Miner,  
Murphy,

Messrs.—

Noble,  
Simpson,  
Slotten,  
Swenson,  
Talcott,  
Taylor,  
Williams,  
Wolbert,

Absent and not voting:

Messrs.—

Cox,  
Lavayea,

Messrs.—

Laidlaw,  
Little,

Messrs.—

Sanborn,  
Sharpe,

Mr. Sanborn being excused.

So the bill passed and the title was agreed to.

The president administered the oath of office to the following as enrolling and engrossing clerks: Mrs. D. R. Streeter, Miss Geneva Slotten, Mr. B. A. Owen, Mr. J. F. Sheffield and Miss Fern Lincoln.

Mr. Noble moved

That the senate do now adjourn,

Which motion prevailed, and

The senate adjourned.

INGRAM J. MOE,  
Acting Secretary.

## FORTIETH DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
February 16, 1901.

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

The president presiding.

Roll call.

All members present except Messrs. Hegge and Laidlaw who were excused.

## PRESENTATION OF PETITIONS AND COMMUNICATIONS.

Mr. Miner presented the following petition:

NEW ROCKFORD, N. D., Feb. 15, 1901.

To the Senate of the State of North Dakota:

We, the undersigned citizens of New Rockford, N. D., do most respectfully petition your honorable body to pass Senate bill No. 109, prohibiting the sale of cigarettes.

N. M. KENNEDY,  
And 125 Others.

Mr. Cox presented the following petition.

To the Honorable Representatives and Senator for Barnes County,  
Seventh Legislative Assembly of North Dakota;

We, the undersigned firemen, members of duly organized fire companies of the county of Barnes, do hereby respectfully petition and ask for your support in securing the enactment into law of House bill No. 55, being a bill to compel all organized fire companies to become members of the North Dakota Firemen's Association in order to participate in the benefits of the insurance tax.

LEWIS WHITSON,  
And 30 Others.

## REPORTS OF STANDING COMMITTEES.

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

Mr. President:

Your committee on revision and correction of the Journal recommend the following corrections for the 39th day.

On page 16, after the line "So the bill passed and the title was agreed to," add the following:

"Senate bill No. 145,

"A bill for an act to amend section 1979 of the Revised Codes of 1899, relating to duties of state's attorneys."

"Was read the third time."

On page 18 strike out the line "Senate bill No. 145" and three following lines.

And when so corrected recommend same be approved.

H. J. MINER,

Chairman.

Mr. Miner 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. 6,

A bill for an act to repeal chapter 76 of the session laws of 1891, being an act entitled "an act creating the office of state superintendent of irrigation and forestry, and prescribing the duties thereof."

Also,

House bill No. 67,

A bill for an act to amend section 7679 of the Revised Codes of 1899, being chapter 93 of the session laws of 1899, relating to game and fish.

Also,

Senate bill No. 173

A bill for an act entitled an act amending section 2084 of the Revised Codes, 1899, relating to fees for transportation of prisoners and patients.

Also,

Senate bill No. 139,

A bill for an act making the state of North Dakota a preferred creditor in the case of sales of binding twine upon time and in the case of other contracts with the state.

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

A. B. COX,  
 Chairman.

Mr. Cox moved that  
 Senate bill No. 100,

A bill for an act entitled an act to repeal section 1613 of the Revised Codes of the revision of 1899 relating to appropriation for district veterinarians and the chief state veterinarian.

Be recommitted

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. 168,

A bill for an act entitled an act to amend section 7678 of the Revised Codes, 1899 of the state of North Dakota.

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

"Section 2. All acts and parts of acts in conflict herewith are hereby repealed."

And when so amended recommend that the same do pass.

A. B. COX,  
Chairman.

Mr. Cox 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. 170,

A bill for an act providing that certain records shall be kept  
in the office of the state treasurer.

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

A. B. COX,  
Chairman.

The committee on appropriations made the following report:

Mr. President:

Your committee on appropriations to whom was referred  
Senate bill No. 67,

A bill for an act for an appropriation for the maintenance and  
improvements of the state normal school at Mayville, North Da-  
kota.

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

In line 2 of the printed bill strike out the words "fifty-four thousand  
one hundred and fifty dollars," and insert in lieu thereof the words "fifteen  
thousand."

And in line 4 of the printed bill after the words "North Dakota" add  
the words "for the period beginning March 1st, 1901, and ending Decem-  
ber 1st, 1901."

And in line 5 of the printed bill strike out the words "for completing  
building \$25,000."

And in line 8 of the printed bill strike out the words "one thousand,"  
and insert in lieu thereof the words "five hundred."

And in line 9 of the printed bill strike out the words "one thousand"  
and insert the words "five hundred."

And in line 10 of the printed bill strike out the words "two hundred,"  
and insert in lieu thereof the words "one hundred."

And in line 11 of the printed bill strike out the words "five hundred,"  
and insert in lieu thereof the words "two hundred and fifty."

And in line 12 of the printed bill strike out the words "three thousand,"  
and insert in lieu thereof the words "fifteen hundred."

And in line 13 of the printed bill on page 2 strike out the words "twelve  
hundred," and insert in lieu thereof the words "six hundred."

And in line 14 of the printed bill on page 2 strike out the words "nine-  
teen thousand five hundred," and insert in lieu thereof the words "nine  
thousand five hundred and fifty."



And in line 15 of the printed bill strike out the words "fifteen hundred," and insert in lieu thereof the words "seven hundred and fifty."

And in line 3 of section 2 on page 2 of printed bill after the words "nineteen hundred and one" and before the words "this act," insert the words and figures "and ending December the first, 1901."

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.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred  
Senate bill No. 29,

A bill for an act entitled an act authorizing district courts and also the supreme court of the state to direct judgment to be entered in certain cases instead of granting a motion for a new trial.

Also,  
Senate bill No. 160,

A bill for an act entitled an act defining newspaper libel and providing for demanding remedy before action can be brought.

Also,  
Senate bill No. 169,

A bill for an act entitled "An act authorizing and requiring the state board of equalization at its annual meeting in the year 1901 to levy a sinking fund tax to pay the amount due on bonds issued by the territory of Dakota on the first day of May, 1887, and due and payable the first day of May, 1902, for the construction of buildings for the hospital for the insane at Jamestown, and making an appropriation of the proceeds of such sinking fund tax."

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

C. B. LITTLE,  
Chairman.

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

Mr. President:

Your committee on enrolled and engrossed bills have examined  
Senate bill No. 145,

A bill for an act to amend section 1979 of the Revised Codes of 1899, relating to duties of state's attorneys.

Also,  
Senate bill No. 144,

A bill for an act to amend section 119 of the Revised Codes of 1899, relating to the duties of the attorney general.

Also,

Senate bill No. 135,

A bill for an act empowering the county commissioners to contract with the sheriff for the collection of personal property tax judgments, or personal property taxes delinquent more than one year.

And find the same correctly engrossed.

H. E. LAVAYEA,

Chairman.

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

Mr. President:

Your committee on enrolled and engrossed bills respectfully report that at the hour of 3:15, February 15th, 1901

Senate bill No. 73,

A bill for an act entitled "An act to amend sections 2737 and 2743 of the Revised Codes of 1899, relating to dissolution of marriage."

Also,

Senate bill No. 57,

A bill for an act to provide for the drawing of warrants by the state auditor upon the state treasurer.

Also

Senate bill No. 58,

A bill for an act to amend section 6435 of the Revised Codes of 1899, the same being section 27 of chapter 111 of the laws of 1897, relating to sales of real estate by executors and administrators.

Were delivered to his excellency the Governor, for his approval.

H. E. LAVAYEA,

Chairman

#### MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,

BISMARCK, NORTH DAKOTA.

February 16, 1901.

Mr. President:

I have the honor to transmit herewith

House bill No. 58,

A bill for an act to amend section 175 of the Revised Codes, relating to the collection of moneys arising from the disposal of university, school and other public lands, and authorizing the foreclosure of mortgages held by the state, and assignment of same in certain cases.

Also,

House bill No. 120,

A bill for an act entitled "An act to provide for the punishment for the abandonment of minor children."

Also,

House bill No. 134,

A bill for an act to amend section 6172 of the Revised Codes of North Dakota, defining the duties of county judges.

Also,

House bill No. 73,

A bill for an act to amend sections 450, 453, 456 and 457 of the Revised Codes of North Dakota, relating to jurors and the manner of drawing same.

Also,

House bill No. 129,

A bill for an act to amend section 1322, chapter 18, Revised Codes, 1899.

Also,

House bill No. 123,

A bill for an act amending section 6670 of the Justices' Code of the state of North Dakota, relating to title to real estate.

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

Also,

I have the honor to return herewith

Senate bill No. 114,

Concurrent resolution.

Which the house has concurred in.

Very respectfully,

J. D. SCANLAN,

Chief Clerk.

#### MESSAGE FROM THE GOVERNOR.

The following communication was received from the governor:

EXECUTIVE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
February 16, 1901.

To the Senate:

Gentlemen:—I have the honor to inform you that I have this day approved and filed with the honorable secretary of state

Senate bill No. 57,

A bill for an act to provide for the drawing of warrants by the state auditor upon the state treasurer.

Also,

Senate bill No. 58,

A bill for an act to amend section 6435 of the Revised Codes

of 1899, the same being section 27 of chapter 111 of the laws of 1897, relating to sales of real estate by executors and administrators.

Also,

Senate bill No. 73,

A bill for an act entitled "An act to amend sections 2737 and 2743 of the Revised Codes of 1899, relating to dissolution of marriage."

Very respectfully yours,

FRANK WHITE,  
Governor.

#### MOTIONS AND RESOLUTIONS.

Mr. Noble moved that the vote by which

Senate bill No. 145,

A bill for an act to amend section 1979 of the Revised Codes of 1899, relating to duties of state's attorneys.

Was passed be reconsidered.

Which motion prevailed.

#### CONCURRENT RESOLUTION.

The press dispatches convey to the members of this assembly the sad intelligence of the death of the Hon. Gilbert A. Pierce at the Hotel Lexington, Chicago. Mr. Pierce was the first governor to occupy the executive chamber in the capitol building. He was governor of the Territory of Dakota at the time of the holding of the constitutional conventions looking to the division and admission of the sister states of North and South Dakota. His advice and influence was a great factor in the formative period of statehood and the framing of a state constitution. He was honored by being unanimously chosen one of the first United States senators from North Dakota, which position he held with great credit to the state and honor to himself. His services to the state were of inestimable value. He was a man possessed of exceedingly popular and loving traits of character. Author, soldier, newspaper man, statesman, friend. No man who has had to do with the affairs of this state wielded a better or more potent influence. The ship of state with whose launching he had so much to do sailed proudly on and in the flight of time the life and public services of Hon. Gilbert A. Pierce will stand out in bold relief as a bright and shining milestone in the history of North Dakota.

Resolved by the Senate and House of Representatives that as a mark of our respect and high regard for our deceased friend and former co-worker the flag on the capitol building be floated at half mast for the period of twenty-four hours, and that a copy of this resolution engrossed and signed by the respective officers of this legislative assembly be forwarded to the surviving widow and family of the deceased to whom we extend sincere and heartfelt condolence.

Mr. Little moved

That the resolution be adopted

Which motion prevailed, and

The resolution was adopted.

Mr. LaMoure moved

That the rules be suspended, and the bill be placed upon its third reading and final passage.

Which motion prevailed.

Mr. Noble moved

That the bill be amended by adding after line 55 of the printed bill the following:

"Provided, however, that nothing herein contained shall prevent the county commissioners of any county in cases of public importance and with the advice and consent of the state's attorney employing such additional counsel as may be deemed advisable to assist the state's attorney upon such compensation as may be agreed upon."

Which motion prevailed.

Senate bill No. 145,

A bill for an act to amend section 1979 of the Revised Codes of 1899, relating to duties of state's attorneys.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 29, nays none, absent and not voting 2.

Those who voted in the affirmative were:

Messrs.—

Ames,  
Baker,  
Cashel,  
Clarke,  
Cooper,  
Cox,  
Devlin,  
Fuller,  
Geer,  
Hale,

Messrs.—

Jacobson,  
Lavayea,  
LaMoire,  
Lewis,  
Little,  
Lofthus,  
McDougal,  
Miner,  
Murphy,  
Noble,

Messrs.—

Sanborn,  
Sharpe,  
Simpson,  
Slotten,  
Swenson,  
Talcott,  
Taylor,  
Williams,  
Wolbert,

Absent and not voting Messrs. Hegge and Laidlaw, who were excused.

So the bill passed and the title was agreed to.

Mr. Cashel moved

That all senate bills on the secretary's desk be given their first and second reading and reference,

Which motion prevailed.

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

Mr. Cashel introduced

Senate bill No. 186,

A bill for an act creating a board of trustees for an institution for the feeble minded located at or near the city of Grafton, Walsh county, North Dakota, by an act of congress entitled "An act making appropriations for sundry civil expenses of the government in the fiscal year ending June 30, 1895, and for other

purposes," approved August 18, 1894, and defining the duties of such board of trustees.

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

Mr. Little moved

That the rules be suspended and that all house bills on the secretary's desk be given their first and second reading and reference.

Which motion prevailed.

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

House bill No. 58,

A bill for an act to amend section 175 of the Revised Codes, relating to the collection of moneys arising from the disposal of university, school and other public lands, and authorizing the foreclosure of mortgages held by the state, and assignment of same in certain cases.

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

House bill No. 134,

A bill for an act to amend section 6172 of the Revised Codes of North Dakota, defining the duties of county judges.

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

House bill No. 73,

A bill for an act to amend sections 450, 453 and 457 of the Revised Codes of North Dakota, relating to jurors and the manner of drawing same.

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

House bill No. 129,

A bill for an act to amend section 1322, chapter 18, Revised Codes, 1899.

Was read the first and second times, and  
Referred to the committee on counties and county boundaries.

House bill No. 123,

A bill for an act amending section 6670 of the Justices' Code of the state of North Dakota, relating to title to real estate.

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

House bill No. 23,

A bill for an act entitled "An act to amend section 135 of the Probate Code of North Dakota, being section 6391 of the Revised Codes of North Dakota for 1895, relating to exemptions."

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

House bill No. 55,

A bill for an act to amend sections 2464 and 2465 of the Revised Codes of 1899, relating to volunteer firemen's association.

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

House bill No. 34,

A bill for an act to amend sections 4063 and 4064 of the Revised Codes of 1895.

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

House bill No. 76,

A bill for an act providing that deeds and mortgages shall not be recorded unless the post office address of grantor and grantee shall appear therein.

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

House bill No. 77,

A bill for an act to amend chapter 160 of the session laws of 1899, being section 2591 of the Revised Codes of 1899, relating to the meetings of township board of supervisors.

Was read the first and second times, and  
Referred to the committee on counties and county boundaries.

House bill No. 86,

A bill for an act to provide for the giving of proper official bonds by school district treasurers, and to provide for the payment of the premiums on same.

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

House bill No. 119,

A bill for an act to amend sections 5, 6 and 7 of chapter 82 of the session laws of 1897, being section 6676e of the Revised Codes of 1899, relating to garnishee procedure in justice court.

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

House bill No. 125,

A bill for an act regulating water rights for irrigation purposes.

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

House bill No. 120,

A bill for an act entitled "An act to provide for the punishment for the abandonment of minor children."

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

House bill No. 126,

A bill for an act providing stables and hitching posts on school sites in rural school districts.

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

House bill No. 139,

A bill for an act to amend section 7671 of the Revised Codes of 1899. relating to unlawful obligations.

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

House bill No. 98,

A bill for an act requiring notaries public to endorse on acknowledgments the date of the expiration of their commissions.

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

House bill No. 103,

A bill for an act to prevent the adulteration, misbranding and selling of adulterated and unwholesome foods and beverages, prescribing a penalty for the violation, and charging the states attorney with the enforcement hereof.

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

House bill No. 105,

A bill for an act to amend section 4827 of the Revised Codes of North Dakota, relating to farm laborer's lien. How the same may be obtained, and extending the time for filing affidavit and notice.

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

House bill No. 114,

A bill for an act to enforce payment of taxes on real property in those counties wherein proceedings under chapter 67, general laws of 1897 were not instituted or where such proceedings were defective, and upon which property taxes for the year 1896 and prior years are unpaid.

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

Mr. Little moved

That the rules be suspended, and that

House bill No. 3,

A bill for an act entitled an act to provide for the exemption of property used exclusively for religious purposes from taxation.

Be given its third reading and final passage,  
Which motion prevailed.

### THIRD READING OF HOUSE BILLS.

House bill No. 3,

A bill for an act entitled an act to provide for the exemption



of property used exclusively for religious purposes from taxation.

Was read the third time.

The question being upon the final passage of the bill.

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

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Hale,	Noble,
Baker,	Hegge,	Sharpe,
Cashel,	Lavayea,	Simpson,
Clarke,	LaMoure,	Slotten,
Cooper,	Lewis,	Swenson,
Cox,	Little,	Talcott,
Devlin,	McDougal,	Williams,
Fuller,	Miner,	Wolbert,
Geer,	Murphy,	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Laidlaw,	Lofthus,	Taylor,
Jacobson,	Sanborn,	

Messrs. Hegge and Laidlaw being excused.

So the bill passed and the title was agreed to.

Mr. LaMoure moved that the vote by which House bill No. 3,

A bill for an act entitled an act to provide for the exemption of property used exclusively for religious purposes from taxation.

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. 21,

A bill for an act regulating fraternal beneficiary societies, orders or associations.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 28, nays none, absent and not voting 3.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Wolbert,	Sanborn,
Baker,	Lavayea,	Sharpe,
Cashel,	LaMoure,	Simpson,
Clarke,	Lewis,	Slotten,
Cooper,	Little,	Swenson,
Cox,	Lofthus,	Talcott,

Messrs.—

Devlin,  
Fuller,  
Geer,  
Jacobson,

Messrs.—

McDougal,  
Miner,  
Murphy,  
Noble,

Messrs.—

Taylor,  
Williams,  
Wolbert,

Absent and not voting:

Messrs.—

Hale,

Messrs.—

Hegge,

Messrs.

Laidlaw,

Messrs. Hegge and Laidlaw being excused.

So the bill passed and the title was agreed to.

Mr. Lewis moved that the vote by which

Senate bill No. 21,

A bill for an act regulating fraternal beneficiary societies, orders or associations.

Was passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

## 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.

The following nominations of the governor were confirmed:

## STATE OIL INSPECTOR.

As state oil inspector for a term of two years, commencing on the first Tuesday in April, 1901, according to the provisions of section 1759 of the Revised Codes: L. W. Schruth, of Fargo, Cass county, N. D.

## SUPERINTENDENT OF PUBLIC HEALTH.

As state superintendent of public health to hold said office for the term of two years from and after the first Tuesday in April, 1901, according to the provisions of section 240 of the Revised Codes: Dr. H. H. Healey, of Michigan City, Nelson county, N. D.

## INDUSTRIAL SCHOOL.

To be members of the board of trustees of the industrial school at Ellendale, North Dakota: Thomas Sefton, of Ellendale, N. D.; Joseph B. Taylor, of Monango, N. D. and Andrew Weber of Ashley, McIntosh county, N. D. for the term of four years each from and after February 15th, 1901.

## TRUSTEES STATE REFORM SCHOOL.

As trustees of the state reform school: C. A. Heegaard, of Mandan, Morton county, N. D., for the term of four years; G. J. De France, of Dickinson, Stark county, N. D., for the term of four

years; W. J. Etherington, of Sanger, Oliver county, N. D. for the term of two years; Henry Gilbert, of Sentinel Butte, Billings county, N. D. for the term of two years.

TRUSTEES DEAF AND DUMB ASYLUM.

As trustees of the deaf and dumb asylum to fill vacancies each for the term of four years, commencing on the first Tuesday in April, 1901: M. F. Falahy, of Cando, Towner county, N. D.; O. A. Whipple, Devils Lake, Ramsey county, N. D. and Lewis Larson, of Rugby, Pierce county, N. D.

OPEN SESSION.

Mr. Little moved

That out of respect to the memory of Gilbert A. Pierce, the senate do now adjourn,

Which motion prevailed, and  
The senate adjourned.

INGRAM J. MOE,  
Acting Secretary.

FORTY-SECOND DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA.  
February 18, 1901.

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

The president presiding.

Prayer by Bishop Edsall.

Roll call.

All members present except Messrs. Fuller and Hegge, who were excused.

PRESENTATION OF PETITIONS AND COMMUNICATIONS.

Mr. Baker presented the following petition:

STEELE, N. D., Feb. 15, 1901.

To the Senate of the State of North Dakota:

We, the undersigned citizens of Steele, do most respectfully petition your honorable body to pass Senate bill No. 109 prohibiting the sale of cigarettes.

CHARLES H. STANLEY  
And 36 Others.

Mr. Murphy presented the following petitions:

GRAND FORKS, N. D., Feb. 15, 1901.

To the Senators and Representatives of the Seventh Legislative Assembly at Bismarck, N. D.:

Resolved, That whereas the Senate bill No. 131, the object of which appears to provide for the examination and granting of license to medical practitioners; and,

Whereas, The true purport of such bill is to prevent Christian scientists, osteopaths, magnetic healers and faith curists practicing their systems of healing.

We, The undersigned, petition your honorable body to do all in their power to prevent the passage of such bill, unless it be so amended as not to prohibit Christian scientists, osteopaths, magnetic healers and faith curists to practice their systems of healing.

W. P. BEGG  
And 60 Others.

FARGO, N. D., Feb. 15, 1901.

To the Honorable the Senate and the House of Representatives of the State of North Dakota:

Your petitioners, residents of Cass county, respectfully wish to enter our protest against the passage of Senate bill No. 131, Taylor, which defines what constitutes practicing medicine, and requires the practitioner to pass a medical examination and procure a license before treating disease.

This, we humbly submit, is class legislation in its most glaring form. We therefore petition you to defeat the passage of this bill.

E. J. DELENDRECIE  
And 100 Others.

DEVILS LAKE, N. D., Feb. 15, 1901.

To the Senators and Representatives of the House of the Seventh Legislative Assembly at Bismarck, N. D.:

A section of Senate bill No. 131, defining what constitutes practicing medicine without a license, reads as follows: "Persons assuming the responsibility of treating disease and accepting fees therefor" are defined as "practicing."

Believing the bill, if passed, would be in the interests of class legislations and the restriction of individual liberty, we, the undersigned, urge you to do all in your power to defeat the bill unless amended to correct said restriction.

EDGAR LARUE  
And 50 Others.

GRAND FORKS, N. D., Feb. 15, 1901.

To the Members of the Seventh Legislative Assembly at Bismarck, N. D.:

Whereas, Senate bills No. 131 and 132 will, if passed by your honorable body exclude from practice or exercise any method or system of healing or treatment other than medical in this state, we, the undersigned, petition your honorable body to prevent the passage of said bills unless amended to apply only to the medical profession.

J. B. IVERSON,  
And 7 Others.

GRAND FORKS, N. D., Feb. 15, 1901.

To the Members of the Seventh Legislative Assembly at Bismarck, N. D.:

We, the undersigned, are in favor of upholding the present osteopathic law.

J. E. CLIFFORD,  
And 50 Others.

GRAND FORKS, N. D. Feb. 15, 1901.

To the Members of the Seventh Legislative Assembly at Bismarck, N. D.:

Whereas, Senate bills No. 131 and 132 will, if passed by your honorable body exclude from practice or exercise any method or system of healing or treatment other than medical in this state; we, the undersigned, petition your honorable body to prevent the passage of said bills unless amended to apply only to the medical profession.

B. F. BURKHOFF,  
And 32 Others.

Mr. Lofthus presented the following petition:

PARK RIVER, N. D., Feb. 15, 1901.

To the Senate of the State of North Dakota:

We, the undersigned citizens of Park River N. D., do most respectfully petition your honorable body to pass Senate bill No. 109, prohibiting the sale of cigarettes.  
G. K. McEWAN,  
And 142 Others.

Mr. Wolbert presented the following petition:

CASSELTON, N. D., Feb. 15, 1901.

To the Senate of the State of North Dakota:

We, the undersigned, citizens of Casselton, N. D., do most respectfully petition your honorable body to pass Senate bill No. 109, prohibiting the sale of cigarettes.  
S. B. BARTLETT,  
And 84 Others.

The president announced that he was about to sign

Concurrent Resolution, amending subdivision 8 of section 215 of the constitution of the State of North Dakota, locating the institution of the feeble minded at or near the city of Grafton, North Dakota.

Also,

Senate bill No. 113,

A bill for an act authorizing counties to issue bonds to procure seed grain for needy farmers resident therein.

#### REPORTS OF STANDING COMMITTEES.

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

Mr. President:

Your committee on revision and correction of the Journal recommend the following corrections for the 40th day:

On page 7 transpose line "motions and resolutions" and six following lines to page 8, immediately above line reading "Mr. LaMoure moved."

And when so amended recommend that same be approved.

H. J. MINER,  
Chairman.

Mr. Miner 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 Senate bill No. 163,

A bill for an act to amend section 3231, Revised Codes, relating to capital of banks.

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

M. F. MURPHY,  
Chairman.

The committee on ways and means made the following report:  
Mr. President:

Your committee on ways and means to whom was referred  
Senate bill No. 153,

A bill for an act to amend section 1180 of the Revised Codes relating to property exempt from taxation.

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

J. B. SHARPE,  
Chairman.

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 to amend section 1645 of the Revised Codes of the state of North Dakota, relating to permits.

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

In the title of the bill, after the words "Revised Codes" insert "of 1899."

In section 1, page 1, line 1, after the word "Codes" insert "of 1899."

On page 1, lines 8 and 9 of the printed bill, change the words "one thousand" to "four hundred."

And when so amended recommend that the same do pass.

A. B. COX,  
Chairman.

Mr. Cox moved  
The adoption of the report,  
Which motion prevailed, and  
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. 131,

A bill for an act to amend section 277 and section 280 of chapter 4, of article 6 of the Revised Codes, relating to the practice of medicine, surgery and obstetrics.

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

That the title be amended by adding after the word "obstetrics" the words "defining the same and to provide a penalty for violating the provisions of this act."

In line 8 of page 3 of section 280 of the printed bill strike out all after the word "name" down to and including the word "infirmity."

Also strike out all of section 2.

And when so amended recommend that the same do pass.

J. D. TAYLOR,  
Chairman.

Mr. Taylor moved  
That the bill be recommitted,  
Which motion prevailed.

The committee on appropriations made the following report:

Mr. President:

Your committee on appropriations to whom was referred  
Senate bill No. 80,

A bill for an act fixing the residence, salaries and clerk hire of  
the state officers.

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

That the title of said bill be amended so as to read as follows:

"A bill for an act fixing the residence of certain state officers at the  
seat of government, now located at Bismarck, North Dakota, and provid-  
ing a penalty for the violation of the provisions of said act."

That sections 2 and 3 of said bill be stricken out.

That section 4 be amended so as to read as follows:

Section 2. The state board of audit shall allow no bill nor order the  
issuance of a warrant for the salary of any officer mentioned in section  
1 of this act who fails to comply with the provisions thereof.

And when so amended recommend that the same do pass.

JUDSON LaMOURE,

Chairman.

Mr. LaMoure 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. 83,

A bill for an act for the maintenance of the deaf and dumb  
asylum of North Dakota and making an appropriation therefor,

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

That the title of said bill be amended so as to read as follows:

"A bill for an act for the maintenance and erection of additions to the  
deaf and dumb asylum of North Dakota from March 1st, 1901, to December  
31st, 1901, and making an appropriation therefor."

That section 1 be amended so as to read as follows:

Section 1. Appropriation.) There is hereby appropriated out of any  
money in the state treasury, not otherwise appropriated, the sum of  
seventeen thousand five hundred (\$17,500) dollars to pay the current and  
contingent expenses and provide for necessary additions to the deaf and  
dumb asylum at Devils Lake from March 1st, 1901, to December 31st, 1901,  
as follows:

Maintenance.....	\$ 4,500 00
Salaries.....	4,000 00
Wages.....	2,100 00
Fuel and lights.....	1,100 00
Furniture and bedding.....	300 00

Books and school supplies .....	\$ 150 00
Drugs and medical attendance .....	250 00
Machinery and stock .....	600 00
Feed and stock .....	300 00
Incidental expenses and repairs .....	700 00
Additions .....	3,500 00

Total..... \$17,500 00

That line 3 of section 2 of the printed bill be amended by striking out the figures "31" in said line and inserting in lieu thereof the figure "1"

And when so amended recommend that the same do pass.

JUDSON LaMOURE,  
Chairman.

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

The committee on public health made the following report:

Mr. President:

Your committee on public health to whom was referred  
House bill No. 12,

A bill for an act to amend section 278 of the Political Code of North Dakota, being section 4 of the act entitled "an act to regulate the practice of medicine in the state of North Dakota, to license physicians, surgeons and obstetricians and to punish persons violating the provisions of this act.

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

J. D. TAYLOR,  
Chairman.

The committee on state affairs made the following report:

Mr. President:

Your committee on state affairs to whom was referred  
House bill No. 32,

A bill for an act to regulate the practice of barbering, the licensing of persons to carry on such practice, and to insure the better education of such practitioners in the state of North Dakota.

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

A. B. COX,  
Chairman.

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

Mr. President:

Your committee on enrolled and engrossed bills have examined  
Senate bill No. 113,



A bill for an act authorizing counties to issue bonds to procure seed grain for needy farmers resident therein.

And find the same correctly enrolled.

Also,

Senate bill No. 84,

A bill for an act entitled an act to provide for making unknown persons parties defendant in certain civil actions and to amend section 5907 and repeal section 5907a, Revised Codes of 1899, relating to unknown parties defendant.

Also,

Senate bill No. 127,

A bill for an act entitled an act to amend and re-enact section 2082 of the Revised Codes of the Revision of 1899, relating to fees and compensation of sheriffs.

Also,

Senate bill No. 67,

A bill for an act for an appropriation for the maintenance and improvements of the state normal school at Mayville, North Dakota.

Also,

Senate bill No. 162,

A bill for an act entitled an act providing for an appropriation of the payment of the current and contingent expenses of the North Dakota agricultural college for one year.

Also,

Senate bill No. 145,

A bill for an act to amend section 1979 of the Revised Codes of 1899, relating to duties of state's attorneys.

Also,

Senate bill No. 21,

A bill for an act regulating fraternal beneficiary societies, orders or associations.

Also,

Senate bill No. 168,

A bill for an act entitled an act to amend section 7678 of the Revised Codes, 1899 of the state of North Dakota.

Also,

Senate bill No. 43,

A bill for an act providing for an appropriation for the maintenance and improvement of the state normal school at Valley City, North Dakota.

And find the same correctly engrossed.

Also,

Senate bill No. 114,

Being a concurrent resolution amending sub-division 8 of section 215 of the constitution of the state of North Dakota, locating

the institution for the feeble minded at or near the city of Grafton, N. D.

And find the same correctly enrolled.

H. E. LAVAYEA,  
Chairman.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred  
Substitute for Senate bill No. 115,

A bill for an act to amend sections 1842, 1893, 1896 and 2095 of the Revised Codes of 1899, relating to commissioner districts, and the powers, election and compensation of county commissioners.

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

By inserting after the words "section 5" the following words: "That section 2095 of the Revised Codes of 1899 be amended to read as follows:" "Section 2095."

And by adding after line 6, in section 5, the following: "Provided this act shall not apply to counties the assessed valuation of which is less than three million dollars."

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. 118,

A bill for an act entitled an act concerning covenants of warranty.

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

By striking out the words "Section 1. Warranty. Highway)" before the enacting clause.

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. 157,

A bill for an act entitled an act to amend section 238 of the Revised Codes, relating to state depositories.

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

Also,

Senate bill No. 45,

A bill for an act entitled an act to amend section 2061 of the Revised Codes of North Dakota, relating to salary of clerk of district court.

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

By inserting at the end of line 6 in printed bill the words and figures "\$5.00 in counties when the assessed valuation exceeds \$500,000 but does not exceed \$1,000,000."

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. 119,

A bill for an act entitled "An act amending section 6777, relating to appeals from justice court making the payment of transcript fees a condition precedent to granting an order compelling a justice to certify up the record."

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

By striking out in line 1 of printed bill the words "section 1," and also striking out the words "adding thereto at the close of said section," and insert in lieu thereof the words "so as to read as follows." Then insert as follows:

Sec. 6777. Appeal Filed with Clerk. Proceedings on.) Upon the filing of the notice of appeal and undertaking, or the making of the deposit prescribed in section 6775 in the office of the clerk of the district court, such clerk shall immediately mail, to the justice of the court in which the judgment appealed from was rendered a written notice thereof, specifying the court in which the judgment was rendered, the names of the parties, the date and amount of the judgment appealed from and stating whether the undertaking filed or deposit made entitles the appellant to a stay of execution and requiring such justice to transmit to such clerk the record required by law. Such justice must within ten

days after the receipt of such notice transmit to the clerk of the district court a record which shall contain a certified copy of the justice's docket, the pleadings, all notices, motions and other papers filed in the cause. The justice may be compelled by the district court by order entered upon motion to transmit such record and may be fined for neglect or refusal so to do. A certified copy of such order may be served on the justice by the party or his attorney; provided, however, that a justice of the peace shall not be compelled to transmit such record to the clerk of the district court unless appellant has paid to the clerk of the district court the sum of one (\$1) dollar for the justice's transcript fee, which fee shall accompany the clerk's written notice to the justice of an appeal having been taken.

And also by striking out all of section 2, and also in line 1 of printed bill, strike out the words "Sec. 3."

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 enrolled and engrossed bills made the following report:

Mr. President:

Your committee on enrolled and engrossed bills, respectfully report

That at the hour of 2:25 p. m. Feb. 18, 1901,  
Senate bill No. 113,  
Concurrent Resolution.

Was delivered to his excellency the governor, for his approval.

H. E. LAVAYEA,  
Chairman.

#### MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
BISMARCK, NORTH DAKOTA.  
February 18, 1901.

Mr. President:

I have the honor to return herewith your concurrent resolution relating to the death of the Hon. Gilbert A. Pierce, at the Hotel Lexington at Chicago, which the house has concurred in.

Very respectfully,  
J. D. SCANLAN,  
Chief Clerk.

Also.

I have the honor to transmit herewith

House bill No. 157, substitute for House bill No. 29,  
Concurrent resolution.

Also,

House bill No. 133,

A bill for an act fixing the liability of railroad companies for injuries sustained by employes of such companies in consequence of the negligence of fellow employes.

Also,

House bill No. 112,

A bill for an act to amend section 343a, of the Revised Codes of 1899, being the same as section 1 of chapter 116 of the session laws of 1899, relating to official bonds of county treasurers.

Also,

House bill No. 99,

A bill for an act to amend section 220, chapter 4 of the Revised Codes of 1899, relating to advertisements for leasing of school lands.

Also,

House bill No. 151,

A bill for an act entitled "An act to amend section 2985 of the Revised Codes of 1899, relating to maintenance of station houses."

Also,

House bill No. 113,

Concurrent resolution.

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

Also,

I have the honor to return herewith your memorial relating to tri-state drainage association which the house has concurred in.

Very respectfully,

J. D. SCANLAN,  
Chief Clerk.

Mr. Little moved

That all senate bills be read a first and second time and referred.  
Which motion prevailed.

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

Mr. Cox introduced

Senate bill No. 187,

A bill for an act to provide for notice to be given before cancellation, termination or forfeiture of or under any instrument for the future conveyance of lands, or of any equity therein, and to prohibit agreements for such cancellation, termination or forfeiture without such notice.

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

Mr. Noble introduced

Senate bill No. 188,

A bill for an act entitled an act to amend section 1289 of the Revised Codes of 1899, relating to notice when time for redemption expires. Duties of certificate holders and auditors.

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

Mr. Miner introduced

Senate bill No. 189,

A bill for an act entitled an act to amend section 1209 of the Revised Codes of 1899 relating to assessors' districts.

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

Mr. Lavayea introduced

Senate bill No. 190,

A bill for an act entitled an act to repeal section 1115b, article 5, chapter 17 of the Revised Codes of 1899, the same being section 2, chapter 140, Session Laws of 1899, providing for purchase of road machines.

Which was read the first and second times, and  
Referred to the committee on highways, bridges and ferries.

Also,

Senate bill No. 191,

A bill for an act entitled an act repealing sections 7594, 7596, 7597 and 7599 of the Revised Codes relating to prohibition.

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

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

Mr. Little moved

That the rules be suspended and have bills on the secretary's desk receive their first and second reading,

Which motion prevailed.

House bill No. 157, substitute for House bill No. 29,

Concurrent resolution.

Was read the first and second times, and

Referred to the committee on public lands.

House bill No. 112,

A bill for an act to amend section 343a, of the Revised Codes of 1899, being the same as section 1 of chapter 116 of the session laws of 1899, relating to official bonds of county treasurers.

Was read the first and second times, and

Referred to the committee on counties and county boundaries.

House bill No. 99,

A bill for an act to amend section 220, chapter 4 of the Revised

Codes of 1899, relating to advertisements for leasing of school lands.

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

House bill No. 151,

A bill for an act entitled "An act to amend section 2985 of the Revised Codes of 1899, relating to maintenance of station houses."

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

House bill No. 113,

Concurrent resolution.

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

House bill No. 133,

A bill for an act fixing the liability of railroad companies for injuries sustained by employes of such companies in consequence of the negligence of fellow employes.

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

#### REPORTS OF STANDING COMMITTEES.

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

Mr. President:

Your committee on enrolled and engrossed bills respectfully report that at the hour of 2:35 p. m. of this day

Senate bill No. 114,

Being a concurrent resolution, an act amending sub-division 8 of section 215 of the constitution of the state of North Dakota, locating the institution for the feeble minded at or near the city of Grafton, N. D.

Was filed in the office of the secretary of state.

H. E. LAVAYEA,  
Chairman.

#### MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,  
BISMARCK, NORTH DAKOTA,  
February 18, 1901.

Mr. President:

I have the honor to return herewith

Senate bill No. 60,

A bill for an act to define the senatorial and representative districts of North Dakota and prescribe the number of senators and representatives therein.

Which the House has amended as follows:

Amend Seventh district in line 4 of printed bill after the word "Washington" to add the "first and second wards of the city of Reynolds."

Amend Thirty-seventh district by striking out the word "two" in line 4 of printed bill and insert in lieu thereof the word "three."

And amend the Second district to include "the townships of Avon and Liberty."

Amend by inserting in that portion of the bill relating to the Fourth district after the word "Minto" the words "village of Minto" and after the words "Forest River" the words "village of Forest River."

By substituting the word "Wheatfield" for the word "Wheatland" in that portion of the line relating to the Fifth district.

Amend by substituting the word "Waldo" for the word "Waldon" in that portion of the bill relating to the Twelfth district.

Amend by striking out in that portion of the bill relating to the Twelfth district the words "Wahpeton, First district Wahpeton, Second district Wahpeton, Third district Wahpeton," and inserting in lieu thereof the words "city of Wahpeton."

Amend that portion of the bill relating to the Thirty-ninth district by substituting the word "city" in lieu of the word "town."

Amend by changing the spelling of the word "Yleinla" to "Glenila" in that portion of the bill relating to the Eighteenth district.

Amend by adding the words "the village of Wimbledon" to that portion of the bill relating to the Fifteenth district.

Amend by inserting in that portion of the bill relating to the Eleventh district the words "village of Buffalo."

Amend that portion of the bill relating to the Third district by adding after the words "Park River" the words "village of Edinburg, village of Conway, village of Hoople, village of Pisek," and by changing the word "Latonia" to "Latona."

Amend by adding after the word "Cassilton" where it appears the second time in that portion after the bill relating to the Tenth district the words "village of Mapleton and village of Davenport."

Amend by inserting the word "Bell" in lieu of the words "Elm River" in that portion of the bill relating to the Tenth district.

Amend by substituting the word "Norton" for the word "Morton" in that portion of the bill relating to the Third district.

Amend that portion of the bill relating to the Sixth district by changing the word "MecKinock" to "Mekinock."

Add to the Second district "city of St. Thomas, city of Crystal, town of Hamilton, town of Cavalier, village of Cando," and correct spelling of "Joliette;" "Gardner" should be "Gardar;" correct spelling of "Beaulieu."



And as so amended passed.

J. D. SCANLAN,  
Chief Clerk.

### THIRD READING OF SENATE BILLS.

Senate bill No. 29,

A bill for an act entitled an act authorizing district courts and also the supreme court of the state to direct judgment to be entered in certain cases instead of granting a motion for a new trial.

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 none, absent and not voting 5.

Those who voted in the affirmative were.

Messrs.—	Messrs.—	Messrs.—
Ames,	LaMoure,	Sharpe,
Baker,	Lewis,	Simpson,
Cooper,	Little,	Slotten,
Cox,	Lofthus,	Swenson,
Devlin,	McDougal,	Talcott,
Geer,	Miner,	Taylor,
Hale,	Murphy,	Williams,
Jacobson,	Noble,	Wolbert,
Laidlaw,	Sanborn,	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Cashel,	Fuller,	Lavayea,
Clarke,	Hegge,	

Messrs. Fuller and Hegge being excused.

So the bill passed and the title was agreed to.

Senate bill No. 139,

A bill for an act making the state of North Dakota a preferred creditor in the case of sales of binding twine upon time and in the case of other contracts with the state.

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 none, absent and not voting 5.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	LaMoure,	Sharpe,
Baker,	Lewis,	Simpson,
Cooper,	Little,	Slotten,
Cox,	Lofthus,	Swenson,
Devlin,	McDougal,	Talcott,
Geer,	Miner,	Taylor,
Hale,	Murphy,	Williams,
Jacobson,	Noble,	Wolbert,
Laidlaw,	Sanborn,	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.
Cashel,	Fuller,	Hegge,
Clarke,	Lavayea,	

Messrs. Fuller and Hegge being excused.

So the bill passed and the title was agreed to.

Senate bill No. 169,

A bill for an act entitled "An act authorizing and requiring the state board of equalization at its annual meeting in the year 1901 to levy a sinking fund tax to pay the amount due on bonds issued by the territory of Dakota on the first day of May, 1887, and due and payable the first day of May, 1902, for the construction of buildings for the hospital for the insane at Jamestown, and making an appropriation of the proceeds of such sinking fund tax."

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 28, nays none, absent and not voting 3.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Lavayea,	Sanborn,
Baker,	LaMoire,	Sharpe,
Cashel,	Lewis,	Simpson,
Cooper,	Little,	Slotten,
Cox,	Lofthus,	Swenson,
Devlin,	McDougal,	Talcott,
Geer,	Miner,	Taylor,
Hale,	Murphy,	Williams,
Jacobson,	Noble,	Wolbert,
Laidlaw,		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Clarke,	Fuller,	Hegge,

Messrs. Fuller and Hegge being excused.

So the bill passed and the title was agreed to.

Senate bill No. 170,

A bill for an act providing that certain records shall be kept in the office of the state treasurer.

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 none, absent and not voting 5.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.
Ames,	Lavayea,	Sanborn,
Baker,	LaMoire,	Sharpe,
Cashel,	Lewis,	Slotten,
Cooper,	Little,	Swenson,
Cox,	Lofthus,	Talcott,
Geer,	McDougal,	Taylor,
Hale,	Miner,	Williams,
Jacobson,	Murphy,	Wolbert,
Laidlaw,	Noble,	

Absent and not voting:

Messrs.—

Clarke,  
Devlin,

Messrs.—

Fuller,  
Hegge,

Messrs.

Simpson,

Messrs. Fuller and Hegge being excused.

So the bill passed and the title was agreed to.

### MOTIONS AND RESOLUTIONS.

Mr. Little moved

That the senate do not concur in the house amendment to  
Senate bill No. 60,

A bill for an act to define the senatorial and representative districts of North Dakota and prescribe the number of senators and representatives therein.

In regard to the 3rd district of Walsh county and that a conference committee be appointed to correct an error in said district,

Which motion prevailed.

The president announced as said committee on behalf of the senate Messrs. Sharpe, Little and Noble.

Mr. Ames moved

That the vote by which

Senate bill No. 29,

A bill for an act entitled an act authorizing district courts and also the supreme court of the state to direct judgment to be entered in certain cases instead of granting a motion for a new trial.

Was passed, be reconsidered

Which motion prevailed.

Mr. Ames moved

To amend said bill in line 8 of the printed bill, after the word "made" by inserting therein the words:

"Or upon a review of such order on an appeal from the judgment."

Which motion prevailed.

Senate bill No. 29,

A bill for an act entitled an act authorizing district courts and also the supreme court of the state to direct judgment to be entered in certain cases instead of granting a motion for a new trial.

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 none, absent and not voting 5.

Those who voted in the affirmative were:

Messrs.—

Ames,  
Baker,  
Cashel,  
Cooper,  
Cox,

Messrs.—

Laidlaw,  
Lavayea,  
LaMoure,  
Lewis,  
Little,

Messrs.—

Sanborn,  
Sharpe,  
Simpson,  
Slotten,  
Swenson,

Messrs.—  
Devlin,  
Geer,  
Hale,  
Jacobson,

Messrs.—  
McDougal,  
Miner,  
Murphy,  
Noble,

Messrs.—  
Talcott,  
Taylor,  
Williams,

Absent and not voting:

Messrs.—  
Clarke,  
Fuller,

Messrs.—  
Hegge,  
Lofthus,

Messrs.—  
Wolbert,

Messrs. Fuller and Hegge being excused.

So the bill passed and the title was agreed to.

Senate bill No. 173

A bill for an act entitled an act amending section 2084 of the Revised Codes, 1899, relating to fees for transportation of prisoners and patients.

Was read the third time.

The question being upon the final passage of the bill.

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

Those who voted in the affirmative were:

Messrs.—  
Ames,  
Baker,  
Cashel,  
Cooper,  
Cox,  
Devlin,  
Geer,  
Hale,  
Jacobson,

Messrs.—  
Laidlaw,  
Lavayea,  
LaMoure,  
Lewis,  
Little,  
Lofthus,  
McDougal,  
Miner,  
Murphy,

Messrs.—  
Noble,  
Sanborn,  
Sharpe,  
Simpson,  
Slotten,  
Swenson,  
Talcott,  
Taylor,  
Williams,

Absent and not voting:

Messrs.—  
Clarke,  
Fuller,

Messrs.—  
Hegge,

Messrs.—  
Wolbert,

Messrs. Fuller and Hegge being excused.

So the bill passed and the title was agreed to.

Senate bill No. 49,

A bill for an act to authorize boards of county commissioners to provide for the discovery of property withheld from taxation, and to list the same and collect taxes thereon.

Was read the third time.

Mr. Wolbert moved the adoption of the following amendment:

Add at the end of line 5, section 3, page 1, of the printed bill the following words:

“Provided that nothing herein shall be construed as giving additional power to any person, other than those now existing under the assessment laws of this state.”

Which motion prevailed.

Senate bill No. 49,

A bill for an act to authorize boards of county commissioners to provide for the discovery of property withheld from taxation, and to list the same and collect taxes thereon.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 12, nays 16, absent and not voting 3.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Cooper,	Little,	Simpson,
Cox,	Lofthus,	Talcott,
Geer,	Miner,	Williams,
Hale,	Sharpe,	Wolbert,

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Lavayea,	Noble,
Baker,	LaMoure,	Sanborn,
Cashel,	Lewis,	Slotten,
Devlin,	McDougal,	Swenson,
Jacobson,	Murphy,	Taylor,
Laidlaw,		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Clarke,	Fuller,	Hegge,

Messrs. Fuller and Hegge being excused.

So the bill failed of passage.

#### CONFERENCE COMMITTEE REPORT.

Mr. President:

Your conference committee upon Senate bill No. 60 beg leave to report that an error in the description of the third district be corrected so as to read: "Township 157, range 59," instead of "township 155, range 59."

J. B. SHARPE,  
C. B. LITTLE,  
J. B. NOBLE,  
JOSEPH HARE,  
G. O. GULACK,  
M. B. CASSELL,  
Conference Committee.

Mr. Little moved

The adoption of the report.

The roll was called on the adoption of the report and there were ayes 27, nays none, absent and not voting 4.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Laidlaw,	Sanborn,
Baker,	Lavayea,	Sharpe,
Cashel,	LaMoure,	Simpson,
Cooper,	Lewis,	Slotten,
Cox,	Little,	Swenson,
Devlin,	McDougal,	Talcott,
Geer,	Miner,	Taylor,
Hale,	Murpay,	Williams,
Jacobson,	Noble,	Wolbert,

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Clarke,	Hegge,	Lofthus,
Fuller,		

Messrs. Fuller and Hegge being excused.

So the report was adopted.

Mr. Little moved

That the senate do concur in the house amendments to Senate bill No. 60,

A bill for an act to define the senatorial and representative districts of North Dakota and prescribe the number of senators and representatives therein.

The question being on the concurrence of the amendments to Senate bill No. 60.

The roll was called and there were ayes 25, nays 2, absent and not voting 4.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Laidlaw,	Sanborn,
Baker,	Lavayea,	Sharpe,
Cashel,	Lewis,	Simpson,
Cooper,	Little,	Slotten,
Cox,	McDougal,	Swenson,
Devlin,	Miner,	Talcott,
Geer,	Murphy,	Taylor,
Hale,	Noble,	Wolbert,
Jacobson,		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Clarke,	Hegge,	Lofthus,
Fuller,		

Mr. LaMoure and Williams voted in the negative.

Messrs. Fuller and Hegge being excused.

So the amendments were concurred in.

### THIRD READING OF SENATE BILLS.

Senate bill No. 43,

A bill for an act providing for an appropriation for the maintenance and improvement of the state normal school at Valley City, 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 27, nays none, absent and not voting 4.

Those who voted in the affirmative were:

<b>Messrs.—</b>	<b>Messrs.—</b>	<b>Messrs.—</b>
Ames,	Laidlaw,	Noble,
Baker,	Lavayea,	Sanborn,
Cashel,	LaMoure,	Simpson,
Cooper,	Lewis,	Slotten,
Cox,	Little,	Swenson,
Devlin,	Lofthus,	Talcott,
Geer,	McDougal,	Taylor,
Hale,	Miner,	Williams,
Jacobson.	Murphy,	Wolbert,

Absent and not voting:

<b>Messrs.—</b>	<b>Messrs.—</b>	<b>Messrs.—</b>
Clarke,	Hegge,	Sharpe,
Fuller,		

Messrs. Fuller and Hegge being excused.

So the bill passed and the title was agreed to.

Mr. Cox moved

The vote by which  
Senate bill No. 43,

A bill for an act providing for an appropriation for the maintenance and improvement of the state normal school at Valley City, North Dakota.

Was passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

Senate bill No. 127,

A bill for an act entitled an act to amend and re-enact section 2082 of the Revised Codes of the Revision of 1899, relating to fees and compensation of sheriffs.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 28, nays none, absent and not voting 3.

Those who voted in the affirmative were:

<b>Messrs.—</b>	<b>Messrs.—</b>	<b>Messrs.—</b>
Ames,	Lavayea,	Sanborn,
Baker,	LaMoure,	Sharpe,
Cashel,	Lewis,	Simpson,
Cooper,	Little,	Slotten,
Cox,	Lofthus,	Swenson,
Devlin,	McDougal,	Talcott,
Geer,	Miner,	Taylor,
Hale,	Murphy,	Williams,
Jacobson,	Noble,	Wolbert,
Laidlaw,		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Clarke,	Fuller,	Hegge,

Messrs. Fuller and Hegge being excused.

So the bill passed and the title was agreed to.

Mr. Simpson moved that the vote by which  
Senate bill No. 127,

A bill for an act entitled an act to amend and re-enact section 2082 of the Revised Codes of the Revision of 1899, relating to fees and compensation of sheriffs.

Passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

Mr. Lewis moved

That the rules be suspended and that the senate proceed to the third reading of house bills.

Which motion prevailed.

### THIRD READING OF HOUSE BILLS.

House bill No. 2,

A bill for an act to provide for the status, organization, and government of associations known as lodges, chapters, posts, encampments, councils, commanderies, consistories and other similar organizations of the fraternities or associations commonly known as the various organizations of Free Masons, Independent Order of Odd Fellows, Grand Army of the Republic, Knights of Pythias and other similar benevolent or charitable fraternities or associations not organized for profit or fraternal insurance.

Was read the third time.

The question being upon the final passage of the bill.

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

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Laidlaw,	Sanborn,
Baker,	Lavayea,	Sharpe,
Cashel,	La.Mourea,	Simpson,
Cooper,	Lewis,	Slotten,
Cox,	Little,	Swenson,
Devlin,	McDougal,	Talcott,
Geer,	Miner,	Taylor,
Hale,	Murphy,	Williams,
Jacobson,	Noble,	Wolbert,

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Clarke,	Hegge,	Lofthus,
Fuller,		



Messrs. Fuller and Hegge being excused.

So the bill passed and the title was agreed to.

House bill No. 6,

A bill for an act to repeal chapter 76 of the session laws of 1891, being an act entitled "an act creating the office of state superintendent of irrigation and forestry, and prescribing the duties thereof."

Was read the third time.

The question being upon the final passage of the bill.

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

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Laidlaw,	Sanborn,
Baker,	Lavayea,	Sharpe,
Cashel,	LaMoure,	Simpson,
Cooper,	Lewis,	Slotten,
Cox,	Little,	Swenson,
Devlin,	McDougal,	Talcott,
Geer,	Miner,	Taylor,
Hale,	Murphy,	Williams,
Jacobson,	Noble,	Wolbert,

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Clarke,	Hegge,	Lofthus,
Fuller,		

Messrs. Fuller and Hegge being excused.

So the bill passed and the title was agreed to.

#### MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,  
BISMARCK, NORTH DAKOTA,  
February 18, 1901.

Mr. President:

I have the honor to transmit herewith  
House bill No. 106,

A bill for an act to amend section 1944 of the Revised Codes of 1899, relating to duty of board in designating depositories.

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

Very respectfully,

J. D. SCANLAN,  
Chief Clerk.

The courtesies of the floor were extended to Dr. Edsall, bishop of North Dakota; W. L. Forsler and Dr. H. G. Fish, of Wheatland; Rev. J. B. McDonald, of Lisbon.

Mr. Sharpe moved  
That the senate do now adjourn,  
Which motion prevailed, and  
The senate adjourned.

GEORGE L. TOWNES,  
Secretary.

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FORTY-THIRD DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
February 19, 1901.

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

The president presiding.

Prayer by the chaplain.

Roll call.

All members present excepting Messrs. Fuller, Hegge and Jacobson who were excused.

PRESENTATION OF PETITIONS AND COMMUNICATIONS.

FOREST RIVER, Feb. 19, 1901.

To the Senate of the State of North Dakota:

We, the undersigned, citizens of Forest River, N. D. do most respectfully petition your honorable body to pass Senate bill No. 109, prohibiting the sale of cigarettes.

Mrs. M. S. BELLACK,  
And 20 Others.

REPORTS OF STANDING COMMITTEES.

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

Mr. President:

Your committee on revision and correction of the Journal recommend the following corrections for the forty-second day.

On page 3, after the words "H. J. Miner, chairman," insert the following:

"Mr. Miner moved  
The adoption of the report  
Which motion prevailed."

On page 1, after the word "Fuller" insert the word "Clarke."

On page 20, in line beginning with the words, "the roll was called," change "26" to "25" and "1" to "2"; strike out the word "Williams" as voting with the majority, and make the 8th line from bottom read, "Mr. LaMoure and Williams voting in the negative."

And as so corrected recommend same be approved.

H. J. MINER,

Chairman.

Mr Miner moved  
That the report be adopted,  
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. 184,

A bill for an act repealing section 966a, Revised Codes, 1899, relating to issuing certificates of indebtedness to provide for the equipment of the deaf and dumb asylum.

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

Also,  
Senate bill No. 85,

A bill for an act entitled an act to provide an appropriation for increased clerical work in the office of the state treasurer.

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

In lines 4 and 5 of the printed bill strike out the words "state treasurer and governor," and insert in place the words "state auditing board."

And when so amended recommend that the same do pass.

JUDSON LaMOURE,

Chairman.

Mr. Sharpe moved  
That the report be adopted,  
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. 172,

A bill for an act entitled an act repealing section 131a of the

Revised Codes, 1899, making an appropriation to promote immigration.

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

JUDSON LaMOURE,  
Chairman

The committee on military affairs made the following report:

Mr. President:

Your committee on military affairs to whom was referred  
Senate bill No. 174,

A bill for an act entitled an act repealing section 1375 of the Revised Codes, 1899, relating to additional duties of adjutant general and prescribing his salary.

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

R. C. SANBORN,  
Chairman.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred  
House bill No. 24,

A bill for an act entitled "An act to amend sections 324, 326, 328 and 333 of the Code of Civil Procedure of the state of North Dakota, being sections 5518, 5520, 5522 and 5528 of the Revised Codes of 1895 of the state of North Dakota, and to repeal section 325 of the Code of Civil Procedure of North Dakota, being section 5519 of the Revised Codes of said state, all of said sections relating to exemptions.

C. B. LITTLE,  
Chairman.

The minority of the committee on judiciary made the following report:

Mr. President:

A minority of your committee on judiciary to whom was referred

House bill No. 24,

A bill for an act entitled "An act to amend sections 324, 326, 328 and 333 of the Code of Civil Procedure of the state of North Dakota, being sections 5518, 5520, 5522 and 5528 of the Revised Codes of 1895 of the state of North Dakota, and to repeal section 325 of the Code of Civil Procedure of North Dakota, being section 5519 of the Revised Codes of said state, all of said sections relating to exemptions.

Have had the same under consideration and recommend that the same be indefinitely postponed.

V. B. NOBLE,  
J. B. SHARPE,  
A. B. COX,  
HENRY HALE,

Mr. Noble moved

That the minority report be adopted.

Mr. Little moved as a substitute.

That the majority report be adopted.

Roll call demanded

The roll was called on the adoption of the majority report.

There were ayes 17, nays 10, absent and not voting 4.

Those who voted in the affirmative were:

Messrs.—

Ames,  
Baker,  
Cashel,  
Cooper,  
Geer,  
Laidlaw,

Messrs.—

Lavayea,  
LaMoure,  
Lewis,  
Little,  
McDougal,  
Miner,

Messrs.—

Simpson,  
Slotten,  
Talcott,  
Taylor,  
Wolbert,

Those voting in the negative were:

Messrs.—

Clarke,  
Cox,  
Devlin,  
Hale,

Messrs.—

Murphy,  
Noble,  
Sanborn,

Messrs.—

Sharpe,  
Swenson,  
Williams,

Absent and not voting:

Messrs.—

Fuller,  
Hegge,

Messrs.—

Jacobson,

Messrs.—

Lofthus,

Messrs. Hegge, Jacobson and Fuller being excused.

So the majority report was adopted.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred

House bill No. 134,

A bill for an act to amend section 6172 of the Revised Codes of North Dakota, defining the duties of county judges.

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

C. B. LITTLE,  
Chairman.

Mr. LaMoure 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. 114,

A bill for an act to enforce payment of taxes on real property in those counties wherein proceedings under chapter 67, general laws of 1897 were not instituted or where such proceedings were defective, and upon which property taxes for the year 1896 and prior years are unpaid.

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

Also,

Senate bill No. 1,

A bill for an act entitled an act to provide for the trial of civil actions.

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

By striking out all of section 4 and inserting in lieu thereof "no new trials shall be granted by the district court in any action tried by the court or before a referee, except upon the grounds stated in subdivisions 1, 3 and 4 of section 5472; and such new trial shall be granted only before appeal and upon a motion made upon a notice of motion specifying the date at which such motion shall be heard, which date shall be within 90 days after the filing of the decision of the court upon the first trial. Whenever a new trial shall be ordered in such an action, either by the district or supreme court, a certified transcript or any part or all of the stenographers' minutes of the testimony or evidence taken upon the former trial may be offered by either party subject to any objections which have been made, or may be then made to any such evidence so offered; and all new evidence offered shall be received by the court on such new trial subject to the provisions of section 3 of this act."

In line 1 of section 6 after the word "appellant" insert "in cases tried under the provisions of this act."

In line 5 of section 6, strike out the word "forty-five" and insert in lieu thereof the word "thirty" and strike out the words "before the commencement of the term at which the case stands for hearing in the supreme court," and insert in lieu thereof "after service of the notice of appeal."

In line 12 of section 6, strike out the word "ten" and insert the word "fifteen" in lieu thereof, and strike out the words "before the commencement of such term" in lines 12 and 13 and insert in lieu thereof "after the service of appellants abstract."

In line 6 of section 9 between the words "court and without" insert the words "with or."

In line 1 of section 10 after the word "court" insert the words "in any case tried under the provisions of this act."

In line 2 of section 11 after the word "judgment" insert the words "in any case tried under the provisions of this act."

Strike out all of "section 12."

In line 3 of section 13, strike out the word "sixty" and insert the word "ninety."

In line 9 of section 14, strike out the words "the case is finally submitted to the supreme court," and insert in lieu thereof "the filing of its decision in the case."

In line 20 of section 14, strike out the word "three" and insert in lieu thereof the word "five."

Renumber "sections 13, 14, 15 and 16."

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 ways and means made the following report:

Mr. President:

Your committee on ways and means to whom was referred  
Senate bill No. 165,

A bill for an act to amend section 1203 of the Revised Codes, 1899, relating to bank stock "where and at what valuation to be listed."

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

In second line of section 2, strike out the words "this act with."

And when so amended recommend that the same do pass.

J. B. SHARPE,  
Chairman.

Mr. Sharpe moved

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

The committee on education made the following report:

Mr. President:

Your committee on education to whom was referred  
Senate bill No. 42,

A bill for an act entitled an act to provide for the creation of special school districts in incorporated cities, towns and villages constituting a part of a school district, and to divide the property and indebtedness of such school district.

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

G. M. WOLBERT,  
Chairman.

The committee on ways and means made the following report:

Mr. President:

Your committee on ways and means to whom was referred

Senate bill No. 161,

A bill for an act to legalize the assessment and levy of taxes in territory over which counties have exercised criminal and civil jurisdiction for four years last past, and providing for the collection of the same.

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

V. B. SHARPE,  
Chairman.

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

Mr. President:

Your committee on enrolled and engrossed bills have examined Senate bill No. 118,

A bill for an act entitled an act concerning covenants of warranty.

Also,

Senate bill No. 29,

A bill for an act entitled an act authorizing district courts and also the supreme court of the state to direct judgment to be entered in certain cases instead of granting a motion for a new trial.

Also,

Senate bill No. 170,

A bill for an act providing that certain records shall be kept in the office of the state treasurer.

Also,

Senate bill No. 139,

A bill for an act making the state of North Dakota a preferred creditor in the case of sales of binding twine upon time and in the case of other contracts with the state.

Also,

Senate bill No. 45,

A bill for an act entitled an act to amend section 2061 of the Revised Codes of North Dakota, relating to salary of clerk of district court.

Also,

Senate bill No. 83,

A bill for an act for the maintenance of the deaf and dumb asylum of North Dakota and making an appropriation therefor,

Also,

Senate bill No. 173

A bill for an act entitled an act amending section 2084 of the Revised Codes, 1899, relating to fees for transportation of prisoners and patients.

Also,



Senate bill No. 169,

A bill for an act entitled "An act authorizing and requiring the state board of equalization at its annual meeting in the year 1901 to levy a sinking fund tax to pay the amount due on bonds issued by the territory of Dakota on the first day of May, 1887, and due and payable the first day of May, 1902, for the construction of buildings for the hospital for the insane at Jamestown, and making an appropriation of the proceeds of such sinking fund tax."

Also,

Senate bill No. 119,

A bill for an act entitled "An act amending section 6777, relating to appeals from justice court making the payment of transcript fees a condition precedent to granting an order compelling a justice to certify up the record."

Also,

Senate bill No. 80,

A bill for an act fixing the residence, salaries and clerk hire of the state officers.

Also,

Substitute for Senate bill No. 115,

A bill for an act to amend sections 1842, 1893, 1896 and 2095 of the Revised Codes of 1899, relating to commissioner districts, and the powers, election and compensation of county commissioners.

And find the same correctly engrossed.

H. E. LAVAYEA,

Chairman.

#### MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,  
BISMARCK, NORTH DAKOTA,  
February 19, 1901.

Mr. President:

I have the honor to inform you that the house has adopted the report of the conference committee on

Senate bill No. 60,

A bill for an act to define the senatorial and representative districts of North Dakota and prescribe the number of senators and representatives therein.

Which amendment the house has concurred in, passing said bill as amended.

Very respectfully,

J. D. SCANLAN,

Chief Clerk.

## MESSAGE FROM THE GOVERNOR.

The following communication was received from the governor:

EXECUTIVE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
February 18, 1901.

To the Senate:

Gentlemen:—I have the honor to inform you that I have approved and filed with the honorable secretary of state.

Senate bill No. 113,

A bill for an act authorizing counties to issue bonds to procure seed grain for needy farmers resident therein.

Very respectfully yours,

FRANK WHITE,  
Governor.

## MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,  
BISMARCK, NORTH DAKOTA,  
February 19, 1901.

Mr. President:

I have the honor to transmit herewith

House bill No. 169,

A bill for an act to amend sections 2466 of the Revised Codes of 1899, relating to filing of certificates of fire departments of cities.

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

Also return herewith

Substitute for Senate bill No. 4,

A bill for an act repealing section 410 of the Revised Codes of 1899, relating to chambers of the district judge of the Seventh judicial district.

Which the house has passed unchanged

Very respectfully,

B. W. SHAW,

Asst. Chief Clerk.

Mr. LaMoure moved

That the rules be suspended, and that

House bill No. 134,

A bill for an act to amend section 6172 of the Revised Codes of North Dakota, defining the duties of county judges.

Be placed on its third reading and final passage.

Which motion prevailed.

## THIRD READING OF HOUSE BILLS.

House bill No. 134,

A bill for an act to amend section 6172 of the Revised Codes of North Dakota, defining the duties of county judges.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 28, nays none, absent and not voting 3.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Lavaea,	Sanborn,
Baker,	LaMoure,	Sharpe,
Cashel,	Lewis,	Simpson,
Clarke,	Little,	Slotten,
Cooper,	Lofthus,	Swenson,
Cox,	McDougal,	Talcott,
Devlin,	Miner,	Taylor,
Geer,	Murphy,	Williams,
Hale,	Noble,	Wolbert,
Laidlaw,		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Hegge,	Jacobson,	Fuller,

Messrs. Fuller, Hegge and Jacobson being excused.

So the bill passed and the title was agreed to.

Mr. Little moved the vote by which

House bill No. 134,

A bill for an act to amend section 6172 of the Revised Codes of North Dakota, defining the duties of county judges.

Was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Mr. LaMoure moved

That the rules be suspended, and that all senate bills on the secretary's desk be given their first and second reading and reference.

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

Mr. Murphy introduced

Senate bill No. 192,

A bill for an act to amend sections 2134, 2141, 2155, 2204, 2251 and 2254 of the Revised Codes of 1899, relating to cities.

Which was read the first and second times, and

Referred to the committee on cities and municipal corporations

Mr. McDougal introduced

Senate bill No. 193,

A bill for an act repealing section 7593 of the penal code of the state of North Dakota.

Which was read the first and second times, and

Referred to the committee on temperance.

Mr. LaMoure introduced

Senate bill No. 194,

A bill for an act entitled "an act to amend sections 1168 and 1173 of the Revised Codes of 1899, relating to ferries."

Which was read the first and second times, and

Referred to the committee on judiciary.

Mr. Hale introduced

Senate bill No. 195,

A bill for an act entitled an act to amend section 1311 of the Revised Codes of 1899 relating to extraordinary expenditures.

Which was read the first and second times, and

Referred to the committee on ways and means.

Mr. Taylor introduced

Senate bill 196,

A bill for an act to amend section 1518 of the Revised Codes of North Dakota, relating to the examination of persons alleged to be insane.

Which was read the first and second times, and

Referred to the committee on public health.

Mr. Cashel introduced

Senate bill No. 197,

A bill for an act entitled an act to amend section 217 of the Revised Codes of 1899 providing for the leasing of public lands.

Which was read the first and second times, and

Referred to the committee on judiciary.

Mr. Miner introduced

Senate bill No. 198,

A bill for an act entitled an act regulating the filing and foreclosure of mechanic's liens upon land held or occupied under a filing under any of the land laws of the United States.

Which was read the first and second times, and

Referred to the committee on judiciary.

### THIRD READING OF SENATE BILLS.

Senate bill No. 67,

A bill for an act for an appropriation for the maintenance and improvements of the state normal school at Mayville, North Dakota.

Was read the third time.

Mr. Ames moved

That where the words "December 1, 1901" occur, the words "December 21, 1901" be substituted.

Which motion prevailed.

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

The roll was called and there were ayes 28, nays none, absent and not voting 3.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Lavayea,	Sanborn,
Baker,	LaMoure,	Sharpe,
Cashel,	Lewis,	Simpson,
Clarke,	Little,	Slotten,
Cooper,	Lofthus,	Swenson,
Cox,	McDougal,	Talcott,
Devlin,	Miner,	Taylor,
Geer,	Murphy,	Williams,
Hale,	Noble,	Wolbert,
Laidlaw,		

Messrs. Fuller, Hegge and Jacobson being excused.

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

Mr. Ames moved

That the vote by which

Senate bill No. 67,

A bill for an act for an appropriation for the maintenance and improvements of the state normal school at Mayville, North Dakota.

Was passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

Senate bill No. 84,

A bill for an act entitled an act to provide for making unknown persons parties defendant in certain civil actions and to amend section 5907 and repeal section 5907a, Revised Codes of 1899, relating to unknown parties defendant.

Was read the third time.

Mr. Noble moved.

That in the last line of section 5909, strike out the word "personal;" after the word "summons" in the same line insert the words "by publication."

Which motion prevailed.

The question being upon the final passage of the bill.

The roll was called and there were ayes 28, nays none, absent and not voting 3,

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Lavayea,	Sanborn,
Baker,	LaMoure,	Sharpe,
Cashel,	Lewis,	Simpson,
Clarke,	Little,	Slotten,

Messrs.—	Messrs.—	Messrs.—
Cooper,	Lofthus,	Swenson,
Cox,	McDougal,	Talcott,
Devlin,	Miner,	Taylor,
Geer,	Murphy,	Williams,
Hale,	Noble,	Wolbert,
Laidlaw		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Fuller,	Hegge,	Jacobson,

Messrs. Fuller, Hegge and Jacobson being excused.

So the bill passed and the title was agreed to.

Senate bill No. 168,

A bill for an act entitled an act to amend section 7678 of the Revised Codes, 1899 of the state of 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 28, nays none, absent and not voting 3.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Lavayea,	Sanborn,
Baker,	LaMoure,	Sharpe,
Cashel,	Lewis,	Simpson,
Clarke,	Little,	Slotten,
Cooper,	Lofthus,	Swenson,
Cox,	McDougal,	Talcott,
Devlin,	Miner,	Taylor,
Geer,	Murphy,	Williams,
Hale,	Noble,	Wolbert,
Laidlaw,		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Fuller,	Hegge,	Jacobson,

Messrs. Fuller, Hegge and Jacobson being excused.

So the bill passed and the title was agreed to.

Senate bill No. 163,

A bill for an act to amend section 3231, Revised Codes, relating to capital of banks.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 25, nays 3, absent and not voting 3.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Laidlaw,	Noble,
Baker,	Lavayea,	Sanborn,
Cashel,	LaMoure,	Simpson,
Clarke,	Lewis,	Slotten,
Cooper,	Little,	Swenson,

Messrs.—  
Cox,  
Devlin,  
Geer,  
Hale,

Messrs.—  
Lofthus,  
McDougal,  
Murphy,

Messrs.—  
Talcott,  
Taylor,  
Wolbert,

Those voting in the negative were:

Messrs.—  
Miner,

Messrs.—  
Sharpe,

Messrs.—  
Williams,

Absent and not voting:

Messrs.—  
Fuller,

Messrs.—  
Hegge,

Messrs.—  
Jacobson,

Messrs. Fuller, Hegge and Jacobson being excused.

So the bill passed and the title was agreed to.

Senate bill No. 153,

A bill for an act to amend section 1180 of the Revised Codes relating to property exempt from taxation.

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 none, absent and not voting 5.

Those who voted in the affirmative were:

Messrs.—  
Ames,  
Baker,  
Castel,  
Clarke,  
Cooper,  
Cox,  
Devlin,  
Geer,  
Laidlaw,

Messrs.—  
Lavayea,  
LaMoure,  
Lewis,  
Little,  
McDougal,  
Miner,  
Murphy,  
Noble,  
Sanborn,

Messrs.—  
Sharpe,  
Simpson,  
Slotten,  
Swenson,  
Talcott,  
Taylor,  
Williams,  
Wolbert,

Absent and not voting:

Messrs.—  
Fuller,  
Hale,

Messrs.—  
Hegge,  
Jacobson,

Messrs.—  
Lofthus,

Messrs. Fuller, Hegge and Jacobson being excused.

So the bill passed and the title was agreed to.

Mr. Talcott moved

That after the words "view to profit" in line marked 5 of section 1 in printed bill, strike out the remainder of "subdivision 1 of said section."

Mr. Simpson moved

To amend title by inserting words "and re-enact" after the word "amend."

Mr. Noble moved

That after the first word "the" in line 1 of section 1 the word "official" be added.

Which motion prevailed.

Mr. Talcott moved

To reconsider the vote by which the amendment was adopted.

Which motion prevailed.

Mr. Cox moved to amend the bill by adding thereto, the following:

The salaries of the state officers shall be as follows:

Governor .....	\$ 3,500 a year
Secretary of state.....	2,500 a year
State treasurer.....	2,500 a year
State auditor.....	2,500 a year
Commissioner of insurance.....	2,500 a year
Commissioner of agriculture and labor.....	2,500 a year
Superintendent of public instruction.....	2,500 a year
Attorney general.....	2,500 a year
Commissioners of railroads (each).....	1,200 a year

Roll call demanded on the amendment.

The roll was called and there were ayes 15, nays 13, absent and not voting 3.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Baker,	Lewis,	Sharpe,
Cox,	Little,	Simpson,
Geer,	Miner,	Talcott,
Laidlaw,	Noble,	Taylor,
Lavayea,	Sanborn,	Wolbert,

Those voting in the negative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Hale,	Murphy,
Cashel,	LaMoure,	Slotten,
Clarke,	Lofthus,	Swenson,
Cooper,	McDougal,	Williams,
Devlin,		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Fuller,	Hegge,	Jacobson,

Messrs. Fuller, Hegge and Jacobson being excused.

So the amendment was adopted.

Senate bill No. 80,

A bill for an act fixing the residence, salaries and clerk hire of the state officers.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 10, nays 18, absent and not voting 3.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Baker,	Lavayea,	Talcott,
Cox,	Miner,	Taylor,
Geer,	Sanborn,	Wolbert,
Laidlaw,	Simpson,	

Those voting in the negative were:



Messrs.—

Ames,  
Cashel,  
Clarke,  
Cooper,  
Devlin,  
Hale,

Messrs.—

LaMoure,  
Lewis,  
Little,  
Lofthus,  
McDougal,  
Murphy,

Messrs.—

Noble,  
Sharpe,  
Slotten,  
Swenson,  
Williams,

Messrs. Fuller, Hegge and Jacobson being excused.

So the bill was lost.

Mr. Simpson moved

That the senate do now adjourn.

Which motion prevailed, and

The senate adjourned.

GEORGE L. TOWNES,  
Secretary.

#### FORTY-FOURTH DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
February 20, 1901.

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 Mr. Jacobson who was excused.

#### PRESENTATION OF PETITIONS AND COMMUNICATIONS.

State of Minnesota, Thirty-second Session of the Legislature, S. F. No. 94.

A joint resolution of the senate and house of representatives of the State of Minnesota, making application to the Congress of the United States, under article five (5) of the constitution, for the submission of an amendment to said constitution, making United States Senators elective in the several states, by popular vote.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. The legislature of the state of Minnesota hereby makes application to the congress, under the provisions of article five (5) of the constitution of the United States, for the calling of a convention to propose an amendment to the constitution of the United States, making United States Senators elective in the several states by direct vote of the people.

Sec. 2. The secretary of state is hereby directed to transmit copies of this application to the senate, house of representatives of the congress

and copies to the members of the said senate and house of representatives from this state; also to transmit copies hereof to the presiding officers of each of the legislatures now in session in the several states, requesting their co-operation.

Approved February 9, 1901.

STATE OF MINNESOTA,  
DEPARTMENT OF STATE. }

I, P. E. Hanson, secretary of state of the state of Minnesota, do hereby certify that I have compared the annexed copy with the original resolution in my office of a joint resolution of the senate and house of representatives of the state of Minnesota, being senate file No. 94, duly approved February 9, 1901, filed in this office February 9, 1901, and that said copy is a true and correct transcript of said resolution and of the whole thereof.

In testimony whereof, I have hereunto set my hand and affixed the great seal of the state, at the capitol in Saint Paul, this thirteenth day of February, A. D., nineteen hundred and one.

P. E. HANSON,  
Secretary of State.

### REPORTS OF STANDING COMMITTEES.

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

Mr. President:

Your committee on revision and correction of the journal submit the following corrections for the forty-third day:

Page 14, after line 19 insert "Mr. Lavayea was called to the chair."

After the line "was read the third time" insert the three lines found near bottom of page beginning "Mr. Talcott moved" and strike out said three lines where they now appear.

On page 16 change Sanborn from "no" to "aye."

And when so amended recommend that the same be approved.

H. J. MINER,  
Chairman.

Mr. Miner 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. 73,

A bill for an act to amend sections 450, 453 and 457 of the Revised Codes of North Dakota, relating to jurors and the manner of drawing same.

Also,

House bill No. 98,

A bill for an act requiring notaries public to endorse on acknowledgments the date of the expiration of their commissions.

Also,

Senate bill No. 186,

A bill for an act creating a board of trustees for an institution for the feeble minded located at or near the city of Grafton, Walsh county, North Dakota, by an act of congress entitled "An act making appropriations for sundry civil expenses of the government in the fiscal year ending June 30, 1895, and for other purposes," approved August 18, 1894, and defining the duties of such board of trustees.

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

Also,

Senate bill No. 150,

A bill for an act entitled "An act to amend section 327 of the Revised Codes of 1899, providing for the record of fees and monthly reports and payments of said fees to the state treasurer monthly by any state officer or deputy authorized by law to receive said fees."

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

First. Add to the title the words, "and to provide penalties for the violation of such sections."

After Sec. 2. Add the following: "Section 3. Any person violating the provisions of section 1, of this act shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in a sum not less than fifty dollars nor more than one hundred dollars in the discretion of the court wherein he is convicted."

That the words "section 3," in the emergency clause of the bill be stricken out, and the words "section 4" substituted in lieu thereof.

And when so amended recommend that the same do pass.

C. B. LITTLE,

Chairman.

Mr. Little moved

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

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

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

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred

Senate bill No. 181,

A bill for an act entitled an act to regulate the sale of land in the state of North Dakota by foreign corporations or individuals.

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

That the title be amended by adding after the word "individual" in line 2 of the same the following words: "And prescribing penalty for violation thereof."

By inserting after the word "sale" in line 2 of printed bill the word "situate."

By inserting after the word "bond" in line 4 the following words: "Condition for the faithful performance of any contract entered into by said corporations or individuals for the sale of land and the payment of any damages suffered by any person for the breach thereof on the part of such corporations or individuals;" and by striking out at the end of line 4 the words "as follows:"

By inserting after the word "any" in line 1 of section 2 the word "such."

By striking out in line 4 of section 3 the word "deliver," and inserting in lieu thereof the word "transferred."

By striking out in line 5 of section 3 the words "of warranty with full covenant," and inserting in lieu thereof the words "in accordance with contract."

By inserting after the word "countersign" in line 7 of section 3 the words "before the delivery thereof."

By striking out in line 8 of section 3 the word "file," and inserting in lieu thereof the word "recorded."

By striking out all of line "5 of section 4," and by adding to the bill the following: "Section 5. Any contract for the sale of any land or parcel of land entered into by any such corporation or individual before such corporation or individual has complied with the provisions of this act shall not be valid on the part of such corporation or individual; nor shall any action by such corporation or individual be maintained thereon; nor shall any notice to cancel the same be legal or valid.

"Sec. 6. Any such corporation or individual owning land in this state and offering the same for sale who shall fail to comply with the provisions of sections 1 and 2 of this act before the execution of any contract for sale shall be subject to a penalty of \$500 to be recovered in a civil action at the suit of any taxpayers of this state. Such penalty when recovered to be turned into the school fund, and such action may be maintained in any county in this state provided that the provisions of this act shall not apply to any such corporation or individual offering such lands for sale, who at the time of entering into a contract for sale, shall deliver a deed to such land running to the grantee in said contract to the register of deeds of the county in which the land is situate, to be held by such register of deeds in escrow for delivery upon the fulfillment of the contract by the purchaser or his heirs or assigns.

"Sec. 7. It shall be the duty of such register of deeds to provide a place in his office for the safe keeping of such deeds so delivered to him and to keep a record of the same.

"Sec. 8. All acts or parts of acts in conflict with this act are hereby repealed."

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 railroads made the following report:

Mr. President:

Your committee on railroads to whom was referred  
Senate bill No. 156,

A bill for an act entitled an act to amend section 3071 l of the  
Revised Codes of the state of North Dakota for 1899.

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

At the end of section 1 add the following:

Sec. 2. All acts or parts of acts in conflict with this act are hereby re-  
pealed.

And when so amended recommend that the same do pass.

R. S. LEWIS,  
Chairman.

Mr. Lewis 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. 159,

A bill for an act entitled "An act to amend section 3023 of the  
Revised Codes of 1899, relating to long and short hauls, upon  
railroads and common carriers."

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

R. S. LEWIS,  
Chairman.

The committee on enrolled and engrossed bills made the fol-  
lowing report:

Mr. President:

Your committee on enrolled and engrossed bills have examined  
Senate bill No. 166,

A bill for an act to repeal sections 1199, 1200 and 1201 of the  
Revised Codes of 1899, relating to assessment of grain in ware-  
houses, statement of ownership, lien of agent or warehouseman  
for taxes. Penalty for failure to make true statements.

And find the same correctly engrossed.

H. E. LAVAYEA,  
Chairman.

The committee on ways and means made the following report:

Mr. President:

Your committee on ways and means to whom was referred  
Senate bill No. 166,

A bill for an act to repeal sections 1199, 1200 and 1201 of the

Revised Codes of 1899, relating to assessment of grain in warehouses, statement of ownership, lien of agent or warehouseman for taxes. Penalty for failure to make true statements.

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

Strike out section 4 of said bill and insert in lieu thereof the following: Section 4. Emergency Clause.) Whereas an emergency exists in that under the provision of the present law the grain in elevators is not assessed as it should be and the state does not receive a proper revenue therefrom, Therefore, this act shall take effect and be in force from and after its passage and approval.

And when so amended recommend that the same do pass.

J. B. SHARPE,  
Chairman.

Mr. Sharpe 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 respectfully report that at the hour of 3:00 p. m. of this day,

Substitute for Senate bill No. 4,

An act repealing section 410 of the Revised Codes of 1899, relating to chambers of the district judge of the seventh judicial district.

Was delivered to his excellency the Governor for his approval.

H. E. LAVAYEA,  
Chairman.

The committee on temperance made the following report:

Mr. President:

Your committee on temperance to whom was referred

Senate bill No. 177,

A bill for an act entitled "An act to amend section 7594 of the Revised Codes, relating to druggists' permits, and how to obtain the same."

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

In lines 63, 64 and 65 strike out the following words, viz: "but no action shall be commenced upon such bond until such pharmacist or some one in his employ shall have been convicted of such violation."

And in lines 67, 68, 69, 70, 71 and 72 of the printed bill, strike out the following words, viz: "the amount of recovery for the breach of a bond shall be the amount which the state loses by reason of the breach of such bond, including costs and expenses necessarily incurred in the prosecution of such pharmacist or employee for his violation of the law, together with the costs and expenses necessarily incurred in enforcing judgment and the fine imposed, if any."

And also in lines 80 and 81 of the printed bill, strike out the figure "2" and insert in lieu thereof the figure "9" also strike out the figure

"12" in said line 81, and insert in lieu thereof the figure "3;" also in in said line 81 strike out the words "of the compiled laws of Dakota of 1887."

And when so amended recommend that the same do pass.

A. SLOTTEN,  
Chairman.

Mr. Slotten moved  
That the report be adopted,  
Which motion was lost.

A majority and minority report of the committee on elections was presented on substitute for Senate bill 10, and

Mr. Little moved that the consideration of the majority and minority reports of the committee on elections, on

Substitute for Senate bill No. 10,

A bill for an act providing for the selection of candidates for election by popular vote and relating to their nomination.

Be made a special order for next Wednesday.

Mr. LaMoure raised a point of order and objected to a consideration of the reports.

Mr. Little withdrew his motion.

Mr. LaMoure based his objection, on rules 16 and 41 of the senate.

The chair sustained the point of order, and the reports of the committee went over for one day.

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. 153,

A bill for an act to amend section 1180 of the Revised Codes relating to property exempt from taxation.

Also,

Senate bill No. 85,

A bill for an act entitled an act to provide an appropriation for increased clerical work in the office of the state treasurer.

Also,

Senate bill No. 165,

A bill for an act to amend section 1203 of the Revised Codes, 1899, relating to bank stock "where and at what valuation to be listed."

Also,

Senate bill No. 163,

A bill for an act to amend section 3231, Revised Codes, relating to capital of banks.

Also,

Senate bill No. 1,

A bill for an act entitled an act to provide for the trial of civil actions.

Also,

Senate bill No. 84,

A bill for an act entitled an act to provide for making unknown persons parties defendant in certain civil actions and to amend section 5907 and repeal section 5907a, Revised Codes of 1899, relating to unknown parties defendant.

And find the same correctly engrossed.

H. E. LAVAYEA,  
Chairman.

Also,

Substitute for Senate bill No. 4,

A bill for an act repealing section 410 of the Revised Codes of 1899, relating to chambers of the district judge of the Seventh judiciary district.

And find the same correctly enrolled.

The secretary announced that the president was about to sign

Substitute for Senate bill No. 4,

A bill for an act repealing section 410 of the Revised Codes of 1899, relating to chambers of the district judge of the Seventh judicial district.

Also

House bill No. 2,

A bill for an act to provide for the status, organization, and government of associations known as lodges, chapters, posts, encampments, councils, commanderies, consistories and other similar organizations of the fraternities or associations commonly known as the various organizations of Free Masons, Independent Order of Odd Fellows, Grand Army of the Republic, Knights of Pythias, and other similar benevolent or charitable fraternities or associations not organized for profit or fraternal insurance.

Also,

House bill No. 3.

A bill for an act entitled an act to provide for the exemption of property used exclusively for religious purposes from taxation.

Also,

House bill No. 6,

A bill for an act to repeal chapter 76 of the session laws of 1891, being an act entitled "an act creating the office of state superintendent of irrigation and forestry, and prescribing the duties thereof."

Also,



House bill No. 124,

A bill for an act to amend section 51 of chapter 126 of the Session Laws of 1897, being section 1229 of the Political Code, relating to the rate of state and county tax, prescribing the manner in which township taxes may be levied, fixing the rates of township road and bridge tax and directing the expenditure of road and poll taxes in certain cases.

And the president signed the bills in the presence of the senate.

#### MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,  
BISMARCK, NORTH DAKOTA,  
February 20, 1901.

Mr. President:

I have the honor to transmit herewith

House bill No. 156,

A bill for an act to amend section 715 of the Revised Codes of 1899, requiring county superintendents of schools to report all school moneys to district treasurers.

Also,

House bill No. 152,

A bill for an act to amend chapter 135 of the Session Laws of 1899, being section 1278 of the Revised Codes of 1899, relating to auditors certificates of delinquent taxes paid on real property before deeds can be recorded.

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

Also,

I have the honor to return herewith

Senate bill No. 3,

A bill for an act entitled an act to amend section 5256, Revised Codes, relating to mailing summons and complaint.

Also,

Senate bill No. 25,

A bill for an act granting a right-of-way for public highway across the military encampment grounds at Rock Island, Ramsey county, N. D.

Also,

Senate bill No. 99,

A bill for an act to amend section 1219 of the 1899 Revised Codes of North Dakota relating to assessor's statement and return to auditor.

Also,

Senate bill No. 72,

A bill for an act entitled "An act to repeal sections 1681 and

1682 of the Revised Codes of 1899, relating to bounty on starch."

Also,

Senate bill No. 33,

A bill for an act to secure from loss persons who furnish materials or labor in the alteration, repair, erection or betterment of public buildings.

Also,

Senate bill No. 34,

A bill for an act to amend section 5200 of the Revised Codes of the state of North Dakota, 1899, being section 5200 of the Revised Codes of 1895, in regard to the limitation of actions.

Which the house has passed unchanged.

Also,

Senate bill No. 23,

A bill for an act to amend section 5526, Revised Codes of North Dakota, relating to exemptions.

Which the house has amended as follows:

By inserting after the last word "or" in line 8 of the printed bill the words "in an action."

Amend the title by adding thereto after the word "exemptions" the words "certain cases."

And as so amended passed.

B. W. SHAW,  
Ass't. Chief Clerk.

The courtesies of the floor were extended to Messrs. W. C. Helm, of Valley City, N. D.; Wm. Gribble, E. H. Tucker and Henry Heller of LaMoure county, N. D.; John Montgomery, of Harvey, N. D.; Mrs. Dr. Rawlings, of Bismarck, N. D.

#### MOTIONS AND RESOLUTIONS.

Mr. Sanborn presented the following resolution;

Resolved, by the senate, the house of representatives concurring, that when we adjourn we take a recess until Tuesday, February 26,

And moved its adoption,

Which motion prevailed.

Mr. Little moved

That the vote by which

Senate bill No. 80,

A bill for an act fixing the residence, salaries and clerk hire of the state officers.

Was lost be reconsidered,

Which motion prevailed.

Mr. Cox moved

That line 10 of section 2 be stricken out.

Which motion prevailed.

## THIRD READING OF SENATE BILLS.

Senate bill No. 80,

A bill for an act fixing the residence, salaries and clerk hire of the state officers.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 16, nays 13, absent and not voting 2.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Baker,	Lewis,	Sharpe,
Cox,	Little,	Simpson,
Geer,	McDougal,	Talcott,
Hale,	Miner,	Taylor,
Laidlaw,	Sanborn,	Wolbert,
Lavayea,		

Those voting in the negative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Hegge,	Noble,
Cashel,	LaMoure,	Slotten,
Clarke,	Lofthus,	Swenson,
Cooper,	Murphy,	Williams,
Devlin,		

Absent and not voting, Messrs. Fuller and Jacobson.

Mr. Jacobson being excused.

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

Mr. Lavayea moved

That the rules be suspended and that

Senate bill No. 166,

A bill for an act to repeal sections 1199, 1200 and 1201 of the Revised Codes of 1899, relating to assessment of grain in warehouses, statement of ownership, lien of agent or warehouseman for taxes. Penalty for failure to make true statements.

Be recalled from the enrolling and engrossing committee and placed on its third reading and final passage.

Which motion was lost.

Mr. Cox moved

That all senate bills on the secretary's desk be given their first and second reading and reference.

Which motion prevailed.

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

Mr. LaMoure introduced

Senate bill No. 199,

A bill for an act entitled "an act providing for the renewal of judgments and for continuing the lien thereof and prescribing

the method of renewing the same without suit for an additional term of ten years and allowing an execution thereon after renewal."

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

Mr. Lewis introduced  
Senate bill No. 200,

A bill for an act entitled an act to define the system of free public schools of the state.

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

Mr. Clarke introduced  
Senate bill No. 201,

A bill for an act entitled an act to amend section 6654 of the Revised Codes of North Dakota of 1899, by requiring the payment of accrued costs in change of venue in justice courts.

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

Mr. Clarke introduced  
Senate bill No. 202,

A bill for an act to amend sections 6771 and 6777 of the Revised Codes of North Dakota of 1899 by requiring the payment of accrued costs in appeals in civil actions.

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

Also,  
Senate bill No. 203,

A bill for an act entitled an act to amend section 5305 of the Revised Codes of North Dakota of 1899 by adding increased jurisdiction in arrest and bail.

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

Mr. Loftus introduced  
Senate bill No. 204,

A bill for an act to amend section 1530 of the Revised Codes 1899, of the state of North Dakota, providing for salary of commissioners of insanity.

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

Mr. Hegge introduced  
Senate bill No. 205,

A bill for an act to amend section 5961 of the code of civil procedure, and to facilitate the assessment of damages under the law of eminent domain, and to regulate procedure in actions brought thereunder.

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

Mr Simpson moved that further consideration of  
Senate bill No. 174,

A bill for an act entitled an act repealing section 1375 of the  
Revised Codes, 1899, relating to additional duties of adjutant  
general and prescribing his salary.

Be indefinitely postponed.

Mr. Simpson demanded a roll call.

The roll was called and there were ayes 6, nays 23, absent and  
not voting 2.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Baker,	Devlin,	Miner,
Cooper,	Little,	Simpson,

Those voting in the negative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Laidlaw,	Sharpe,
Cashel,	LaMoure,	Slotten,
Clarke,	Lewis,	Swenson,
Cox,	Lofthus,	Talcott,
Fuller,	McDougal,	Taylor,
Geer,	Murphy,	Williams,
Hale,	Noble,	Wolbert,
Hegge,	Sanborn,	

Absent and not voting, Messrs. Jacobson and Lavayea.

Mr. Jacobson being excused.

So the motion was lost.

Senate bill No. 174,

A bill for an act entitled an act repealing section 1375 of the  
Revised Codes, 1899, relating to additional duties of adjutant  
general and prescribing his salary.

Was read the third time.

The question being upon the final passage of the bill

The roll was called and there were ayes 24, nays 5, absent  
and not voting 2.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Hegge,	Sanborn,
Baker,	Laidlaw,	Sharpe,
Cashel,	Lavayea,	Slotten,
Clarke,	LaMoure,	Swenson,
Cox,	Lewis,	Talcott,
Fuller,	Lofthus,	Taylor,
Geer,	McDougal,	Williams,
Hale,	Noble,	Wolbert,

Those voting in the negative were:

Messrs.—	Messrs.—	Messrs.—
Cooper,	Little,	Simpson,
Devlin,	Miner,	

Absent and not voting Messrs. Jacobson and Murphy.

Mr. Jacobson being excused.

So the bill passed and the title was agreed to.

Mr. Hale moved that the vote by which

Senate bill No. 174,

A bill for an act entitled an act repealing section 1375 of the Revised Codes, 1899, relating to additional duties of adjutant general and prescribing his salary.

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 entitled an act to provide for the creation of special school districts in incorporated cities, towns and villages constituting a part of a school district, and to divide the property and indebtedness of such school district.

Was read the third time.

The question being upon the final passage of the bill.

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

Those who voted in the affirmative were:

<b>Messrs.—</b>	<b>Messrs.—</b>	<b>Messrs.—</b>
Ames,	Hale,	Sanborn,
Baker,	Hegge,	Sharpe,
Cashel,	Lavayea,	Simpson,
Clarke,	Lewis,	Slotten,
Cooper,	Little,	Swenson,
Cox,	Lofthus,	Talcott,
Devlin,	McDougal,	Taylor,
Fuller,	Miner,	Williams,
Geer,	Noble,	Wolbert,

Absent and not voting:

<b>Messrs.—</b>	<b>Messrs.—</b>	<b>Messrs.—</b>
Jacobson,	LaMoire,	Murphy,
Laidlaw,		

Mr. Jacobson being excused.

So the bill passed and the title was agreed to.

Mr. Ames moved

That the vote by which

Senate bill No. 42,

A bill for an act entitled an act to provide for the creation of special school districts in incorporated cities, towns and villages constituting a part of a school district, and to divide the property and indebtedness of such school district.

Was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Senate bill No. 1,

A bill for an act entitled an act to provide for the trial of civil actions.

Was read the third time.

The question being upon the final passage of the bill

The roll was called and there were ayes 29, nays none, absent and not voting 2.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Hegge,	Sanborn,
Baker,	Laidlaw,	Sharpe,
Cashel,	Lavayea,	Simpson,
Clarke,	LaMoure,	Slotten,
Cooper,	Lewis,	Swenson,
Cox,	Little,	Talcott,
Devlin,	Lofthus,	Taylor,
Fuller,	McDougal,	Williams,
Geer,	Miner,	Wolbert,
Hale,	Noble,	

Absent and not voting Messrs. Jacobson and Murphy.

Mr. Jacobson being excused.

So the bill passed and the title was agreed to.

Mr. Little moved

That the vote by which

Senate bill No. 1,

A bill for an act entitled an act to provide for the trial of civil actions.

Was passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Senate bill No. 118,

A bill for an act entitled an act concerning covenants of warranty.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 29, nays none, absent and not voting 2.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Hegge,	Sanborn,
Baker,	Laidlaw,	Sharpe,
Cashel,	Lavayea,	Simpson,
Clarke,	LaMoure,	Slotten,
Cooper,	Lewis,	Swenson,
Cox,	Little,	Talcott,
Devlin,	Lofthus,	Taylor,
Fuller,	McDougal,	Williams,
Geer,	Miner,	Wolbert,
Hale,	Noble,	

Absent and not voting Messrs. Jacobson and Murphy.

Mr. Jacobson being excused.

So the bill passed and the title was agreed to.

Senate bill No. 119.

A bill for an act entitled "An act amending section 6777, relating to appeals from justice court making the payment of transcript fees a condition precedent to granting an order compelling a justice to certify up the record."

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 28, nays none, absent and not voting 3.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Laidlaw,	Sanborn,
Baker,	Lavayea,	Sharpe,
Cashel,	LaMoure,	Simpson,
Clarke,	Little,	Slotten,
Cooper,	Lofthus,	Swenson,
Devlin,	McDougal,	Talcott,
Fuller,	Miner,	Taylor,
Geer,	Murphy,	Williams,
Hale,	Noble,	Wolbert,
Hegge,		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Cox,	Jacobson,	Lewis,

Mr. Jacobson being excused.

So the bill passed and the title was agreed to.

Senate bill No. 157,

A bill for an act entitled an act to amend section 238 of the Revised Codes, relating to state depositories.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 28, nays none, absent and not voting 3.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Hegge,	Sanborn,
Baker,	Laidlaw,	Sharpe,
Cashel,	Lavayea,	Simpson,
Clarke,	LaMoure,	Slotten,
Cooper,	Lewis,	Swenson,
Cox,	Lofthus,	Talcott,
Devlin,	McDougal,	Taylor,
Fuller,	Miner,	Williams,
Geer,	Noble,	Wolbert,
Hale,		

Absent and not voting:



Messrs.— Jacobson, Messrs.— Murphy, Messrs.— Little,

Mr. Jacobson being excused.

So the bill passed and the title was agreed to.

Senate bill No. 160,

A bill for an act entitled an act defining newspaper libel and providing for demanding remedy before action can be brought.

Was read the third time.

The roll was called and there were ayes 18, nays 4, absent and not voting 9.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Baker,	Geer,	McDougal,
Cashel,	Hale,	Sanborn,
Cooper,	Hegge,	Simpson,
Cox,	Laidlaw,	Slotten,
Devlin,	Lavayea,	Swenson,
Fuller,	Lofthus,	Talcott,

Those voting in the negative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Noble,	Taylor,
Miner,		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.
Clarke,	Lewis,	Sharpe,
Jacobson,	Little,	Williams,
LaMoure,	Murphy,	Wolbert,

Mr. Jacobson being excused.

So the bill passed and the title was agreed to.

Mr. Cox moved that the vote by which

Senate bill No. 160,

A bill for an act entitled an act defining newspaper libel and providing for demanding remedy before action can be brought

Was passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

Senate bill No. 85,

A bill for an act entitled an act to provide an appropriation for increased clerical work in the office of the state treasurer.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 23, nays 5, absent and not voting 3.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Hegge,	Noble,
Baker,	Laidlaw,	Sharpe,

Messrs.—	Messrs.—	Messrs.—
Cashel,	Lavayea,	Simpson,
Clarke,	LaMoure,	Slotten,
Cooper,	Lewis,	Swenson,
Cox,	Little,	Talcott,
Fuller,	McDougal,	Taylor,
Geer,	Miner,	

Those voting in the negative were:

Messrs.—	Messrs.—	Messrs.—
Devlin,	Jacobson,	Wolbert,
Hale,	Williams,	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Lofthus,	Murphy,	Sanborn,

Mr. Jacobson being excused.

So the bill passed and the title was agreed to.

Mr. Little moved

That the vote by which,  
Senate bill No. 85,

A bill for an act entitled an act to provide an appropriation for increased clerical work in the office of the state treasurer.

Was passed, be reconsidered and the motion to reconsider be laid on the table,

Which motion prevailed.

Senate bill No. 161,

A bill for an act to legalize the assessment and levy of taxes in territory over which counties have exercised criminal and civil jurisdiction for four years last past, and providing for the collection of the same.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 28, nays none, absent and not voting 3.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Hegge,	Noble,
Baker,	Laidlaw,	Sanborn,
Cashel,	Lavayea,	Simpson,
Clarke,	LaMoure,	Slotten,
Cooper,	Lewis,	Swenson,
Cox,	Little,	Talcott,
Devlin,	Lofthus,	Taylor,
Fuller,	McDougal,	Williams,
Geer,	Miner,	Wolbert,
Hale,		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Jacobson,	Murphy,	Sharpe,

Mr. Jacobson being excused.

So the bill passed and the title was agreed to.

Mr. Simpson moved

That the vote by which

Senate bill No. 161,

A bill for an act to legalize the assessment and levy of taxes in territory over which counties have exercised criminal and civil jurisdiction for four years last past, and providing for the collection of the same.

Was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Senate bill No. 184,

A bill for an act repealing section 966a, Revised Codes, 1899, relating to issuing certificates of indebtedness to provide for the equipment of the deaf and dumb asylum.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 28, nays none, absent and not voting 3.

Those who voted in the affirmative were:

Messrs.—

Ames,  
Baker,  
Cashel,  
Clarke,  
Cooper,  
Cox,  
Devlin,  
Fuller,  
Geer,  
Hale,

Messrs.—

Hegge,  
Laidlaw,  
Lavayea,  
LaMoure,  
Lewis,  
Little,  
Lofthus,  
McDougal,  
Miner,

Messrs.—

Noble,  
Sanborn,  
Simpson,  
Slotten,  
Swenson,  
Talcott,  
Taylor,  
Williams,  
Wolbert,

Absent and not voting:

Messrs.—

Jacobson,

Messrs.—

Murphy,

Messrs.—

Sharpe,

Mr. Jacobson being excused.

So the bill passed and the title was agreed to.

Mr. Hale moved that the vote by which

Senate bill No. 184,

A bill for an act repealing section 966a, Revised Codes, 1899, relating to issuing certificates of indebtedness to provide for the equipment of the deaf and dumb asylum.

Was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Senate bill No. 165,

A bill for an act to amend section 1203 of the Revised Codes, 1899, relating to bank stock "where and at what valuation to be listed."

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 none, absent and not voting 5.

Those who voted in the affirmative were:

Messrs.—

Ames,  
Baker,  
Cashel,  
Cooper,  
Cox,  
Devlin,  
Fuller,  
Geer,  
Hale.

Messrs.—

Hegge,  
Laidlaw,  
Lavayea,  
Lamouré,  
Lewis,  
Little,  
Lofthus,  
McDougal,  
Miner,

Messrs.—

Noble,  
Sanborn,  
Slotten,  
Swenson,  
Talcott,  
Taylor,  
Williams,  
Wolbert.

Absent and not voting.

Messrs.—

Clarke,  
Jacobson,

Messrs.—

Murphy,  
Sharpe,

Messrs.—

Simpson,

Mr. Jacobson being excused.

So the bill passed and the title was agreed to.

Mr. Little moved

That the rules be suspended, and that

House bill No. 114,

A bill for an act to enforce payment of taxes on real property in those counties wherein proceedings under chapter 67, general laws of 1897 were not instituted or where such proceedings were defective, and upon which property taxes for the year 1896 and prior years are unpaid.

Be given its third reading and final passage,

Which motion prevailed.

### THIRD READING OF HOUSE BILLS.

House bill No. 114,

A bill for an act to enforce payment of taxes on real property in those counties wherein proceedings under chapter 67, general laws of 1897 were not instituted or where such proceedings were defective, and upon which property taxes for the year 1896 and prior years are unpaid.

Was read the third time.

The question being upon the final passage of the bill

The roll was called and there were ayes 24, nays none, absent and not voting 7.

Those who voted in the affirmative were:

Messrs.—

Ames,  
Baker,  
Cashel,

Messrs.—

Geer,  
Hale,  
Lavayea,

Messrs.—

Miner,  
Noble,  
Simpson,

Messrs.—

Clarke,  
Cooper,  
Cox,  
Devlin,  
Fuller,

Messrs.—

LaMoure,  
Lewis,  
Little,  
Lofthus,  
McDougal,

Messrs.—

Slotten,  
Swenson,  
Talcott,  
Taylor,  
Wolbert,

Absent and not voting:

Messrs.—

Hegge,  
Jacobson,  
Laidlaw,

Messrs.—

Murphy,  
Sanborn,

Messrs.—

Sharpe,  
Williams,

Mr. Jacobson being excused.

So the bill passed and the title was agreed to.

Mr. Wolbert moved that the vote by which

House bill No. 114,

A bill for an act to enforce payment of taxes on real property in those counties wherein proceedings under chapter 67, general laws of 1897 were not instituted or where such proceedings were defective, and upon which property taxes for the year 1896 and prior years are unpaid.

Was passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

Mr. Little moved

That all house bills on the secretary's desk be given their first and second reading and reference.

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

House bill No. 106,

A bill for an act to amend section 1944 of the Revised Codes of 1899, relating to duty of board in designating depositories.

Was read the first and second times, and

Referred to the committee on state affairs.

House bill No. 169,

A bill for an act to amend section 2466 of the Revised Codes of 1899, relating to filing of certificates of fire departments of cities.

Was read the first and second times, and

Referred to the committee on state affairs.

House bill No. 152,

A bill for an act to amend chapter 135 of the Session Laws of 1899, being section 1278 of the Revised Codes of 1899, relating to auditors certificates of delinquent taxes paid on real property before deeds can be recorded.

Was read the first and second times, and

Referred to the committee on judiciary.

House bill No. 156,

A bill for an act to amend section 715 of the Revised Codes of

1899, requiring county superintendents of schools to report all school moneys to district treasurers.

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

### MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,  
BISMARCK, NORTH DAKOTA,  
February 20, 1901.

Mr. President:

I have the honor to inform you that the house has concurred in your concurrent resolution that when we adjourn, we adjourn to Tuesday, February 26th, 1901.

Very respectfully,  
B. W. SHAW,  
Assistant Chief Clerk.

The president administered the oath to Miss Geneva Warner, as an enrolling and engrossing clerk.

Mr. Wolbert moved  
That the senate do now adjourn,  
Which motion prevailed, and  
The senate adjourned.

GEORGE L. TOWNES,  
Secretary.

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### FIFTIETH DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
February 26, 1901.

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

The president pro tem presiding.

Prayer by the chaplain.

Roll call.

All members present except Messrs. Devlin, Fuller, Geer, Laidlaw, Lavayea, Lofthus, Sanborn, Swenson and Wolbert.

Mr. Sharpe moved  
That all absent members be excused,  
Which motion prevailed.

PRESENTATION OF PETITIONS AND COMMUNICATIONS.

Mr. Cooper presented the following petition:

STEELE COUNTY, Feb. 24, 1901.

To the Honorable Senate of the State of North Dakota:

We, the undersigned, citizens of Steele county, do most respectfully petition your honorable body to pass Senate bill No. 109, prohibiting the sale of cigarettes.

H. A. NORTHROP,  
And 28 Others.

Mr. Talcott presented the following petition:

ABSARAKA, N. D., Feb. 24, 1901.

To the Honorable Members of the Senate of the North Dakota Legislature now in session:

We respectfully petition against the passage of Senate bill No. 193, which would repeal section 7593 of the Penal Code of North Dakota, which provides for the punishment of those violating the law by selling intoxicating liquors.

WM. STAPLES,  
And 33 Others.

Mr. Talcott presented the following petition:

To the Members of the Senate of the State of North Dakota:

We, the undersigned, citizens of the village of Page of Cass county, and state of North Dakota, do earnestly petition and request that our representatives and senators vote against and use all means in their power to defeat the passage of Senate bill No. 193 and House bill No. 204.

W. J. COURTNEY,  
And 75 Others

Mr. Murphy presented the following petition:

To the Senate of the State of North Dakota:

We, the undersigned, citizens of Ardock, N. D., do most respectfully petition your honorable body to pass Senate bill No. 109, prohibiting the sale of cigarettes.

MARTIN ANDERSON,  
And 90 Others

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. 157,

A bill for an act entitled an act to amend section 238 of the Revised Codes, relating to state depositories.

Also,

Senate bill No. 174,

A bill for an act entitled an act repealing section 1375 of the Revised Codes, 1899, relating to additional duties of adjutant general and prescribing his salary.

Also,

Senate bill No. 160,

A bill for an act entitled an act defining newspaper libel and providing for demanding remedy before action can be brought.

Also,

Senate bill No. 184,

A bill for an act repealing section 966a, Revised Codes, 1899, relating to issuing certificates of indebtedness to provide for the equipment of the deaf and dumb asylum.

Also,

Senate bill No. 80,

A bill for an act fixing the residence, salaries and clerk hire of the state officers.

Also,

Senate bill No. 150,

A bill for an act entitled "An act to amend section 327 of the Revised Codes of 1899, providing for the record of fees and monthly reports and payments of said fees to the state treasurer monthly by any state officer or deputy authorized by law to receive said fees."

Also,

Senate bill No. 156,

A bill for an act entitled an act to amend section 3071 l of the Revised Codes of the state of North Dakota for 1899.

Also,

Senate bill No. 42,

A bill for an act entitled an act to provide for the creation of special school districts in incorporated cities, towns and villages constituting a part of a school district, and to divide the property and indebtedness of such school district.

Also,

Senate bill No. 161,

A bill for an act to legalize the assessment and levy of taxes in territory over which counties have exercised criminal and civil jurisdiction for four years last past, and providing for the collection of the same.

Also,

Senate bill No. 181,

A bill for an act entitled an act to regulate the sale of land in the state of North Dakota by foreign corporations or individuals. And find the same correctly engrossed.

C. B. LITTLE,  
Acting Chairman.

#### REFERENCE OF THE JOURNAL.

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

Mr. President:

Your committee on revision and correction of the Journal beg leave to report no corrections for the forty-fourth day.

H. J. MINER,  
Chairman.



The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred

Senate bill No. 147,

A bill for an act authorizing the issuance of bonds, based upon the normal school land grant, for the purpose of erection and completion of buildings for the use of the state normal schools at Valley City and Mayville.

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

After line 6 of page 4 of the printed bill insert the following, viz.:

Sec. 7. State board of University and School Lands to Furnish List of School Lands Appraised.) The state board of university and school lands, shall at any time upon the written request of the board of trustees of the state normal schools, cause any lands granted by the United States to the state normal school at Mayville, and the state normal school at Valley City, and which have been duly selected, as is, or may be required by law, and to which the state has acquired title, to be appraised in the same manner, and by the same parties the school lands are, or may by law be appraised, and when the appraisal of such lands has been returned to the board of university and school lands, it shall be the duty of the secretary of such board to furnish the board of trustees of the state normal schools a true copy thereof.

Sec. 8. Said Board to Sell Such Lands. Manner of Sale.) The state board of university and school lands shall at any time upon the written request of the board of trustees of the state normal schools sell any of the lands so appraised as aforesaid. Such sale shall be a public sale and upon the same notice as now is, or hereafter may be required by law for the sale of school lands. In no case shall the land so offered be sold for the less than the appraised value. The terms of sale shall be one-third cash and a balance in two equal installments, to run not more than ten years from the date of purchase. All unpaid installments of purchase money shall bear interest at the rate of 6 per cent per annum, payable annually in advance; provided, however, that in no instance shall the time of maturity of the deferred payments be fixed beyond the maturity of the said bonds. Upon the sale of such bonds the state shall give to the purchaser an assignable certificate of purchase, but in no instance shall the state issue a patent to such purchaser, or his assigns until the full purchase price shall have been paid. The land so contracted to be sold shall be taxable from and after the issuance of the certificate of sale, and in case the taxes assessed against the land so contracted to be sold for any one year shall remain due and unpaid until the day fixed by law for the sale of such lands for

such delinquent taxes such default shall work a forfeiture of all rights and interests of the purchaser or his assigns in and to such lands, and any sale of such land for such taxes shall in no manner or form affect the rights of the state in such lands.

Sec. 9. Proceeds of Lands. How Applied.) All moneys received from the sale of lands shall be paid into the state treasury and placed to the credit of the normal school building fund, and the money so received or so much thereof as shall be required shall be used to pay the interest on the bonds hereinbefore provided for as the same shall become due, and the principal of said bonds when the same shall mature, and to reimburse the state for any money advanced to pay interest on such bonds.

Sec. 10. Sufficient Lands to be Sold to Pay Interest on Bonds.) It shall be the duty of the said board of trustees of the state normal schools to request and direct the sale of a sufficient amount of said bonds to realize the amount of money sufficient to pay the interest on said bonds as soon as the said lands can be sold for not less than the appraised value, and it shall be the duty of the said board at such time as it shall judge for the best interests of the state, but not later than twenty years from the date of the approval of this act, to request and direct the sale of sufficient of said land to realize the amount of money needed to pay the principal of said bonds at the date of the maturity thereof.

Sec. 11. Land to be Appraised. When.) When any of the lands hereinbefore mentioned have been twice offered for sale, and no bid therefor equal to the appraised value shall have been received. it shall be the duty of the state board of university and school lands to cause such land to be again appraised.

Sec. 12. Funds in Excess of Needs to be Invested.) Whenever there shall be in the state treasury funds arising from the sale of lands as herein provided, in excess of five thousand dollars, which will, not in the judgment of the state treasurer be needed to pay interest or principal of said bonds for the term of five years or more, it shall be the duty of state board of university and school lands to invest such money as by law provided for the investment of the money belonging to the permanent school fund, but in such manner that the same shall be available to liquidate the interest or principal on said bonds when required.

Your committee also recommend to amend by adding to the title the words "and for the appraisalment and sale of lands granted to the state normal schools at Mayville and Valley City."

Also in the emergency section, change the number thereof from "7" to "13."

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. 188,

A bill for an act entitled an act to amend section 1289 of the Revised Codes of 1899, relating to notice when time for redemption expires. Duties of certificates holders and auditors.

Also,

Senate bill No. 152,

A bill for an act legalizing the levy of taxes for road and general purposes by the township board of supervisors for the years 1899 and 1900.

Also,

Senate bill No. 149,

A bill for an act entitled an act requiring agents and attorneys to have a power of attorney authorizing the foreclosure of real estate mortgages, and requiring it to be filed in the office of the register of deeds.

Also,

House bill No. 38,

A bill for an act to amend section 5 of chapter 64 of the session laws of 1899, relating to fees of the clerks of the district courts.

Also,

House bill No. 113,

Concurrent resolution.

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

Also,

Senate bill No. 112,

A bill for an act entitled "An act to provide punishment for the refusal or neglect to maintain and support a minor child.

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

Strike out all after the word "one" in section 1, line 11, of printed bill down to the word "months" included in line 13.

Strike out after the word "therein" in line 23 of printed bill all down to and including the word "situated" in line 27.

Strike out all of section 2.

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 appropriations made the following report:

Mr. President:

Your committee on appropriations to whom was referred

Senate bill No. 151,

A bill for an act to appropriate money to pay the annual expense of appraising, advertising, and selling common school and institution lands.

Also,

House bill No. 74,

A bill for an act to appropriate money to meet a deficiency in the salary and expenses of the office of assistant dairy and food commissioner.

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

Also,

Senate bill No. 30,

A bill for an act entitled "An act making appropriations for the current and contingent expenses of the state penitentiary and for making permanent improvements and additions thereto.

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

"That line 23 of the printed bill be stricken out."

That at the end of section 1 thereof there be added the following:

"Provided, that out of the above amounts the following sums in each of the funds hereinafter named may be used to cover the deficiencies in such funds respectively for the past two years, viz:

Guards and employes.....	\$ 100 00
Maintenance.....	1,000 00
Heating and lighting.....	650 00
Physician and medicines.....	250 00
Transportation, clothing, etc., discharged inmates.....	500 00
Total,.....	\$ 2,500 00

And when so amended recommend that the same do pass.

JUDSON LaMOURE,

Chairman.

Mr. Cashel moved

That the report be adopted,

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. 75,

A bill for an act entitled an act making appropriation for the current and contingent expenses of the Soldiers' Home located at Lisbon, North Dakota, and for making permanent improvements and additions thereto.

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

That the bill be amended so as to read as follows in lines 6, 7, 8, 9, 10, 11, 12, 13 and 14 of section 1:

Current expenses .....	\$ 2,200 00
Subsistence .....	6,200 00
Clothing.....	800 00
Household.....	1,900 00
Hospital.....	2,200 00
Transportation.....	200 00
Repairs.....	300 00
Farm.....	1,000 00
Construction .....	5,500 00

And when so amended recommend that the same do pass.

JUDSON LaMOURE,  
Chairman

Mr. Lewis moved

That the report be adopted.

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. 81;

A bill for an act to provide for the maintenance of the Industrial School and School for Manual Training, located at Ellendale, North Dakota, and for making necessary improvements, and making an appropriation therefor.

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

That section 1 of said bill be amended so as to read as follows:

Section 1. Appropriation.) There is hereby appropriated out of moneys in the state treasury not otherwise appropriated, the sum of fourteen thousand (\$14,000) dollars for the maintenance and improvement of the industrial school and school for manual training for two years, beginning April 1, 1901, and ending March 31, 1903, viz:

For salaries of faculty.....	\$ 7,000 00
For fuel.....	1,000 00
For incidental expenses.....	500 00
For janitor and engineer.....	900 00
For material and furnishings.....	500 00
For physical laboratory.....	550 00
For water supply .....	50 00
For general library.....	200 00
For improvements of grounds.....	50 00
For lights.....	150 00
For completion of equipment:	
In manual training.....	1,400 00
In domestic science.....	900 00
In fine arts.....	800 00
Total.....	\$ 14,000 00

And when so amended recommend that the same do pass.

JUDSON LaMOURE,  
Chairman.

Mr. Sharpe moved  
That the report be adopted,  
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. 59,

A bill for an act to provide for the current and contingent expenses for the hospital for the insane at Jamestown, North Dakota.

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

That section 1 of said bill be amended so as to read as follows:

Section 1. Appropriation.) There is hereby appropriated out of any money in the state treasury, not otherwise appropriated, for the purpose of paying the current and contingent expense of the hospital for the insane at Jamestown for the fiscal years of 1901 and 1902 the sum of one hundred thirty-three thousand one hundred (\$133,100) dollars, or so much thereof as may be necessary, as follows:

Maintenance.....	\$ 60,000
Fuel.....	22,000
Employes' wages.....	30,000
Drugs and medicines.....	1,400
Return of patients and burial of dead.....	1,200
Beds, bedding and furniture.....	1,000
Paints and oils.....	350
Library and amusements.....	300
Repairs and incidentals.....	1,500
Farm machinery.....	300
Electric supplies and repairs.....	200
Engine room supplies.....	200
Blacksmith shop supplies.....	200
Plumbing and repairs to steam and water supply.....	200
Laundry repairs.....	150
Balance on 67 acres of land and interest on the same.....	1,300
Salaries of resident officers.....	12,800

Total..... \$ 133,100

And when so amended recommend that the same do pass.

JUDSON LaMOURE,  
Chairman.

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

## MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,  
BISMARCK, NORTH DAKOTA,  
February 26, 1901.

Mr. President:

I have the honor to transmit herewith  
House bill No. 60,

A bill for an act to provide for the maintenance of the industrial school and school of manual training, located at Ellendale, and for making necessary improvements, and making an appropriation therefor.

Also,  
House bill No. 122,

A bill for an act to provide for submitting the question of conferring additional jurisdiction upon county courts.

Also,  
House bill No. 91,

A bill for an act making railway corporations liable for the injury or killing of stock, where they fail to fence and maintain a lawful fence along their railroad.

Also,  
House bill No. 7,

A bill for an act to amend section 1941 of the Revised Codes of the state of North Dakota, relating to the presentation and acceptance of proposals for the deposit of county funds, and the bonds of county depositories.

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

Also,  
I have the honor to return herewith  
Senate bill No. 87,

A bill for an act entitled an act relating to the sale of dressed beef.

Which the house has indefinitely postponed.

Also,  
Senate bill No. 65,

A bill for an act to amend sections 72, 83, 84, 85, 94, chapter 126 of the laws of 1897, and chapter 136 of the laws of 1899, being sections 1257, 1267 and 1277 of the Revised Codes of the state of North Dakota, 1899, in regard to revenue and taxation.

Which the house has failed to pass.

Very respectfully,

J. D. SCANLAN,  
Chief Clerk.

## MESSAGE FROM THE GOVERNOR.

The following communication was received from the governor:

EXECUTIVE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
February 26, 1901.

To the Senate:

Gentlemen: I have the honor to inform you that I have approved and filed with the honorable secretary of state

Substitute for Senate bill No. 4,

A bill for an act repealing section 410 of the Revised Codes of 1899, relating to chambers of the district judge of the Seventh judicial district.

Very respectfully yours,

FRANK WHITE,  
Governor.

The courtesies of the floor were extended to A. D. S. Johnston, St. Paul, Minn.; Major D. Manning, Captain C. E. Gregory, Dickinson; Auditor Foley, Medora; J. Austin Regan, Fessenden; Geo. Billegerner, Harvey; Major R. E. Fleming, Rev. Gebhart, M. F. Williams, Fargo; C. B. Meredith, Casselton.

There being no objections, the courtesies of the floor were so extended.

Mr. Little moved

That a standing committee of five be appointed by the chair to whom all bills shall be immediately referred after being reported from their respective committees,

Which motion prevailed.

Mr. Noble moved

That the communication from Mrs. Stevenson be referred to the committee on public health, and that the same be not printed in the journal until reported by the committee,

Which motion prevailed.

Mr. Sharpe moved that 100 copies of Senate bill No. 113, be printed for the use of the senate.

Which motion prevailed.

Mr. Hale moved that the senate do now concur in the house amendments to

Senate bill No. 23,

A bill for an act to amend section 5526, Revised Codes of North Dakota, relating to exemptions.

The roll was called and there were ayes 22, nays none, absent and not voting 9.

Those who voted in the affirmative were:



Messrs.—

Ames,  
Baker,  
Cashel,  
Clarke,  
Cooper,  
Cox,  
Hale,  
Hegge,

Messrs.—

Jacobson,  
LaMoure,  
Lewis,  
Little,  
McDougal,  
Miner,  
Murphy,

Messrs.—

Noble,  
Sharpe,  
Simpson,  
Slotten,  
Talcott,  
Taylor,  
Williams,

Absent and not voting:

Messrs.—

Devlin,  
Fuller,  
Geer,

Messrs.—

Laidlaw,  
Lavayea,  
Lofthus,

Messrs.—

Sanborn,  
Swenson,  
Wolbert,

Messrs. Devlin, Fuller, Geer, Laidlaw, Lavayea, Lofthus, Sanborn, Swenson and Wolbert being excused,

So the amendments were concurred in.

Mr. Little moved

That the rules be suspended, and that all appropriation bills be placed on their third reading and final passage,

Which motion prevailed.

### THIRD READING OF SENATE BILLS.

Senate bill No. 83,

A bill for an act for the maintenance of the deaf and dumb asylum of North Dakota and making an appropriation therefor,  
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 none, absent and not voting 9.

Those who voted in the affirmative were:

Messrs.—

Ames,  
Baker,  
Cashel,  
Clarke,  
Cooper,  
Cox,  
Hale,  
Hegge,

Messrs.—

Jacobson,  
LaMoure,  
Lewis,  
Little,  
McDougal,  
Miner,  
Murphy,

Messrs.—

Noble,  
Sharpe,  
Simpson,  
Slotten,  
Talcott,  
Taylor,  
Williams,

Absent and not voting:

Messrs.—

Devlin,  
Fuller,  
Geer,

Messrs.—

Laidlaw,  
Lavayea,  
Lofthus,

Messrs.—

Sanborn,  
Swenson,  
Wolbert,

Messrs. Devlin, Fuller, Geer, Laidlaw, Lavayea, Lofthus, Sanborn, Swenson and Wolbert being excused.

So the bill passed and the title was agreed to.

Mr. Hale moved that the vote by which

Senate bill No. 83,

A bill for an act for the maintenance of the deaf and dumb asylum of North Dakota and making an appropriation therefor.

Was passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

Senate bill No. 162,

A bill for an act entitled an act providing for an appropriation of the payment of the current and contingent expenses of the North Dakota agricultural college for one year.

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 none, absent and not voting 9.

Those who voted in the affirmative were:

Messrs.—

Ames,  
Baker,  
Cashel,  
Clarke,  
Cooper,  
Cox,  
Hale,  
Hegge,

Messrs.—

Jacobson,  
LaMoure,  
Lewis,  
Little,  
McDougal,  
Miner,  
Murphy,

Messrs.—

Noble,  
Sharpe,  
Simpson,  
Slotten,  
Talcott,  
Taylor,  
Williams,

Absent and not voting:

Messrs.—

Devlin,  
Fuller,  
Geer,

Messrs.—

Laidlaw,  
Lavayea,  
Lofthus,

Messrs.—

Sanborn,  
Swenson,  
Wolbert,

Messrs. Devlin, Fuller, Geer, Laidlaw, Lavayea, Lofthus, Sanborn, Swenson and Wolbert being excused.

So the bill passed and the title was agreed to.

Mr. Lewis moved that the vote by which Senate bill No. 162,

A bill for an act entitled an act providing for an appropriation for the payment of the current and contingent expenses of the North Dakota agricultural college for one year.

Was passed be reconsidered, and the motion to reconsider be laid on the table,

Which motion prevailed.

Senate bill No. 81,

A bill for an act to provide for the maintenance of the Industrial School and School for Manual Training, located at Ellendale, North Dakota, and for making necessary improvements, and making an appropriation therefor.

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 none, absent and not voting 9.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Jacobson,	Noble,
Baker,	LaMoure,	Sharpe,
Cashel,	Lewis,	Simpson,
Clarke,	Little,	Slotten,
Cooper,	McDougal,	Talcott,
Cox,	Miner,	Taylor,
Hale,	Murphy,	Williams,
Hegge,		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Devlin,	Laidlaw,	Sanborn,
Fuller,	Lavayea,	Swenson,
Geer,	Lofthus,	Wolbert,

Messrs. Devlin, Fuller, Geer, Laidlaw, Lavayea, Lofthus, Sanborn, Swenson and Wolbert being excused.

So the bill passed and the title was agreed to.

Mr. Sharpe moved that the vote by which

Senate bill No. 81,

A bill for an act to provide for the maintenance of the Industrial School and School for Manual Training, located at Ellendale, North Dakota, and for making necessary improvements, and making an appropriation therefor.

Was passed be reconsidered, and the motion to reconsider be laid on the table,

Which motion prevailed.

Senate bill No. 59,

A bill for an act to provide for the current and contingent expenses for the hospital for the insane at Jamestown, 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 none, absent and not voting 9.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Jacobson,	Noble,
Baker,	LaMoure,	Sharpe,
Cashel,	Lewis,	Simpson,
Clarke,	Little,	Slotten,
Cooper,	McDougal,	Talcott,
Cox,	Miner,	Taylor,
Hale,	Murphy,	Williams,
Hegge,		

Absent and not voting:

Messrs.—

Devlin,  
Fuller,  
Geer,

Messrs.—

Laidlaw,  
Lavayea,  
Lofthus,

Messrs.—

Sanborn,  
Swenson,  
Wolbert,

Messrs. Devlin, Fuller, Geer, Laidlaw, Lavayea, Lofthus, Sanborn, Swenson and Wolbert being excused.

So the bill passed and the title was agreed to.

Mr. Little moved that the vote by which  
Senate bill No. 59,

A bill for an act to provide for the current and contingent expenses for the hospital for the insane at Jamestown, North Dakota.

Was passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

Senate bill No. 75,

A bill for an act entitled an act making appropriation for the current and contingent expenses of the Soldiers' Home located at Lisbon, North Dakota, and for making permanent improvements and additions thereto.

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 none, absent and not voting 9.

Those who voted in the affirmative were:

Messrs.—

Ames,  
Baker,  
Cashel,  
Clarke,  
Cooper,  
Cox,  
Hale,  
Hegge,

Messrs.—

Jacobson,  
LaMoire,  
Lewis,  
Little,  
McDougal,  
Miner,  
Murphy,

Messrs.—

Noble,  
Sharpe,  
Simpson,  
Slotten,  
Talcott,  
Taylor,  
Williams,

Absent and not voting:

Messrs.—

Devlin,  
Fuller,  
Geer,

Messrs.—

Laidlaw,  
Lavayea,  
Lofthus,

Messrs.—

Sanborn,  
Swenson,  
Wolbert,

Messrs. Devlin, Fuller, Geer, Laidlaw, Lavayea, Lofthus, Sanborn, Swenson and Wolbert being excused.

So the bill passed and the title was agreed to.

Mr. Little moved that the vote by which  
Senate bill No. 75,

A bill for an act entitled an act making appropriation for the current and contingent expenses of the Soldiers' Home located at Lisbon, North Dakota, and for making permanent improvements and additions thereto.

Was passed be reconsidered, and the motion to reconsider be laid on the table,

Which motion prevailed.

Senate bill No. 30,

A bill for an act entitled "An act making appropriations for the current and contingent expenses of the state penitentiary and for making permanent improvements and additions thereto.

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 none, absent and not voting 9.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Jacobson,	Noble,
Baker,	LaMoure,	Sharpe,
Cashel,	Lewis,	Simpson,
Clarke,	Little,	Slotten,
Cooper,	McDougal,	Talcott,
Cox,	Miner,	Taylor,
Hale,	Murphy,	Williams,
Hegge,		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Devlin,	Laidlaw,	Sanborn,
Fuller,	Lavayea,	Swenson,
Geer,	Lofthus,	Wolbert,

Messrs. Devlin, Fuller, Geer, Laidlaw, Lavayea, Lofthus, Sanborn, Swenson and Wolbert being excused.

So the bill passed and the title was agreed to.

Mr. Little moved that the vote by which

Senate bill No. 30,

A bill for an act entitled "An act making appropriations for the current and contingent expenses of the state penitentiary and for making permanent improvements and additions thereto.

Was passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

Mr. Little moved

That all bills on the secretary's desk be given their first and second reading and reference.

Which motion prevailed.

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

Mr. Miner introduced

Senate bill No. 206,

A bill for an act to amend section 1804, relating to the requirements of newspapers qualified to do legal printing.

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

Mr. Ames introduced

Senate bill No. 207,

A bill for an act entitled "An act to amend section 6346 of the Revised Codes of 1899, being section 21 of chapter 3 of the laws of 1897, providing the requisities for qualification of executors, administrators and guardians."

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

Mr. Simpson introduced

Senate bill No. 208,

A bill for an act entitled an act concerning the inspection of live stock before shipment, creating the office of stock inspector and prescribing his duties and compensation.

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

Mr. Little introduced

Senate bill No. 209,

A bill for an act to prevent and punish the desecration of the flag of the United States.

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

Mr. Jacobson introduced

Senate bill No. 210,

A bill for an act to compel old line or legal reserve mutual life insurance companies to give an annual accounting of the earnings of each policy to the person on whose life the risk is written, and to compel their giving a statement on all policies heretofore written on persons now residing within this state to the persons whose lives are insured by such policies.

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

Mr. Hale introduced

Senate bill No. 211,

A bill for an act to amend section 6676e of the Revised Codes of 1899, relating to garnishments in justice courts.

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

### THIRD READING OF SENATE BILLS.

Senate bill No. 45,

A bill for an act entitled an act to amend section 2061 of the Revised Codes of North Dakota, relating to salary of clerk of district court.

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 none, absent and not voting 9.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Jacobson,	Noble,
Baker,	LaMoure,	Sharpe,
Cashel,	Lewis,	Simpson,
Clarke,	Little,	Slotten,
Cooper,	McDougal,	Talcott,
Cox,	Miner,	Taylor,
Hale,	Murphy,	Williams,
Hegge,		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Devlin,	Laidlaw,	Sanborn,
Fuller,	Lavayea,	Swenson,
Geer,	Lofthus,	Wolbert,

Messrs. Devlin, Fuller, Geer, Laidlaw, Lavayea, Lofthus, Sanborn, Swenson and Wolbert being excused.

So the bill passed and the title was agreed to.

Mr. Murphy moved that the vote by which Senate bill No. 45,

A bill for an act entitled an act to amend section 2061 of the Revised Codes of North Dakota, relating to salary of clerk of district court.

Was passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

Senate bill No. 151,

A bill for an act to appropriate money to pay the annual expense of appraising, advertising, and selling common school and institution lands.

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 none, absent and not voting 9.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Jacobson,	Noble,
Baker,	LaMoure,	Sharpe,
Cashel,	Lewis,	Simpson,
Clarke,	Little,	Slotten,
Cooper,	McDougal,	Talcott,
Cox,	Miner,	Taylor,
Hale,	Murphy,	Williams,
Hegge,		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Devlin,	Laidlaw,	Sanborn,
Fuller,	Lavayea,	Swenson,
Geer,	Lofthus,	Wolbert,

Messrs. Devlin, Fuller, Geer, Laidlaw, Lavayea, Lofthus, Sanborn, Swenson and Wolbert being excused.

Mr. Hegge moved that the vote by which

Senate bill No. 151,

A bill for an act to appropriate money to pay the annual expense of appraising, advertising, and selling common school and institution lands.

Was passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

Mr. Noble moved that the pen used to sign

Senate bill No. 60,

A bill for an act to define the senatorial and representative districts of North Dakota and prescribe the number of senators and representatives therein.

By the president pro tem be presented to Senator Sharpe,

Which motion prevailed.

Senate bill No. 172,

A bill for an act entitled an act repealing section 131a of the Revised Codes, 1899, making an appropriation to promote immigration.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 20, nays 1, absent and not voting 10.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Hegge,	Noble,
Baker,	Jacobson,	Sharpe,
Cashel,	LaMoure,	Slotten,
Clarke,	Lewis,	Talcott,
Cooper,	McDougal,	Taylor,
Cox,	Miner,	Williams,
Hale,	Murphy,	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Devlin,	Lavayea,	Sanborn,
Fuller,	Little,	Swenson,
Geer,	Lofthus,	Wolbert,
Laidlaw,		

Mr. Simpson voted in the negative.

Messrs. Devlin, Fuller, Geer, Laidlaw, Lavayea, Lofthus, Sanborn, Swenson and Wolbert being excused.

So the bill passed and the title was agreed to.

Mr. Hale moved that the vote by which

Senate bill No. 172,

A bill for an act entitled an act repealing section 131a of the



Revised Codes, 1899, making an appropriation to promote immigration.

Was passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

Mr. Sharpe moved

That a recess of 10 minutes be taken.

Which motion prevailed.

The secretary announced that the president pro tem was about to sign

Senate bill No. 3,

A bill for an act entitled an act to amend section 5256, Revised Codes, relating to mailing summons and complaint.

Also,

Senate bill No. 33,

A bill for an act to secure from loss persons who furnish materials or labor in the alteration, repair, erection or betterment of public buildings.

Also,

Senate bill No. 25,

A bill for an act granting a right-of-way for public highway across the military encampment grounds at Rock Island, Ramsey county, N. D.

Also,

Senate bill No. 34,

A bill for an act to amend section 5200 of the Revised Codes of the state of North Dakota, 1899, being section 5200 of the Revised Codes of 1895, in regard to the limitation of actions.

Also,

Senate bill No. 60,

A bill for an act to define the senatorial and representative districts of North Dakota and prescribe the number of senators and representatives therein.

Also,

Senate bill No. 99,

A bill for an act to amend section 1219 of the 1899 Revised Codes of North Dakota relating to assessor's statement and return to auditor.

Also

Senate bill No. 72,

A bill for an act entitled "An act to repeal sections 1681 and 1682 of the Revised Codes of 1899, relating to bounty on starch."

And the president pro tem signed the bills in the presence of the senate.

MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,  
BISMARCK, NORTH DAKOTA,  
February 26, 1901.

Mr. President:

I have the honor to inform you that the house requests the return of

Senate bill No. 87,

A bill for an act entitled an act relating to the sale of dressed beef.

Very respectfully,

J. D. SCANLAN,

Chief Clerk.

Mr. Noble moved that

Senate bill No. 87,

A bill for an act entitled an act relating to the sale of dressed beef.

Be returned to the house.

Which motion prevailed.

Miss Geneva Allen was sworn in by the president pro-tem as an enrolling and engrossing clerk.

The following steering committee was announced: Messrs. C. B. Little, Judson LaMoure, J. B. Sharpe, O. I. Hegge and V. B. Noble.

Mr. Cooper moved

That the senate do now adjourn,

Which motion prevailed, and

The senate adjourned.

GEORGE L. TOWNES,

Secretary.

## FIFTY-FIRST DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
February 27, 1901.

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

The president presiding.

Prayer by the chaplain.

Roll call.

All members present.

## PRESENTATION OF PETITIONS AND MEMORIALS.

Mr. Lavayea presented the following petition:

To the Senate of the State of North Dakota:

We, the undersigned citizens of Northwood, do most respectfully petition your honorable body to pass Senate bill No. 109, prohibiting the sale of cigarettes.

OTTO SAUGSTAD,  
And 40 Others.

Mr. Lavayea presented the following petition:

To the Senate of the State of North Dakota:

We, the undersigned, citizens of Northwood and vicinity do most respectfully petition your honorable body to pass Senate bill No. 109, prohibiting the sale of cigarettes.

C. M. HANSEN,  
And 30 Others.

Mr. Lewis presented the following petition:

To the Senators of the State of North Dakota:

We, residents of the city of Fargo, do urgently petition that you will use all honorable means:

"First. To defeat Senate bill No. 193 which provides for the repeal of the penalty clause of our prohibition law.

"Second. To defeat Senate bill No. 191 which provides for the repeal of the law granting druggists' permits.

"Third. To defeat House bills No. 165 (on divorce) and No. 204 (on local option) should these come before your honorable body.

"Fourth. To support House bill No. 187 which puts certain severe restrictions on the sale of cigarettes, when said bill may come before you.

Signed on behalf of forty-seven residents of the said city of Fargo."

EDGAR W. DAY,  
MRS. WM. H. BEST,  
JOHN MONSON.

The courtesies of the floor were extended to Messrs. W. C. Helm, W. J. Westergaard and Prof. McFarland, of Valley City; W. F. Forin, J. H. McGillic, Wm. Balm, Louis Conley, C. L. Zimmerman and Wm. Mackin, of Morton county.

## 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. 107,

A bill for an act to prevent the sale and use in this state of dangerous and impure oils.

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

In section 1, line 5 of printed bill, after the word "years" insert the following:

Commencing on the first Tuesday in April succeeding his appointment.

On line 3, section 9 of the printed bill, strike out the word "one" and strike out all of line 4, in section 9 of the printed bill and insert in lieu thereof the following: "The sum of forty cents for testing and marking a single barrel, thirty cents each when not exceeding five barrels in number, twenty-five cents when not exceeding ten in number, and fifteen cents per barrel when the number of barrels is greater than ten submitted at one time for inspection."

Insert between lines 17 and 18 on page 10 of printed bill, the following: "On the first day of each and every month, every deputy inspector of oils shall transmit to the state inspector of oils all moneys received during the preceding month and shall at the same time forward to the auditor of the state and state inspector of oils true copies of said record for the month preceding."

In section 9, lines 18 and 19, strike out the words "and deputy inspector of oils."

Line 21 of the same section, strike out the words "and to the state inspector of oils."

Line 31, same section, strike out the words "and his deputy."

In section 9 of page 11 of the printed bill, strike out all from line 32 to line 38 inclusive, and insert in lieu thereof the following: "The state inspector of oils is entitled to receive 90 per cent of all the fees received by him and his deputy under the provisions of this act and this 90 per cent shall be in lieu of all the salaries, fees and expenses incurred under the provisions of this act while in the discharge of their official duty. The persons appointed as deputy inspector of oils shall be paid by the state inspector of oils from the above amount received by him."

In section 9 of page 11, line 39 of the printed bill, insert the words "shall constitute" after the word "act."

In section 9, line 39, strike out the word "twenty" and insert the word "ten;" in the same line after the word "act" insert the words "shall constitute."

In section 7, after the word "deputy" in line 18, add the words "or any retailer or consumer."

In section 2, line 7, after the word "approved" strike out the words "by the secretary of state" and insert in lieu thereof "by the governor of the state."

In section 5, line 2, after the word "sale" insert the words "to the trade."

In section 4, line 5, after the word "illuminating" insert the word "or heating."

In section 8, line 1, after the word "sale" insert the words "to the trade."

Same section, line 2, after the word "illuminating" insert the words "or heating."

In section 13, line 2, after the word "deputy" insert the words "or any person."

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. 199,

A bill for an act entitled "an act providing for the renewal of judgments and for continuing the lien thereof and prescribing the method of renewing the same without suit for an additional term of ten years and allowing an execution thereon after renewal."

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

C. B. LITTLE,  
Chairman.

Mr. LaMoure 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. 197,

A bill for an act entitled an act to amend section 217 of the Revised Codes of 1899 providing for the leasing of public lands

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

By striking out all of section 2 and inserting in lieu thereof "Emergency.) Whereas, there is no law to regulate the cancellation of land leases in case of the sale of such land, therefore this act shall take effect and be in force from and after its passage and approval."

And when so amended recommend that the same do pass.

C. B. LITTLE,  
Chairman.

Mr. Cashel 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. 194,

A bill for an act entitled "an act to amend sections 1168 and 1173 of the Revised Codes of 1899, relating to ferries."

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

C. B. LITTLE,  
Chairman.

Mr. LaMoure 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. 136,

A bill for an act authorizing the board of trustees of the state university to issue bonds to provide a fund for the necessary repairs of buildings and to pay the floating indebtedness of said university.

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

By striking out all of section 4.

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. 205,

A bill for an act to amend section 5961 of the code of civil procedure, and to facilitate the assessment of damages under the law of eminent domain, and to regulate procedure in actions brought thereunder.

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

By striking out the word "ten" in section 1, sub-division 1 and line three, and inserting in lieu thereof the word "fifteen."

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 appropriations made the following report:

Mr. President:

Your committee on appropriations to whom was referred

Senate bill No. 53

A bill for an act making an appropriation for deficit in fuel account at the North Dakota hospital for the insane.

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

In line 6 of section 1 of the printed bill strike out "\$7,000" and insert "\$6,000" in lieu thereof.

In line 2 of section 2 of the printed bill strike out "\$7,000" and insert "\$6,000" in lieu thereof.

And when so amended recommend that the same do pass.

JUDSON LaMOURE,  
Chairman.

Mr. Cooper moved

That the report be adopted,  
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

House bill No. 125,

A bill for an act regulating water rights for irrigation purposes.

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

O. E. LOFTHUS,  
Chairman.

The committee on public health made the following report:

Mr. President:

Your committee on public health to whom was referred  
House bill No. 103,

A bill for an act to prevent the adulteration, misbranding and selling of adulterated and unwholesome foods and beverages, prescribing a penalty for the violation, and charging the states attorney with the enforcement hereof.

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

That section 6 shall read as follows:

"Section 6. This act shall take effect January 1st, 1902."

And when so amended recommend that the same do pass.

J. D. TAYLOR,  
Chairman.

Mr. Taylor moved

That the report be adopted.

Which motion prevailed, and

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. 131,

A bill for an act to amend section 277 and section 280 of chapter 4, of article 6 of the Revised Codes, relating to the practice of medicine, surgery and obstetrics.

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

That the title be amended by adding after the word "obstetrics" the words "Defining the same, and to provide a penalty for violating the provisions of this act." In line 2 of page 1 of section 277 of the printed bill after the word "person" insert the words "except as hereinafter provided." In line 10 of page 3 of section 280 of the printed bill after the word "infirmity" strike out the remaining words of line 10 and all of line 11 and substitute in lieu thereof the words "provided however that this act shall not be construed as conflicting with or repealing the provision of section 301a, chapter 4 of the Revised Codes of 1899, nor to prohibit gratuitous assistance to sick or injured persons in case of emergency. Also strike out all of section 2.

And when so amended recommend that the same do pass.

J. D. TAYLOR,  
Chairman.

Mr. Taylor moved

That the report be adopted.

Mr. Noble moved

To amend report to provide that nothing contained in the provisions of this chapter shall be construed to affect Osteopathy, Christian Scientists or magnetic healers.



Mr LaMoure raised the point of order  
That the report be not considered today, and  
The report went over for one day.

The committee on counties and county boundaries made the following report:

Mr. President:

Your committee on counties and county boundaries to whom was referred

House bill No. 77,

A bill for an act to amend chapter 160 of the session laws of 1899, being section 2591 of the Revised Codes of 1899, relating to the meetings of township board of supervisors.

Also,

House bill No. 112,

A bill for an act to amend section 343a, of the Revised Codes of 1899, being the same as section 1 of chapter 116 of the session laws of 1899, relating to official bonds of county treasurers.

Also,

House bill No. 129,

A bill for an act to amend section 1322, chapter 18, Revised Codes, 1899.

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

M. JACOBSON,  
Chairman.

The committee on state affairs made the following report:

Mr. President:

Your committee on state affairs to whom was referred

House bill No. 55,

A bill for an act to amend sections 2464 and 2465 of the Revised Codes of 1899, relating to volunteer firemen's association.

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 1944 of the Revised Codes of 1899, relating to duty of board in designating depositories.

Have had the same under consideration and recommend that the same be indefinitely postponed.

A. B. COX,  
Chairman.

Mr. Cox 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. 169,

A bill for an act to amend sections 2466 of the Revised Codes of 1899, relating to filing of certificates of fire departments of cities.

Also,

Senate bill No. 208,

A bill for an act entitled an act concerning the inspection of live stock before shipment, creating the office of stock inspector and prescribing his duties and compensation.

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

A. B. COX,

Chairman.

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

Mr. President:

Your committee on enrolled and engrossed bills have examined

Senate bill No. 3,

A bill for an act entitled an act to amend section 5256, Revised Codes, relating to mailing summons and complaint.

Also,

Senate bill No. 34,

A bill for an act to amend section 5200 of the Revised Codes of the state of North Dakota, 1899, being section 5200 of the Revised Codes of 1895, in regard to the limitation of actions.

Also,

Senate bill No. 33,

A bill for an act to secure from loss persons who furnish materials or labor in the alteration, repair, erection or betterment of public buildings.

Also,

Senate bill No. 72,

A bill for an act entitled "An act to repeal sections 1681 and 1682 of the Revised Codes of 1899, relating to bounty on starch."

Also,

Senate bill No. 99,

A bill for an act to amend section 1219 of the 1899 Revised Codes of North Dakota relating to assessor's statement and return to auditor.

Also

Senate bill No. 25,

A bill for an act granting a right-of-way for public highway

across the military encampment grounds at Rock Island, Ramsey county, N. D.

And find the same correctly enrolled.

C. B. LITTLE,  
Acting Chairman.

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

Mr. President:

Your committee on enrolled and engrossed bills have examined Senate bill No. 172,

A bill for an act entitled an act repealing section 131a of the Revised Codes, 1899, making an appropriation to promote immigration.

Also,

Senate bill No. 151,

A bill for an act to appropriate money to pay the annual expense of appraising, advertising, and selling common school and institution lands.

Also,

Senate bill No. 30,

A bill for an act entitled "An act making appropriations for the current and contingent expenses of the state penitentiary and for making permanent improvements and additions thereto.

Also,

Senate bill No. 75,

A bill for an act entitled an act making appropriation for the current and contingent expenses of the Soldiers' Home located at Lisbon, North Dakota, and for making permanent improvements and additions thereto.

Also,

Senate bill No. 59,

A bill for an act to provide for the current and contingent expenses for the hospital for the insane at Jamestown, North Dakota.

Also,

Senate bill No. 81,

A bill for an act to provide for the maintenance of the Industrial School and School for Manual Training, located at Ellendale, North Dakota, and for making necessary improvements, and making an appropriation therefor.

And find the same correctly engrossed.

Also,

Senate bill No. 112,

A bill for an act entitled "An act to provide punishment for the refusal or neglect to maintain and support a minor child.

Also,

Senate bill No. 23,

A bill for an act to amend section 5526, Revised Codes of North Dakota, relating to exemptions.

And find the same correctly enrolled.

Also,

Senate bill No. 136,

A bill for an act authorizing the board of trustees of the state university to issue bonds to provide a fund for the necessary repairs of buildings and to pay the floating indebtedness of said university.

And find the same correctly engrossed.

H. E. LAVAYEA,

Chairman.

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

Mr. President:

Your committee on enrolled and engrossed bills respectfully report that at the hour of 3:10 p. m., this day,

Senate bill No. 23,

A bill for an act to amend section 5526, Revised Codes of North Dakota, relating to exemptions.

Was delivered to his excellency, the governor, for his approval.

H. E. LAVAYEA,

Chairman.

#### REFERENCE OF THE JOURNAL.

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

Mr. President:

Your committee on revision and correction of the Journal beg leave to report no corrections for the fiftieth day.

H. J. MINER,

Chairman.

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

Mr. President:

Your committee on enrolled and engrossed bills respectfully reports that at the hour of 3:15 p. m. February 26, 1901,

Senate bill No. 72,

A bill for an act entitled "An act to repeal sections 1681 and 1682 of the Revised Codes of 1899, relating to bounty on starch."

Also,

Senate bill No. 60,

A bill for an act to define the senatorial and representative

districts of North Dakota and prescribe the number of senators and representatives therein.

Also,

Senate bill No. 99,

A bill for an act to amend section 1219 of the 1899 Revised Codes of North Dakota relating to assessor's statement and return to auditor.

Also,

Senate bill No. 25,

A bill for an act granting a right of way for a public highway across the military encampment grounds at Rock Island, Ramsey county, N. D.

Also,

Senate bill No. 3,

A bill for an act entitled an act to amend section 5256, Revised Codes, relating to mailing summons and complaint.

Also,

Senate bill No. 34,

A bill for an act to amend section 5200 of the Revised Codes of the state of North Dakota, 1899, being section 5200 of the Revised Codes of 1895 in regard to the limitation of actions.

Also,

Senate bill No. 33,

A bill for an act to secure from loss persons who furnish material or labor in the alteration, repair, erection or betterment of public buildings or other public improvements.

Were delivered to his excellency, the governor, for his approval.

H. E. LAVAYEA,  
Chairman.

### MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,  
BISMARCK, NORTH DAKOTA,  
February 27, 1901.

Mr. President:

I have the honor to return herewith.

Senate bill No. 16,

A bill for an act to repeal chapter 60 of the session laws of 1897 forbidding and preventing the practice of law by judges of county courts having increased jurisdiction.

Which the house has indefinitely postponed.

Also,

House bill No. 160,

A bill for an act to amend section 1936 of the Revised Codes of

North Dakota, relating to the publication of proceedings of board of county commissioners.

Also,

House bill No. 173,

A bill for an act to amend section 502 of the Revised Codes of 1899, relating to certificates of nomination and prescribing the qualifications of persons participating in nomination at caucuses or in conventions, or by petition, and prescribing the duties of the secretary of state in reference to the placing of nominees on the official ballot.

Also,

House bill No. 145,

A bill for an act entitled an act authorizing the board of trustees of the state penitentiary to issue bonds to obtain funds for the operation of the twine and cordage factory thereat, and providing for the sale and redemption of the same.

Also,

House bill No. 149,

A bill for an act to amend section 1269 of the Revised Codes of the state of North Dakota, relating to the rights of purchasers of lands at sale for the non-payment of taxes.

Also,

House bill No. 59,

A bill for an act to amend section 234b, Revised Codes of 1889, being an act relating to the charging and collecting of fees at the leasing and sale of school lands.

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

Also,

I have the honor to inform you that the house requests the return of,

Senate bill No. 16,

A bill for an act to repeal chapter 60 of the session laws of 1897 forbidding and preventing the practice of law by judges of county courts having increased jurisdiction.

For the further consideration of same,

Very respectfully,

J. D. SCANLAN,

Chief Clerk.

#### MESSAGE FROM THE GOVERNOR.

The following communication was received from the governor:

EXECUTIVE CHAMBER,  
BISMARCK, NORTH DAKOTA.

February 27, 1901.

To the Senate:

Gentlemen: I have the honor to inform you that I have approved and filed with the honorable secretary of state:

Senate bill No. 3,

A bill for an act entitled an act to amend section 5256, Revised Codes, relating to mailing summons and complaint.

Also,

Senate bill No. 33,

A bill for an act to secure from loss persons who furnish materials or labor in the alteration, repair, erection or betterment of public buildings.

Also,

Senate bill No. 34,

A bill for an act to amend section 5200 of the Revised Codes of the state of North Dakota, 1899, being section 5200 of the Revised Codes of 1895, in regard to the limitation of actions.

Also,

Senate bill No. 60,

A bill for an act to define the senatorial and representative districts of North Dakota and prescribe the number of senators and representatives therein.

Also,

Senate bill No. 25,

A bill for an act granting a right-of-way for public highway across the military encampment grounds at Rock Island, Ramsey county, N. D.

Also,

Senate bill No. 99,

A bill for an act to amend section 1219 of the 1899 Revised Codes of North Dakota, relating to assessor's statement and return to auditor.

Also,

Senate bill No. 72,

A bill for an act entitled "An act to repeal section 1681 and 1682 of the Revised Codes of 1899 relating to bounty on starch."

Also,

Senate bill No. 23,

A bill for an act to amend section 5526, Revised Codes of North Dakota, relating to exemptions.

Very respectfully yours,

FRANK WHITE,

Governor.

A majority of the committee on elections made the following report:

Mr. President:

A majority of your committee on elections to whom was referred Substitute for Senate bill No. 10,

A bill for an act providing for the selection of candidates for election by popular vote and relating to their nomination.

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

HENRY HALE,  
Chairman.

Mr. Hale moved

The adoption of the majority report.

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

Mr. President:

A minority of the committee on elections to whom was referred Substitute for Senate bill No. 10,

A bill for an act providing for the selection of candidates for election by popular vote and relating to their nomination.

Have had the same under consideration and recommend that the same be indefinitely postponed.

H. J. MINER,  
WM. CLARK.

Mr. LaMoure moved as a substitute,  
That the minority report be adopted.

Mr. Noble moved as a substitute,

That the report be returned to the committee with instructions to get a majority of the committee to sign the report and made the point of order that the report was not properly signed.

The president ruled the point of order not well taken.

Roll call demanded on Mr. Noble's substitute.

The roll was called and there were ayes 14, nays 17, absent and not voting none.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Baker	Geer,	Little,
Clarke,	Jacobson,	Miner,
Cox,	Laidlaw,	Noble,
Devlin,	LaMoure,	Talcott,
Fuller;	Lewis,	

Those voting in the negative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Lofthus,	Slotten,
Cashel,	McDougal,	Swenson,
Cooper,	Murphy,	Taylor,
Hale,	Sanborn,	Williams,
Hegge,	Sharpe,	Wolbert,
Lavayea,	Simpson,	

Mr. LaMoure withdrew his substitute.

Mr. LaMoure moved to refer the bill to general orders on the following day at 2:30 p. m.

Roll call demanded.

The roll was called and there were ayes 20, nays 11, absent and not voting none.



Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Baker,	Jacobson,	Sanborn,
Clarke,	Laidlaw,	Sharpe,
Cox,	LaMoure,	Simpson,
Devlin,	Lewis,	Swenson,
Fuller,	Little,	Talcott,
Geer,	Miner,	Wolbert,
Hegge,	Noble,	

Those voting in the negative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Lavayea,	Slotten,
Cashel,	Lofthus,	Taylor,
Cooper,	McDougal,	Williams,
Hale,	Murphy,	

So the motion prevailed.

The secretary announced that that the president was about to sign,

Senate bill No. 23,

A bill for an act to amend section 5526, Revised Codes of North Dakota, relating to exemptions.

And the president signed the bill in the presence of the senate.

Mr. Little moved that all senate bills on the secretary's desk be given their first and second reading and reference.

Which motion prevailed.

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

Mr. Baker introduced

Senate bill No. 212,

A bill for an act to provide for the compensation of court stenographers and making an appropriation therefor, and repealing sections 419 and 6617, Revised Codes, relating thereto.

Which was read the first and second times, and

Referred to the committee on judiciary.

Also,

Senate bill No. 213,

A bill for an act to amend sections 1598, 1599 and 1636, and to repeal section 1636a of the Revised Codes of the state of North Dakota, for the year 1899.

Which was read the first and second times, and

Referred to the committee on state affairs.

Mr. Murphy introduced

Senate bill No. 214,

A bill for an act entitled "An act to amend section 2080 of the Revised Codes of 1899, relating to the salary of county treasurers."

Which was read the first and second times, and

Referred to the committee on counties and county boundaries.

Mr. Simpson introduced

Senate bill No. 215,

A bill for an act requiring the payment of taxes by non-resident owners of live stock from other states herding and feeding on the ranges of the state of North Dakota, and providing for collection of such taxes.

Which was read the first and second times, and

Referred to the committee on ways and means.

Also,

House bill No. 216,

A bill for an act entitled an act to amend section 4788 of the Revised Codes of the state of North Dakota of 1899, relating to mechanic's liens.

Which was read the first and second times, and

Referred to the committee on state affairs.

Mr. Lewis introduced

Senate bill No. 217,

A bill for an act entitled an act directing state auditors to pay over funds belonging to agricultural college and deaf and dumb asylum to the respective institution treasurers and providing for the application of such funds.

Which was read the first and second times, and

Referred to the committee on state affairs.

Mr. Hegge introduced

Senate bill No. 218,

A bill for an act to amend section 2540 of the Revised Codes of North Dakota, relating to the time of holding annual township meetings.

Which was read the first and second times, and

Referred to the committee on counties and county boundaries.

Also,

Senate bill No. 219

A bill for an act to amend section 1208 of the Revised Codes of North Dakota, relating to the duties of the county auditor in furnishing supplies to assessors and the date of meeting of such assessors.

Which was read the first and second times, and

Referred to the committee on counties and county boundaries.

Mr. Lavayea introduced

Senate bill No. 220,

A bill for an act providing for the collection of delinquent personal taxes by action.

Which was read the first and second times, and

Referred to the committee on judiciary.

Also,

Senate bill No. 221,

A bill for an act to prevent prize fighting.

Which was read the first and second times, and

Referred to the committee on state affairs.

Mr Miner introduced

Senate bill No. 222,

A bill for an act to amend section 5382 of the Revised Codes of 1899, relating to garnishment.

Which was read the first and second times, and

Referred to the committee on judiciary.

Mr Cox moved that the rules be suspended and that

House bill No. 169,

A bill for an act to amend section 2466 of the Revised Codes of 1899, relating to filing of certificates of fire departments of cities.

Be placed on its third reading and final passage.

Which motion prevailed.

### THIRD READING OF HOUSE BILLS.

House bill No. 169,

A bill for an act to amend section 2466 of the Revised Codes of 1899, relating to filing of certificates of fire departments of cities.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 29, nays none, absent and not voting 2.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Hegge,	Murphy,
Baker,	Jacobson,	Noble,
Cashel,	Laidlaw,	Simpson,
Clarke,	Lavayea,	Slotten,
Cooper,	LaMoure,	Swenson,
Cox,	Lewis,	Talcott,
Devlin,	Little,	Taylor,
Fuller,	Lofthus,	Williams,
Geer,	McDougal,	Wolbert,
Hale,	Miner,	

Absent and not voting Messrs. Sanborn and Sharpe.

So the bill passed and the title was agreed to.

Mr. Cox moved that the vote by which

House bill No. 169,

A bill for an act to amend section 2466 of the Revised Codes of 1899, relating to filing of certificates of fire departments of cities.

Was passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

## THIRD READING OF SENATE BILLS.

Mr. Noble moved  
That further consideration of  
Senate bill No. 54,

A bill for an act entitled an act to amend section 1596 of the Revised Codes of North Dakota, 1899, the same being section 1596 of the Revised Codes of 1895, relating to veterinarian districts.

Be indefinitely postponed,  
Which motion prevailed.

Senate bill No. 150,

A bill for an act entitled "An act to amend section 327 of the Revised Codes of 1899, providing for the record of fees and monthly reports and payments of said fees to the state treasurer monthly by any state officer or deputy authorized by law to receive said fees."

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 29, nays none, absent and not voting 2.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Jacobson,	Noble,
Baker,	Laidlaw,	Sharpe,
Cashel,	Lavayea,	Simpson,
Clarke,	LaMoure,	Slotten,
Cooper,	Lewis,	Swenson,
Cox,	Little,	Talcott,
Devlin,	Lofthus,	Taylor,
Fuller,	McDougal,	Williams,
Geer,	Miner,	Wolbert,
Hale,	Murphy,	

Absent and not voting Messrs. Hegge and Sanborn.

So the bill passed and the title was agreed to.

Mr. Wolbert moved that the vote by which

Senate bill No. 150,

A bill for an act entitled "An act to amend section 327 of the Revised Codes of 1899, providing for the record of fees and monthly reports and payments of said fees to the state treasurer monthly by any state officer or deputy authorized by law to receive said fees."

Was passed, be reconsidered, and the motion to reconsider be laid on the table,

Which motion prevailed.

Senate bill No. 112,

A bill for an act entitled "An act to provide punishment for the refusal or neglect to maintain and support a minor child.

Was read the third time.

The question being upon the final passage of the bill

The roll was called and there were ayes 29, nays none, absent and not voting 2.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Hegge,	Noble,
Baker,	Jacobson,	Sharpe,
Cashel,	Lavayea,	Simpson,
Clarke,	LaMoure,	Slotten,
Cooper,	Lewis,	Swenson,
Cox,	Little,	Talcott,
Devlin,	Lofthus,	Taylor,
Fuller,	McDougal,	Williams,
Geer,	Miner,	Wolbert,
Hale,	Murphy,	

Absent and not voting Messrs. Laidlaw and Sanborn.

So the bill passed and the title was agreed to.

Mr. Little was called to the chair.

Substitute for Senate bill No. 115,

A bill for an act to amend sections 1842, 1893, 1896 and 2095 of the Revised Codes of 1899, relating to commissioner districts, and the powers, election and compensation of county commissioners.

Was read the third time.

Mr. Talcott moved to amend as follows:

Amend by striking out all of section 5.

Amend title by striking out the word and figures "and 2095." Also the words "and compensation." Also by striking out the word "and" after the figures "1893." Also by inserting the word "and" after the word "powers."

Which motion prevailed.

The question being upon the final passage of the bill.

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

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Hegge,	Noble,
Baker,	Jacobson,	Sanborn,
Cashel,	Lavayea,	Sharpe,
Clarke,	LaMoure,	Simpson,
Cooper,	Lewis,	Slotten,
Cox,	Little,	Swenson,
Devlin,	Lofthus,	Talcott,
Fuller,	McDougal,	Taylor,
Geer,	Miner,	Williams,
Hale,	Murphy,	Wolbert,

Mr. Laidlaw voted in the negative.

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

Senate bill No. 78,

A bill for an act to amend and re-enact section 1570g of the

Revised Codes of the revision of 1899, the same being chapter 35 of the laws of 1899 relating to special tax for the payment of state wolf bounties.

Was read the third time.

Mr. Simpson moved

To strike out "three tenths" occurring in the title as engrossed, and "two tenths" be substituted in lieu thereof.

Mr. Murphy moved as a substitute

That the bill be indefinitely postponed.

Mr. Murphy's substitute was lost.

Mr. Simpson's amendment was carried.

The question being upon the final passage of the bill.

The roll was called and there were ayes 20, nays 11, absent and not voting none.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Jacobson,	Noble,
Baker,	Lavayea,	Sanborn,
Cashel,	Lewis,	Sharpe,
Cox,	Little,	Simpson,
Devlin,	Lofthus,	Taylor,
Geer,	McDougal,	Williams,
Hegge,	Miner,	

Those voting in the negative were:

Messrs.—	Messrs.—	Messrs.—
Clarke,	Laidlaw,	Swenson,
Cooper,	LaMoire,	Talcott,
Fuller,	Murphy,	Wolbert,
Hale,	Slotten,	

So the bill passed and the title was agreed to.

Mr. Simpson moved that the vote by which

Senate bill No. 78,

A bill for an act to amend and re-enact section 1570g of the Revised Codes of the revision of 1899, the same being chapter 35 of the laws of 1899 relating to special tax for the payment of state wolf bounties.

Was passed be reconsidered, and the motion to reconsider be laid on the table,

Which motion prevailed.

Mr. Noble moved

That the rules be suspended and that all house bills on the secretary's desk be given their first and second readings and reference,

Which motion prevailed.

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

House bill No. 122,

A bill for an act to provide for submitting the question of conferring additional jurisdiction upon county courts.

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

Also,

House bill No. 60,

A bill for an act to provide for the maintenance of the industrial school and school of manual training, located at Ellendale, and for making necessary improvements, and making an appropriation therefor.

Was read the first and second times, and

Referred to the committee on appropriations.

Also,

House bill No. 59,

A bill for an act to amend section 234b, Revised Codes of 1889, being an act relating to the charging and collecting of fees at the leasing and sale of school lands.

Was read the first and second times, and

Referred to the committee on judiciary.

Also,

House bill No. 7,

A bill for an act to amend section 1941 of the Revised Codes of the state of North Dakota, relating to the presentation and acceptance of proposals for the deposit of county funds, and the bonds of county depositories.

Was read the first and second times, and

Referred to the committee on state affairs.

Also,

House bill No. 91,

A bill for an act making railway corporations liable for the injury or killing of stock, where they fail to fence and maintain a lawful fence along their railroad.

Was read the first and second times, and

Referred to the committee on ways and means.

Also,

House bill No. 149,

A bill for an act to amend section 1269 of the Revised Codes of the state of North Dakota, relating to the rights of purchasers of lands at sale for the non-payment of taxes.

Was read the first and second times, and

Referred to the committee on judiciary.

Also,

House bill No. 145,

A bill for an act entitled "An act authorizing the board of trustees of the state penitentiary to issue bonds to obtain funds for the operation of the twine and cordage factory thereat, and providing for the sale and redemption of the same."

Was read the first and second times, and

Referred to the committee on judiciary.

Also,

House bill No. 173,

A bill for an act to amend section 502 of the Revised Codes of 1899, relating to certificates of nomination and prescribing the qualifications of persons participating in nomination at caucuses or in conventions, or by petition, and prescribing the duties of the secretary of state in reference to the placing of nominees on the official ballot.

Was read the first and second times, and

Referred to the committee on elections and privileges.

Also,

House bill No. 160,

A bill for an act to amend section 1936 of the Revised Codes of North Dakota, relating to the publication of proceedings of board of county commissioners.

Was read the first and second times, and

Referred to the committee on judiciary.

Mr. Ames moved that

Senate bill No. 147,

A bill for an act authorizing the issuance of bonds, based upon the normal school land grant, for the purpose of erection and completion of buildings for the use of the state normal schools at Valley City and Mayville.

Be re-committed to the committee on judiciary.

Which motion prevailed.

Mr. Noble moved

That the senate do now adjourn,

Which motion prevailed, and

The senate adjourned.

GEORGE L. TOWNES,

Secretary.



## FIFTY-SECOND DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
February 28, 1901.

The senate met at 2 o'clock p. m. pursuant to adjournment.  
The president presiding.  
Prayer by the chaplain.  
Roll call.  
All members present.

## MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,  
BISMARCK, NORTH DAKOTA,  
February 28, 1901.

Mr. President:

I have the honor to return herewith  
Senate bill No. 135,

A bill for an act empowering the county commissioners to contract with the sheriff for the collection of personal property tax judgments, or personal property taxes delinquent more than one year.

Also,

Senate bill No. 46,

A bill for an act to cure defective acknowledgments.

Also,

Senate bill No. 111,

A bill for an act entitled "An act to amend section 5631 of the Revised Codes of 1899, relating to the printing of briefs and abstracts upon appeals to the supreme court."

Which the house has passed unchanged.

Also,

Senate bill No. 106,

A bill for an act to amend section 4820 of the Revised Codes of 1899, providing for a lien for grain to be used for seed.

Which the house has amended as follows:

Amend by inserting in line 10 before the word "emergency" the word and figure "section 2."

And as so amended passed.

Also,

Senate bill No. 2,

A bill for an act entitled an act to provide a time at which claims against the estates of decedents shall be barred.

Which the house has indefinitely postponed.

Also,

I have the honor to transmit herewith

House bill No. 167,

A bill for an act to prohibit the sale of certain game birds and animals within the state and providing a penalty for violation of the same.

Also,

House bill No. 180,

A bill for an act for the protection of manufacturers of soda water, mineral water and other like beverages.

Also,

House bill No. 181,

A bill for an act to amend section 7264 of the Penal Code of the state of North Dakota.

Also,

House bill No. 175,

A bill for an act relating to the transfer of cemetery lots by religious corporations.

Also,

House bill No. 188

A bill for an act to amend section 3597 of the Revised Codes of the state of North Dakota in regard to the record of certain instruments and the admissability in evidence of instruments entitled to record, without further proof.

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

Very respectfully,

J. D. SCANLAN,

Chief Clerk.

#### PRESENTATION OF PETITIONS AND COMMUNICATIONS.

Mr. Talcott presented the following petition:

TOWER CITY, N. D., Feb. 21, 1901.

To the Senate, State of North Dakota:

We, the undersigned, voters of Tower City and vicinity, petition your honorable body to work and vote against Senate bill No. 193.

M. H. KIFF,

And 21 Others.

The courtesies of the floor were extended to Messrs. C. V. Brown, Wells county, N. D.; Wm. Dieball, Mercer county, N. D.; Major Binginheimer, Morton county, N. D.

## 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. 209,

A bill for an act to prevent and punish the desecration of the flag of the United States.

Also,

Senate bill No. 198,

A bill for an act entitled an act regulating the filing and foreclosure of mechanic's liens upon land held or occupied under a filing under any of the land laws of the United States.

Also,

Senate bill No. 207,

A bill for an act entitled "An act to amend section 6346 of the Revised Codes of 1899, being section 21 of chapter 3 of the laws of 1897, providing the requisities for qualification of executors, administrators and guardians."

Also,

Senate bill No. 211,

A bill for an act to amend section 6676e of the Revised Codes of 1899, relating to garnishments in justice courts.

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

Also,

Senate bill No. 20,

A bill for an act to provide for the admission of graduates from the law department of the university of North Dakota to the bar of this state.

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

By striking out all after the enacting clause and inserting in lieu thereof the following:

Section 1. That graduates from the law department of the university of North Dakota, shall, upon presentation of their diploma from said university to the supreme court of this state any time within two years from the date of such diploma be entitled to a certificate of admission to the bar of this state without further examination; and said court shall thereupon, enter an order authorizing and directing the clerk of said court to issue to such graduates a certificate of admission to the bar upon proof satisfactory to said court, that said graduates have studied in said law department for the full school year, or have studied in said law department for one full school year and in some other reputable law school for one full school year for thirty-six weeks, or in the law office of some attorney for one full year of

fifty-two weeks in addition to the period of study in the law department of the university of North Dakota, that he has passed satisfactory examination in all the subjects required to be studied by the faculty of the law department, that he is a citizen of the United States and a resident of this state and intends practicing law in this state, that he is twenty-one years of age, of good moral character, and upon his subscribing the oath provided by statutes or the rules of said court.

Sec. 2. The final examination papers shall be referred to the supreme court before and after such final examination and if such papers and examination taken thereunder shall be approved by such court, the applicant shall be admitted to the bar as herein provided without further examination.

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 appropriations made the following report:

Mr. President:

Your committee on appropriations to whom was referred  
Senate bill No. 91,

A bill for an act to provide for the erection and equipment of necessary additional buildings, for a system of sewerage and for other necessary improvements for the North Dakota Agricultural college at Fargo.

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

Also,  
Senate bill No. 171,

A bill for an act to amend and re-enact section 334, Revised Codes, 1899, in reference to allowance of clerk hire in state offices.

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

That the title to said bill be amended so as to read as follows:

A bill for an act entitled an "Act to punish the taking by any state or county officer of any portion of the allowance for clerk hire in his office."

That all after the enacting clause of said bill be stricken out and the following inserted:

Section 1. Any state or county officer who shall either directly or indirectly receive and appropriate to his own use and benefit any part of the allowance made for clerk hire in his said office shall be guilty of a misdemeanor."

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.

The committee on appropriations made the following report:

Mr. President:

Your committee on appropriations to whom was referred  
Senate bill No. 137,

A bill for an act to amend sections 73 and 76 of the Revised Codes of 1899, relating to public printing and making an appropriation therefor.

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

Also,

Senate bill No. 50,

A bill for an act to amend sections 867, 869, 870, 871, 872, Revised Codes, 1899, relating to education.

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

That said bill as amended by the committee on education be further amended as follows:

“That after the enacting clause there be inserted the following:

“Section 1. Sections 867, 869, 870, 871 and 872 of the Revised Codes of 1899 be amended so as to read as follows:

That after the word “schools” in line 2 of section 867b of the printed bill there be inserted as follows “who shall be a college graduate and hold a first grade teacher’s certificate issued by competent authority in this state.”

That the words “or any examiner” in line 3 of section 871 of the printed bill be stricken out.

That the words “assistant examiner” in line 1 of section 872 of the printed bill be stricken out.

That all after the word “article” in line 12 of section 872 of the printed bill be stricken out.

And when so amended recommend that the same do pass.

JUDSON LaMOURE,

Chairman.

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

The committee on agriculture made the following report:

Mr. President:

Your committee on agriculture to whom was referred  
Senate bill No. 155,

A bill for an act entitled an act declaring noxious weeds a nuisance prescribing the manner of destroying the same and prescribing a penalty for failure so to do.

Have had the same under consideration and recommend that the same be indefinitely postponed.

I. SWENSON,  
Chairman.

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

The committee on elections and privileges made the following report:

Mr. President:

Your committee on elections and privileges to whom was referred

Senate bill No. 180,

A bill for an act to amend section 527 of the Revised Codes of 1899, relating to abstract of votes. Certificate of election. Publication of returns.

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

HENRY HALE,  
Chairman.

The committee on railroads made the following report:

Mr. President:

Your committee on railroads to whom was referred

Senate bill No. 164,

A bill for an act entitled "An act to provide for transfer facilities at track crossings at grade of common carriers, determining how the expenses of such track crossings shall be paid and empowering the board of railroad commissioners to establish reasonable joint through rates."

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

Strike out all after the word "state" on page 2, line 29 of the printed bill, and change title by striking out all after the word "paid."

And when so amended recommend that the same do pass.

R. S. LEWIS,  
Chairman.

Mr. Lewis moved  
That the report be adopted,  
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. 17,

A bill for an act to reimburse parties sustaining loss on leasing school lands, and providing for an appropriation therefor.

Have had the same under consideration and recommend that the same be referred to the committee on judiciary.

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. 17,

A bill for an act to repeal section 3072a, section 3072b, and section 3072c of article 7 of chapter 12 of the Revised Codes of 1899, relating to stealing rides upon cars, engines and trains, and authorizing trainmen to arrest and prosecute offenders.

Have had the same under consideration, and recommend that the following bill be substituted therefor:

#### A BILL

For an Act to Amend Sections 3072a and 3072b of the Revised Codes of 1899.

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

Section 1. That section 3072a of the Revised Codes of North Dakota be amended to read as follows:

Sec. 3072a. It shall be, and is hereby declared unlawful for any person to enter upon, ride upon, or secure passage upon a railroad car or engine of any description other than a car commonly used exclusively for the carriage of passengers, with intent thereby to obtain a ride without payment therefor or fraudulently obtain carriage upon any such engine or car. It shall be, and is hereby declared unlawful for any person, excepting railroad employees in the performance of their duties, to take passage or ride upon, or enter for the purpose of taking passage or riding upon the trucks, rods, brakebeams or any part of any car, locomotive engine or tender not ordinarily and customarily used or intended for the resting place for a person riding upon and operating the same; provided, however, that before the arrest of any such person for violating this section he shall be ordered from said car or engine and given an opportunity to leave same. Any person violating any of the provisions of this section shall be punished by imprisonment in the county jail for not less than ten days nor more than thirty days at hard labor, or by a fine not less than ten dollars nor more than seventy-five dollars.

Sec. 2. That section 3072b of the Revised Codes of North Dakota be amended to read as follows.

Sec. 3072b. All conductors engaged or employed in the operation of cars and trains upon a railroad, are hereby constituted peace officers for the one purpose of enforcing the provisions of the preceding section; and all such persons are hereby given full authority, when so engaged or employed, to arrest any person violating any of the provisions of this article. Every person arrested by a conductor exercising authority herein, may be thereafter proceeded with in all respects as in or may be required by the law in cases of arrest made by other peace officers of the state, except that any person hereby authorized to make arrest may cause the person so arrested by him to be delivered to any sheriff or his deputy within the state to be dealt with as provided by law; and the person so arrested may be taken before any magistrate of the county where the offense is committed. Nothing herein contained shall be construed to restrict, in any way, any right, authority or privilege conferred by law, upon any other peace officer of the state within his lawful jurisdiction.

R. S. LEWIS,  
Chairman.

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

The committee on insurance made the following report:

Mr. President:

Your committee on insurance to whom was referred  
Senate bill No. 210,

A bill for an act to compel old line or legal reserve mutual life insurance companies to give an annual accounting of the earnings of each policy to the person on whose life the risk is written, and to compel their giving a statement on all policies heretofore written on persons now residing within this state to the persons whose lives are insured by such policies.

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

O. J. HEGGE,  
Chairman.

The committee on public lands made the following report:

Mr. President:

Your committee on public lands to whom was referred  
House bill No. 157  
Concurrent resolution.

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

L. A. SIMPSON,  
Chairman.



The committee on state affairs made the following report:

Mr. President:

Your committee on state affairs to whom was referred

House bill No. 67,

A bill for an act to amend section 7679 of the Revised Codes of 1899, being chapter 93 of the session laws of 1899, relating to game and fish.

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

Add at end of bill: "III. Provided further that it shall be unlawful between the first day of October and the following first day of May for any person to fish in any manner in any of the waters of this state wherein any fish have been placed for propagating or breeding, by either the state or national government, and the same penalty shall apply as provided elsewhere in this act."

And when so amended recommend that the same do pass.

A. B. COX,  
Chairman.

Mr. Cox moved

That the report be adopted.

Which motion prevailed, and

The report was adopted.

The committee on cities and municipal corporations made the following report:

Mr. President:

Your committee on cities and municipal corporations to whom was referred

Senate bill No. 192,

A bill for an act to amend sections 2134, 2141, 2155, 2204, 2251 and 2254 of the Revised Codes of 1899, relating to cities.

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

F. S. TALCOTT,  
Chairman.

The committee on ways and means made the following report:

Mr. President:

Your committee on ways and means to whom was referred

House bill No. 124,

A bill for an act to amend section 51 of chapter 126 of the Session Laws of 1897, being section 1229 of the Political Code, relating to the rate of state and county tax, prescribing the manner in which township taxes may be levied, fixing the rates of township road and bridge tax and directing the expenditure of road and poll taxes in certain cases.

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, also, that the board of county commissioners shall have the same jurisdiction in relation to roads and bridges and the same power to levy road taxes in the unorganized parts of counties as the township supervisors now have in organized townships.”

And when so amended recommend that the same do pass.

J. B. SHARPE,  
Chairman.

Mr. Sharpe 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. 14,

A bill for an act authorizing board of county commissioners to offer reward for the destruction of buffalo or timber wolves.

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

Amend the title by adding after the word “wolves” the words “and stating the manner in which the skins shall be presented to the county auditor; how to prevent fraud, and evidence required.”

At the end of line 4, section 1, of the printed bill add the following words, “and the provisions of section 1570b, 1570c and 1570d of the Revised Codes of 1899 shall apply in every case where the reward is called for under the provisions of this act.”

And when so amended recommend that the same do pass.

A. B. COX,  
Chairman.

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

The committee on ways and means made the following report:

Mr. President:

Your committee on ways and means to whom was referred

Senate bill No. 215,

A bill for an act requiring the payment of taxes by non-resident owners of live stock from other states herding and feeding on the ranges of the state of North Dakota, and providing for collection of such taxes.

Also,

Senate bill No. 189,

A bill for an act entitled an act to amend section 1209 of the Revised Codes of 1899 relating to assessors' districts.

Also,

Senate bill No. 195,

A bill for an act entitled an act to amend section 1311 of the Revised Codes of 1899 relating to extraordinary expenditures.

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

J. B. SHARPE,

Chairman.

The committee on mines and mining made the following report:  
Mr. President:

Your committee on mines and mining to whom was referred

Senate bill No. 158,

A bill for an act to provide for the protection of the health, lives and interests of the coal miners of North Dakota, and to provide for the inspection of all coal mines in this state, and the conducting and operating of coal mines, and to create a state inspection of mines.

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

J. A. McDOUGAL,

Chairman.

The committee on state affairs made the following report:  
Mr. President:

Your committee on state affairs to whom was referred

Senate bill No. 216,

A bill for an act entitled an act to amend and re-enact sections 1636 and 1636a of the Revised Codes of the revision of 1899.

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

A. B. COX,

Chairman.

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

Mr. President:

Your committee on enrolled and engrossed bills have examined Senate bill No. 107,

A bill for an act to prevent the sale and use in this state of dangerous and impure oils.

Also,

Substitute for Senate bill No. 115,

A bill for an act to amend sections 1842, 1893, 1896 and 2095 of the Revised Codes of 1899, relating to commissioner districts, and the powers, election and compensation of county commissioners.

Also,

Senate bill No. 197,

A bill for an act entitled an act to amend section 217 of the Revised Codes of 1899 providing for the leasing of public lands.

Also,

Senate bill No. 205,

A bill for an act to amend section 5961 of the code of civil procedure, and to facilitate the assessment of damages under the law of eminent domain, and to regulate procedure in actions brought thereunder.

Also,

Senate bill No. 78,

A bill for an act to amend and re-enact section 1570g of the Revised Codes of the revision of 1899, the same being chapter 35 of the laws of 1899 relating to special tax for the payment of state wolf bounties.

And find the same correctly engrossed.

H. E. LAVAYEA,  
Chairman.

#### REFERENCE OF THE JOURNAL.

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

Mr. President:

Your committee on revision and correction of the Journal respectfully report that they have carefully examined the Journal of the 51st day, and recommend the following corrections:

Strike out the last five lines on page 19 and insert in lieu thereof the following:

"Substitute for Senate bill No. 115,

A bill for an act to amend sections 1842, 1893, 1896 and 2095 of the Revised Codes of 1899 relating to commissioner districts and the powers, election and compensation of county commissioners."

H. J. MINER,  
Chairman.

Mr. Miner moved

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

The secretary announced that the president was about to sign House bill No. 169,

A bill for an act to amend sections 2466 of the Revised Codes of 1899, relating to filing of certificates of fire departments of cities.

And the president signed the same in the presence of the senate.

Mr. Taylor moved

The adoption of the report of the committee on public health on

Senate bill No. 131,

A bill for an act to amend section 277 and section 280 of chapter 4, of article 6 of the Revised Codes, relating to the practice of medicine, surgery and obstetrics.

The question being on the adoption of the amendment of Mr. Noble:

"To amend report to provide that nothing contained in the provisions of this chapter shall be construed to affect osteopathy, Christian Scientists or magnetic healers."

A call of the senate was demanded.

All members present except Messrs. Laidlaw, Little and Sharpe.

Further proceedings under the call were dispensed with on the appearance of Messrs. Little and Sharpe.

The amendment of Mr. Noble was lost.

The question being on the amendment recommended by the committee on

Senate bill No. 131,

A bill for an act to amend section 277 and section 280 of chapter 4, of article 6 of the Revised Codes, relating to the practice of medicine, surgery and obstetrics.

As follows:

That the title be amended by adding after the word "obstetrics" the words "Defining the same, and to provide a penalty for violating the provisions of this act." In line 2 of page 1 of section 277 of the printed bill after the word "person" insert the words "except as hereinafter provided." In line 10 of page 3 of section 280 of the printed bill after the word "infirmary" strike out the remaining words of line 10 and all of line 11 and substitute in lieu thereof the words "provided however that this act shall not be construed as conflicting with or repealing the provision of section 301a, chapter 4 of the Revised Codes of 1899, nor to prohibit gratuitous assistance to sick or injured persons in case of emergency. Also strike out all of section 2.

And the amendment was adopted.

Mr. Cashel moved

That the senate go into committee of the whole to consider

Substitute for Senate bill No. 10,

A bill for an act providing for the selection of candidates for election by popular vote and relating to their nomination.

Mr. Little moved

As a substitute that the senate proceed with the regular order of business.

The chair ruled that Mr. Cashel's motion was out of order.

#### MOTIONS AND RESOLUTIONS.

Mr. Little moved that further consideration of

House bill No. 60,

A bill for an act to provide for the maintenance of the industrial school and school of manual training, located at Ellendale,

and for making necessary improvements, and making an appropriation therefor.

Be indefinitely postponed.

Which motion prevailed.

Mr. Murphy moved

That the senate concur in the amendments to

Senate bill No. 106,

A bill for an act to amend section 4820 of the Revised Codes of 1899, providing for a lien for grain to be used for seed.

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

Those who voted in the affirmative were:

Messrs.—

Ames,  
Baker  
Cashel,  
Clarke,  
Cooper,  
Cox,  
Devlin,  
Fuller,  
Geer,  
Hale,  
Hegge,

Messrs.—

Jacobson,  
Laidlaw,  
Lavayea,  
LaMoure,  
Lewis,  
Little,  
Lofthus,  
McDougal,  
Miner,  
Murphy,

Messrs.—

Noble,  
Sanborn,  
Sharpe,  
Simpson,  
Slotten,  
Swenson,  
Talcott,  
Taylor,  
Williams,  
Wolbert,

So the amendments were concurred in.

Mr. Cashel moved

That the senate resolve itself into a committee of the whole for the consideration of

Substitute for Senate bill No. 10,

A bill for an act providing for the selection of candidates for election by popular vote and relating to their nomination.

Which motion prevailed. and

The senate resolved itself into a committee of the whole.

When the committee arose they made the following report:

Mr. President:

Your committee of the whole have had under consideration Substitute for Senate bill No. 10,

A bill for an act providing for the selection of candidates for election by popular vote and relating to their nomination.

And recommend that the same be indefinitely postponed.

H. E. LAVAYEA;

Chairman.

Mr. Little moved

That the report of the committee be adopted.

Roll call demanded.

The roll was called and there were ayes 17, nays 14, absent and not voting none.

Those who voted in the affirmative were:

Messrs.—

Baker,  
Clarke,  
Cox,  
Devlin,  
Fuller,  
Geer,

Messrs.—

Jacobson,  
Laidlaw,  
LaMoure,  
Lewis,  
Little,  
Miner,

Messrs.—

Noble,  
Sanborn,  
Simpson,  
Talcott,  
Wolbert,

Those voting in the negative were:

Messrs.—

Ames,  
Cashel,  
Cooper,  
Hale,  
Hegge,

Messrs.—

Lavayea,  
Lofthus,  
McDougal,  
Murphy,  
Sharpe,

Messrs.

Slotten,  
Swenson,  
Taylor,  
Williams,

So the report was adopted.

Mr. Little moved

That all senate bills on the secretary's desk be given their first and second readings and reference.

Which motion prevailed.

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

The special committee introduced

Senate bill No. 223,

A bill for an act to provide for the settlement of claims of the state against sureties on bonds of state depositories.

Which was read the first and second times, and

Referred to the committee on state affairs.

Mr. Ames introduced

Senate bill No. 224,

A bill for an act to amend section 2467 of the Revised Codes of North Dakota, 1899, relating to free public libraries.

Which was read the first and second times, and

Referred to the committee on judiciary.

Also.

Senate bill No. 225,

A bill for an act to provide for the investment of the sinking funds of special school districts and to prescribe a mode of executing, satisfying, and foreclosing mortgages taken upon such investments.

Which was read the first and second times, and

Referred to the committee on judiciary.

The judiciary committee introduced

Substitute for Senate bill No. 154,

A bill for an act defining express companies, freight line companies, equipment companies, telegraph and telephone companies and providing for the assessment of their property and taxation of the same.

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

Mr. Wolbert introduced  
 Senate bill No. 226,

A bill for an act to amend section 1115b of the Revised Codes of 1899, relating to the purchase of tools and machinery for making roads in certain cases and to prescribe the manner of payment therefor.

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

Also,  
 Senate bill No. 227,

A bill for an act to amend section 3254 of the Revised Codes of 1899 relating to examination of banks by state examiner and the fees therefor, and his report thereon to the governor.

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

Mr. Cashel introduced  
 Senate bill No. 228,

A bill for an act providing for the sale of public lands during the year 1901, and for the disposal of the proceeds of such sale and the revenue accruing thereon.

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

Mr. Cooper introduced (by request)  
 Senate bill No. 229,

A bill for an act to regulate the practice of all healing arts or sciences, not heretofore regulated by special enactment, and to provide a penalty for the violation thereof.

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

Mr. Simpson introduced  
 Senate bill No. 230,

A bill for an act entitled an act allowing an additional fee to the commissioner of agriculture and labor in the matter of issuing brand certificates.

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

Mr. Cashel moved  
 That the senate take a recess of 10 minutes  
 Which motion prevailed.  
 Senate reassembled.

### THIRD READING OF SENATE BILLS.

Senate bill No. 194,

A bill for an act entitled "an act to amend sections 1168 and 1173 of the Revised Codes of 1899, relating to ferries."



Was read the third time.

Mr. Little moved

To substitute the word "be" for "are" in first line of section 1.

Which motion prevailed.

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

The roll was called and there were ayes 29, nays none, absent and not voting 2.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Hegge,	Noble,
Baker,	Jacobson,	Sanborn,
Cashel,	Lavayea,	Sharpe,
Clarke,	LaMoure,	Simpson,
Cooper,	Lewis,	Slotten,
Cox,	Little,	Swenson,
Devlin,	Lofthus,	Talcott,
Fuller,	McDougal,	Taylor,
Geer,	Miner,	Williams,
Hale,	Murphy,	

Absent and not voting, Messrs. Laidlaw and Wolbert.

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

Mr. LaMoure moved that the vote by which

Senate bill No. 194,

A bill for an act entitled "an act to amend sections 1168 and 1173 of the Revised Codes of 1899, relating to ferries."

Was passed, be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

Senate bill No. 186,

A bill for an act creating a board of trustees for an institution for the feeble minded located at or near the city of Grafton, Walsh county, North Dakota, by an act of congress entitled "An act making appropriations for sundry civil expenses of the government in the fiscal year ending June 30, 1895, and for other purposes," approved August 18, 1894, and defining the duties of such board of trustees.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 29, nays 1, absent and not voting 1.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Hegge,	Noble,
Baker,	Jacobson,	Sanborn,
Cashel,	Lavayea,	Sharpe,
Clarke,	LaMoure,	Simpson,
Cooper,	Lewis,	Slotten,
Cox,	Little,	Swenson,
Devlin,	Lofthus,	Talcott,

Messrs.—

Fuller,  
Geer,  
Hale.

Messrs.—

McDougal,  
Miner,  
Murphy,

Messrs.—

Taylor,  
Wolbert.

Mr. Williams voted in the negative.

Absent and not voting, Mr. Laidlaw.

So the bill passed and the title was agreed to.

Mr. Cashel moved that the vote by which  
Senate bill No. 186,

A bill for an act creating a board of trustees for an institution for the feeble minded located at or near the city of Grafton, Walsh county, North Dakota, by an act of congress entitled "An act making appropriations for sundry civil expenses of the government in the fiscal year ending June 30, 1895, and for other purposes," approved August 18, 1894, and defining the duties of such board of trustees.

Was passed be reconsidered, and the motion to reconsider be laid on the table

Which motion prevailed.

Senate bill No. 199,

A bill for an act entitled "an act providing for the renewal of judgments and for continuing the lien thereof and prescribing the method of renewing the same without suit for an additional term of ten years and allowing an execution thereon after renewal."

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.—

Ames,  
Baker,  
Cashel,  
Clarke,  
Cooper,  
Cox,  
Devlin,  
Fuller,  
Geer,

Messrs.—

Hale,  
Hegge,  
Lavayea,  
LaMoure,  
Lewis,  
Little,  
McDougal,  
Miner,  
Murphy,

Messrs.—

Sanborn,  
Sharpe,  
Simpson,  
Slotten,  
Swenson,  
Talcott,  
Taylor,  
Wolbert,

Absent and not voting:

Messrs.—

Jacobson,

Messrs.—

Laidlaw,

Messrs.—

Lofthus,

Messrs. Noble and Williams voting in the negative.

So the bill passed and the title was agreed to.

Mr LaMoure moved that the vote by which  
Senate bill No. 199,

A bill for an act entitled "an act providing for the renewal of

judgments and for continuing the lien thereof and prescribing the method of renewing the same without suit for an additional term of ten years and allowing an execution thereon after renewal."

Was passed be reconsidered, and the motion to reconsider be laid on the table,

Which motion prevailed.

Senate bill No. 166,

A bill for an act to repeal sections 1199, 1200 and 1201 of the Revised Codes of 1899, relating to assessment of grain in warehouses, statement of ownership, lien of agent or warehouseman for taxes. Penalty for failure to make true statements.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 25, nays 5, absent and not voting 1.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Jacobson,	Noble,
Baker,	Lavayea,	Sanborn,
Cashel,	LaMoure,	Simpson,
Clarke,	Lewis,	Slotten,
Cooper,	Little,	Swenson,
Cox,	McDougal,	Talcott,
Devlin,	Miner,	Taylor,
Fuller,	Murphy,	Wolbert,
Geer,		

Those voting in the negative were:

Messrs.—	Messrs.—	Messrs.—
Hale,	Lofthus,	Williams,
Hegge,	Sharpe,	

Mr. Laidlaw being absent and not voting.

So the bill passed and the title was agreed to.

Mr. LaMoure moved that the vote by which

Senate bill No. 166,

A bill for an act to repeal sections 1199, 1200 and 1201 of the Revised Codes of 1899, relating to assessment of grain in warehouses, statement of ownership, lien of agent or warehouseman for taxes. Penalty for failure to make true statements.

Was passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

Senate bill No. 188,

A bill for an act entitled an act to amend section 1289 of the Revised Codes of 1899, relating to notice when time for redemption expires. Duties of certificate holders and auditors.

Was read the third time.

Mr. Noble moved

To amend title by adding after the word "redemption" the following: "Of lands sold at tax sale."

Which motion prevailed.

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

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

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Hale,	Noble,
Baker,	Hegge,	Sanborn,
Cashel,	Jacobson,	Sharpe,
Clarke,	LaMoure,	Simpson,
Cooper,	Lewis,	Slotten,
Cox,	Lofthus,	Swenson,
Devlin,	McDougal,	Talcott,
Fuller,	Miner,	Taylor,
Geer,	Murphy,	Williams,

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Laidlaw,	Little,	Wolbert,
Lavayea,		

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

Mr. Noble moved that the vote by which

Senate bill No. 188,

A bill for an act entitled an act to amend section 1289 of the Revised Codes of 1899, relating to notice when time for redemption expires. Duties of certificate holders and auditors.

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 legalizing the levy of taxes for road and general purposes by the township board of supervisors for the years 1899 and 1900.

Was read the third time.

The question being upon the final passage of the bill

The roll was called and there were ayes 25, nays none, absent and not voting 6.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Jacobson,	Sanborn,
Baker,	LaMoure,	Sharpe,
Clarke,	Lewis,	Simpson,
Cooper,	Lofthus,	Slotten,
Cox,	McDougal,	Swenson,
Devlin,	Miner,	Talcott,
Fuller,	Murphy,	Taylor,
Geer,	Noble,	Williams,
Hale,		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Cashel,	Laidlaw,	Little,
Hegge,	Lavayea,	Wolbert,

So the bill passed and the title was agreed to.

Mr. Devlin moved that the vote by which

Senate bill No. 152,

A bill for an act legalizing the levy of taxes for road and general purposes by the township board of supervisors for the years 1899 and 1900.

Was passed, be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

Senate bill No. 136,

A bill for an act authorizing the board of trustees of the state university to issue bonds to provide a fund for the necessary repairs of buildings and to pay the floating indebtedness of said university.

Was read the third time.

The question being upon the final passage of the bill.

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

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Hegge,	Murphy,
Baker,	Jacobson,	Noble,
Cashel,	Lavayea,	Sanborn,
Cooper,	LaMoure,	Simpson,
Cox,	Lewis,	Slotten,
Devlin,	Little,	Swenson,
Fuller,	Lofthus,	Talcott,
Geer,	McDougal,	Taylor,
Hale,	Miner,	Williams,

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Clarke,	Sharpe,	Wolbert,
Laidlaw,		

So the bill passed and the title was agreed to.

Mr. Lavayea moved that the vote by which

Senate bill No. 136,

A bill for an act authorizing the board of trustees of the state university to issue bonds to provide a fund for the necessary repairs of buildings and to pay the floating indebtedness of said university.

Was passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

Senate bill No. 149,

A bill for an act entitled an act requiring agents and attorneys to have a power of attorney authorizing the foreclosure of real estate mortgages, and requiring it to be filed in the office of the register of deeds.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 29, nays none, absent and not voting 2.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Jacobson,	Sanborn,
Baker,	Lavayea,	Sharpe,
Cashel,	LaMoure,	Simpson,
Cooper,	Lewis,	Slotten,
Cox,	Little,	Swenson,
Devlin,	Lofthus,	Talcott,
Fuller,	McDougal,	Taylor,
Geer,	Miner,	Williams,
Hale,	Murphy,	Wolbert,
Hegge,	Noble,	

Absent and not voting, Messrs. Laidlaw and Clarke.

So the bill passed and the title was agreed to.

Mr. Murphy moved that the vote by which Senate bill No. 149,

A bill for an act entitled an act requiring agents and attorneys to have a power of attorney authorizing the foreclosure of real estate mortgages, and requiring it to be filed in the office of the register of deeds.

Was passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

Mr. Little moved that all house bills on the secretary's desk be given their first and second reading and reference.

Which motion prevailed.

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

House bill No. 167,

A bill for an act to prohibit the sale of certain game birds and animals within the state and providing a penalty for violation of the same.

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

House bill No. 180,

A bill for an act for the protection of manufacturers of soda water, mineral water and other like beverages.

Was read the first and second times, and

Referred to the committee on judiciary.

House bill No. 181,

A bill for an act to amend section 7264 of the Penal Code of the state of North Dakota.

Was read the first and second times, and

Referred to the committee on judiciary.

House bill No. 175,

A bill for an act relating to the transfer of cemetery lots by religious corporations.

Was read the first and second times, and

Referred to the committee on judiciary.

House bill No. 188

A bill for an act to amend section 3597 of the Revised Codes of the state of North Dakota in regard to the record of certain instruments and the admissibility in evidence of instruments entitled to record, without further proof.

Was read the first and second times, and

Referred to the committee on judiciary.

#### 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. 186,

A bill for an act creating a board of trustees for an institution for the feeble minded located at or near the city of Grafton, Walsh county, North Dakota, by an act of congress entitled "An act making appropriations for sundry civil expenses of the government in the fiscal year ending June 30, 1895, and for other purposes," approved August 18, 1894, and defining the duties of such board of trustees.

Also,

Senate bill No. 171,

A bill for an act to amend and re-enact section 334, Revised Codes, 1899, in reference to allowance of clerk hire in state offices.

Also,

Senate bill No. 20,

A bill for an act to provide for the admission of graduates from the law department of the university of North Dakota to the bar of this state.

And find the same correctly engrossed.

Also,

Senate bill No. 135,

A bill for an act empowering the county commissioners to contract with the sheriff for the collection of personal property tax

judgments, or personal property taxes delinquent more than one year.

Also

Senate bill No. 46.

A bill for an act to cure defective acknowledgments.

And find the same correctly enrolled.

H. E. LAVAYEA,  
Chairman.

Mr. Little moved

That the senate do now adjourn,

Which motion prevailed, and

The senate adjourned.

GEORGE L. TOWNES,  
Secretary.

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FIFTY-THIRD DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
March 1, 1901.

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

The president presiding.

Prayer by the chaplain.

Roll call.

All members present.

REFERENCE OF THE JOURNAL.

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

Mr. President:

Your committee on revision and correction of the Journal beg leave to report no corrections for the 52nd day.

H. J. MINER,  
Chairman.

The following communication was received from the secretary of state:



## DEPARTMENT OF STATE.

Bismarck, March 1, 1901.

To the Senate:

Gentlemen: I have the honor to transmit herewith two certified copies of concurrent resolutions, one from Pennsylvania and the other from Montana, sent to me by the honorable secretaries of the above named states, with the request that I submit them to your honorable body.

Very respectfully,

E. F. PORTER,

Secretary of State.

## COPY OF RESOLUTION

Requesting congress to call a convention for the purpose of proposing an amendment to the constitution of the United States, which amendment shall provide for the election of United States senators by direct vote of the people, unanimously adopted by the senate and house of representatives of Pennsylvania.

OFFICE OF THE SECRETAY OF THE COMMONWEALTH,  
PENNSYLVANIA.

In the Senate, February 6, 1901.

Whereas, a large number of state legislatures have at various times adopted memorials and resolutions in favor of election of United States senators by popular vote; and

Whereas, the national house of representatives has on four separate occasions, within recent years, adopted resolutions in favor of this proposed change in the method of electing United States senators, which was not adopted by the senate; and

Whereas, article V of the constitution of the United States provides that congress, on the application of the legislature of two-thirds of the several states, shall call a convention for proposing amendments, and believing there is a general desire upon the part of the citizens of the state of Pennsylvania that the United States senators should be elected by a direct vote of the people; therefore, be it

Resolved, (if the house of representatives concur) that the legislature of the state of Pennsylvania favors the adoption of an amendment to the constitution which shall provide for the election of United States senators by popular vote, and joins with other states of the union in respectfully requesting that a convention be called for purpose of proposing an amendment to the constitution of the United States, as provided for in article V of the said constitution, which amendment shall provide for a change in the present method of electing United States senators,

so that they can be chosen in each state by a direct vote of the people.

Resolved, that a copy of this concurred resolution and application to congress for the calling of a convention be sent to the secretary of state of each of the United States, and that a similar copy be sent to the president of the United States senate and the speaker of the house of representatives.

E. W. SMILEY,  
Chief Clerk of the Senate.

The foregoing resolution concurred in February 6, A. D. 1901.

CHARLES JOHNSON, Resident Clerk,  
Acting Chief Clerk of the House of Representatives.

Approved the 13th day of February, A. D. 1901.

WILLIAM A. STONE,  
Governor.

#### HOUSE JOINT CONCURRENT RESOLUTION NO. 2.

STATE OF MONTANA, }  
Seventh Legislative Assembly. }

Resolution requesting congress to call a convention for the purpose of proposing an amendment to the constitution of the United States, which amendment shall provide for the election of United States senators by direct vote of the people.

Whereas, a large number of state legislatures have at various times adopted memorials and resolutions in favor of election of United States senators by popular vote; and

Whereas, the national house of representatives has, on four separate occasions, within recent years, adopted resolutions in favor of this proposed change in the method of electing United States senators, which were not adopted by the senate; and

Whereas article V of the constitution of the United States provides that congress, on the application of legislatures of two-thirds of the several states, shall call a convention for proposed amendments,

And believing there is a general desire upon the part of the citizens of the state of Montana that the United States senators should be elected by a direct vote of the people; therefore, be it

Resolved, (if the senate concur) that the legislature of the state of Montana favors the adoption of an amendment to the constitution which shall provide for the election of United States senators by popular vote, and joins with other states of the union in respectfully requesting that a convention be called for the purpose of proposing an amendment to the constitution of the United States, as provided for in article V of the said constitution, which amendment shall provide for a change in the present method of electing United States senators, so that they can be chosen in each state by direct vote of the people.

Resolved, that a copy of this joint resolution and application to congress for the calling of a convention be sent to the secretary of state of each of the United States, and that a similar copy be sent to the president of the United States and the speaker of the house of representatives.

FRANK E. CORBETT,  
Speaker of the House.  
GEORGE H. STANTON,  
President of the Senate.

UNITED STATES OF AMERICA, }  
State of Montana. } ss.

I, George H. Hayes, secretary of state of the state of Montana, do hereby certify that the above is a true and correct copy of "House Joint Concurrent Resolution No. 2" adopted by the seventh session of the legislative assembly of the state of Montana, and approved by Jos. K. Toole, governor of said state, on the 21st day of February, 1901.

In testimony whereof, I have hereunto set my hand and affixed the great seal of said state. Done at the city of Helena, the capital of said state, this 25th day of February, A. D. 1901.

(Seal.)

GEO. M. HAYS,  
Secretary of State.

#### 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. 145,

A bill for an act entitled an act authorizing the board of trustees of the state penitentiary to issue bonds to obtain funds for the operation of the twine and cordage factory thereat and providing for the sale and redemption of the same.

Also,

House bill No. 149,

A bill for an act to amend section 1269 of the Revised Codes of the state of North Dakota, relating to the rights of purchasers of lands at sale for the non-payment of taxes.

Also,

House bill No. 76,

A bill for an act providing that deeds and mortgages shall not be recorded unless the post office address of grantor and grantee shall appear therein.

Also,

Senate bill No. 220,

A bill for an act providing for the collection of delinquent personal taxes by action.

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

Also,

House bill No. 59,

A bill for an act to amend section 234b, Revised Codes of 1889, being an act relating to the charging and collecting of fees at the leasing and sale of school lands.

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

Strike out all after the word "month" in line 9 of section 1, and also all of line 10 in same section.

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 counties and county boundaries made the following report:

Mr. President:

Your committee on counties and county boundaries to whom was referred

Senate bill No. 218,

A bill for an act to amend section 2540 of the Revised Codes of North Dakota, relating to the time of holding annual township meetings.

Also,

Senate bill No. 219

A bill for an act to amend section 1208 of the Revised Codes of North Dakota, relating to the duties of the county auditor in furnishing supplies to assessors and the date of meeting of such assessors.

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

M. JACOBSON,

Chairman.

The committee on state affairs made the following report:

Mr. President:

Your committee on state affairs to whom was referred

Senate bill No. 176,

A bill for an act entitled an act to amend section 144a, Revised Codes, 1899, relating to appointment of assistant examiner.

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

Change the word "assistant" to "special" in the title of the bill.

And when so amended recommend that the same do pass.

A. B. COX,  
Chairman.

Mr. Cox 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. 83,

A bill for an act requiring railroad companies to stop all regular passenger trains at county seats.

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

By inserting in line 4, section 1 of printed bill after the word "safety" the words "provided that this act shall not compel such person, company or corporation to cause its through railroad trains entering this state from any other state, or its trans-continental trains to stop at any station at any county seat of less than five hundred inhabitants."

And when so amended recommend that the same do pass.

R. S. LEWIS,  
Chairman.

Mr. Lewis 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. 151,

A bill for an act entitled "An act to amend section 2985 of the Revised Codes of 1899, relating to maintenance of station houses."

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

By inserting in line 5, section 1 of printed bill after word "year" the words and figures "and the freight receipts of incoming freight shall amount to \$3,000 per annum or more."

And when so amended recommend that the same do pass.

R. S. LEWIS,  
Chairman.

Mr. Lewis 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. 133,

A bill for an act fixing the liability of railroad companies for injuries sustained by employes of such companies in consequence of the negligence of fellow employes.

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

R. S. LEWIS,

Chairman.

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

Mr. President:

Your committee on enrolled and engrossed bills have examined Senate bill No. 111,

A bill for an act entitled "An act to amend section 5631 of the Revised Codes of 1899, relating to the printing of briefs and abstracts upon appeals to the supreme court."

Also,

Senate bill No. 106,

A bill for an act to amend section 4820 of the Revised Codes of 1899, providing for a lien for grain to be used for seed.

And find the same correctly enrolled.

Also,

Senate bill No. 131,

A bill for an act to amend section 277 and section 280 of chapter 4, of article 6 of the Revised Codes, relating to the practice of medicine, surgery and obstetrics.

Also,

Senate bill No. 188,

A bill for an act entitled an act to amend section 1289 of the Revised Codes of 1899, relating to notice when time for redemption expires. Duties of certificate holders and auditors.

Also,

Senate bill No. 149,

A bill for an act entitled an act requiring agents and attorneys to have a power of attorney authorizing the foreclosure of real estate mortgages, and requiring it to be filed in the office of the register of deeds.

Also,

Senate bill No. 50,

A bill for an act to amend sections 867, 869, 870, 871, 872, Revised Codes, 1899, relating to education.

Also,

Senate bill No. 194,

A bill for an act entitled "an act to amend sections 1168 and 1173 of the Revised Codes of 1899, relating to ferries."

Also,

Senate bill No. 199,

A bill for an act entitled "an act providing for the renewal of judgments and for continuing the lien thereof and prescribing the method of renewing the same without suit for an additional term of ten years and allowing an execution thereon after renewal."

Also,

Senate bill No. 164.

A bill for an act entitled "An act to provide for transfer facilities at track crossings at grade of common carriers, determining how the expenses of such track crossings shall be paid and empowering the board of railroad commissioners to establish reasonable joint through rate."

Also,

Senate bill No. 152,

A bill for an act legalizing the levy of taxes for road and general purposes by the township board of supervisors for the years 1899 and 1900.

Also,

Senate bill No. 147,

A bill for an act authorizing the issuance of bonds, based upon the normal school land grant, for the purpose of erection and completion of buildings for the use of the state normal schools at Valley City and Mayville.

And find the same correctly engrossed.

H. E. LAVAYEA,

Chairman.

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

Mr. President:

Your committee on enrolled and engrossed bills respectfully report that at the hour of 2:20 p. m. of this day

Senate bill No. 135,

A bill for an act empowering the county commissioners to contract with the sheriff for the collection of personal property tax judgments, or personal property taxes delinquent more than one year.

Also,

Senate bill No. 46,

A bill for an act to cure defective acknowledgments.

Also,

Senate bill No. 111,

A bill for an act entitled "An act to amend section 5631 of the Revised Codes of 1899, relating to the printing of briefs and abstracts upon appeals to the supreme court."

Also,

Senate bill No. 106,

A bill for an act to amend section 4820 of the Revised Codes of 1899, providing for a lien for grain to be used for seed.

Were delivered to his excellency, the governor, for his approval.

H. E. LAVAYEA,  
Chairman.

#### MOTIONS AND RESOLUTIONS.

The courtesies of the floor were extended to S. G. Moore, Buffalo, N. D.; B. N. Stone, LaMoure, N. D.; Dan Ross, Prof. C. N. Hall, N. Davis and W. D. Allen, of Fargo.

Mr. Sharpe moved that all senate bills on the secretary's desk be given their first and second reading and reference.

Which motion prevailed.

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

Special committee introduced

Senate bill No. 231,

A bill for an act to amend sections 136, 141 and 145 of the Revised Codes of 1899 relating to the state examiner, his appointment, term of office, qualifications, examination of banks, salary, deputy and his salary, and penalty for malfeasance.

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

Also,

Senate bill No. 232,

A bill for an act to amend section 3218 of the Revised Codes of 1899 relating to the examination of building and loan associations by the state examiner and the fees therefor.

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

Mr. Ames introduced

Senate bill No. 233,

A bill for an act to amend section 5658 of the Revised Codes of 1899 relating to attendance of witnesses for examination.

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



## THIRD READING OF SENATE BILLS.

Senate bill No. 209,

A bill for an act to prevent and punish the desecration of the flag of the United States.

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 none, absent and not voting 5.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Jacobson,	Sanborn,
Baker,	Lavayea,	Sharpe,
Cashel,	LaMoure,	Slotten,
Cooper,	Lewis,	Swenson,
Devlin,	Little,	Talcott,
Fuller,	Lofthus,	Taylor,
Geer,	McDougal,	Williams,
Hale,	Miner,	Wolbert,
Hegge,	Murphy,	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Cox,	Laidlaw,	Simpson,
Clarke,	Noble,	

So the bill passed and the title was agreed to.

Senate bill No. 53

A bill for an act making an appropriation for deficit in fuel account at the North Dakota hospital for the insane.

Was read the third time.

The question being upon the final passage of the bill

The roll was called and there were ayes 28, nays none, absent and not voting 3.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Lavayea,	Sanborn,
Baker,	LaMoure,	Sharpe,
Cashel,	Lewis,	Simpson,
Cooper,	Little,	Slotten,
Devlin,	Lofthus,	Swenson,
Fuller,	McDougal,	Talcott,
Geer,	Miner,	Taylor,
Hale,	Murphy,	Williams,
Hegge,	Noble,	Wolbert,
Jacobson,		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Clarke,	Cox,	Laidlaw,

So the bill passed and the title was agreed to.

Senate bill No. 189,

A bill for an act entitled an act to amend section 1209 of the Revised Codes of 1899 relating to assessors' districts.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 29, nays none, absent and not voting 2.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Jacobson,	Sanborn,
Baker,	Lavayea,	Sharpe,
Cashel,	LaMoure,	Simpson,
Clarke,	Lewis,	Slotten,
Cooper,	Little,	Swenson,
Devlin,	Lofthus,	Talcott,
Fuller,	McDougal,	Taylor,
Geer,	Miner,	Williams,
Hale,	Murphy,	Wolbert,
Hegge,	Noble,	

Absent and not voting, Messrs. Cox and Laidlaw.

So the bill passed and the title was agreed to.

Senate bill No. 137.

A bill for an act to amend sections 73 and 76 of the Revised Codes of 1899, relating to public printing and making an appropriation therefor.

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 none, absent and not voting 5.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Hegge,	Noble,
Baker,	Jacobson,	Sanborn,
Cashel,	Lavayea,	Sharpe,
Clarke,	LaMoure,	Slotten,
Cooper,	Little,	Swenson,
Devlin,	Lofthus,	Talcott,
Fuller,	McDougal,	Taylor,
Geer,	Miner,	Williams,
Hale,	Murphy,	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Cox,	Lewis,	Wolbert,
Laidlaw,	Simpson,	

So the bill passed and the title was agreed to.

Senate bill No. 198,

A bill for an act entitled an act regulating the filing and foreclosure of mechanic's liens upon land held or occupied under a filing under any of the land laws of the United States.

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 none, absent and not voting 5.

Those who voted in the affirmative were:

Messrs.—

Ames,  
Baker,  
Cashel,  
Clarke,  
Cooper,  
Devlin,  
Fuller,  
Geer,  
Hale,

Messrs.—

Hegge,  
Jacobson,  
Lavayea,  
LaMoure,  
Little,  
Lofthus,  
McDougal,  
Miner,  
Murphy,

Messrs.—

Noble,  
Sanborn,  
Sharpe,  
Slotten,  
Swenson,  
Talcott,  
Taylor,  
Williams,

Absent and not voting:

Messrs.—

Cox,  
Laidlaw,

Messrs.—

Lewis,

Messrs.—

Simpson,  
Wolbert,

So the bill passed and the title was agreed to.

Senate bill No. 211,

A bill for an act to amend section 6676e of the Revised Codes of 1899, relating to garnishments in justice courts.

Was read the third time.

The question being upon the final passage of the bill.

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

Those who voted in the affirmative were:

Messrs.—

Ames,  
Baker,  
Cashel,  
Clarke,  
Cooper,  
Devlin,  
Fuller,  
Geer,  
Hale,

Messrs.—

Hegge,  
Jacobson,  
Lavayea,  
LaMoure,  
Lewis,  
Little,  
Loftaus,  
McDougal,  
Miner,

Messrs.—

Murphy,  
Noble,  
Sanborn,  
Sharpe,  
Slotten,  
Swenson,  
Talcott,  
Taylor,  
Williams,

Absent and not voting

Messrs.—

Cox,  
Laidlaw,

Messrs.—

Simpson,

Messrs.—

Wolbert,

So the bill passed and the title was agreed to.

Mr. Hale moved that the vote by which

Senate bill No. 211,

A bill for an act to amend section 6676e of the Revised Codes of 1899, relating to garnishments in justice courts.

Was passed, be reconsidered, and the motion to reconsider be be laid on the table.

Which motion prevailed.

Senate bill No. 171,

A bill for an act to amend and re-enact section 334, Revised Codes, 1899, in reference to allowance of clerk hire in state offices.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 28, nays none, absent and not voting 3.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Jacobson,	Sanborn,
Baker,	Lavayea,	Sharpe,
Cashel,	LaMoure,	Simpson,
Clarke,	Little,	Slotten,
Cooper,	Lofthus,	Swenson,
Devlin,	McDougal,	Talcott,
Fuller,	Miner,	Taylor,
Geer,	Murphy,	Williams,
Hale,	Noble,	Wolbert,
Hegge,		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Cox,	Laidlaw,	Lewis,

So the bill passed and the title was agreed to.

Senate bill No. 207,

An act to amend section 6346 of the Revised Codes of 1899, being section 21 of chapter 3 of the laws of 1897, providing the requisities for qualification of executors, administrators and guardians."

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 none, absent and not voting 5.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.
Ames,	Hegge,	Sanborn,
Baker,	Jacobson,	Sharpe,
Cashel,	LaMoure,	Simpson,
Clarke,	Little,	Slotten,
Cooper,	Lofthus,	Swenson,
Devlin,	McDougal,	Talcott,
Fuller,	Miner,	Taylor,
Geer,	Murphy,	Williams,
Hale,	Noble,	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.
Cox,	Lavayea,	Wolbert,
Laidlaw,	Lewis,	

So the bill passed and the title was agreed to.

Mr. Ames moved that the vote by which  
Senate bill No. 207,

A bill for an act entitled "An act to amend section 6346 of the Revised Codes of 1899, being section 21 of chapter 3 of the laws of 1897, providing the requisities for qualification of executors, administrators and guardians."

Was passed, be reconsidered, and the motion to reconsider be laid on the table,

Which motion prevailed.

Senate bill No. 197,

A bill for an act entitled an act to amend section 217 of the Revised Codes of 1899 providing for the leasing of public lands

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 none, absent and not voting 5.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Hegge,	Sanborn,
Baker,	Jacobson,	Sharpe,
Cashel,	LaMoure,	Slotten,
Clarke,	Little,	Swenson,
Cooper,	Lofthus,	Talcott,
Devlin,	McDougal,	Taylor,
Fuller,	Miner,	Williams,
Geer,	Murphy,	Wolbert,
Hale,	Noble,	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Cox,	Lavayea,	Simpson,
Laidlaw,	Lewis,	

So the bill passed and the title was agreed to.

Mr. Cashel moved that the vote by which  
Senate bill No. 197,

A bill for an act entitled an act to amend section 217 of the Revised Codes of 1899 providing for the leasing of public lands.

Was passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

Senate bill No. 205,

A bill for an act to amend section 5961 of the code of civil procedure, and to facilitate the assessment of damages under the law of eminent domain, and to regulate procedure in actions brought thereunder.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 25, nays none, absent and not voting 6.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Hegge,	Sanborn,
Baker,	Jacobson,	Sharpe,
Cashel,	LaMoure,	Slotten,
Clarke,	Lofthus,	Swenson,
Cooper,	McDougal,	Talcott,
Devlin,	Miner,	Taylor,
Fuiler,	Murphy,	Williams,
Geer,	Noble,	Wolbert,
Hale,		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Cox,	Lavayea,	Little,
Laidlaw,	Lewis,	Simpson,

So the bill passed and the title was agreed to.

Mr. Hegge moved that the vote by which Senate bill No. 205,

A bill for an act to amend section 5961 of the code of civil procedure, and to facilitate the assessment of damages under the law of eminent domain, and to regulate procedure in actions brought thereunder.

Was passed be reconsidered, and the motion to reconsider be laid on the table,

Which motion prevailed.

Senate bill No. 131,

A bill for an act to amend section 277 and section 280 of chapter 4, of article 6 of the Revised Codes, relating to the practice of medicine, surgery and obstetrics.

Was read the third time.

Mr. Noble moved to amend by adding to the end of section 1, the following:

“Provided that nothing in this act contained shall be construed to affect in any way christian scientists or magnetic healers.

Which motion prevailed.

The question being upon the final passage of the bill.

The roll was called and there were ayes 21, nays 5, absent and not voting 5.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Hegge,	Noble,
Baker,	Jacobson,	Sanborn,
Cashel,	LaMoure,	Sharpe,
Clarke,	Little,	Slotten,
Fuller,	McDougal,	Swenson,
Geer,	Miner,	Talcott,
Hale,	Murphy,	Wolbert,

Those voting in the negative were:

Messrs.—	Messrs.—	Messrs.—
Cooper,	Lofthus,	Williams,
Devlin,	Taylor,	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Cox,	Lavayea,	Simpson,
Laidlaw,	Lewis,	

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

Mr. LaMoure moved that the vote by which

Senate bill No. 131,

A bill for an act to amend section 277 and section 280 of chapter 4, of article 6 of the Revised Codes, relating to the practice of medicine, surgery and obstetrics.

Was passed, be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

Senate bill No. 208,

A bill for an act entitled an act concerning the inspection of live stock before shipment, creating the office of stock inspector and prescribing his duties and compensation.

Was read the third time.

Mr. Little moved to amend by adding after line 6 of section 7 of the printed bill the following:

“Provided this act shall not apply to stock in transit coming into this state for shipment through the state.”

Which motion prevailed.

The question being upon the final passage of the bill.

The roll was called and there were ayes 11, nays 9, absent and not voting 11.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Jacobson,	Simpson,
Baker,	Little,	Taylor,
Cashel,	Miner,	Williams,
Cooper,	Murphy,	

Those voting in the negative were:

Messrs.—	Messrs.—	Messrs.—
Devlin,	Hegge,	Swenson,
Geer,	Sanborn,	Talcott,
Hale,	Slotten,	Wolbert,

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Clarke,	Lavayea,	McDougal,
Cox,	LaMoure,	Noble,
Fuller,	Lewis,	Sharpe,
Laidlaw,	Lofthus,	

So the bill was lost.

Senate bill No. 215,

A bill for an act requiring the payment of taxes by non-resident owners of live stock from other states herding and feeding on the ranges of the state of North Dakota, and providing for collection of such taxes.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 27, nays 1, absent and not voting 3.

Those who voted in the affirmative were:

Messrs.—

Ames,  
Baker,  
Cashel,  
Clarke,  
Devlin,  
Fuller,  
Geer,  
Hale,  
Hegge,

Messrs.—

Jacobson,  
Lavayea,  
LaMoure,  
Lewis,  
Little,  
Lofthus,  
McDougal,  
Miner,  
Murphy,

Messrs.—

Noble,  
Sanborn,  
Simpson,  
Swenson,  
Slotten,  
Talcott,  
Taylor,  
Williams,  
Wolbert,

Absent and not voting:

Messrs.—

Cox,

Messrs.—

Laidlaw,

Messrs.—

Sharpe,

Mr. Cooper voting in the negative.

So the bill passed and the title was agreed to.

Mr. Simpson moved that the vote by which

Senate bill No. 215,

A bill for an act requiring the payment of taxes by non-resident owners of live stock from other states herding and feeding on the ranges of the state of North Dakota, and providing for collection of such taxes.

Was passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion was lost.

Senate bill No. 216,

A bill for an act entitled an act to amend and re-enact sections 1636 and 1636a of the Revised Codes of the revision of 1899.

Was read the third time.

The question being upon the final passage of the bill.

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

Those who voted in the affirmative were:

Messrs.—

Ames,  
Baker,  
Cashel,  
Clarke,

Messrs.—

Hegge,  
Jacobson,  
Lavayea,  
LaMoure,

Messrs.—

Murphy,  
Sanborn,  
Simpson,  
Slotten,



Messrs.—

Cooper,  
Devlin,  
Fuller,  
Geer,  
Hale,

Messrs.—

Lewis,  
Little,  
Lofthus,  
McDougal,  
Miner,

Messrs.—

Swenson,  
Talcott,  
Taylor,  
Williams,  
Wolbert,

Absent and not voting:

Messrs.—

Cox,  
Laidlaw,

Messrs.—

Noble,

Messrs.—

Sharpe,

So the bill passed and the title was agreed to.

Mr. Simpson moved that the vote by which  
Senate bill No. 216,

A bill for an act entitled an act to amend and re-enact sections  
1636 and 1636a of the Revised Codes of the revision of 1899.

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,  
BISMARCK, NORTH DAKOTA,  
March 1, 1901.

Mr. President:

I have the honor to transmit herewith

House bill No. 144,

A bill for an act to amend sections 1894 and 1895 of the Re-  
vised Codes of the state of North Dakota of 1899, relating to the  
procedure for redistricting county commissioners' districts.

Also,

House bill No. 40,

A bill for an act to amend section 217 of the Revised Codes of  
North Dakota, 1899.

Also,

House bill No. 147,

A bill for an act to amend sections 7156, 7159, 7160, 7161 and  
7162 of the Revised Codes, relating to the crime of rape, and  
punishment therefor.

Also,

House bill No. 148,

A bill for an act to amend section 2721 of the Revised Codes,  
relating to age of consent of marriage.

Also,

House bill No. 153,

A bill for an act to amend section 1722 of the Political Code  
of the Revised Codes of 1899, relating to weights and measures.

Also,

House bill No. 155,

A bill for an act to amend sections 173 and 182, Revised Codes, 1899, defining the duties of the land commissioner.

Also,

House bill No. 164.

A bill for an act providing for the engrossing and enrolling of bills for the legislative assembly by contract.

Also,

House bill No. 166,

A bill for an act to provide for the satisfaction of judgments when any person having the power or authority to satisfy the same cannot be found.

Also,

House bill No. 163,

A bill for an act to amend section 2564 of article 8 of chapter 31 of the Revised Codes, relating to the time when township officers shall qualify.

Also,

House bill No. 182,

A bill for an act to license and regulate the business of storage companies and public warehousemen (other than warehousemen of grain in bulk) and to provide penalty for violation of the same.

Also,

House bill No. 194,

A bill for an act to amend section 3576 of article 3 of the Revised Codes of North Dakota and to cure defective acknowledgments.

Also,

House bill No. 109,

A bill for an act to amend section 1786 of the Revised Codes of the state of North Dakota, edition of 1899, relating to and defining public warehouses, by striking out so much of said section as relates to grist mills.

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

Also,

I have the honor to return herewith

Senate bill No. 32,

A bill for an act taxing the occupation of hawkers and peddlers regulating the licensing of persons engaged in such occupation, and increasing the ordinary county revenue by such taxation.

Which the house has indefinitely postponed.

Also,

I have the honor to transmit herewith

House bill No. 213,

A bill for an act giving the state and counties precedence over liens in the enforcement of the collection of personal property taxes.

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

Very respectfully,

J. D. SCANLAN.

Chief Clerk.

#### CONCURRENT RESOLUTION.

Mr. Little offered the following concurrent resolution:

Be it resolved by the senate of the State of North Dakota, the house of representatives concurring.

That the senators and representatives of the state of North Dakota in the national congress be requested to favor and assist in securing an immediate repeal of the Nelson Bankruptcy law.

Which was referred to the committee on judiciary.

Mr. Little moved that all house bills on the secretary's desk be given their first and second reading and reference.

Which motion prevailed.

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

House bill No. 194,

A bill for an act to amend section 3576 of article 3 of the Revised Codes of North Dakota and to cure defective acknowledgments.

Was read the first and second times, and

Referred to the committee on judiciary.

Also,

House bill No. 182,

A bill for an act to license and regulate the business of storage companies and public warehousemen (other than warehousemen of grain in bulk) and to provide penalty for violation of the same.

Was read the first and second times, and

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

Also,

House bill No. 166,

A bill for an act to provide for the satisfaction of judgments when any person having the power or authority to satisfy the same cannot be found.

Was read the first and second times, and

Referred to the committee on judiciary.

Also,

House bill No. 164,

A bill for an act providing for the engrossing and enrolling of bills for the legislative assembly by contract.

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

Also,

House bill No. 155,

A bill for an act to amend sections 173 and 182, Revised Codes, 1899, defining the duties of the land commissioner.

Was read the first and second times, and

Referred to the committee on ways and means.

Also,

House bill No. 153,

A bill for an act to amend section 1722 of the Political Code of the Revised Codes of 1899, relating to weights and measures.

Was read the first and second times, and

Referred to the committee on state affairs.

Also,

House bill No. 163,

A bill for an act to amend section 2564 of article 8 of chapter 31 of the Revised Codes, relating to the time when township officers shall qualify.

Was read the first and second times, and

Referred to the committee on state affairs.

Also,

House bill No. 148,

A bill for an act to amend section 2721 of the Revised Codes, relating to age of consent of marriage.

Was read the first and second times, and

Referred to the committee on judiciary.

Also,

House bill No. 147,

A bill for an act to amend sections 7156, 7159, 7160, 7161 and 7162 of the Revised Codes, relating to the crime of rape, and punishment therefor.

Was read the first and second times, and

Referred to the committee on judiciary.

Also,

House bill No. 144,

A bill for an act to amend sections 1894 and 1895 of the Revised Codes of the state of North Dakota of 1899, relating to the procedure for redistricting county commissioners' districts.

Was read the first and second times, and

Referred to the committee on counties and county boundaries.

Also,

House bill No. 109,

A bill for an act to amend section 1786 of the Revised Codes of the state of North Dakota, edition of 1899, relating to and defining public warehouses, by striking out so much of said section as relates to grist mills.

Was read the first and second times, and  
 Referred to the committee on warehouses, grain and grain  
 grading.

Also,

House bill No. 40,

A bill for an act to amend section 217 of the Revised Codes of  
 North Dakota, 1899.

Was read the first and second times, and

Referred to the committee on ways and means.

A sealed communication was received from the governor.

Mr. Little moved

That the senate do now go into executive session to consider the  
 sealed message from the governor.

Which motion prevailed.

#### EXECUTIVE SESSION.

The following appointments were confirmed:

##### DISTRICT VETERINARIANS.

As district veterinarians, each for the term of two years from  
 and after March 5th, 1901:

- 1st district—John B. Campbell, of Grand Forks county,
- 2nd district—Wilton F. Crewe, of Ramsey county,
- 3rd district—Charles H. Martin, of Cass county,
- 4th district—S. W. Teal, of Dickey county,
- 5th district—Charles A. Anderson, of Barnes county,
- 6th district—William Mackin, of Morton county,
- 7th district—A. F. Elliot, of Cavalier county,
- 8th district—Robert H. Treacy, of Kidder county,
- 9th district—Argo Raymond, of Bottineau county,
- 10th district—F. W. Tompkins, of Benson county.

##### TRUSTEES AGRICULTURAL COLLEGE.

As trustees of the agricultural college to fill vacancies, as pre-  
 scribed by section 936 Revised Codes.

Henry J. Rush of Cass county, Byron N. Stone of LaMoure  
 county, and Maynard Crane of Griggs county, for a term of four  
 years from and after the first Tuesday in April, 1901.

##### TRUSTEES STATE PENITENTIARY.

As trustees of the state penitentiary, according to the provisions  
 of section 8519 Revised Codes, 1899.

C. D. Edick of Burleigh county and Edward Braddock of Em-  
 mons county, each for the term of four years from and after the  
 first Tuesday in April, 1901.

Walter P. Macumber of McLean county, A. T. Crowl of Stark  
 county and Franklin Potter of Cass county, each for the term of  
 two years from and after the first Tuesday in April, 1901.

## TRUSTEES OF THE NORMAL SCHOOL AT MAYVILLE.

As trustees of the state normal school at Mayville, each for the term of four years commencing on the first Tuesday in April, 1901: C. S. Edwards of Mayville, Traill county, and C. M. Johnson of Richland county.

## TRUSTEES OF THE NORMAL SCHOOL AT VALLEY CITY.

As trustees of the state normal school at Valley City, N. D., each for the term of four years, commencing on the first Tuesday in April, 1901:

Amasa P. Peake of Valley City, Barnes county, Mels Larson of Dazey, Barnes county and David Lloyd of Cathay, Wells county.

## TRUSTEES OF THE STATE UNIVERSITY AT GRAND FORKS.

As trustees of the university at Grand Forks, N. D., each for the term of four years from and after the first Tuesday in April, 1901:

Stephen Collins of Grand Forks, Geo. W. Towle of Walsh county and A. J. Gronna of Nelson county.

## TRUSTEES OF THE SOLDIERS' HOME.

As trustees of the soldiers' home at Lisbon, N. D., each for the term of four years from and after the first Tuesday in April, 1901:

Morris I. Brown of Ransom county and E. C. Gearey of Cass county.

## STATE BOARD OF AGRICULTURE.

As members of the state board of agriculture under the provisions of Section 156 of the Revised Codes and each for the term of two years:

Wm. Dieball of Mercer county, W. H. Mann of Morton county and T. S. Underhill of Stark county.

## DIRECTORS STATE SCHOOL OF FORESTRY.

As directors of the state school of forestry, as provided for in Section 1020h of the Revised Codes of 1899:

Ole Roland of Bottineau county, for the term of four years and David Clark of Bottineau county, for the term of two years, both from the first Tuesday in April, 1901.

Open session.

Mr. Wolbert moved that the vote by which Senate bill No. 208,

A bill for an act entitled an act concerning the inspection of live stock before shipment, creating the office of stock inspector and prescribing his duties and compensation.

Was lost be reconsidered,  
Which motion prevailed.

Mr. Hale moved that House bill No. 77,

A bill for an act to amend chapter 160 of the session laws of

1899, being section 2591 of the Revised Codes of 1899, relating to the meetings of township board of supervisors.

Be placed on its third reading and final passage.

Which motion prevailed.

### THIRD READING OF HOUSE BILLS.

House bill No. 77,

A bill for an act to amend chapter 160 of the session laws of 1899, being section 2591 of the Revised Codes of 1899, relating to the meetings of township board of supervisors.

Was read the third time.

The question being upon the final passage of the bill

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

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Hegge,	Noble,
Baker,	Jacobson,	Sanborn,
Cashel,	Lavayea,	Sharpe,
Clarke,	LaMoure,	Simpson,
Cooper,	Little,	Slotten,
Devlin,	Lofthus,	Talcott,
Fuller,	McDougal,	Taylor,
Geer,	Miner,	Williams,
Hale,	Murphy,	Wolbert,

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Cox,	Lewis,	Swenson,
Laidlaw,		

So the bill passed and the title was agreed to.

Mr. LaMoure moved that the vote by which

House bill No. 77,

A bill for an act to amend chapter 160 of the session laws of 1899, being section 2591 of the Revised Codes of 1899, relating to the meetings of township board of supervisors.

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 Senate bill No. 46.

A bill for an act to cure defective acknowledgments.

Also,

Senate bill No. 106,

A bill for an act to amend section 4820 of the Revised Codes of 1899, providing for a lien for grain to be used for seed.

Also,

Senate bill No. 111,

A bill for an act entitled "An act to amend section 5631 of the

Revised Codes of 1899, relating to the printing of briefs and abstracts upon appeals to the supreme court."

Also,

Senate bill No. 135,

A bill for an act empowering the county commissioners to contract with the sheriff for the collection of personal property tax judgments, or personal property taxes delinquent more than one year.

Also,

House bill No. 114,

A bill for an act to enforce payment of taxes on real property in those counties wherein proceedings under chapter 67, general laws of 1897 were not instituted or where such proceedings were defective, and upon which property taxes for the year 1896 and prior years are unpaid.

And the president signed the bills in the presence of the senate.

Mr. Sharpe moved

That the senate do now adjourn,

Which motion prevailed, and

The senate adjourned.

GEORGE L. TOWNES,

Secretary.

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## FIFTY-FOURTH DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA.

March 2, 1901.

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. Clarke, Lofthus and McDougal, who were excused.

### REFERENCE OF THE JOURNAL.

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

Mr. President:

Your committee on revision and correction of the Journal beg leave to report no corrections for the fifty-third day.

H. J. MINER,

Chairman.



## 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. 228,

A bill for an act providing for the sale of public lands during the year 1901, and for the disposal of the proceeds of such sale and the revenue accruing thereon.

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

By inserting after line 14 of section 1 the words "five thousand acres of blind asylum land," and by striking out in line 16 of same section the word "five" and inserting in lieu thereof the word "ten."

By striking out in section 3, line 3, after the word "lands" the word "and," and inserting in lieu thereof "and the blind asylum lands."

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. 203,

A bill for an act entitled an act to amend section 5305 of the Revised Codes of North Dakota of 1899 by adding increased jurisdiction in arrest and bail.

Also,

House bill No. 139,

A bill for an act to amend section 7671 of the Revised Codes of 1899, relating to unlawful obligations.

Also,

House bill No. 181,

A bill for an act to amend section 7264 of the Penal Code of the state of North Dakota.

Also,

House bill No. 180,

A bill for an act for the protection of manufacturers of soda water, mineral water and other like beverages.

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

Also,

Senate bill No. 225,

A bill for an act to provide for the investment of the sinking

funds of special school districts and to prescribe a mode of executing, satisfying, and foreclosing mortgages taken upon such investments.

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

In line 14 of the printed bill strike out the word "bank" and insert in lieu thereof the word "bond;" and in line 15 of the printed bill strike out the word "or" and insert in lieu thereof the word "and."

In line 17 of the printed bill on page 2, strike out the word "bank" and insert the word "bond."

In line 24 on page 2 of the printed bill strike out the word "in" and insert in lieu thereof the word "as."

In line 3 of subdivision "c" on page 4 strike out the word "corporated" and insert in lieu thereof the word "corporate."

In line 7 of said subdivision after the words "real estate" insert the words "by corporations."

In line 8 of said subdivision after the words "foreclosed by" insert the words "advertisement or."

In line 9 of said subdivision after the word "district" strike out the words "by an action of" and insert in lieu thereof the word "in."

And in the same line after word "jurisdiction" strike out the word "or."

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 ways and means made the following report:  
Mr. President:

Your committee on ways and means to whom was referred  
House bill No. 155,

A bill for an act to amend sections 173 and 182, Revised Codes, 1899, defining the duties of the land commissioner.

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

J. B. SHARPE,  
Chairman.

The committee on temperance made the following report:

Mr. President:

Your committee on temperance to whom was referred  
Senate bill No. 193,

A bill for an act repealing section 7593 of the penal code of the state of North Dakota.

Have had the same under consideration and recommend that the same be indefinitely postponed.

A. SLOTTEN,  
Chairman

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

The committee on temperance made the following report:

Mr. President:

Your committee on temperance to whom was referred  
Senate bill No. 191,

A bill for an act entitled an act repealing sections 7594, 7596, 7597 and 7599 of the Revised Codes relating to prohibition.

Have had the same under consideration and recommend that the same be indefinitely postponed.

A. SLOTTEN,  
Chairman.

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

The committee on counties and county boundaries made the following report:

Mr. President:

Your committee on counties and county boundaries to whom was referred

Senate bill No. 214,

A bill for an act entitled "An act to amend section 2080 of the Revised Codes of 1899, relating to the salary of county treasurers."

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

M. JACOBSON,  
Chairman.

The committee on counties and county boundaries made the following report:

Mr. President:

Your committee on counties and county boundaries to whom was referred

House bill No. 144,

A bill for an act to amend sections 1894 and 1895 of the Re-

vised Codes of the state of North Dakota of 1899, relating to the procedure for redistricting county commissioners' districts.

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

By striking out the word "ten" in line 4, section 1 of printed bill and inserting in lieu thereof the words "twenty-five."

And when so amended recommend that the same do pass.

M. JACOBSON,  
Chairman.

Mr. Jacobson moved

That the report be adopted.

Which motion prevailed, and

The report was adopted.

The committee on education made the following report:

Mr. President:

Your committee on education to whom was referred

House bill No. 126,

A bill for an act providing stables and hitching posts on school sites in rural school districts.

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

On line 2, section 2 of the printed bill, strike out the word "two" and insert in lieu thereof the word "four."

And when so amended recommend that the same do pass.

G. W. WOLBERT,  
Chairman.

Mr. Wolbert moved

That the report be adopted.

Which motion prevailed, and

The report was adopted.

The committee on education made the following report:

Mr. President:

Your committee on education to whom was referred

Senate bill No. 39,

A bill for an act to amend section 888, Revised Codes, 1899, relating to education.

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

After the word "prescribe" on line 7 of the printed bill, strike out the balance of the bill.

And when so amended recommend that the same do pass.

G. W. WOLBERT,  
Chairman.

Mr. Wolbert moved

That the report be adopted.

Which motion prevailed, and  
The report was adopted.

The committee on education made the following report:

Mr. President:

Your committee on education to whom was referred  
Senate bill No. 38,

A bill for an act to amend section 913 of the Revised Codes of 1899, relating to education.

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

Strike out all of lines 7, 8, 9 and 10 of the printed bill and insert in lieu thereof the following words: "such schools shall in all things be free from sectarian control. But no person shall be admitted as a student who shall not have completed a preparatory course of study enabling him to pass such examination as the board of trustees may prescribe."

And when so amended recommend that the same do pass.

G. W. WOLBERT,  
Chairman.

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

The committee on education made the following report:

Mr. President:

Your committee on education to whom was referred  
Senate bill No. 200,

A bill for an act entitled an act to define the system of free public schools of the state.

Also,

Senate bill No. 99,

A bill for an act to amend section 1219 of the 1899 Revised Codes of North Dakota relating to assessor's statement and return to auditor.

Also,

House bill No. 156,

A bill for an act to amend section 715 of the Revised Codes of 1899, requiring county superintendents of schools to report all school moneys to district treasurers.

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

G. W. WOLBERT,  
Chairman.

The committee on appropriations made the following report:

Mr. President:

Your committee on appropriations to whom was referred  
Senate bill No. 27,

A bill for an act authorizing the board of trustees of the North Dakota agricultural college to co-operate with the geological, agricultural, and other surveys, organized under the department of the interior of the United States, in completing a topographic, agricultural and geological survey and map of North Dakota and making an appropriation therefor.

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

In second line of the title after the word "the" strike out "geological, agricultural and other" and insert in lieu thereof "United States federal," and in line 3 of the title after the word "survey" strike out the word "and" and insert in lieu thereof "as related to agriculture together with an economic;" also strike out all in lines "a," "b" and "c" of the printed bill and also the balance of page 1; also pages 2, 3, 4, 5 and 6 of the printed bill and in lieu thereof substitute the following:

Whereas, North Dakota is a young undeveloped and sparsely settled state, rapidly growing in wealth and population as her resources are developed and her industrial advantages are made known to home seekers and investors; and

Whereas, there is an urgent demand on the state executive department and upon those engaged in promoting the agricultural and natural resources of the state, by the citizens of North Dakota, as well as by home seekers and investors, for accurate information regarding the specific character of the soil, climate, rain fall, water supply, both surface and artesian, and the other resources; and

Whereas, the results of such survey have become highly essential to the successful direction of agriculture and such survey is inseparable from the work demanded of the agricultural experiment station, where fully equipped laboratories are maintained and where investigations and analysis of the natural products of the state are now conducted;

Now, therefore, as a measure of public economy, in securing the federal aid in conducting these investigations, and as a means to promote the agricultural and other scientific industries of the state, and to speedily secure an economic and agricultural survey and map of North Dakota.

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

Section 1. The board of trustees of the agricultural college of North Dakota is hereby authorized to co-operate with the directors of the United States federal survey, and to accept the co-operation of the United States with this state in executing a topographic, economic, and agricultural survey and map of North Dakota, which is hereby authorized to be made; and the

said board of trustees shall have the power to arrange with said directors, or other authorized representatives of the United States government surveys, concerning the details of said work, the methods of its execution, and the order in part of time in which these surveys and maps of the different parts of the state shall be completed; provided, that the said directors of the United States government surveys, thus co-operating with the state of North Dakota, shall agree to expend on the part of the United States, upon said work, a sum equal to that appropriated by the state of North Dakota for that purpose.

Sec. 2. In arranging the details heretofore referred to, it is expected that the topographic maps resulting from this survey shall be similar in general design to the Fargo and Casselton sheets already made by the United States geological survey; that they shall show the location of all roads, railroads, streams, lakes and rivers, and shall contain contour lines showing the elevation and depression for every 20 feet of vertical interval of the surface of the country; and that the resulting maps shall recognize the co-operation of the state of North Dakota.

Sec. 3. Following the completion of the topographic maps, or as rapidly as deemed expedient, an economic survey shall be made, including a complete account of all economic resources of agricultural importance, including the character and value of soil for agricultural purposes, the nature and extent of water supplies, both surface and artesian, together with the analysis of soils, waters, etc., including also the collecting and tabulating of meteorological data necessary in explaining climate variations, and such other investigations as naturally belong to an economic survey.

Sec. 4. It shall be the duty of the state director of this survey to collect or cause to be collected samples of all rocks, soils, coals, clays, minerals, fossils, plants, woods, skins and skeletons of native animals, and such other products of economic or scientific interest discovered during this survey which properly secured and labeled, shall be placed on exhibition in the museum of the North Dakota agricultural college.

Sec. 5. The state director of this survey shall arrange with the directors of the government surveys for the publication of the economic maps resulting from this survey which shall be similar in design to, and uniform with the publications now made by these surveys, accompanied by the written descriptions of the formations and economic resources, which shall constitute a report, embodying and setting forth all useful information developed during these investigations.

Sec. 6. There shall be published from time to time, as bulletins of the North Dakota experimental station preliminary reports of this survey, as the work progresses, showing the results

of the survey and investigations conducted, together with preliminary maps, showing the areas covered, and these preliminary reports shall be sent gratis to all citizens of North Dakota making application.

Sec. 7. It shall be the duty of the said board of trustees through the state director of this survey, to make on or before the second Tuesday of December of each year, immediately preceding the regular sessions of the legislative assembly of the state of North Dakota, a bi-ennial report to the governor, showing the progress of the survey accompanied by copies of the maps completed and results accomplished, together with a report of all moneys received and expended; and the governor shall lay this report before the legislative assembly.

Sec. 8. The professor of geology of the North Dakota agricultural college shall act, under the direction of the board of trustees of said institution, as state director of this survey.

Sec. 9. There is hereby appropriated out of the money in the state treasury not otherwise appropriated, the sum of five hundred dollars (\$500) annually, which shall be paid by the state treasurer upon a draft from the secretary of the board of trustees having in control this survey.

Sec. 10. This survey shall be known as the agricultural college survey of North Dakota.

Sec. 11. This act is not to be construed as conflicting in any manner with or repealing the geological survey of North Dakota already established at the state university; provided, that any lands belonging to the state or lands known as school lands and public institution lands on which is discovered any valuable deposit of coal or minerals of any kinds, clay, gravel or stone shall be, and remain the property of the state until provision for the sale or leasing thereof specially provided for by law.

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.

The committee on state affairs made the following report:

Mr. President:

Your committee on state affairs to whom was referred  
Senate bill No. 223,

A bill for an act to provide for the settlement of claims of the state against sureties on bonds of state depositories.

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



After the word "bond" in line 8, page 1, of the printed bill, add the words "or such amount as may be agreed upon by any surety with the state auditing board."

And when so amended recommend that the same do pass.

A. B. COX,  
Chairman.

Mr. Cooper 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. 231,

A bill for an act to amend sections 136, 141 and 145 of the Revised Codes of 1899 relating to the state examiner, his appointment, term of office, qualifications, examination of banks, salary, deputy and his salary, and penalty for malfeasance.

Also,

Senate bill No. 232,

A bill for an act to amend section 3218 of the Revised Codes of 1899 relating to the examination of building and loan associations by the state examiner and the fees therefor.

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

A. B. COX,  
Chairman.

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

Mr. President:

Your committee on enrolled and engrossed bills have examined

Senate bill No. 198,

A bill for an act entitled an act regulating the filing and foreclosure of mechanic's liens upon land held or occupied under a filing under any of the land laws of the United States.

Also,

Senate bill No. 176,

A bill for an act entitled an act to amend section 144a, Revised Codes, 1899, relating to appointment of assistant examiner.

Also,

Senate bill No. 53

A bill for an act making an appropriation for deficit in fuel account at the North Dakota hospital for the insane.

Also,

Senate bill No. 189,

A bill for an act entitled an act to amend section 1209 of the Revised Codes of 1899 relating to assessors' districts.

Also,

Senate bill No. 209,

A bill for an act to prevent and punish the desecration of the flag of the United States.

Also,

Senate bill No. 215,

A bill for an act requiring the payment of taxes by non-resident owners of live stock from other states herding and feeding on the ranges of the state of North Dakota, and providing for collection of such taxes.

Also,

Senate bill No. 216,

A bill for an act entitled an act to amend and re-enact sections 1636 and 1636a of the Revised Codes of the revision of 1899.

Also,

Senate bill No. 137,

A bill for an act to amend sections 73 and 76 of the Revised Codes of 1899, relating to public printing and making an appropriation therefor.

Also,

Senate bill No. 211,

A bill for an act to amend section 6676e of the Revised Codes of 1899, relating to garnishments in justice courts.

Also,

Senate bill No. 207,

A bill for an act entitled "An act to amend section 6346 of the Revised Codes of 1899, being section 21 of chapter 3 of the laws of 1897, providing the requisities for qualification of executors, administrators and guardians."

Also,

Senate bill No. 38,

A bill for an act to amend section 913 of the Revised Codes of 1899, relating to education.

Also,

Senate bill No. 39,

A bill for an act to amend section 888, Revised Codes, 1899, relating to education.

Also,

Senate bill No. 218,

A bill for an act to amend section 2540 of the Revised Codes of North Dakota, relating to the time of holding annual township meetings.

Also,

Senate bill No. 219

A bill for an act to amend section 1208 of the Revised Codes of North Dakota, relating to the duties of the county auditor in furnishing supplies to assessors and the date of meeting of such assessors.

Also,

Senate bill No. 107,

A bill for an act to prevent the sale and use in this state of dangerous and impure oils.

And find the same correctly engrossed.

H. E. LAVAYEA,

Chairman.

The courtesies of the floor were extended to R. S. Adams, of Lisbon.

#### MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,

BISMARCK, NORTH DAKOTA,

March 2, 1901.

Mr. President:

I have the honor to transmit herewith

House bill No. 1,

A bill for an act to amend section 1260 of article 18 of the Revised Code of North Dakota of 1899.

Also,

House bill No. 30,

A bill for an act to provide for the erection of necessary buildings for the state reform school at Mandan, North Dakota.

Also,

House bill No. 187,

A bill for an act to regulate and restrict the sale of cigarettes and cigarette paper and to prescribe penalties for a violation thereof.

Also,

House bill No. 168,

A bill for an act to amend section 1497 of the Political Code, providing for the appointment of a county physician.

Also,

House bill No. 127,

A bill for an act to amend section 1225 of the Revised Codes of North Dakota, of 1899, relating to the state board of equalization, providing for its membership and their compensation.

Also,

House bill No. 176,

A bill for an act to provide for the collection, arrangement and display of the products and resources of the state of North Dakota, at the Pan-American exposition, to be held at the city of Buffalo, state of New York, in the year 1901.

Also,

House bill No. 158,

A bill for an act to amend section 707 of article 6 of the Revised Codes of 1899, relating to education; providing for an enumeration each year of the deaf and dumb persons in each district in the state.

Also,

House bill No. 170,

A bill for an act to enable towns, cities or villages of this state having a population of not less than four hundred inhabitants to use automatic ballot (voting) machines at all elections held therein, or one or more precincts thereof.

Also,

House bill No. 178,

A bill for an act to amend section 2770 of the Revised Codes of North Dakota, relating to the liability of a husband or wife for the debt of the other, and to establish their joint and several liability for household supplies in certain cases.

Also,

House bill No. 197,

A bill for an act to amend section 187 of the Revised Codes relating to terms of sale of public lands.

Also,

House bill No. 208,

A bill for an act to amend section 2736 of the Revised Codes of 1899, relating to the dissolution of marriage.

Also,

House bill No. 209,

Concurrent resolution.

Also,

House bill No. 219,

A bill for an act to amend section 6615 of the Revised Codes of 1899 relating to salary of county judges in counties having increased jurisdiction.

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

Also,

I have the honor to return herewith

Senate bill No. 168,

A bill for an act entitled an act to amend section 7678 of the Revised Codes, 1899 of the state of North Dakota.

Also,

Senate bill No. 112,

A bill for an act entitled "An act to provide punishment for the refusal or neglect to maintain and support a minor child.

Also,

Senate bill No. 174,

A bill for an act entitled an act repealing section 1375 of the Revised Codes, 1899, relating to additional duties of adjutant general and prescribing his salary.

Also,

Senate bill No. 80,

A bill for an act fixing the residence, salaries and clerk hire of the state officers.

Also,

Senate bill No. 56,

A bill for an act to amend section 885, chapter 10, of the Revised Codes, relating to object and departments of the university.

Which the house has indefinitely postponed.

Very respectfully,

J. D. SCANLAN,

Chief Clerk.

Mr. Hegge moved that all senate bills on the secretary's desk be given their first and second reading and reference.

Which motion prevailed.

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

Mr. Hegge introduced

Senate bill No. 234,

A bill for an act requiring the secretary of state to publish the names of commission merchants and other factors receiving grain in this state who have been licensed and filed bonds.

Which was read the first and second times, and

Referred to the committee on judiciary.

#### THIRD READING OF SENATE BILLS.

Senate bill No. 208,

A bill for an act entitled an act concerning the inspection of live stock before shipment, creating the office of stock inspector and prescribing his duties and compensation.

Was read the third time.

Mr. Simpson moved the adoption of the following amendment:

Strike out sections 1 and 2. Insert after the enacting clause the following:

"Section 1. Whenever the board of county commissioners in any county are petitioned so to do by at least 10 per cent of the voters of their county as evidenced by the number of votes cast for congressman at the last general election, they may appoint the sheriff of their county as live stock inspector, and when so appointed the said sheriff shall perform the duties and receive the compensation therefor as hereinafter prescribed in this act."

Which motion prevailed.

Mr. Wolbert moved the adoption of the following amendment:

At the end of line 8, page 3, add the following:

"But the said stock inspector may, at his discretion, issue a written permit to drive stock from one county to another within this state without any personal inspection or fees."

Which motion prevailed.

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

The roll was called and there were ayes 22, nays 2, absent and not voting 7.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Lavayea,	Simpson,
Cashel,	Lewis,	Slotten,
Cooper,	Little,	Swenson,
Devlin,	Miner,	Talcott,
Geer,	Murphy,	Taylor,
Hale,	Noble,	Williams,
Hegge,	Sharpe,	Wolbert,
Jacobson,		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Baker,	Laidlaw,	McDougal,
Clarke,	Lofthus,	Sanborn,
Cox,		

Messrs. Sanborn and Baker voting in the negative.

Messrs. Cox, Laidlaw, Lofthus, Clarke and McDougal being excused.

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

Mr. Simpson moved that the vote by which

Senate bill No. 208,

A bill for an act entitled an act concerning the inspection of live stock before shipment, creating the office of stock inspector and prescribing his duties and compensation.

Was passed, be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

Senate bill No. 218,

A bill for an act to amend section 2540 of the Revised Codes of North Dakota, relating to the time of holding annual township meetings.

Was read the third time.

The question being upon the final passage of the bill.

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

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Jacobson,	Simpson,
Cashel,	Lavayea,	Slotten,
Cooper,	Lewis,	Swenson,
Devlin,	Miner,	Talcott,
Fuller,	Murphy,	Taylor,
Geer,	Noble,	Williams,
Hale,	Sanborn,	Wolbert,
Hegge,	Sharpe,	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Baker,	Laidlaw,	Lofthus,
Clarke,	LaMoure,	McDougal,
Cox,	Little,	

Messrs. Clarke, Cox, Laidlaw, Lofthus and McDougal being excused.

So the bill passed and the title was agreed to.

Mr. Simpson moved that the vote by which

Senate bill No. 218,

A bill for an act to amend section 2540 of the Revised Codes of North Dakota, relating to the time of holding annual township meetings.

Was passed, be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

Senate bill No. 219

A bill for an act to amend section 1208 of the Revised Codes of North Dakota, relating to the duties of the county auditor in furnishing supplies to assessors and the date of meeting of such assessors.

Was read the third time.

The question being upon the final passage of the bill.

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

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Jacobson,	Simpson,
Cashel,	Lavayea,	Slotten,
Cooper,	Lewis,	Swenson,
Devlin,	Miner,	Talcott,
Fuller,	Murphy,	Taylor,
Geer,	Noble,	Williams,
Hale,	Sanborn,	Wolbert,
Hegge,	Sharpe,	

Absent and not voting:

Messrs.—

Baker,  
Clarke,  
Cox,

Messrs.—

Laidlaw,  
LaMoure,  
Little,

Messrs.—

Lofthus,  
McDougal,

Messrs. Clarke, Cox, Laidlaw, Lofthus and McDougal being excused.

So the bill passed and the title was agreed to.

Mr. Hegge moved that the vote by which

Senate bill No. 219

A bill for an act to amend section 1208 of the Revised Codes of North Dakota, relating to the duties of the county auditor in furnishing supplies to assessors and the date of meeting of such assessors.

Was passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

Senate bill No. 107,

A bill for an act to prevent the sale and use in this state of dangerous and impure oils.

Was read the third time.

Mr. Murphy moved

“That lines 9 to 15 inclusive, of page 13 of engrossed bill be stricken out.”

Which motion prevailed.

Mr. LaMoure moved

“To amend bill by striking out section 16.”

Which motion prevailed.

Mr. LaMoure moved

To strike out “ninety per cent” in section 9 and insert in lieu thereof the words “seventy-five per cent.”

Which motion was lost.

Mr. Hale moved

That wherever the words “ninety per cent” appear, the words “eighty per cent” be substituted.

Which motion was lost.

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

The roll was called and there were ayes 22, nays 4, absent and not voting 5.

Those who voted in the affirmative were:

Messrs.—

Ames,  
Baker,  
Cashel,  
Cooper,  
Devlin,  
Geer,  
Jacobson,  
Lavayea,

Messrs.—

Lewis,  
Little,  
Miner,  
Murphy,  
Noble,  
Sanborn,  
Sharpe,

Messrs.—

Simpson,  
Slotten,  
Swenson,  
Talcott,  
Taylor,  
Williams,  
Wolbert,



Those voting in the negative were:

Messrs.—	Messrs.—	Messrs.—
Fuller,	Hegge,	LaMoure,
Hale,		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Clarke,	Laidlaw,	McDougal,
Cox,	Lofthus,	

Messrs. Clarke, Cox, Laidlaw, Lofthus and McDougal being excused.

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

Mr. Lewis moved that the vote by which

Senate bill No. 107,

A bill for an act to prevent the sale and use in this state of dangerous and impure oils.

Was passed, be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

Senate bill No. 220,

A bill for an act providing for the collection of delinquent personal taxes by action.

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 none, absent and not voting 9.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Hegge,	Sanborn,
Baker,	Jacobson,	Sharpe,
Cashel,	Lavayea,	Stotten,
Cooper,	LaMoure,	Swenson,
Devlin,	Miner,	Talcott,
Fuller,	Murphy,	Taylor,
Geer,	Noble,	Williams,
Hale,		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Clarke,	Lewis,	McDougal,
Cox,	Little,	Simpson,
Laidlaw,	Lofthus,	Wolbert,

Messrs. Clarke, Cox, Laidlaw, Lofthus and McDougal being excused.

So the bill passed and the title was agreed to.

Senate bill No. 210,

A bill for an act to compel old line or legal reserve mutual life insurance companies to give an annual accounting of the earnings of each policy to the person on whose life the risk is written, and to compel their giving a statement on all policies heretofore

written on persons now residing within this state to the persons whose lives are insured by such policies.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 13, nays 10, absent and not voting 8.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Cashel,	Miner,	Sharpe,
Devlin,	Murphy,	Slotten,
Geer,	Noble,	Swenson,
Hegge,	Sanborn,	Williams,
Jacobson,		

Those voting in the negative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Hale,	Talcott,
Baker,	Lavayea,	Taylor,
Cooper,	LaMoure,	Wolbert,
Fuller,		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Clarke,	Lewis,	McDougal,
Cox,	Little,	Simpson,
Laidlaw,	Lofthus,	

Messrs. Clarke, Cox, Laidlaw, Lofthus and McDougal being excused.

So the bill was lost.

Mr. Lavayea moved that the vote by which Senate bill No. 210,

A bill for an act to compel old line or legal reserve mutual life insurance companies to give an annual accounting of the earnings of each policy to the person on whose life the risk is written, and to compel their giving a statement on all policies heretofore written on persons now residing within this state to the persons whose lives are insured by such policies.

Was lost be reconsidered, and the motion to reconsider be laid on the table.

Which motion was lost.

Senate bill No. 91,

A bill for an act to provide for the erection and equipment of necessary additional buildings, for a system of sewerage and for other necessary improvements for the North Dakota Agricultural college at Fargo.

Was read the third time.

The question being upon the final passage of the bill.

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

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Hegge,	Sanborn,
Baker,	Jacobson,	Simpson,
Cashel,	Lavayea,	Slotten,
Cooper,	Lewis,	Swenson,
Devlin,	Little,	Talcott,
Fuller,	Miner,	Taylor,
Geer,	Murphy,	Wolbert,
Hale,	Noble,	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Clarke,	LaMoure,	Sharpe,
Cox,	Lofthus,	Williams,
Laidlaw,	McDougal,	

Messrs. Clarke, Cox, Laidlaw, Lofthus and McDougal being excused.

So the bill passed and the title was agreed to.

Mr. Lewis moved that the vote by which Senate bill No. 91,

A bill for an act to provide for the erection and equipment of necessary additional buildings, for a system of sewerage and for other necessary improvements for the North Dakota Agricultural college at Fargo.

Was passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

Senate bill No. 192,

A bill for an act to amend sections 2134, 2141, 2155, 2204, 2251 and 2254 of the Revised Codes of 1899, relating to cities.

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 2, absent and not voting 7.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Lavayea,	Simpson,
Baker,	Lewis,	Slotten,
Cashel,	Little,	Swenson,
Cooper,	Miner,	Talcott,
Devlin,	Murphy,	Taylor,
Fuller,	Noble,	Williams,
Geer,	Sanborn,	Wolbert,
Hale,		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Clarke,	LaMoure,	McDougal,
Cox,	Lofthus,	Sharpe,
Laidlaw,		

Messrs. Hegge and Jacobson voting in the negative.

Messrs. Clarke, Cox, Laidlaw, Lofthus and McDougal being excused.

So the bill passed and the title was agreed to.

Mr. Murphy moved that the vote by which

Senate bill No. 192,

A bill for an act to amend sections 2134, 2141, 2155, 2204, 2251 and 2254 of the Revised Codes of 1899, relating to cities.

Was passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

Mr. Noble moved that further consideration of

Senate bill No. 158,

A bill for an act to provide for the protection of the health, lives and interests of the coal miners of North Dakota, and to provide for the inspection of all coal mines in this state, and the conducting and operating of coal mines, and to create a state inspector of mines.

Be deferred until Monday.

Which motion prevailed.

Senate bill No. 195,

A bill for an act entitled an act to amend section 1311 of the Revised Codes of 1899 relating to extraordinary expenditures.

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 none, absent and not voting 5.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.
Ames,	Jacobson,	Sharpe,
Baker,	Lavayea,	Simpson,
Cashel,	LaMoure,	Slotten,
Cooper,	Lewis,	Swenson,
Devlin,	Little,	Talcott,
Fuller,	Miner,	Taylor,
Geer,	Murphy,	Williams,
Hale,	Noble,	Wolbert,
Hegge,	Sanborn,	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.
Clarke,	Laidlaw,	McDougal,
Cox,	Lofthus,	

Messrs. Clarke, Cox, Laidlaw, Lofthus and McDougal being excused.

So the bill passed and the title was agreed to.

Senate bill No. 50,

A bill for an act to amend sections 867, 869, 870, 871, 872, Revised Codes, 1899, relating to education.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 24, nays 1, absent and not voting 6.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Lavayea,	Sharpe,
Cashel,	LaMoure,	Simpson,
Cooper,	Lewis,	Slotten,
Fuller,	Little,	Swenson,
Geer,	Miner,	Talcott,
Hale,	Murphy,	Taylor,
Hegge,	Noble,	Williams,
Jacobson,	Sanborn,	Wolbert,

Absent and not voting

Messrs.—	Messrs.—	Messrs.—
Baker,	Cox,	Lofthus,
Clarke,	Laidlaw,	McDougal,

Mr. Devlin voting in the negative.

Messrs. Clarke, Cox, Laidlaw, Lofthus and McDougal [being excused.

So the bill passed and the title was agreed to.

Mr. Wolbert moved that the vote by which

Senate bill No. 50,

A bill for an act to amend sections 867, 869, 870, 871, 872, Revised Codes, 1899, relating to education.

Was passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

### THIRD READING OF HOUSE BILLS.

House bill No. 145,

A bill for an act entitled an act authorizing the board of trustees of the state penitentiary to issue bonds to obtain funds for the operation of the twine and cordage factory thereat, and providing for the sale and redemption of the same.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 24, nays none, absent and not voting 7.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Jacobson,	Sanborn,
Cashel,	Lavayea,	Sharpe,
Cooper,	LaMoure,	Slotten,
Devlin,	Lewis,	Swenson,
Fuller,	Little,	Talcott,
Geer,	Miner.	Taylor,

Messrs.—	Messrs.—	Messrs.—
Hale,	Murphy,	Williams,
Hegge,	Noble,	Wolbert,

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Baker,	Laidlaw,	McDougal,
Clarke,	Lofthus,	Simpson,
Cox,		

Messrs. Clarke, Cox, Laidlaw, Lofthus and McDougal being excused.

So the bill passed and the title was agreed to.

Mr. Little moved that the vote by which  
House bill No. 145,

A bill for an act entitled an act authorizing the board of trustees of the state penitentiary to issue bonds to obtain funds for the operation of the twine and cordage factory thereat, and providing for the sale and redemption of the same.

Was passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

House bill No. 157,

A bill for an act entitled an act to amend section 238 of the Revised Codes, 1899, relating to state depositories.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 20, nays 1, absent and not voting 10.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Lavayea,	Sanborn,
Cooper,	LaMoure,	Sharpe,
Devlin,	Lewis,	Slotten,
Fuller,	Little,	Swenson,
Geer,	Miner,	Talcott,
Hale,	Murphy,	Wolbert,
Hegge,	Noble,	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Cashel,	Laidlaw,	Simpson,
Jacobson,	Lofthus,	Taylor,
Clarke,	McDougal,	Williams,
Cox,		

Mr. Cashel voting in the negative.

Messrs. Clarke, Cox, Laidlaw, Lofthus and McDougal being excused.

So the bill passed and the title was agreed to.

Mr. ——— moved

That all house bills on the secretary's desk be read the first and second times and referred.

Which motion prevailed,

## FIRST AND SECOND READING OF HOUSE BILLS.

House bill No. 213,

A bill for an act giving the state and counties precedence over liens in the enforcement of the collection of personal property taxes.

Was read the first and second times, and

Referred to the committee on ways and means.

Also,

House bill No. 127,

A bill for an act to amend section 1225 of the Revised Codes of North Dakota, of 1899, relating to the state board of equalization, providing for its membership and their compensation.

Was read the first and second times, and

Referred to the committee on judiciary.

Also,

House bill No. 209,

Concurrent resolution.

Was read the first and second times, and

Referred to the committee on judiciary.

Also,

House bill No. 208,

A bill for an act to amend section 2736 of the Revised Codes of 1899, relating to the dissolution of marriage.

Was read the first and second times, and

Referred to the committee on judiciary.

Also,

House bill No. 197,

A bill for an act to amend section 187 of the Revised Codes, relating to terms of sale of public lands.

Was read the first and second times, and

Referred to the committee on state affairs.

Also,

House bill No. 178,

A bill for an act to amend section 2770 of the Revised Codes of North Dakota, relating to the liability of a husband or wife for the debt of the other, and to establish their joint and several liability for household supplies in certain cases.

Was read the first and second times, and

Referred to the committee on judiciary.

Also,

House bill No. 170,

A bill for an act to enable towns, cities or villages of this state having a population of not less than four hundred inhabitants to use automatic ballot (voting) machines at all elections held therein, or one or more precincts thereof.

Was read the first and second times, and

Referred to the committee on elections and privileges.

Also,

House bill No. 158,

A bill for an act to amend section 707 of article 6 of the Revised Codes of 1899, relating to education; providing for an enumeration each year of the deaf and dumb persons in each district in the state.

Was read the first and second times, and

Referred to the committee on education.

Also,

House bill No. 176,

A bill for an act to provide for the collection, arrangement and display of the products and resources of the state of North Dakota, at the Pan-American exposition, to be held at the city of Buffalo, state of New York, in the year 1901.

Was read the first and second times, and

Referred to the committee on appropriations.

Also,

House bill No. 168,

A bill for an act to amend section 1497 of the Political Code, providing for the appointment of a county physician.

Was read the first and second times, and

Referred to the committee on counties and county boundaries.

Also

House bill No. 187,

A bill for an act to regulate and restrict the sale of cigarettes and cigarette paper and to prescribe penalties for a violation thereof.

Was read the first and second times.

Mr. Cooper moved that

House bill No. 187.

A bill for an act to regulate and restrict the sale of cigarettes and cigarette papers and to prescribe penalties for the violation thereof.

Be referred to the committee on temperance.

Mr. Little moved as a substitute that the bill go to the committee on judiciary.

The substitute was lost.

The motion of Mr. Cooper was adopted.

Also,

House bill No. 30,

A bill for an act to provide for the erection of necessary buildings for the state reform school at Mandan, North Dakota.

Was read the first and second times, and

Referred to the committee on judiciary.



Also,

House bill No. 1,

A bill for an act to amend section 1260 of article 18 of the Revised Code of North Dakota of 1899.

Was read the first and second times, and

Referred to the committee on ways and means.

Also,

House bill No. 214,

A bill for an act to amend section 911 of the Revised Codes relating to the meetings and compensation of the members of the board of trustees and the board of management of the normal schools.

Was read the first and second times, and

Referred to the committee on education.

Also,

House bill No. 20,

A bill for an act to amend section 403 of the Revised Codes, relating to the boundaries and terms of court in and for the First judicial district of the state of North Dakota.

Was read the first and second times, and

Referred to the committee on judiciary.

Also,

House bill No. 211,

A bill for an act to amend sections 6399, 6401, 6402, 6405, 6406, 6408, 6409 and 6410 of the Revised Codes, relating to claims against estates of decedents.

Was read the first and second times, and

Referred to the committee on judiciary.

Also,

House bill No. 202,

A bill for an act for the construction of an electric line from the penitentiary to the capitol building in the city of Bismarck.

Was read the first and second times, and

Referred to the committee on appropriations.

Also,

House bill No. 89,

A bill for an act to amend section 2073, chapter 27 of the Revised Codes of 1899 of the state of North Dakota, relating to the salaries of county auditors.

Was read the first and second times, and

Referred to the committee on judiciary.

Also,

House bill No. 203,

A bill for an act to amend section 1474 of the Revised Codes providing for the issue of bonds for defraying the expenses of constructing drains.

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

House bill No. 200,

A bill for an act authorizing the county commissioners to build and equip dipping tanks at county expense.

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

Mr. Little moved

That on Monday five additional clerks be appointed on the enrolling and engrossing force.

Which motion prevailed.

#### MESSAGE FROM THE GOVERNOR.

The following communication was received from the governor:

EXECUTIVE CHAMBER,  
BISMARCK, NORTH DAKOTA.  
March 2, 1901,

To the Senate:

Gentlemen—I have the honor to inform you that I have approved and filed with the honorable secretary of state

Senate bill No. 46,

A bill for an act to cure defective acknowledgments.

Also,

Senate bill No. 106,

A bill for an act to amend section 4820 of the Revised Codes of 1899, providing for a lien for grain to be used for seed.

Also,

Senate bill No. 111,

A bill for an act entitled "An act to amend section 5631 of the Revised Codes of 1899, relating to the printing of briefs and abstracts upon appeals to the supreme court."

Also,

Senate bill No. 135,

A bill for an act empowering the county commissioners to contract with the sheriff for the collection of personal property tax judgments, or personal property taxes delinquent more than one year.

Very respectfully yours,

FRANK WHITE,  
Governor.

## MESSAGE FROM THE GOVERNOR.

The following message was received from the governor:

EXECUTIVE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
March 2, 1901.

To the Seventh Legislative Assembly:

Gentlemen: At the opening of the session I had the honor to submit for your consideration a statement of the financial condition of the state and the probable revenues for the ensuing two years. I believe that a great deal of earnest work has been done by the members of this assembly to devise means to better this condition. A measure is under consideration which if it becomes operative will provide for the maintenance of the educational institutions outside of the general fund. Laws providing for the curtailment of expenses amounting to a small sum have been enacted; yet as the session draws to a close it is apparent that the demands from other sources have more than swallowed up the entire amount saved to the general fund by the above provisions. I therefore desire to again submit to you a statement of the probable revenues and fixed expenses that will be incurred for the ensuing two years, together with the appropriations that have passed or are recommended to pass both houses. In estimating the probable revenues I have included some fees that may be received from laws that you have now under consideration and that are recommended to pass, and also in estimating the amount of the fixed appropriations I have taken into consideration all reductions made or which are recommended to be made by this assembly.

Probable receipts from all sources.....	\$ 955,000
Standing appropriations .....	570,000

Appropriations under consideration and favorably reported:	
Repairing Executive Mansion .....	\$ 500
Agricultural College .....	18,000
Valley City Normal .....	15,000
Mayville Normal .....	15,000
Deaf School .....	17,500
Industrial School .....	14,000
Penitentiary .....	88,600
Insane Hospital .....	133,100
Soldiers' Home .....	20,300
Insane Hospital Deficit .....	6,000
Assistant Dairy Commission, Deficit .....	1,200
Advertising Lands .....	4,000
Wolf Bounty .....	50,000
Clerk State Treasurer's Office .....	2,000

Pan-American Fair .....	10,000
Increase in High School .....	12,000

Total recommended appropriations ..... \$ 407,200  
 Total recommended and standing appropriations.. 977,200

This total is \$22,200 in excess of whatever we may reasonably expect to receive during the next bi-ennial period. We have \$150,000 funding warrants recently issued to take up outstanding indebtedness and due March 1, 1902, also \$75,000 twine plant certificates due Nov. 1, 1902.

If the bills referred to are enacted into laws, our state at the end of this bi-ennial period will not be in a better financial condition than at the beginning.

I ask of you that you give this matter your earnest consideration.

I have the honor to be,

Very respectfully yours,

FRANK WHITE,  
 Governor.

#### MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,  
 BISMARCK, NORTH DAKOTA,  
 March 2, 1901.

Mr. President:

I have the honor to transmit herewith

House bill No. 200,

A bill for an act authorizing the county commissioners to build and equip dipping tanks at county expense.

Also,

House bill No. 203,

A bill for an act to amend section 1474 of the Revised Codes providing for the issue of bonds for defraying the expenses of constructing drains.

Also,

House bill No. 89,

A bill for an act to amend section 2073, chapter 27 of the Revised Codes of 1899 of the state of North Dakota, relating to the salaries of county auditors.

Also,

House bill No. 202,

A bill for an act for the construction of an electric line from the penitentiary to the capitol building in the city of Bismarck.

Also,

House bill No. 211,

A bill for an act to amend sections 6399, 6401, 6402, 6405, 6406 6408, 6409 and 6410 of the Revised Codes, relating to claims against estates of decedents.

Also,

House bill No. 20,

A bill for an act to amend section 403 of the Revised Codes, relating to the boundaries and terms of court in and for the First judicial district of the state of North Dakota.

Also,

House bill No. 214,

A bill for an act to amend section 911 of the Revised Codes relating to the meetings and compensation of the members of the board of trustees and the board of management of the normal schools.

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

J. D. SCANLAN,  
Chief Clerk.

Mr. Cooper moved

That the senate do now adjourn,

Which motion prevailed, and

The senate adjourned.

GEORGE L. TOWNES,  
Secretary.

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### FIFTY-SIXTH DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
March 4, 1901.

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. Cashel and Loftus, who were excused.

### MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,  
BISMARCK, NORTH DAKOTA,  
March 4, 1901.

Mr. President:

I have the honor to return herewith

Senate bill No. 140,

A bill for an act entitled an act to amend section 1880 of the Revised Codes of North Dakota of 1899, relating to the procedure for the location and removal of county seats.

Also,

Senate bill No. 96,

A bill for an act amending section 1278 of the Revised Codes of 1899, relating to "deed not to be recorded without auditor's certificate of taxes paid."

Which the house has passed unchanged.

Also,

Senate bill No. 21,

A bill for an act regulating fraternal beneficiary societies, orders or associations.

Which the house has amended as follows:

By striking out the emergency clause, section 17.

Also,

Senate bill No. 139,

A bill for an act making the state of North Dakota a preferred creditor in the case of sales of binding twine upon time and in the case of other contracts with the state.

Which the house has amended as follows:

By striking out all of section 1 and inserting in lieu thereof the following:

Section 1. The state of North Dakota is hereby made a preferred creditor in all cases of the sale on credit of the products of the twine and cordage plant at the penitentiary, and is also hereby made a preferred creditor in all cases of payments due to the state on any and all other contracts.

And by inserting before the word "there" in line 6 of the printed bill the following:

Sec. 2. Emergency.)

Also

Senate bill No. 68,

A bill for an act entitled an act relating to the board of pardons and prescribing the powers and duties thereof.

Which the house has amended as follows:

By striking out the words "board of pardon" wherever same appears in section 1, and insert in lieu thereof the words "board of pardons."

By striking out the words "other such" in line 17, page 4 of the printed bill and inserting in lieu thereof the words "such other."

By striking out the word "stationary" in line 6, section 7 of the printed bill and inserting in lieu thereof the word "stationery."

By inserting after the word "all" in line 6 of section 4 of the printed bill the word "other."

Also,

Substitute for Senate bill No. 47,

A bill for an act to amend section 1549 of the Revised Codes of 1899, relating to time when lawful for stock to run at large.

Which the house has amended as follows:

Insert after the word "ponies" in section 1 the words "swine, goats;" also add at the end of section 5 the following "provided, further, that any county wherever it is lawful for stock to run at large, none of the provisions of chapter 42 of the Code of Civil Procedure shall apply in such county."

Before line 2, page 2, section 3, insert at the beginning of section 3 of the printed bill between lines 1 and 2 the following:

"Whenever the county commissioners shall have voted that it is unlawful for stock to run at large, then."

And as so amended passed.

Also,

Senate bill No. 48,

A bill for an act to amend section 6153 of the Revised Codes of 1891 relating to liability of owner for trespass of animals.

Also,

Senate bill No. 128,

A bill for an act entitled an act to amend section 338d of the Revised Codes, 1899, relating to vouchers filed to be consecutively numbered and paid.

Which the house has passed unchanged.

Also,

Senate bill No. 88,

A bill for an act to amend section 2095 of the Revised Codes of 1899 relating to compensation of county commissioners.

Which the house has amended as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

Section 1. Amendment.) That section 2095 of the Revised Codes of 1899 be amended and re-enacted to read as follows:

Section 2095. Compensation Allowed. Office Hours.) County commissioners shall each be allowed for the time they are necessarily employed in the duties of their office, the sum of four dollars per day, and five cents per mile for the distance actually traveled in attending the meetings of the board and when engaged in other official duties, to be paid out of the general fund of the county, and their office hours shall be not less than from 9 to 12 a. m., and 2 to 6 p. m. during regular or special sessions held by such board.

And as so amended passed.

Also,

Senate bill No. 138,

Concurrent resolution for an act to amend section 182 of the constitution of the state of North Dakota.

Which the house has failed to pass.

Also,

Senate bill No. 104,

A bill for an act to amend section 662, Revised Codes, 1899, relating to division of school districts.

Also,

Senate bill No. 74,

A bill for an act entitled "An act to amend sections 643, 681 and 682 of the Revised Codes of 1899, relating to education."

Also,

Senate bill No. 105,

A bill for an act to amend section 4680 of article 2, chapter 72, of the Revised Codes of the state of North Dakota, for the year 1899, entitled liens in general.

Also,

Substitute for Senate bill No. 51,

A bill for an act to amend sections 1392 and 1393 of the Revised Codes of North Dakota, relating to state military board.

Also,

Senate bill No. 169,

A bill for an act entitled "An act authorizing and requiring the state board of equalization at its annual meeting in the year 1901 to levy a sinking fund tax to pay the amount due on bonds issued by the territory of Dakota on the first day of May, 1887, and due and payable the first day of May, 1902, for the construction of buildings for the hospital for the insane at Jamestown, and making an appropriation of the proceeds of such sinking fund tax."

Also,

Senate bill No. 173

A bill for an act entitled an act amending section 2084 of the Revised Codes, 1899, relating to fees for transportation of prisoners and patients.

Also,

Senate bill No. 129,

A bill for an act relating to the manner of making and filing claims against the state, and prescribing forms to be used.

Also,

Senate bill No. 108,

A bill for an act to amend section 3139 of the Revised Codes of 1899 relating to county mutual insurance companies.

Which the house has passed unchanged.



Also,

I have the honor to transmit herewith

House bill No. 184,

A bill for an act to amend section 207 of the Revised Codes, relating to the taxation of school and institutional lands after the contract for the sale thereof has been made and prohibiting the issuance of tax deeds thereof and providing for dropping the same from the tax lists after the cancellation of said contract.

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

Very respectfully,

J. D. SCANLAN,  
Chief Clerk.

#### REFERENCE OF THE JOURNAL.

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

Mr. President:

Your committee on revision and correction of the Journal report no corrections for the fifty-fourth day.

H. J. MINER,  
Chairman.

#### REPORTS OF STANDING COMMITTEES.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred  
Substitute for Senate bill No. 154,

A bill for an act defining express companies, freight line companies, equipment companies, telegraph and telephone companies and providing for the assessment of their property and taxation of the same.

Also,

Senate Concurrent Resolution relating to a memorial to congress to repeal the Nelson bankruptcy law.

Also,

Senate bill No. 233,

A bill for an act to amend section 5658 of the Revised Codes of 1899 relating to attendance of witnesses for examination.

Also,

Senate bill No. 224,

A bill for an act to amend section 2467 of the Revised Codes of North Dakota, 1899, relating to free public libraries.

Also,

House bill No. 194,

A bill for an act to amend section 3576 of article 3 of the Revised Codes of North Dakota and to cure defective acknowledgments.

Also,

House bill No. 23,

A bill for an act entitled "An act to amend section 135 of the Probate Code of North Dakota, being section 6391 of the Revised Codes of North Dakota for 1895, relating to exemptions."

Also,

House bill No. 44,

A bill for an act to amend section 4719 of the Revised Codes of North Dakota 1899 relating to the discharge of real estate mortgages.

Also,

House bill No. 188

A bill for an act to amend section 3597 of the Revised Codes of the state of North Dakota in regard to the record of certain instruments and the admissability in evidence of instruments entitled to record, without further proof.

Also,

House bill No. 175,

A bill for an act relating to the transfer of cemetery lots by religious corporations.

Also,

House bill No. 208,

A bill for an act to amend section 2736 of the Revised Codes of 1899, relating to the dissolution of marriage.

Also,

House bill No. 89,

A bill for an act to amend section 2073, chapter 27 of the Revised Codes of 1899 of the state of North Dakota, relating to the salaries of county auditors.

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

Also

House bill No. 127,

A bill for an act to amend section 1225 of the Revised Codes of North Dakota, of 1899, relating to the state board of equalization, providing for its membership and their compensation.

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

Also,

House bill No. 178,

A bill for an act to amend section 2770 of the Revised Codes of

North Dakota, relating to the liability of a husband or wife for the debt of the other, and to establish their joint and several liability for household supplies in certain cases.

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. 86,

A bill for an act to provide for the giving of proper official bonds by school district treasurers, and to provide for the payment of the premiums on same.

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

At the end of the last line in section 1, add the following words: "Provided further, if a surety bond is given it shall be given for a sum fixed by the board of directors."

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 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. 109,

A bill for an act to amend section 1786 of the Revised Codes of the state of North Dakota, edition of 1899, relating to and defining public warehouses, by striking out so much of said section as relates to grist mills.

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

Also,

House bill No. 182,

A bill for an act to license and regulate the business of storage

companies and public warehousemen (other than warehousemen of grain in bulk) and to provide penalty for violation of the same.

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

By inserting the word, "emergency" after the figure "13" in section 13.

And when so amended recommend that the same do pass.

J. Z. FULLER,  
Chairman.

Mr. Fuller 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. 175,

A bill for an act entitled an act amending sections 3003 and 3006, Revised Codes, 1899, relating to the duties of railroad commissioners and fixing their salaries.

Have had the same under consideration and recommend that the same be indefinitely postponed.

Also,

House bill No. 91,

A bill for an act making railway corporations liable for the injury or killing of stock, where they fail to fence and maintain a lawful fence along their railroad.

Have had the same under consideration and recommend that the following bill be substituted:

#### A BILL

For an Act to Amend Section 2978 of the Revised Codes of 1899. Be it Enacted by the Legislative Assembly of the State of North Dakota:

Section 1. That section 2978 of the Revised Codes of the state of North Dakota be amended to read as follows:

Sec. 2978. The killing or damaging of horses, cattle or other stock by the cars or locomotives along a railroad shall be prima facie evidence of carelessness and negligence on the part of the corporation unless the same was occasioned by the willful or negligent act of the owner or his agent, and if such corporation neglects to pay the value of or damage done to any such stock within ninety days after notice in writing, accompanied by affidavit of such injury or destruction has been served on any officer, station or ticket agent employed in the management in the business of the corporation in the county where the injury com-

plained of was committed, such owner shall be entitled to recover double the value of the stock killed.

And recommend that the same do pass.

R. S. LEWIS,  
Chairman.

Mr. Lewis 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. 192, .

A bill for an act to amend sections 2134, 2141, 2155, 2204, 2251 and 2254 of the Revised Codes of 1899, relating to cities.

Also,

Senate bill No. 208,

A bill for an act entitled an act concerning the inspection of live stock before shipment, creating the office of stock inspector and prescribing his duties and compensation.

Also,

Senate bill No. 91,

A bill for an act to provide for the erection and equipment of necessary additional buildings, for a system of sewerage and for other necessary improvements for the North Dakota Agricultural college at Fargo.

Also,

Senate bill No. 223,

A bill for an act to provide for the settlement of claims of the state against sureties on bonds of state depositories.

Also,

Senate bill No. 228,

A bill for an act providing for the sale of public lands during the year 1901, and for the disposal of the proceeds of such sale and the revenue accruing thereon.

Also,

Senate bill No. 225,

A bill for an act to provide for the investment of the sinking funds of special school districts and to prescribe a mode of executing, satisfying, and foreclosing mortgages taken upon such investments.

Also,

Senate bill No. 220,

A bill for an act providing for the collection of delinquent personal taxes by action.

Also,

Senate bill No. 195,

A bill for an act entitled an act to amend section 1311 of the Revised Codes of 1899 relating to extraordinary expenditures.

Also,

Senate bill No. 27,

A bill for an act authorizing the board of trustees of the North Dakota agricultural college to co-operate with the geological, agricultural, and other surveys, organized under the department of the interior of the United States, in completing a topographic, agricultural and geological survey and map of North Dakota and making an appropriation therefor.

And find the same correctly engrossed.

H. E. LAVAYEA,  
Chairman.

MOTIONS AND RESOLUTIONS.

Mr. Little moved

That the senate concur in the house amendments to

Senate bill No. 139,

A bill for an act making the state of North Dakota a preferred creditor in the case of sales of binding twine upon time and in the case of other contracts with the state.

The roll was called and there were ayes 28, nays none, absent and not voting 4.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Laidlaw,	Sanborn,
Baker,	Lavayea,	Sharpe,
Clarke,	LaMoure,	Simpson,
Cooper,	Lewis,	Slotten,
Devlin,	Little,	Swenson,
Fuller,	McDougal,	Talcott,
Geer,	Miner,	Taylor,
Hale,	Murphy,	Williams,
Hegge,	Noble,	Wolbert,
Jacobson,		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Cashel,	Cox,	Lofthus,

So the amendments were concurred in.

The courtesies of the floor were extended to Dr. J. H. Rindlaub, Dr. J. W. Wear, Dr. T. Thams and L. B. Hanna all of Fargo, N. D.

Mr. Wolbert moved that the senate concur in the house amendments to

Substitute for Senate bill No. 47,

A bill for an act to amend section 1549 of the Revised Codes of 1899, relating to time when lawful for stock to run at large.

The roll was called and there were ayes 28, nays none, absent and not voting 3.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Jacobson,	Noble,
Baker,	Laidlaw,	Sanborn,
Clarke,	Lavayea,	Sharpe,
Cooper,	LaMoure,	Slotten,
Cox,	Lewis,	Swenson,
Devlin,	Little,	Talcott,
Fuller,	McDougal,	Taylor,
Geer,	Miner,	Williams,
Hale,	Murphy,	Wolbert,
Hegge,		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Cashel,	Lofthus,	Simpson,

Messrs. Lofthus and Cashel being excused.

So the amendments were concurred in.

Mr. Noble moved

That the senate concur in house amendments to

Senate bill No. 68,

A bill for an act entitled an act relating to the board of pardons and prescribing the powers and duties thereof.

The roll was called and there were ayes 29, nays none, absent and not voting 2.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Jacobson,	Sanborn,
Baker,	LaMoure,	Sharpe,
Clarke,	Laidlaw,	Simpson,
Cooper,	Lavayea,	Slotten,
Cox,	Lewis,	Swenson,
Devlin,	Little,	Talcott,
Fuller,	McDougal,	Taylor,
Geer,	Miner,	Williams,
Hale,	Murphy,	Wolbert,
Hegge,	Noble,	

Absent and not voting Messrs. Cashel and Lofthus.

Messrs. Cashel and Lofthus being excused.

So the amendments were concurred in.

### THIRD READING OF SENATE BILLS.

Senate bill No. 223,

A bill for an act to provide for the settlement of claims of the state against sureties on bonds of state depositories.

Was read the third time.

The question being upon the final passage of the bill.

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

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Jacobson,	Sanborn,
Baker,	Lavayea,	Sharpe,
Clarke,	LaMoure,	Simpson,
Cooper,	Lewis,	Slotten,
Devlin,	Little,	Swenson,
Fuller,	McDougal,	Talcott,
Geer,	Miner,	Taylor,
Hale,	Murphy,	Williams,
Hegge,	Noble,	Wolbert,

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Cashel,	Laidlaw,	Lofthus,
Cox,		

Messrs. Cashell and Lofthus being excused.

So the bill passed and the title was agreed to.

Mr. Little moved that the vote by which

Senate bill No. 223,

A bill for an act to provide for the settlement of claims of the state against sureties on bonds of state depositories.

Was passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

Senate bill No. 158,

A bill for an act to provide for the protection of the health, lives and interests of the coal miners of North Dakota, and to provide for the inspection of all coal mines in this state, and the conducting and operating of coal mines, and to create a state inspection of mines.

Was read the third time.

Mr. Jacobson offered the following amendment:

Amend section one (1) of chapter one (1) of the printed bill to read as follows:

Add at the end of line twenty (20) of section one (1) of the printed bill the following:

That until otherwise provided by law the commissioner of agriculture and labor shall be ex-officio state inspector of mines, and for discharging such additional duties he shall receive the sum of two hundred (200) dollars per annum, and the said amount is hereby appropriated out of any funds in the state treasury not otherwise appropriated, said amount to cover all expenses for his discharging such additional duties.

Mr. Jacobson moved

That the report be adopted.

Which motion prevailed, and

The report was adopted.



Mr. Little moved

To amend title by adding the words "and making an annual appropriation therefor."

Which motion prevailed.

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

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

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Jacobson,	Sanborn,
Baker,	Laidlaw,	Sharpe,
Clarke,	Lavayea,	Simpson,
Cooper,	LaMoure,	Slotten,
Devlin,	Lewis,	Swenson,
Fuller,	Little,	Talcott,
Geer,	McDougal,	Taylor,
Hale,	Miner,	Williams,
Hegge,	Murphy,	Wolbert,

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Cashel,	Lofthus,	Noble,
Cox,		

Messrs. Cashel and Lofthus being excused.

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

Senate bill No. 224,

A bill for an act to amend section 2467 of the Revised Codes of North Dakota, 1899, relating to free public libraries.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 28, nays none, absent and not voting 3.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Laidlaw,	Sanborn,
Baker,	Lavayea,	Sharpe,
Clarke,	LaMoure,	Simpson,
Cooper,	Lewis,	Slotten,
Devlin,	Little,	Swenson,
Fuller,	McDougal,	Talcott,
Geer,	Miner,	Taylor,
Hale,	Murphy,	Williams,
Hegge,	Noble,	Wolbert,
Jacobson,		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Cashel,	Cox,	Lofthus,

Messrs. Cashell and Lofthus being excused.

So the bill passed and the title was agreed to.

Mr. Ames moved that the vote by which

Senate bill No. 224,

A bill for an act to amend section 2467 of the Revised Codes of North Dakota, 1899, relating to free public libraries.

Was passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

Senate bill No. 233,

A bill for an act to amend section 5658 of the Revised Codes of 1899 relating to attendance of witnesses for examination.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 28, nays none, absent and not voting 3.

Messrs.—

Messrs.—

Messrs.—

Those who voted in the affirmative were:

Ames,

Baker,

Clarke,

Cooper,

Devlin,

Fuller,

Geer,

Hale,

Hegge,

Jacobson,

Laidlaw,

Lavayea,

LaMoure,

Lewis,

Little,

McDougal,

Miner,

Murphy,

Noble,

Sanborn,

Sharpe,

Simpson,

Slotten,

Swenson,

Talcott,

Taylor,

Williams,

Wolbert,

Absent and not voting:

Messrs.—

Messrs.—

Messrs.

Cashel,

Cox,

Lofthus,

Messrs. Cashel and Lofthus being excused.

So the bill passed and the title was agreed to.

Mr. Hale moved that the senate do now concur in the house amendments to

Senate bill No. 21,

A bill for an act regulating fraternal beneficiary societies, orders or associations.

Which motion prevailed.

The roll was called and there were ayes 28, nays none, absent and not voting 3.

Those who voted in the affirmative were:

Messrs.—

Messrs.—

Messrs.—

Ames,

Baker,

Clarke,

Cooper,

Devlin,

Fuller,

Geer,

Hale,

Hegge,

Jacobson,

Laidlaw,

Lavayea,

LaMoure,

Lewis,

Little,

McDougal,

Miner,

Murphy,

Noble,

Sanborn,

Sharpe,

Simpson,

Slotten,

Swenson,

Talcott,

Taylor,

Williams,

Wolbert,

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Cashel,	Cox,	Lofthus,

Messrs. Cashel and Lofthus being excused.

So the amendments were concurred in.

Mr. Wolbert moved to reconsider the vote by which  
Senate bill No. 210,

A bill for an act to compel old line or legal reserve mutual life insurance companies to give an annual accounting of the earnings of each policy to the person on whose life the risk is written, and to compel their giving a statement on all policies heretofore written on persons now residing within this state to the persons whose lives are insured by such policies.

Was lost on Saturday,  
Which motion prevailed.

The secretary announced that the president was about to sign  
House bill No. 77,

A bill for an act to amend chapter 160 of the session laws of 1899, being section 2591 of the Revised Codes of 1899, relating to the meetings of township board of supervisors.

And the president signed the bill in the presence of the senate.

Substitutè for Senate bill No. 154,

A bill for an act defining express companies, freight line companies, equipment companies, telegraph and telephone companies and providing for the assessment of their property and taxation of the same.

Was read the third time.

The question being upon the final passage of the bill

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

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Jacobson,	Sanborn,
Baker,	Laidlaw,	Sharpe,
Clarke,	Lavayea,	Slotten,
Cooper,	LaMoure,	Swenson,
Devlin,	Little,	Talcott,
Fuller,	McDougal,	Taylor,
Geer,	Miner,	Williams,
Hale,	Murphy,	Wolbert,
Hegge,		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Cashel,	Lewis,	Noble,
Cox,	Lofthus,	Simpson,

Messrs. Cashel and Lofthus being excused.

So the bill passed and the title was agreed to.

Senate bill No. 147,

A bill for an act authorizing the issuance of bonds, based upon the normal school land grant, for the purpose of erection and completion of buildings for the use of the state normal schools at Valley City and Mayville.

Was read the third time.

Mr. Ames moved to amend Senate bill No. 147 by adding to the title the following:

“Be it enacted by the legislative assembly of the state of North Dakota.”

Which amendment was adopted.

The question being upon the final passage of the bill.

The roll was called and there were ayes 24, nays none, absent and not voting 7.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Hogge,	Noble,
Baker,	Laidlaw,	Sanborn,
Clarke,	Lavayea,	Sharpe,
Cooper,	LaMoire,	Slotten,
Devlin,	Little,	Swenson,
Fuller,	McDougal,	Talcott,
Geer,	Miner,	Taylor,
Hale,	Murphy,	Williams,

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Cashel,	Lewis,	Simpson,
Cox,	Lofthus,	Wolbert,
Jacobson,		

Messrs. Cashell and Lofthus being excused.

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

Mr. Ames moved that the vote by which

Senate bill No. 147,

A bill for an act authorizing the issuance of bonds, based upon the normal school land grant, for the purpose of erection and completion of buildings for the use of the state normal schools at Valley City and Mayville.

Was passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

Senate bill No. 20,

A bill for an act to provide for the admission of graduates from the law department of the university of North Dakota to the bar of this state.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 21, nays none, absent and not voting 10.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Hale,	Sanborn,
Baker,	Laidlaw,	Sharpe,
Clarke,	Lavayea,	Slotten,
Cooper,	LaMoure,	Swenson,
Devlin,	McDougal,	Talcott,
Fuller,	Murphy,	Taylor,
Geer,	Noble,	Williams,

Absent and not voting

Messrs.—	Messrs.—	Messrs.—
Cashel,	Lewis,	Miner,
Cox,	Little,	Simpson,
Hegge,	Loftnus,	Wolbert,
Jacobson,		

Messrs. Cashel and Loftnus being excused.

So the bill passed and the title was agreed to.

Mr. Taylor moved that the vote by which

Senate bill No. 20,

A bill for an act to provide for the admission of graduates from the law department of the university of North Dakota to the bar of this state.

Was passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed,

Senate bill No. 164,

A bill for an act entitled "An act to provide for transfer facilities at track crossings at grade of common carriers, determining how the expenses of such track crossings shall be paid and empowering the board of railroad commissioners to establish reasonable joint through rates."

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 28, nays none, absent and not voting 3.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Laidlaw,	Sanborn,
Baker,	Lavayea,	Sharpe,
Clarke,	LaMoure,	Simpson,
Cooper,	Lewis,	Slotten,
Devlin,	Little,	Swenson,
Fuller,	McDougal,	Talcott,
Geer,	Miner,	Taylor,
Hale,	Murphy,	Williams,
Hegge,	Noble,	Wolbert,
Jacobson,		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Cashel,	Cox,	Lofthus,

Messrs. Cashel and Lofthus being excused.

So the bill passed and the title was agreed to.

Mr. Hegge moved that the vote by which  
Senate bill No. 164,

A bill for an act entitled "An act to provide for transfer facilities at track crossings at grade of common carriers, determining how the expenses of such track crossings shall be paid and empowering the board of railroad commissioners to establish reasonable joint through rates."

Was passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

Senate bill No. 39,

A bill for an act to amend section 888, Revised Codes, 1899, relating to education.

Was read the third time.

The question being upon the final passage of the bill.

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

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Jacobson,	Noble,
Baker,	Laidlaw,	Sharpe,
Clarke,	Lavayea,	Simpson,
Cooper,	LaMoure,	Slotten,
Devlin,	Lewis,	Swenson,
Fuller,	Little,	Talcott,
Geer,	McDougal,	Taylor,
Hale,	Miner,	Williams,
Hegge,	Murphy,	Wolbert,

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Cashel,	Lofthus,	Sanborn,
Cox,		

Messrs. Cashel and Lofthus being excused.

So the bill passed and the title was agreed to.

Senate bill No. 38,

A bill for an act to amend section 913 of the Revised Codes of 1899, relating to education.

Was read the third time.

The question being upon the final passage of the bill.

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

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Jacobson,	Sanborn,
Baker,	Lavayea,	Sharpe,
Clarke,	LaMoure,	Simpson,
Cooper,	Lewis,	Slotten,
Devlin,	Little,	Swenson,
Fuller,	McDougal,	Talcott,
Geer,	Miner,	Taylor,
Hale,	Murphy,	Williams,
Hegge,	Noble,	Wolbert,

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Cashel,	Laidlaw,	Lofthus,
Cox,		

Messrs. Cashel and Loftus being excused.

So the bill passed and the title was agreed to.

Senate bill No. 27,

A bill for an act authorizing the board of trustees of the North Dakota agricultural college to co-operate with the geological, agricultural, and other surveys, organized under the department of the interior of the United States, in completing a topographic, agricultural and geological survey and map of North Dakota and making an appropriation therefor.

Was read the third time.

Mr. Lewis moved to amend Senate bill No. 27:

In line 4 of section 11 of the engrossed bill strike out the words 'provided, that' and place a period after the word "university" in the same line.

Make the remainder of the bill section 12.

Which amendments were adopted.

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

The roll was called and there were ayes 28, nays none, absent and not voting 3.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Jacobson,	Sanborn,
Baker,	Lavayea,	Sharpe,
Clarke,	LaMoure,	Simpson,
Cooper,	Lewis,	Slotten,
Cox,	Little,	Swenson,
Devlin,	McDougal,	Talcott,
Fuller,	Miner,	Taylor,
Geer,	Murphy,	Williams,
Hale,	Noble,	Wolbert,
Hegge,		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Cashel,	Laidlaw,	Lofthus,

Messrs. Cashel and Lofthus being excused.

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

Mr. Lewis moved that the vote by which

Senate bill No. 27,

A bill for an act authorizing the board of trustees of the North Dakota agricultural college to co-operate with the geological, agricultural, and other surveys, organized under the department of the interior of the United States, in completing a topographic, agricultural and geological survey and map of North Dakota and making an appropriation therefor.

Was passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

THIRD READING OF HOUSE BILLS.

House bill No. 44,

A bill for an act to amend sections 736, 740, 741, 742 and 743 of the Revised Codes, 1899, relating to education.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 24, nays none, absent and not voting 7.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Hegge,	Noble,
Baker,	Jacobson,	Sanborn,
Clarke,	LaMoure,	Sharpe,
Cooper,	Lewis,	Slotten,
Devlin,	Little,	Swenson,
Fuller,	McDougal,	Talcott,
Geer,	Miner,	Taylor,
Hale,	Murphy,	Williams,

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Cashel,	Lavayea,	Simpson,
Cox,	Lofthus,	Wolbert,
Laidlaw,		

Messrs. Cashel and Lofthus being excused.

So the bill passed and the title was agreed to.

House bill No. 194,

A bill for an act to amend section 3576 of article 3 of the Revised Codes of North Dakota and to cure defective acknowledgments.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 25, nays none, absent and not voting 6.



Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Jacobson,	Sharpe,
Baker,	LaMoure,	Simpson,
Clarke,	Lewis,	Slotten,
Cooper,	Little,	Swenson,
Devlin,	McDougal,	Talcott,
Fuller,	Miner,	Taylor,
Geer,	Noble,	Williams,
Hale,	Sanborn,	Wolbert,
Hegge,		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Cashel,	Laidlaw	Lofthus,
Cox,	Lavayea,	Murphy,

Messrs. Cashel and Lofthus being excused.

So the bill passed and the title was agreed to.

House bill No. 175,

A bill for an act relating to the transfer of cemetery lots by religious corporations.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 25, nays none, absent and not voting 6.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Hegge,	Sharpe,
Baker,	Jacobson,	Simpson,
Clarke,	LaMoure,	Slotten,
Cooper,	Lavayea,	Swenson,
Devlin,	Lewis,	Talcott,
Fuller,	Little,	Taylor,
Geer,	McDougal,	Williams,
Hale,	Miner,	Wolbert,

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Cashel,	Laidlaw,	Murphy,
Cox,	Lofthus,	Sanborn,

Messrs. Cashel and Lofthus being excused.

So the bill passed and the title was agreed to.

House bill No. 71,

A bill for an act to amend section 5958 of the Revised Codes, enumerating what property may be taken in the exercise of the right of eminent domain.

Was read the third time.

The question being upon the final passage of the bill

The roll was called and there were ayes 25, nays none, absent and not voting 6.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.
Ames,	Lavayea,	Sanborn,
Baker,	LaMoure,	Sharpe,
Clarke,	Lewis,	Slotten,
Cooper,	Little,	Swenson,
Devlin,	McDougal,	Talcott,
Fuller,	Miner,	Taylor,
Geer,	Murphy,	Williams,
Hale,	Noble,	Wolbert,
Hegge,		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.
Cashel,	Jacobson,	Lofthus,
Cox,	Laidlaw,	Simpson,

Messrs. Cashel and Lofthus being excused.

So the bill passed and the title was agreed to.

House bill No. 118,

A bill for an act to amend sections 775 and 777 of the Revised Codes of 1899, relating to school district bonds.

Was read the third time.

Mr. Wolbert moved to add to section 2 as follows:

Sec. 2. Whereas, an emergency exists in that there is no adequate law for issuing school bonds in certain cases, therefore this law shall be in force and take effect on and after its passage and approval.

Which motion prevailed.

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

The roll was called and there were ayes 24, nays none, absent and not voting 7.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Hegge,	Sanborn,
Baker,	Jacobson,	Sharpe,
Clarke,	LaMoure,	Slotten,
Cooper,	Little,	Swenson,
Devlin,	McDougal,	Talcott,
Fuller,	Miner,	Taylor,
Geer,	Murphy,	Williams,
Hale,	Noble,	Wolbert,

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Cashel,	Lavayea,	Lofthus,
Cox,	Lewis,	Simpson,
Laidlaw,		

Messrs. Cashel and Lofthus being excused.

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

House bill No. 149,

A bill for an act to amend section 1269 of the Revised Codes

of the state of North Dakota, relating to the rights of purchasers of lands at sale for the non-payment of taxes.

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 none, absent and not voting 5.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	LaMoure,	Sharpe,
Baker,	Lavayea,	Simpson,
Cooper,	Lewis,	Slotten,
Devlin,	Little,	Swenson,
Fuller,	McDougal,	Talcott,
Geer,	Miner,	Taylor,
Hale,	Murphy,	Williams,
Hegge,	Noble,	Wolbert,
Jacobson,	Sanborn,	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Cashel,	Cox,	Lofthus,
Clarke,	Laidlaw,	

Messrs. Cashel and Lofthus being excused.

So the bill passed and the title was agreed to.

House bill No. 156,

A bill for an act to amend section 715 of the Revised Codes of 1899, requiring county superintendents of schools to report all school moneys to district treasurers.

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 none, absent and not voting 9.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Lavayea,	Simpson,
Baker,	Little,	Slotten,
Cooper,	McDougal,	Swenson,
Devlin,	Miner,	Talcott,
Fuller,	Murphy,	Taylor,
Geer,	Sanborn,	Williams,
Hale,	Sharpe,	Wolbert,
Hegge,		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Cashel,	Jacobson,	Lewis,
Clarke,	Laidlaw,	Lofthus,
Cox,	LaMoure,	Noble,

Messrs. Cashel and Lofthus being excused.

So the bill passed and the title was agreed to.

House bill No. 180,

A bill for an act for the protection of manufacturers of soda water, mineral water and other like beverages.

Was read the third time.

The question being upon the final passage of the bill.

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

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Jacobson,	Sanborn,
Baker,	Laidlaw,	Sharpe,
Clarke,	Lavayea,	Simpson,
Cooper,	LaMoure,	Slotten,
Devlin,	Lewis,	Swenson,
Fuller,	Little,	Talcott,
Geer,	McDougal,	Taylor,
Hale,	Miner,	Williams,
Hegge,	Murphy,	Wolbert,

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Cashel,	Lofthus,	Noble,
Cox,		

Messrs. Cashel and Lofthus being excused.

So the bill passed and the title was agreed to.

House bill No. 89,

A bill for an act to amend section 2073, chapter 27 of the Revised Codes of 1899 of the state of North Dakota, relating to the salaries of county auditors.

Was read the third time.

Mr. Hale moved to strike out section 2.

Which motion prevailed.

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

The roll was called and there were ayes 25, nays 2, absent and not voting 4.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Jacobson,	Sanborn,
Baker,	Laidlaw,	Simpson,
Clarke,	Lavayea,	Slotten,
Cooper,	LaMoure,	Swenson,
Devlin,	Lewis,	Talcott,
Fuller,	Little,	Taylor,
Geer,	McDougal,	Williams,
Hale,	Miner,	Wolbert,
Hegge,		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Cashel,	Lofthus,	Noble,
Cox,		

Messrs. Murphy and Sharpe voted in the negative.

Messrs. Cashel and Lofthus being excused.

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

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
BISMARCK, NORTH DAKOTA,  
March 4, 1901.

Mr. President:

I have the honor to transmit herewith

House bill No. 207,

A bill for an act to amend section 95 of the Revised Codes of 1899, relating to fees of the secretary of state.

Also,

House bill No. 186,

A bill for an act declaring gophers a common nuisance and to provide for their extermination in certain instances.

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

Also,

I have the honor to return herewith

Substitute for Senate bill No. 19,

A bill for an act to amend section 1941 of the Revised Codes of 1899, relating to depositories of county funds.

Which the house has indefinitely postponed.

Also,

I have the honor to transmit herewith

House bill No. 218,

A bill for an act entitled an act to amend section 1115b of article 5 of chapter 11 of the Revised Codes of 1899 relating to the purchase of road machinery.

Also,

House bill No. 222,

A bill for an act to regulate the hearing and determination of cases by the supreme court and to provide for amendments so as to obviate errors of practice.

Also,

House bill No. 177,

A bill for an act to make an appropriation for the collection, arrangement and display of the products of the state of North Dakota at the Pan-American exposition of 1901, and to provide for the expenses of the state commissioners thereof.

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

Very respectfully,

J. D. SCANLAN,

Chief Clerk.

Mr. Little moved

That all house bills on the secretary's desk be given their first and second reading and reference.

Which motion prevailed.

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

House bill No. 177,

A bill for an act to make an appropriation for the collection, arrangement and display of the products of the state of North Dakota at the Pan-American exposition of 1901, and to provide for the expenses of the state commissioners thereof.

Was read the first and second times, and

Referred to the committee on appropriations.

Also,

House bill No. 222,

A bill for an act to regulate the hearing and determination of cases by the supreme court and to provide for amendments so as to obviate errors of practice.

Was read the first and second times, and

Referred to the committee on judiciary.

House bill No. 218,

A bill for an act entitled an act to amend section 1115b of article 5 of chapter 11 of the Revised Codes of 1899 relating to the purchase of road machinery.

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 95 of the Revised Codes of 1899, relating to fees of the secretary of state.

Was read the first and second times, and

Referred to the committee on state affairs.

House bill No. 184,

A bill for an act to amend section 207 of the Revised Codes, relating to the taxation of school and institutional lands after the contract for the sale thereof has been made and prohibiting the issuance of tax deeds thereof and providing for dropping the same from the tax lists after the cancellation of said contract.

Was read the first and second times, and

Referred to the committee on ways and means.

House bill No. 186,

A bill for an act declaring gophers a common nuisance and to provide for their extermination in certain instances.

Was read the first and second times, and

Referred to the committee on state affairs.

Mr. Little moved

That the senate do now adjourn,

Which motion prevailed, and

The senate adjourned.

GEORGE L. TOWNES,

Secretary.

## FIFTY-SEVENTH DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA.  
March 5, 1901.

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. Cashel and Loftus, who were excused.

## REPORTS OF STANDING COMMITTEES.

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

Mr. President:

Your committee on revision and correction of the Journal respectfully report that they have carefully examined the Journal for the fifty-sixth day and report no corrections.

H. J. MINER,  
Chairman.

The committee on insurance made the following report:

Mr. President:

Your committee on insurance to whom was referred  
Senate bill No. 167,

A bill for an act to amend sections 3137 and 3142 of the Revised Codes of 1899, relating to insurance premiums to be paid, conditions of policy, assessments and liability of policy holders.

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

Line 2 of the printed bill after the word "insuring."

Strike out the word "property" and insert in lieu thereof the word "grain." Same line after the word "hail," strike out the words "fire or tornado."

Strike out all of section 3142 and insert in lieu thereof the following:

Sec. 3142. Assessments. Basis Of. When Made.) Whenever the amount of any loss shall have been ascertained, if it exceed the amount of the cash funds of the company applicable to the payment of such loss, the president shall convene the directors of the company who shall make an assessment sufficient at least to pay such loss from all members of the company, in proportion to the amount of insurance carried.

In case that any assessment so made shall not be collected at the time same is due and that the amount collected is insufficient to pay the losses or expenses of the company, then a second assessment shall be made in the manner above provided upon the policy holders who have paid their assessment for an amount that shall be sufficient to pay all losses and expense in full. Such assessments shall be made from time to time in the manner herein provided until a sufficient amount is collected to pay all losses and expenses in full. In case any such delinquent assessment is collected after other assessments have been made and collected then such assessment so collected shall be applied towards repaying the policy holders who have paid more than their just share in proportion to the amount of insurance carried by each. No assessment for loss or damage shall be made prior to the first day of September of the year loss occurred.

And when so amended recommend that the same do pass.

O. J. HEGGE,  
Chairman.

Mr. Hegge 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. 122,

A bill for an act to provide for submitting the question of conferring additional jurisdiction upon county courts.

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

By striking out in line 3, section 1 of original bill the word "ten," and inserting in lieu thereof the word "twenty."

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  
House bill No. 97,

A bill for an act to amend chapter 21 of the Revised Codes, governing the location, establishment and construction of drains and relating to the allowance and taxation of costs and attorneys fees against the defendants in actions to enjoin drainage proceedings or the levy and collection of taxes and assessments therefor.



Also,

House bill No. 218,

A bill for an act entitled an act to amend section 1115b of article 5 of chapter 11 of the Revised Codes of 1899, relating to the purchase of road machinery.

Also,

House bill No. 20,

A bill for an act to amend section 403 of the Revised Codes, relating to the boundaries and terms of court in and for the First judicial district of the state of North Dakota.

Also,

House bill No. 58,

A bill for an act to amend section 175 of the Revised Codes, relating to the collection of moneys arising from the disposal of university, school and other public lands, and authorizing the foreclosure of mortgages held by the state, and assignment of same in certain cases.

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

Also,

Senate bill No. 26,

A bill for an act to amend section 479 of the Revised Codes of North Dakota, relating to the qualifications of voters.

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

By amending the title so as to read:

"A bill for an act defining election precincts in cities" and by striking out all after the enacting clause and inserting in lieu thereof the following:

"Section 1. The word 'precinct' as used in the constitution shall be construed to mean any incorporated city, and it is made the duty of the city council of such incorporated city to establish as many voting places in such precinct as may be necessary under the law; provided, however, that persons shall vote in the precinct where they reside, except that such persons as may have acquired the right to vote in one precinct shall not forfeit their right to vote at any election by reason of removing from one precinct to another in the same city, township or village within ninety days next preceding the date of such election. But such person shall be entitled to vote in the precinct in which they have established a voting residence until the expiration of the period of ninety days from the date of their removal therefrom.

"Sec. 2. All acts and parts of acts in conflict with any provisions of this act are hereby repealed.

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 temperance made the following report:

Mr. President:

Your committee on temperance to whom was referred  
House bill No. 187,

A bill for an act to regulate and restrict the sale of cigarettes and cigarette paper and to prescribe penalties for a violation thereof.

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

ANDREW SLOTTEN,  
Chairman.

The committee on state affairs made the following report:

Mr. President:

Your committee on state affairs to whom was referred  
House bill No. 200,

A bill for an act authorizing the county commissioners to build and equip dipping tanks at county expense.

Have had the same under consideration and recommend that the same be indefinitely postponed.

A. B. COX,  
Chairman.

Mr. Cox 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. 197,

A bill for an act to amend section 187 of the Revised Codes, relating to terms of sale of public lands.

Have had the same under consideration and recommend that the same be indefinitely postponed.

A. B. COX,  
Chairman.

Mr. Cox 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 prohibit the sale of certain game birds and animals within the state and providing a penalty for violation of the same.

Also,

House bill No. 163,

A bill for an act to amend section 2564 of article 8 of chapter 31 of the Revised Codes, relating to the time when township officers shall qualify.

Also,

House bill No. 153,

A bill for an act to amend section 1722 of the Political Code of the Revised Codes of 1899, relating to weights and measures.

Also,

House bill No. 203,

A bill for an act to amend section 1474 of the Revised Codes providing for the issue of bonds for defraying the expenses of constructing drains.

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

Also,

House bill No. 164,

A bill for an act providing for the engrossing and enrolling of bills for the legislative assembly by contract.

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

At the end of section 1 of the engrossed bill, add the following: "Upon opening of the bids the board shall award the contract to the lowest responsible bidder and enter into a contract with him for the performance of the work subject to the conditions herein above set forth.

"Provided, further, that nothing in this act shall prevent the awarding of separate contracts for the engrossing and enrolling provided for herein, if deemed advantageous to the state by such board."

And when so amended recommend that the same do pass.

A. B. COX,  
Chairman.

Mr. Cox moved

That the report be adopted.

Which motion prevailed, and

The report was adopted.

The committee on counties and county boundaries made the following report:

Mr. President:

Your committee on counties and county boundaries to whom was referred

House bill No. 168,

A bill for an act to amend section 1497 of the Political Code, providing for the appointment of a county physician.

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

By striking out the word "political" in the title and inserting in lieu thereof the word "Revised."

By striking out in line 2 of section 1 the word "Political" and inserting in lieu thereof the word "Revised."

And when so amended recommend that the same do pass.

M. JACOBSON,  
Chairman.

Mr. Jacobson moved  
That the report be adopted.  
Which motion prevailed, and  
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. 178,

An act to amend section 1696 of the Revised Codes of North  
Dakota for 1899.

Have had the same under consideration and recommend that  
the same be indefinitely postponed.

J. D. TAYLOR,  
Chairman.

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

The committee on ways and means made the following report:

Mr. President:

Your committee on ways and means to whom was referred  
House bill No. 213,

A bill for an act giving the state and counties precedence over  
liens in the enforcement of the collection of personal property  
taxes.

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

Also,  
House bill No. 40,

A bill for an act to amend section 217 of the Revised Codes of  
North Dakota, 1899.

Have had the same under consideration and recommend that  
the same be indefinitely postponed.

J. B. SHARPE,  
Chairman.

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

The committee on ways and means made the following report:  
Mr. President:

Your committee on ways and means to whom was referred

House bill No. 184,

A bill for an act to amend section 207 of the Revised Codes, relating to the taxation of school and institutional lands after the contract for the sale thereof has been made and prohibiting the issuance of tax deeds thereof and providing for dropping the same from the tax lists after the cancellation of said contract.

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

Also,

House bill No. 1,

A bill for an act to amend section 1260 of article 18 of the Revised Code of North Dakota of 1899.

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

By amending the title to read as follows: "For an act to amend section 2496 of the Revised Codes of 1899, relating to the duty of county treasurer, in the collection of city taxes."

By striking out all after the enacting clause and inserting in lieu thereof the following:

"Section 1. That section 2496 of the Revised Codes of 1899 be amended to read as follows:

"Sec. 2496. The county treasurer of such county shall thereupon collect such taxes together with the interest and penalty thereon, if any, in the same manner as the general taxes for that year and shall pay over to the city treasurer of such city all sums so collected, as fast as collected, and shall take the city treasurer's vouchers therefor.

And when so amended recommend that the same do pass.

J. B. SHARPE,  
Chairman.

Mr. Sharpe 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  
Senate bill No. 227,

A bill for an act to amend section 3254 of the Revised Codes of 1899 relating to examination of banks by state examiner and the fees therefor, and his report thereon to the governor.

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

That where the word "twice" appears in line 13 it be stricken out and

that there be inserted in lieu thereof the word "once." That all following the word "dollars where it first appears in line 16 be stricken out to line 22 and that there be inserted in lieu thereof "to twenty thousand dollars capital, a fee of twenty dollars (\$20.00); banks of from twenty to thirty thousand dollars capital, a fee of twenty-five dollars (\$25.00); banks of from thirty to forty thousand dollars capital, a fee of thirty dollars (\$30.00); banks of from forty thousand dollars to fifty thousand dollars capital, a fee of thirty-five dollars (\$35.00); banks of from fifty thousand dollars to sixty thousand dollars capital, a fee of forty dollars (\$40.00); banks of from sixty thousand dollars to seventy thousand dollars capital, a fee of forty-five dollars (\$45.00), and all banks having over seventy thousand dollars capital, a fee of fifty dollars (\$50.00)."

And when so amended recommend that the same do pass.

M. F. MURPHY,

Chairman.

Mr. Murphy 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. 221,

A bill for an act to prevent prize fighting.

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

A. B. COX,

Chairman.

The committee on appropriations made the following report:

Mr. President:

Your committee on appropriations to whom was referred

House bill No. 202,

A bill for an act for the construction of an electric line from the penitentiary to the capitol building in the city of Bismarck.

Have had the same under consideration, and 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.

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 95 of the Revised Codes of 1899, relating to fees of the secretary of state.

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

Also,

Senate bill No. 217,

A bill for an act entitled an act directing state auditors to pay over funds belonging to agricultural college and deaf and dumb asylum to the respective institution treasurers and providing for the application of such funds.

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

That the title be amended by inserting after the word "asylum" the words "state university and school of mines." Also insert after the word "asylum" in line 3 of section 1 of printed bill the words "state university and school of mines."

Also in line 5 of section 1 of the printed bill after the word "asylum" insert the words "state university and school of mines."

And when so amended recommend that the same do pass.

A. B. COX,  
Chairman.

Mr. Cox 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. 96,

A bill for an act amending section 1278 of the Revised Codes of 1899, relating to "deed not to be recorded without auditor's certificate of taxes paid."

Also,

Substitute for Senate bill No. 47,

A bill for an act to amend section 1549 of the Revised Codes of 1899, relating to time when lawful for stock to run at large.

Also,

Senate bill No. 140,

A bill for an act entitled an act to amend section 1880 of the Revised Codes of North Dakota of 1899, relating to the procedure for the location and removal of county seats.

Also,

Senate bill No. 139,

A bill for an act making the state of North Dakota a preferred creditor in the case of sales of binding twine upon time and in the case of other contracts with the state.

Also,

Senate bill No. 104,

A bill for an act to amend section 662, Revised Codes, 1899, relating to division of school districts.

Also,

Senate bill No. 105,

A bill for an act to amend section 4680 of article 2, chapter 72, of the Revised Codes of the state of North Dakota, for the year 1899, entitled liens in general.

Also,

Senate bill No. 169,

A bill for an act entitled "An act authorizing and requiring the state board of equalization at its annual meeting in the year 1901 to levy a sinking fund tax to pay the amount due on bonds issued by the territory of Dakota on the first day of May, 1887, and due and payable the first day of May, 1902, for the construction of buildings for the hospital for the insane at Jamestown, and making an appropriation of the proceeds of such sinking fund tax."

Also,

Senate bill No. 173

A bill for an act entitled an act amending section 2084 of the Revised Codes, 1899, relating to fees for transportation of prisoners and patients.

Also,

Senate bill No. 74,

A bill for an act entitled "An act to amend sections 643, 681 and 682 of the Revised Codes of 1899, relating to education."

Also,

Senate bill No. 128,

A bill for an act entitled an act to amend section 338d of the Revised Codes, 1899, relating to vouchers filed to be consecutively numbered and paid.

Also,

Substitute for Senate bill No. 51,

A bill for an act amending sections 1392 and 1393, Revised Codes of North Dakota, relating to state military boards.

Also,

Senate bill No. 48,

A bill for an act to amend section 6153 of the Revised Codes of 1891 relating to liability of owner for trespass of animals.

Also,

Senate bill No. 129,

A bill for an act relating to the manner of making and filing claims against the state, and prescribing forms to be used.

Also,

Senate bill No. 108,

A bill for an act to amend section 3139 of the Revised Codes of 1899 relating to county mutual insurance companies.



Also,

Senate bill No. 68,

A bill for an act entitled an act relating to the board of pardon and prescribing the powers and duties thereof.

And find the same correctly enrolled.

Also,

Senate bill No. 158,

A bill for an act to provide for the protection of the health, lives and interests of the coal miners of North Dakota, and to provide for the inspection of all coal mines in this state, and the conducting and operating of coal mines, and to create a state inspection of mines.

Also,

Senate bill No. 224,

A bill for an act to amend section 2467 of the Revised Codes of North Dakota, 1899, relating to free public libraries.

Also,

Senate bill No. 233,

A bill for an act to amend section 5658 of the Revised Codes of 1899 relating to attendance of witnesses for examination.

Also,

Substitute for Senate bill No. 154,

A bill for an act defining express companies, freight line companies, equipment companies, telegraph and telephone companies and providing for the assessment of their property and taxation of the same.

And find the same correctly engrossed.

Also,

Senate bill No. 140,

A bill for an act entitled an act to amend section 1880 of the Revised Codes of North Dakota of 1899, relating to the procedure for the location and removal of county seats.

Also,

Substitute for Senate bill No. 47,

A bill for an act to amend section 1549 of the Revised Codes of 1899, relating to time when lawful for stock to run at large.

Also,

Senate bill No. 48,

A bill for an act to amend section 6153 of the Revised Codes of 1899, relating to liability of owner for trespass of animals.

Also,

Senate bill No. 128,

A bill for an act entitled an act to amend section 338d of the Revised Codes, 1899, relating to vouchers filed to be consecutively numbered and paid.

Also,

Senate bill No. 68,

A bill for an act entitled an act relating to the board of pardons and prescribing the powers and duties thereof.

Also,

Senate bill No. 139,

A bill for an act making the state of North Dakota a preferred creditor in the case of sales of binding twine upon time and in the case of other contracts with the state.

Also,

Senate bill No. 96,

A bill for an act amending section 1278 of the Revised Codes of 1899, relating to "deed not to be recorded without auditor's certificate of taxes paid."

Also,

Senate bill No. 104,

A bill for an act to amend section 662, Revised Codes, 1899, relating to division of school districts.

Also,

Senate bill No. 74,

A bill for an act entitled "An act to amend sections 643, 681 and 682 of the Revised Codes of 1899, relating to education."

Also,

Senate bill No. 105,

A bill for an act to amend section 4680 of article 2, chapter 72, of the Revised Codes of the state of North Dakota, for the year 1899, entitled liens in general.

Also,

Substitute for Senate bill No. 51,

A bill for an act to amend sections 1392 and 1393 of the Revised Codes of North Dakota, relating to state military board.

Also,

Senate bill No. 169,

A bill for an act entitled "An act authorizing and requiring the state board of equalization at its annual meeting in the year 1901 to levy a sinking fund tax to pay the amount due on bonds issued by the territory of Dakota on the first day of May, 1887, and due and payable the first day of May, 1902, for the construction of buildings for the hospital for the insane at Jamestown, and making an appropriation of the proceeds of such sinking fund tax."

Also,

Senate bill No. 173

A bill for an act entitled an act amending section 2084 of the Revised Codes, 1899, relating to fees for transportation of prisoners and patients.

Also,

Senate bill No. 129,

A bill for an act relating to the manner of making and filing claims against the state, and prescribing forms to be used.

Also,

Senate bill No. 108,

A bill for an act to amend section 3139 of the Revised Codes of 1899 relating to county mutual insurance companies.

Were delivered to his excellency, the governor, for his approval.

H. E. LAVAYEA,

Chairman.

#### MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,  
BISMARCK, NORTH DAKOTA,  
March 5, 1901.

Mr. President:

I have the honor to return herewith

Senate bill No. 151,

A bill for an act to appropriate money to pay the annual expense of appraising, advertising, and selling common school and institution lands.

Also,

Senate bill No. 30,

A bill for an act entitled "An act making appropriations for the current and contingent expenses of the state penitentiary and for making permanent improvements and additions thereto.

Also,

Senate bill No. 83,

A bill for an act for the maintenance of the deaf and dumb asylum of North Dakota and making an appropriation therefor,

Also,

Senate bill No. 172,

A bill for an act entitled an act repealing section 131a of the Revised Codes, 1899, making an appropriation to promote immigration.

Also,

Senate bill No. 67,

A bill for an act for an appropriation for the maintenance and improvements of the state normal school at Mayville, North Dakota.

Also

Senate bill No. 43,

A bill for an act providing for an appropriation for the maintenance and improvement of the state normal school at Valley City, North Dakota.

Also,

Senate bill No. 75,

A bill for an act entitled an act making appropriation for the current and contingent expenses of the Soldiers' Home located at Lisbon, North Dakota, and for making permanent improvements and additions thereto.

Also,

Senate bill No. 143,

A bill for an act entitled "an act to amend section 338 of the Revised Codes of 1899, providing for an appropriation for supplies for the capitol building, the executive mansion and the public grounds and parks connected therewith and for necessary repairs upon the capitol building."

Also,

Senate bill No. 81,

A bill for an act to provide for the maintenance of the Industrial School and School for Manual Training, located at Ellendale, North Dakota, and for making necessary improvements, and making an appropriation therefor.

Also,

Senate bill No. 162,

A bill for an act entitled an act providing for an appropriation of the payment of the current and contingent expenses of the North Dakota agricultural college for one year.

Also,

Senate bill No. 59,

A bill for an act to provide for the current and contingent expenses for the hospital for the insane at Jamestown, North Dakota.

Also,

Senate bill No. 121,

A bill for an act making an appropriation for repairing and furnishing the executive mansion.

Also,

Senate bill No. 184,

A bill for an act repealing section 966a, Revised Codes, 1899, relating to issuing certificates of indebtedness to provide for the equipment of the deaf and dumb asylum.

Which the house has passed unchanged.

Also,

Senate bill No. 124,

A bill for an act to provide a fund for the purpose of retiring the principal of the bonded indebtedness of the state.

Which the house has amended as follows:

By inserting after the figures "1902" in section 1 the words "and annually thereafter."

And as so amended passed.

Also,

Senate bill No. 189,

A bill for an act entitled an act to amend section 1209 of the Revised Codes of 1899 relating to assessors' districts.

Also,

Senate bill No. 211,

A bill for an act to amend section 6676e of the Revised Codes of 1899, relating to garnishments in justice courts.

Also,

Senate bill No. 78,

A bill for an act to amend and re-enact section 1570g of the Revised Codes of the revision of 1899, the same being chapter 35 of the laws of 1899 relating to special tax for the payment of state wolf bounties.

Which the house has indefinitely postponed.

Also

Senate bill No. 148,

A bill for an act entitled an act to provide for the maintenance of the state university at Grand Forks, agricultural college at Fargo, state normal school at Valley City, state normal at Mayville, and the deaf and dumb asylum of Devils Lake, as a part of the system of public schools.

Which the house has passed unchanged.

Very respectfully,

J. D. SCANLAN,

Chief Clerk.

The secretary announced that the president was about to sign the following bills:

Substitute for Senate bill No. 47,

A bill for an act to amend section 1549 of the Revised Codes of 1899, relating to time when lawful for stock to run at large.

Also,

Senate bill No. 51,

A bill for an act amending sections 6392 and 1393, Revised Codes of North Dakota, relating to state military boards.

Also,

Senate bill No. 68,

A bill for an act entitled an act relating to the board of pardons and prescribing the powers and duties thereof.

Also,

Senate bill No. 74,

A bill for an act entitled "An act to amend sections 643, 681 and 682 of the Revised Codes of 1899, relating to education."

Also,

Senate bill No. 48,

A bill for an act to amend section 9153 of the Revised Codes of 1891 relating to liability of owner for trespass of animals.

Also,

Senate bill No. 96,

A bill for an act amending section 1278 of the Revised Codes of 1899, relating to "deed not to be recorded without auditor's certificate of taxes paid."

Also,

Senate bill No. 104,

A bill for an act to amend section 662, Revised Codes, 1899, relating to division of school districts.

Also

Senate bill No. 105,

A bill for an act to amend section 4680 of article 2, chapter 72, of the Revised Codes of the state of North Dakota, for the year 1899, entitled liens in general.

Also,

Senate bill No. 108,

A bill for an act to amend section 3139 of the Revised Codes of 1899 relating to county mutual insurance companies.

Also,

Senate bill No. 128,

A bill for an act entitled an act to amend section 338d of the Revised Codes, 1899, relating to vouchers filed to be consecutively numbered and paid.

Also,

Senate bill No. 129,

A bill for an act relating to the manner of making and filing claims against the state, and prescribing forms to be used.

Also,

Senate bill No. 139,

A bill for an act making the state of North Dakota a preferred creditor in the case of sales of binding twine upon time and in the case of other contracts with the state.

Also,

Senate bill No. 140,

A bill for an act entitled an act to amend section 1880 of the Revised Codes of North Dakota of 1899, relating to the procedure for the location and removal of county seats.

Also,

Senate bill No. 169,

A bill for an act entitled "An act authorizing and requiring the state board of equalization at its annual meeting in the year 1901 to levy a sinking fund tax to pay the amount due on bonds issued by the territory of Dakota on the first day of May, 1887, and due

and payable the first day of May, 1902, for the construction of buildings for the hospital for the insane at Jamestown, and making an appropriation of the proceeds of such sinking fund tax."

Also,

Senate bill No. 173

A bill for an act entitled an act amending section 2084 of the Revised Codes, 1899, relating to fees for transportation of prisoners and patients.

Also,

House bill No. 157

Concurrent resolution.

Also,

House bill No. 145,

A bill for an act entitled an act to amend section 1115b of article 5 of chapter 11 of the Revised Codes of 1899, relating to the purchase of road machinery.

#### MOTIONS AND RESOLUTIONS.

The courtesies of the floor were extended to Maynard Crane, Cooperstown; Hon. H. B. Hartman, Page; S. A. Nye, Wm. Coop and E. T. Burke, Valley City.

Mr. Little moved

That the senate do now concur in the house amendments to Senate bill No. 88,

A bill for an act to amend section 2095 of the Revised Codes of 1899 relating to compensation of county commissioners.

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 none, absent and not voting 5.

Those who voted in the affirmative were:

Messrs.—

Ames,  
Baker,  
Clarke,  
Cooper,  
Cox,  
Devlin,  
Fuller,  
Geer,  
Hale,

Messrs.—

Hegge,  
Jacobson,  
Laidlaw,  
LaMoure,  
Lewis,  
Little,  
McDougal,  
Miner,  
Murphy,

Messrs.—

Noble,  
Sanborn,  
Sharpe,  
Slotten,  
Swenson,  
Talcott,  
Taylor,  
Wolbert,

Absent and not voting:

Messrs.—

Cashel,  
Lavayea,

Messrs.—

Lofthus,  
Simpson,

Messrs.—

Williams,

Messrs. Cashel and Lofthus being excused.

So the bill passed and the title was agreed to.

Mr. Hegge moved

That the senate do now concur in the house amendments to Senate bill No. 124,

A bill for an act to provide a fund for the purpose of retiring the principal of the bonded indebtedness of the state.

Senate bill No. 124,

A bill for an act to provide a fund for the purpose of retiring the principal of the bonded indebtedness of the state.

Was read the third time.

The question being upon the final passage of the bill.

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

Those who voted in the affirmative were:

Messrs.—

Ames,  
Baker,  
Clarke,  
Cooper,  
Cox,  
Devlin,  
Fuller,  
Geer,  
Hale,

Messrs.—

Hegge,  
Jacobson,  
Laidlaw,  
LaMoure,  
Lewis,  
Little,  
McDougal,  
Miner,  
Murphy,

Messrs.—

Noble,  
Sanborn,  
Sharpe,  
Slotten,  
Swenson,  
Talcott,  
Taylor,  
Williams,  
Wolbert,

Absent and not voting:

Messrs.—

Cashel,  
Lavayea,

Messrs.—

Lofthus,

Messrs.—

Simpson,

Messrs. Cashel and Lofthus being excused.

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

### THIRD READING OF SENATE BILLS.

Mr. Murphy moved the adoption of the following amendments to

Senate bill No. 210,

A bill for an act to compel old line or legal reserve mutual life insurance companies to give an annual accounting of the earnings of each policy to the person on whose life the risk is written, and to compel their giving a statement on all policies heretofore written on persons now residing within this state to the persons whose lives are insured by such policies.

Strike out section 1 of engrossed bill and insert in lieu thereof the following:

"Section 1. That upon request of the person insured in any old line legal reserve, mutual, stock or fraternal life insurance company or association who selects or has a semi-tontine or dividend accumulation policy or any other form of policy, such company or association must furnish annually to the policy holder a statement showing the accumulation on or value of such policy, which statement shall be binding on the company."

Amend section 2 by striking out the word "neglect" at the end of line 1 as it appears in the printed bill and the word "and" at the beginning of



line 2 of the same section and after the word "furnish" in the same line strike out "a" and insert "such," and at the end of the word statement add the letter "S" and strike from line 5 of section "2" the words "or neglects."

Amend title to read as follows:

"A bill for an act to compel old line legal reserve, mutual, stock or fraternal life insurance companies or associations to give an annual accounting of the earnings or value of each policy to the person on whose life the risk is written and to compel their giving such statements on all policies heretofore written on persons now residing within this state to the persons whose lives are insured by such policies."

The question of the adoption of the amendments went over for one day.

Senate bill No. 225,

A bill for an act to provide for the investment of the sinking funds of special school districts and to prescribe a mode of executing, satisfying, and foreclosing mortgages taken upon such investments.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 24, nays 3, absent and not voting 4.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Jacobson,	Noble,
Baker,	Laidlaw,	Sharpe,
Clarke,	Lavayea,	Slotten,
Cooper,	LaMoure,	Swenson,
Cox,	Lewis,	Talcott,
Devlin,	Little,	Taylor,
Fuller,	Miner,	Williams,
Geer,	Murphy,	Wolbert,

Those voting in the negative were:

Messrs.—	Messrs.—	Messrs.—
Hale,	Hegge,	McDougal,

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Cashel,	Sanborn,	Simpson,
Lofthus,		

Messrs. Cashel and Lofthus being excused.

So the bill passed and the title was agreed to.

Mr. Ames moved that the vote by which

Senate bill No. 225,

A bill for an act to provide for the investment of the sinking funds of special school districts and to prescribe a mode of executing, satisfying, and foreclosing mortgages taken upon such investments.

Was passed, be reconsidered, and the motion to reconsider be laid on the table

Which motion prevailed.

## Senate bill No. 228,

A bill for an act providing for the sale of public lands during the year 1901, and for the disposal of the proceeds of such sale and the revenue accruing thereon.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 28, nays none, absent and not voting 3.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Jacobson,	Noble,
Baker,	Laidlaw,	Sanborn,
Clarke,	Lavayea,	Sharpe,
Cooper,	LaMoure,	Slotten,
Cox,	Lewis,	Swenson,
Devlin,	Little,	Talcott,
Fuller,	McDougal,	Taylor,
Geer,	Miner,	Williams,
Hale,	Murphy,	Wolbert,
Hegge,		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Cashel,	Lofthus,	Simpson,

Messrs. Cashel and Lofthus being excused.

So the bill passed and the title was agreed to.

## Senate bill No. 231,

A bill for an act to amend sections 136, 141 and 145 of the Revised Codes of 1899 relating to the state examiner, his appointment, term of office, qualifications, examination of banks, salary, deputy and his salary, and penalty for malfeasance.

Was read the third time.

Mr. Hale moved that

Sec. 141 be amended by striking out the word "twice" and insert in lieu thereof the words "at least once."

Which motion prevailed.

The question being upon the final passage of the bill.

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

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Hegge,	Noble,
Baker,	Jacobson,	Sanborn,
Clarke,	Laidlaw,	Sharpe,
Cooper,	Lavayea,	Slotten,
Cox,	Lewis,	Swenson,
Devlin,	Little,	Talcott,
Fuller,	McDougal,	Taylor,
Geer,	Miner,	Williams,
Hale,	Murphy,	Wolbert,

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Cashel,	Lofthus,	Simpson,
LaMoure,		

Messrs. Cashel and Lofthus being excused.

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

Mr. Hale moved that the vote by which

Senate bill No. 231,

A bill for an act to amend sections 136, 141 and 145 of the Revised Codes of 1899 relating to the state examiner, his appointment, term of office, qualifications, examination of banks, salary, deputy and his salary, and penalty for malfeasance.

Was passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

Senate bill No. 214,

A bill for an act entitled "An act to amend section 2080 of the Revised Codes of 1899, relating to the salary of county treasurers."

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 25, nays 3, absent and not voting 3.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Jacobson,	Samborn,
Baker,	Laidlaw,	Sharpe,
Clarke,	Lavayea,	Simpson,
Cooper,	LaMoure,	Slotten,
Devlin,	Little,	Swenson,
Fuller,	McDougal,	Talcott,
Geer,	Miner,	Taylor,
Hale,	Murphy,	Wolbert,
Hegge,		

Those voting in the negative were:

Messrs.—	Messrs.—	Messrs.—
Lewis,	Noble,	Williams,

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Cashel,	Cox,	Lofthus,

Messrs. Cashel and Lofthus being excused.

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

Mr. Murphy moved that the vote by which

Senate bill No. 214,

A bill for an act entitled "An act to amend section 2080 of the Revised Codes of 1899, relating to the salary of county treasurers."

Was passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

Senate bill No. 232,

A bill for an act to amend section 3218 of the Revised Codes of 1899 relating to the examination of building and loan associations by the state examiner and the fees therefor.

Was read the third time.

Mr. Miner moved to amend as follows:

In line 2 of section 3218 change the word "twice" to "once;" in line 15 change "20" to "40," and in line 16, change "10" to "20."

Which motion prevailed.

The question being upon the final passage of the bill.

The roll was called and there were ayes 21, nays 1, absent and not voting 9.

Those who voted in the affirmative were:

Messrs.—

Ames,  
Clarke,  
Cooper,  
Cox,  
Devlin,  
Fuller,  
Geer,

Messrs.—

Hale,  
Laidlaw,  
LaMoure,  
McDougal,  
Miner,  
Murphy,  
Sanborn,

Messrs.—

Sharpe,  
Simpson,  
Slotten,  
Swenson,  
Talcott,  
Taylor,  
Williams,

Absent and not voting:

Messrs.—

Baker,  
Cashel,  
Hegge,

Messrs.—

Jacobson,  
Lavayea,  
Little,

Messrs.—

Lofthus,  
Noble,  
Wolbert,

Mr. Lewis voting in the negative.

Messrs. Cashel and Lofthus being excused.

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

Mr. Hale moved that the vote by which

Senate bill No. 232,

A bill for an act to amend section 3218 of the Revised Codes of 1899 relating to the examination of building and loan associations by the state examiner and the fees therefor.

Was passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

Senate bill No. 234,

A bill for an act requiring the secretary of state to publish names of commission merchants and other factors receiving grain in this state who have been licensed and filed bonds.

Was read the third time.

The question being upon the final passage of the bill

The roll was called and there were ayes 24, nays none, absent and not voting 7.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Laidlaw,	Sanborn,
Cooper,	Lavayea,	Sharpe,
Cox,	LaMoure,	Simpson,
Devlin,	Lewis,	Slotten,
Fuller,	Little,	Swenson,
Geer,	McDougal,	Talcott,
Hale,	Murphy,	Taylor,
Jacobson,	Noble,	Williams,

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Baker,	Hegge,	Miner,
Cashel,	Lofthus,	Wolbert,
Clarke,		

Messrs. Cashel and Lofthus being excused.

So the bill passed and the title was agreed to.

Mr. Sharpe moved that the vote by which  
Senate bill No. 234,

A bill for an act requiring the secretary of state to publish names of commission merchants and other factors receiving grain in this state who have been licenced and filed bonds.

Was passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

Senate bill No. 200,

A bill for an act entitled an act to define the system of free public schools of the state.

Was read the third time.

The question being upon the final passage of the bill.

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

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Jacobson,	Noble,
Clarke,	Laidlaw,	Sanborn,
Cooper,	Lavayea,	Sharpe,
Cox,	LaMoure,	Slotten,
Devlin,	Lewis,	Swenson,
Fuller,	Little,	Talcott,
Geer,	McDougal,	Taylor,
Hale,	Miner,	Williams,
Hegge,	Murphy,	Wolbert,

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Baker	Lofthus,	Simpson,
Cashel,		

Messrs. Cashel and Lofthus being excused.

So the bill passed and the title was agreed to.

Mr. Lewis moved that the vote by which

Senate bill No. 200,

A bill for an act entitled an act to define the system of free public schools of the state.

Was passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

Senate bill No. 159,

A bill for an act entitled "An act to amend section 3023 of the Revised Codes of 1899, relating to long and short hauls, upon railroads and common carriers."

Was read the third time.

Mr. Lewis moved to amend

By striking out in line 13 of the printed bill, page 2, the words "without extra compensation" and insert in lieu thereof the words "at usual switching charges."

Which motion prevailed.

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

The roll was called and there were ayes 13, nays 4, absent and not voting 14.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Cooper,	Laidlaw,	Noble,
Devlin,	Lewis,	Sharpe,
Geer,	Miner,	Taylor,
Hale,	Murphy,	Williams,
Hegge,		

Those voting in the negative were:

Messrs.—	Messrs.—	Messrs.—
Cox,	LaMoure,	McDougal,
Fuller,		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Ames,	Lavayea,	Slotten,
Baker,	Little,	Swenson,
Cashel,	Lofthus,	Talcott,
Clarke,	Sanborn,	Wolbert,
Jacobson,	Simpson,	

Messrs. Cashel and Lofthus being excused.

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

Mr. LaMoure moved

That the senate do now adjourn,

Which motion was lost.

Senate bill No. 26,

A bill for an act to amend section 479 of the Revised Codes of North Dakota, relating to the qualifications of voters.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 28, nays none, absent and not voting 3.

Those voting in the affirmative were:

Messrs.—	Messrs.—	Messrs.
Ames,	Jacobson,	Noble,
Baker,	Laidlaw,	Sanborn,
Clarke,	Lavayea,	Sharpe,
Cooper,	LaMoure,	Slotten,
Cox,	Lewis,	Swenson,
Devlin,	Little,	Talcott,
Fuller,	McDougal,	Taylor,
Geer,	Miner,	Williams,
Hale,	Murphy,	Wolbert,
Hegge,		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.
Cashel,	Lofthus,	Simpson,

Messrs Cashel and Lofthus being excused.

So the bill passed and the title was agreed to.

Mr. Little moved that the vote by which

Senate bill No. 26,

A bill for an act to amend section 479 of the Revised Codes of North Dakota, relating to the qualifications of voters.

Was passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

Senate bill No. 180,

A bill for an act to amend section 527 of the Revised Codes of 1899 relating to abstract of votes. Certificate of election. Publication of returns.

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 none, absent and not voting 5.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Hegge,	Noble,
Baker,	Jacobson,	Sanborn,
Clarke,	Laidlaw,	Slotten,
Cooper,	Lavayea,	Swenson,
Cox,	LaMoure,	Talcott,
Devlin,	Little,	Taylor,
Fuller,	McDougal,	Williams,
Geer,	Miner,	Wolbert,
Hale,	Murphy,	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.
Cashel,	Lofthus,	Simpson,
Lewis,	Sharpe,	

Messrs. Cashel and Lofthus being excused.

So the bill passed and the title was agreed to.

Mr. Laidlaw moved that the vote by which

Senate bill No. 180,

A bill for an act to amend section 527 of the Revised Codes of 1899 relating to abstract of votes. Certificate of election. Publication of returns.

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,  
BISMARCK, NORTH DAKOTA,  
March 5, 1901.

Mr. President:

I have the honor to return herewith

Senate bill No. 218,

A bill for an act to amend section 2540 of the Revised Codes of North Dakota, relating to the time of holding annual township meetings.

Which was amended by striking out section 3.

And as so amended passed.

Very respectfully,

J. D. SCANLAN,

Chief Clerk.

Mr. Hale moved that the senate do now concur in house amendments to

Senate bill No. 218,

A bill for an act to amend section 2540 of the Revised Codes of North Dakota relating to the time of holding annual township meetings.

Which motion prevailed.

The roll was called and there were ayes 24, nays none, absent and not voting 7.

Those who voted in the affirmative were:

Messrs.—

Ames,  
Clarke,  
Cooper,  
Cox,  
Devlin,  
Fuller,  
Geer,  
Hale,

Messrs.—

Hegge,  
Laidlaw,  
Lavayea,  
LaMoure,  
Lewis,  
McDougal,  
Miner,  
Murphy,

Messrs.—

Noble,  
Sanborn,  
Sharpe,  
Slotten,  
Swenson,  
Talcott,  
Taylor,  
Williams,



## Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Baker,	Little,	Simpson,
Cashel,	Lofthus,	Wolbert,
Jacobson,		

Messrs. Cashel and Lofthus being excused.  
So the amendments were concurred in.

## THIRD READING OF HOUSE BILLS.

House bill No. 164,

A bill for an act providing for the engrossing and enrolling of bills for the legislative assembly by contract.

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 none, absent and not voting 5.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Hegge,	Sanborn,
Baker,	Jacobson,	Sharpe,
Clarke,	Laidlaw,	Slotten,
Cooper,	Lavayea,	Swenson,
Cox,	LaMoure,	Talcott,
Devlin,	Lewis,	Taylor,
Fuller,	Little,	Williams,
Messrs.—	Messrs.—	Messrs.—
Geer,	Murphy,	Wolbert,
Hale,	Noble,	

Absent and not voting

Messrs.—	Messrs.—	Messrs.—
Cashel,	McDougal,	Simpson,
Lofthus,	Miner,	

Messrs. Cashel and Lofthus being excused.

So the bill passed and the title was agreed to.

Mr. Hale moved that the vote by which

House bill No. 164,

A bill for an act providing for the engrossing and enrolling of bills for the legislative assembly by contract.

Was passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

The president announced that on the 56th day Miss Myrtle Brown and Mrs. Jessie DeCamp, and on the 57th day Minnie Davidson were sworn in as enrolling and engrossing clerks.

Mr. Little moved

That the senate do now adjourn,

Which motion prevailed, and

The senate adjourned.

GEORGE L. TOWNES,  
Secretary.

## FIFTY-EIGHTH DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
March 6, 1901.

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. Cashel and Lofthus, who were excused.

## REFERENCE OF THE JOURNAL.

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

Mr. President:

Your committee on revision and correction of the Journal respectfully report that they have carefully examined the Journal of the fifty-seventh day, and recommend the following corrections:

On page 17 just above "motions and resolutions" insert the following:  
"And the president signed the same in the presence of the senate."

Also, in first roll call on page 25, transfer "Messrs. Severson and Sloten's" names from "absent and not voting" to the "affirmative" side on Senate bill No. 159,

A bill for an act entitled "an act to amend section 3023 of the Revised Codes of 1899, relating to long and short hauls upon railroads and common carriers."

Being under consideration.

On page 25, strike out line "so the bill as amended passed and the title was agreed to," relating to Senate bill No. 159,

A bill for an act entitled "An act to amend section 3023 of the Revised Codes of 1899, relating to long and short hauls upon railroads and common carriers."

And insert in lieu thereof the words "so the bill was lost."

And when so amended recommend that the same be approved.

H. J. MINER,  
Chairman.

Mr. Miner 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. 100,

A bill for an act defining slander of females and making the same a misdemeanor.

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

Also,

House bill No. 30,

A bill for an act to provide for the erection of necessary buildings for the state reform school at Mandan, North Dakota.

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

By striking out the figures "40,000" at the end of line 6 in section 1 and inserting in lieu thereof the figures "15,000" and by striking out after the word "maturity" in line 23 of section 1 all of the remainder of said section.

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  
House bill No. 166,

A bill for an act to provide for the satisfaction of judgments when any person having the power or authority to satisfy the same cannot be found.

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

By inserting after the word "amount" in line 7 of section 1 the following words "shown by the records of such courts to be" and by inserting at the end of section 1, the following words: "provided, however that such clerks shall not discharge any judgments until the time for perfecting any appeal provided by law therefrom has expired, and any discharge in violation of this proviso shall be void and without prejudice to a judgment creditor or his assigns in any way."

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  
House bill No. 119,

A bill for an act to amend sections 5, 6 and 7 of chapter 82 of the session laws of 1897, being section 6676e of the Revised Codes of 1899, relating to garnishee procedure in justice court.

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

Also,

House bill No. 105,

A bill for an act to amend section 4827 of the Revised Codes of North Dakota, relating to farm laborer's lien. How the same may be obtained, and extending the time for filing affidavit and notice.

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

By striking out the following words in section 1 of original bill: "But in no case shall any lien attach on any crops on which any prior lien exists for a greater amount than the value of the actual labor performed thereon."

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 enrolled and engrossed bills made the following report:

Mr. President:

Your committee on enrolled and engrossed bills have examined  
Senate bill No. 200,

A bill for an act entitled an act to define the system of free public schools of the state.

Also,

Senate bill No. 167,

A bill for an act to amend sections 3137 and 3142 of the Revised Codes of 1899, relating to insurance premiums to be paid, conditions of policy, assessments and liability of policy holders.

Also,

Senate bill No. 180,

A bill for an act to amend section 527 of the Revised Codes of

1899, relating to abstract of votes. Certificate of election. Publication of returns.

Also,

Senate bill No. 234,

A bill for an act requiring the secretary of state to publish names of commission merchants and other factors receiving grain in this state who have been licensed and filed bonds.

Also,

Senate bill No. 231,

A bill for an act to amend sections 136, 141 and 145 of the Revised Codes of 1899 relating to the state examiner, his appointment, term of office, qualifications, examination of banks, salary, deputy and his salary, and penalty for malfeasance.

Also,

Senate bill No. 227,

A bill for an act to amend section 3254 of the Revised Codes of 1899 relating to examination of banks by state examiner and the fees therefor, and his report thereon to the governor.

And find the same correctly engrossed.

Also,

Senate bill No. 217,

A bill for an act entitled an act directing state auditors to pay over funds belonging to agricultural college and deaf and dumb asylum to the respective institution treasurers and providing for the application of such funds.

Also,

Senate bill No. 214,

A bill for an act entitled "An act to amend section 2080 of the Revised Codes of 1899, relating to the salary of county treasurers."

Also,

Senate bill No. 232,

A bill for an act to amend section 3218 of the Revised Codes of 1899 relating to the examination of building and loan associations by the state examiner and the fees therefor.

Also,

Senate bill No. 124,

A bill for an act to provide a fund for the purpose of retiring the principal of the bonded indebtedness of the state.

Also,

Senate bill No. 121,

A bill for an act making an appropriation for repairing and furnishing the executive mansion.

Also,

Senate bill No. 59,

A bill for an act to provide for the current and contingent

expenses for the hospital for the insane at Jamestown, North Dakota.

Also,

Senate bill No. 88,

An act to amend section 2095 of the Revised Codes of 1899, relating to compensation of county commissioners and fixing the hours of meeting.

Also,

Senate bill No. 83,

A bill for an act for the maintenance of the deaf and dumb asylum of North Dakota and making an appropriation therefor,

Also,

Senate bill No. 81,

A bill for an act to provide for the maintenance of the Industrial School and School for Manual Training, located at Ellendale, North Dakota, and for making necessary improvements, and making an appropriation therefor.

Also,

Senate bill No. 75,

A bill for an act entitled an act making appropriation for the current and contingent expenses of the Soldiers' Home located at Lisbon, North Dakota, and for making permanent improvements and additions thereto.

Also,

Senate bill No. 67,

A bill for an act for an appropriation for the maintenance and improvements of the state normal school at Mayville, North Dakota.

Also,

Senate bill No. 143,

A bill for an act entitled "an act to amend section 338 of the Revised Codes of 1899, providing for an appropriation for supplies for the capitol building, the executive mansion and the public grounds and parks connected therewith and for necessary repairs upon the capitol building."

Also,

Senate bill No. 43,

A bill for an act providing for an appropriation for the maintenance and improvement of the state normal school at Valley City, North Dakota.

Also,

Senate bill No. 30,

A bill for an act entitled "An act making appropriations for the current and contingent expenses of the state penitentiary and for making permanent improvements and additions thereto.

Also,

Senate bill No. 151,

A bill for an act to appropriate money to pay the annual expense of appraising, advertising, and selling common school and institution lands.

Also,

Senate bill No. 162,

A bill for an act providing for the payment of the current and contingent expenses of the agricultural college at Fargo for that portion of the year 1901, commencing March 1st, and ending December 31st.

Also,

Senate bill No. 148,

A bill for an act entitled an act to provide for the maintenance of the state university at Grand Forks, agricultural college at Fargo, state normal school at Valley City, state normal at Mayville, and the deaf and dumb asylum of Devils Lake, as a part of the system of public schools.

Also,

Senate bill No. 21,

A bill for an act regulating fraternal beneficiary societies, orders or associations.

Also,

Senate bill No. 172,

A bill for an act entitled an act repealing section 131a of the Revised Codes, 1899, making an appropriation to promote immigration.

Also,

Senate bill No. 184,

A bill for an act repealing section 966a, Revised Codes, 1899, relating to issuing certificates of indebtedness to provide for the equipment of the deaf and dumb asylum.

Also,

Senate bill No. 218,

A bill for an act to amend section 2540 of the Revised Codes of North Dakota, relating to the time of holding annual township meetings.

And find the same correctly enrolled.

H. E. LAVAYEA,  
Chairman.

#### REPORT OF SELECT COMMITTEE.

Mr. President:

Your committee which was appointed under the following resolution, under date of January 23.

Resolved, That a special committee of three be appointed by the chair to make inquiries into the several offices of the state to

ascertain what reductions can be made without jeopardizing in any way the efficiency of the service;

Further, That the committee have power to examine the records of expenditures, and if necessary send for persons and papers.

Presented sometime ago a report of their investigations and stated that they would give you a final report later. We now beg leave to submit the same.

In our investigation many matters of minor detail came to notice which are not worthy of any consideration, but which we believe have been remedied by bills which have been introduced and passed at this session of the legislature, or which bills are now being passed. The line of our investigation carried us into the treasurer's office, and we find that prior to 1899 some of the books and records have not been furnished by the state, but by the treasurers, and as such have been treated as the private property of the treasurer and not left in the office. This same thing we learn has applied also to county treasurer's offices. We have not been able to discover that any state funds have been unaccounted for in the above office; believing that all books and records should be state property, a bill has been introduced to meet the needs of the case, which bill was introduced in the senate, and passed the house this morning.

This committee wishes to thank the senate for the consideration which they have given to the bills introduced by them.

Very respectfully yours,

HENRY HALE,  
G. W. WOLBERT,  
V. B. NOBLE.

The secretary announced that the president was about to sign the following bills.

Senate bill No. 150,

A bill for an act entitled "An act to amend section 327 of the Revised Codes of 1899, providing for the record of fees and monthly reports and payments of said fees to the state treasurer monthly by any state officer or deputy authorized by law to receive said fees."

Also,

Senate bill No. 87,

A bill for an act entitled an act relating to the sale of dressed beef.

Also,

Senate bill No. 123,

A bill for an act to amend section 1942 of the Revised Codes of 1899, relating to depositories for county funds.

Also

Senate bill No. 101,



A bill for an act to amend section 7464 of the Revised Codes of North Dakota, 1899, relating to embezzlement.

Also,

Senate bill No. 153,

A bill for an act to amend section 1180 of the Revised Codes relating to property exempt from taxation.

Also,

Senate bill No. 219

A bill for an act to amend section 1208 of the Revised Codes of North Dakota, relating to the duties of the county auditor in furnishing supplies to assessors and the date of meeting of such assessors.

Also,

Senate bill No. 151,

A bill for an act to appropriate money to pay the annual expense of appraising, advertising, and selling common school and institution lands.

Also,

Senate bill No. 143,

A bill for an act entitled "an act to amend section 338 of the Revised Codes of 1899, providing for an appropriation for supplies for the capitol building, the executive mansion and the public grounds and parks connected therewith and for necessary repairs upon the capitol building."

Also,

Senate bill No. 30,

A bill for an act entitled "An act making appropriations for the current and contingent expenses of the state penitentiary and for making permanent improvements and additions thereto.

Also,

Senate bill No. 162,

A bill for an act entitled an act providing for an appropriation for the payment of the current and contingent expenses of the North Dakota Agricultural college for one year.

Also,

Senate bill No. 172,

A bill for an act entitled an act repealing section 131a of the Revised Codes, 1899, making an appropriation to promote immigration.

Also,

Senate bill No. 184,

A bill for an act repealing section 966a, Revised Codes, 1899, relating to issuing certificates of indebtedness to provide for the equipment of the deaf and dumb asylum.

Also,

Senate bill No. 59.

A bill for an act to provide for the current and contingent

expenses for the hospital for the insane at Jamestown, North Dakota.

Also,

Senate bill No. 43,

A bill for an act providing for an appropriation for the maintenance and improvement of the state normal school at Valley City, North Dakota.

Also,

Senate bill No. 218,

A bill for an act to amend section 2540 of the Revised Codes of North Dakota, relating to the time of holding annual township meetings.

Also,

Senate bill No. 67,

A bill for an act for an appropriation for the maintenance and improvements of the state normal school at Mayville, North Dakota.

Also,

Senate bill No. 75,

A bill for an act entitled an act making appropriation for the current and contingent expenses of the Soldiers' Home located at Lisbon, North Dakota, and for making permanent improvements and additions thereto.

Also,

Senate bill No. 81,

A bill for an act to provide for the maintenance of the Industrial School and School for Manual Training, located at Ellendale, North Dakota, and for making necessary improvements, and making an appropriation therefor.

Also,

Senate bill No. 83,

A bill for an act for the maintenance of the deaf and dumb asylum of North Dakota and making an appropriation therefor.

Also,

Senate bill No. 88,

A bill for an act to amend section 2095 of the Revised Codes of 1899, relating to compensation of county commissioners.

Also,

Senate bill No. 121,

A bill for an act making an appropriation for repairing and furnishing the executive mansion.

Also,

Senate bill No. 124,

A bill for an act to provide a fund for the purpose of retiring the principal of the bonded indebtedness of the state.

Also,

Senate bill No. 21,

A bill for an act regulating fraternal beneficiary societies, orders or associations.

Also,

Senate bill No. 148,

A bill for an act entitled an act to provide for the maintenance of the state university at Grand Forks, agricultural college at Fargo, state normal school at Valley City, state normal at Mayville, and the deaf and dumb asylum of Devils Lake, as a part of the system of public schools.

Also,

House bill No. 44,

A bill for an act to amend section 4719 of the Revised Codes of North Dakota, 1899, relating to the discharge of real estate mortgages.

Also,

House bill No. 149,

A bill for an act to amend section 1269 of the Revised Codes of the state of North Dakota, relating to the rights of purchasers of lands at sale for the non-payment of taxes.

Also,

House bill No. 175,

A bill for an act relating to the transfer of cemetery lots by religious corporations.

Also,

House bill No. 194,

A bill for an act to amend section 3576 of article 3 of the Revised Codes of North Dakota and to cure defective acknowledgments.

Also,

House bill No. 118,

A bill for an act to amend sections 775 and 777 of the Revised Codes of 1899, relating to school district bonds.

Also,

House bill No. 164,

A bill for an act providing for the engrossing and enrolling of bills for the legislative assembly by contract.

And the president signed the same in the presence of the senate.

MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,  
BISMARCK, NORTH DAKOTA,  
March 6, 1901.

Mr. President:

I have the honor to transmit herewith

House bill No. 22,

A bill for an act to amend section 225 of the Revised Codes of 1899, so as to enable the lessee of common school and public lands of the state during and within one year after his term shall have expired to remove from such lands any fencing, buildings or improvements he may have made thereon or have purchased from his predecessor.

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

Also,

Senate bill No. 150,

A bill for an act entitled "An act to amend section 327 of the Revised Codes of 1899, providing for the record of fees and monthly reports and payments of said fees to the state treasurer monthly by any state officer or deputy authorized by law to receive said fees."

Also,

Senate bill No. 170,

A bill for an act providing that certain records shall be kept in the office of the state treasurer.

Also,

Senate bill No. 186,

A bill for an act creating a board of trustees for an institution for the feeble minded located at or near the city of Grafton, Walsh county, North Dakota, by an act of congress entitled "An act making appropriations for sundry civil expenses of the government in the fiscal year ending June 30, 1895, and for other purposes," approved August 18, 1894, and defining the duties of such board of trustees.

Also,

Senate bill No. 87,

A bill for an act entitled an act relating to the sale of dressed beef.

Also,

Senate bill No. 161,

A bill for an act to legalize the assessment and levy of taxes in territory over which counties have exercised criminal and

civil jurisdiction for four years last past, and providing for the collection of the same.

Also,

Senate bill No. 123,

A bill for an act to amend section 1942 of the Revised Codes of 1899, relating to depositories for county funds.

Also,

Senate bill No. 219

A bill for an act to amend section 1208 of the Revised Codes of North Dakota, relating to the duties of the county auditor in furnishing supplies to assessors and the date of meeting of such assessors.

Also,

Senate bill No. 153,

A bill for an act to amend section 1180 of the Revised Codes relating to property exempt from taxation.

Also,

Senate bill No. 101,

A bill for an act to amend section 7464 of the Revised Codes of North Dakota, 1899, relating to embezzlement.

Which the house has passed unchanged.

Also,

Senate bill No. 1,

A bill for an act entitled an act to provide for the trial of civil actions.

Which the house has amended as follows:

By striking out section 13 of the engrossed bill.

By striking out in line 16, section 4 of engrossed bill the first "or" and inserting "of" in lieu thereof.

By striking out of line 21, last page of engrossed bill, word and figures "section 14" and inserting in lieu thereof word and figures "section 13."

And by striking out of line 25, last page of engrossed bill word and figures "section 15" and insert in lieu thereof "section 14."

Also,

Senate bill No. 117,

A bill for an act to amend section 1015 and article 2 of chapter 10 of the Revised Codes of the state of North Dakota, 1899.

Which the house has amended as follows:

Strike out all after the word "board" in line 15 of engrossed bill down to and including line 21.

Also in line 23, after the word "meetings" insert the words "in each year."

Also strike out all of present title and insert the following title: "A bill for an act to amend section 1015 of the Revised

Codes of the state of North Dakota, relating to the duties of the board of trustees of the soldiers' home."

Also,

Senate bill No. 107,

A bill for an act to prevent the sale and use in this state of dangerous and impure oils.

Which the house has amended as follows:

By striking out the words "secretary of state" in line 15, section 2 of the printed bill and insert in lieu thereof the word "governor."

By striking out in the same line the word "him" and inserting in lieu thereof the words "the secretary of state."

By striking out the words "or heating" in the last line of section 4 of the engrossed bill.

By striking out in line 29, page 8 of the printed bill the words and figures "year 190—" and inserting in lieu thereof the words "preceding year."

By striking out in line 30, page 2 of section 7 of the engrossed bill the word "acquirements" and insert in lieu thereof the word "requirements."

By inserting in line 1, section 8 of the printed bill after the word "shall" the words "knowingly use."

By inserting after the word "preceding" in line 8, page 2, section 9 of the engrossed bill the words "on the fifteenth day of each and every month the inspector shall transmit to the state treasurer all moneys received during the preceding month, and shall at the same time forward to the auditor of state true copies of said record for the months preceding."

By inserting in line 2, section 14 of the printed bill after the first word "to" in said line the words "knowingly use."

By striking out the "comma" in line 6, section 14 of the printed bill after the word "tank."

By inserting in line 15, section 14 of the printed bill before the word "sell" the words "knowingly use."

By inserting in line 1, section 15 of the printed bill after the word "shall" the words "knowingly use."

By striking out in lines 1 and 3 of page 3, section 9 of the engrossed bill the figures "90 per cent" and inserting in lieu thereof the figures "66 per cent."

By inserting after the word "him" in line 10, page 3, section 9 of the engrossed bill the words and figures "24 per cent thereof shall go to the general fund of the state."

By inserting after section 17 the words and figures "Section 18. Port of Entry.) All illuminating oils when shipped into this state shall be inspected on entering the state, the following

points being designated as ports of entry: Fairmount, Wahpeton, Fargo, Grand Forks, Hankinson, Oakes and Ellendale. For making inspections other than at said points the inspector or his deputies shall be entitled in addition to the fees prescribed to mileage at the rate of ten cents per mile for each mile actually traveled, such mileage to be paid by the party for whom inspection is made."

By striking out all of section 18 of the engrossed bill prior to the word "all" in line 3 of said section and inserting in lieu thereof the word and figures "section 19."

By striking out before the word "emergency" in line 12 of the last page of the engrossed bill the word and figures "section 19" and inserting in lieu thereof the word and figures "section 20."

On page 4, section 6 of the printed bill strike out all of line 2 after the letters "um" and all of line 3, and insert in lieu thereof the following words: "before being knowingly used, sold or offered for sale in this state shall be tested as follows:"

On page 4, section 6, line 6 of the printed bill strike out the words "one hundred and five (105) degrees" and insert in lieu thereof the following words: "one hundred and twenty degrees (120)."

On line 10 of the same page and same section after the word "than" insert the words "seventy-nine (79) degrees," and strike out the balance of section 6 of the printed bill.

In section 7 of the printed bill strike out lines 33 to 49 inclusive, and insert in lieu thereof the following words: "if after all such tests prescribed in section 6 herein are made such oil or oils tested do not comply with the requirements in said section he shall fix his brand or device upon such cask, barrel or package as follows: 'below grade.'"

And as so amended passed, except that the house failed to pass the emergency clause to

Senate bill No. 107,

A bill for an act to prevent the sale and use in this state of dangerous and impure oils.

Also,

House bill No. 8,

A bill for an act concerning land titles.

Also,

House bill No. 179,

A bill for an act entitled "An act providing for the repeal of sections 1570a, 1570b, 1570c, 1570d, 1570e, 1570f, 1570g, 1570h and 1570i of the Revised Codes of 1899, providing for a state wolf bounty and authorizing the state board of equalization at their session in the year 1901 to levy a special tax to pay the amount

due on outstanding certificates existing at the time of the taking effect of this act."

Also,

House bill No. 140,

A bill for an act to amend section 76 of chapter 126 of the laws of 1897, being section 1261 of the Revised Codes of the state of North Dakota, 1899, in regard to revenue and taxation, and providing that in bidding at public vendue the purchaser who will pay the total amount of taxes, penalties and costs charged against land sold therefor at the lowest rate of interest shall be the best bidder therefor.

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

Also,

#### CONCURRENT RESOLUTION.

Whereas, the battle of White Stone Hill, which occurred on the third day of September, 1863, in Dickey county, North Dakota, between the national forces under the command of General Sully and the Sioux Indians in which Lieutenant Leavering and twenty-two others were killed, nearly as many others mortally wounded, about two hundred Indians killed, a large number wounded and several hundred taken prisoners, has never been properly commemorated by a suitable monument; therefore, be it

Resolved, by the house of representatives, the senate concurring, that our senators and representatives in congress be urged to do all in their power to secure the erection of a suitable monument to mark said battle field and commemorate the struggle in which so many brave men gave up their lives.

Resolved, further, that a copy of these resolutions properly attested, be sent to each of our senators and representatives in the congress of the United States.

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

Very respectfully,

J. D. SCANLAN,

Chief Clerk.

#### MOTIONS AND RESOLUTIONS.

Mr. Murphy moved

That the senate do not concur in the house amendments to Senate bill No. 107,

A bill for an act to prevent the sale and use in this state of dangerous and impure oils.



And that a conference committee of three be appointed.

Which motion prevailed, and

The president appointed as such committee Messrs. Hale, Hegge and Lavayea.

Mr. Little moved

That the senate go into executive session.

Which motion prevailed,

Executive session.

In executive session the following appointments were presented:

STATE EXAMINER.

As state examiner for a term of two years from and after March 11, 1901, according to the provisions of section 136 of the Revised Codes, Robert E. Wallace, Bismarck, N. D.

TRUSTEES FOR THE HOSPITAL FOR THE INSANE.

As trustees for the hospital for the insane, each for a term of four years commencing on the first Tuesday in April, 1901, Charles F. Mudgett, of Valley City, N. D.; E. Young, of Tower City, N. D.

All were confirmed except the nomination of E. Young, of Tower City, as trustee for the hospital for the insane, whose nomination was referred to the committee on charitable institutions.

Open session.

MESSAGE FROM THE GOVERNOR.

The following message was received from the governor:

EXECUTIVE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
March 6, 1901.

To the Senate:

Gentlemen—I have the honor to inform you that I have approved and filed with the honorable secretary of state

Substitute for Senate bill No. 47,

A bill for an act to amend section 1549 of the Revised Codes of 1899, relating to time when lawful for stock to run at large.

Also,

Senate bill No. 48,

A bill for an act to amend section 6153 of the Revised Codes of 1891 relating to liability of owner for trespass of animals.

Also,

Substitute for Senate bill No. 51,

A bill for an act amending sections 1392 and 1393 Revised Codes of North Dakota relating to state military boards.

Also,

Senate bill No. 68,

A bill for an act entitled an act relating to the board of pardons and prescribing the powers and duties thereof.

Also,

Senate bill No. 74,

A bill for an act entitled "An act to amend sections 643, 681 and 682 of the Revised Codes of 1899, relating to education."

Also,

Senate bill No. 96,

A bill for an act amending section 1278 of the Revised Codes of 1899, relating to "deed not to be recorded without auditor's certificate of taxes paid."

Also,

Senate bill No. 105,

A bill for an act to amend section 4680 of article 2, chapter 72, of the Revised Codes of the state of North Dakota, for the year 1899, entitled liens in general.

Also,

Senate bill No. 104,

A bill for an act to amend section 662, Revised Codes, 1899, relating to division of school districts.

Also,

Senate bill No. 108,

A bill for an act to amend section 3139 of the Revised Codes of 1899 relating to county mutual insurance companies.

Also,

Senate bill No. 128,

A bill for an act entitled an act to amend section 338d of the Revised Codes, 1899, relating to vouchers filed to be consecutively numbered and paid.

Also,

Senate bill No. 129,

A bill for an act relating to the manner of making and filing claims against the state, and prescribing forms to be used.

Also,

Senate bill No. 139,

A bill for an act making the state of North Dakota a preferred creditor in the case of sales of binding twine upon time and in the case of other contracts with the state.

Also,

Senate bill No. 140,

A bill for an act entitled an act to amend section 1880 of the Revised Codes of North Dakota of 1899, relating to the procedure for the location and removal of county seats.

Also.

Senate bill No. 173

A bill for an act entitled an act amending section 2084 of the Revised Codes, 1899, relating to fees for transportation of prisoners and patients.

Also,

Senate bill No. 169,

A bill for an act entitled "An act authorizing and requiring the state board of equalization at its annual meeting in the year 1901 to levy a sinking fund tax to pay the amount due on bonds issued by the territory of Dakota on the first day of May, 1887, and due and payable the first day of May, 1902, for the construction of buildings for the hospital for the insane at Jamestown, and making an appropriation of the proceeds of such sinking fund tax."

Very respectfully yours,

FRANK WHITE,

Governor.

### THIRD READING OF SENATE BILLS.

Senate bill No. 176,

A bill for an act entitled an act to amend section 144a, Revised Codes, 1899, relating to appointment of assistant examiner.

Was read the third time.

The question being upon the final passage of the bill.

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

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Hegge,	Murphy,
Baker	Jacobson,	Noble,
Clarke,	Laidlaw,	Sanborn,
Cooper,	Lavayea,	Sharpe,
Cox,	LaMoure,	Slotten,
Devlin,	Lewis,	Swenson,
Fuller,	Little,	Taylor,
Geer,	McDougal,	Williams,
Hale,	Miner,	Wolbert,

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Cashel,	Simpson,	Talcott,
Lofthus,		

Messrs. Cashel and Lofthus being excused.

So the bill passed and the title was agreed to.

Senate bill No. 167,

A bill for an act to amend sections 3137 and 3142 of the Revised Codes of 1899, relating to insurance premiums to be paid, conditions of policy, assessments and liability of policy holders.

Was read the third time.

The question being upon the final passage of the bill.

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

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Hegge,	Noble,
Baker,	Jacobson,	Sanborn,
Clarke,	Laidlaw,	Sharpe,
Cooper,	Lavayea,	Simpson,
Cox,	LaMoure,	Slotten,
Devlin,	Little,	Swenson,
Fuller,	McDougal,	Taylor,
Geer,	Miner,	Williams,
Hale,	Murphy,	Wolbert,

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Cashel,	Lofthus,	Talcott,
Lewis,		

Messrs. Cashel and Lofthus being excused.

So the bill passed and the title was agreed to.

Mr. Laidlaw moved that the vote by which Senate bill No. 167,

A bill for an act to amend sections 3137 and 3142 of the Revised Codes of 1899, relating to insurance premiums to be paid, conditions of policy, assessments and liability of policy holders.

Was passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

Senate bill No. 217,

A bill for an act entitled an act directing state auditors to pay over funds belonging to agricultural college and deaf and dumb asylum to the respective institution treasurers and providing for the application of such funds.

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 none, absent and not voting 5.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Hegge,	Noble,
Baker,	Jacobson,	Sanborn,
Clarke,	Laidlaw,	Sharpe,
Cooper,	Lavayea,	Slotten,
Cox,	LaMoure,	Swenson,
Devlin,	Little,	Taylor,
Fuller,	McDougal,	Williams,
Geer,	Miner,	Wolbert,
Hale,	Murphy,	

Absent and not voting

Messrs.—	Messrs.—	Messrs.—
Cashel,	Lofthus,	Talcott,
Lewis,	Simpson,	

Messrs. Cashel and Lofthus being excused.

So the bill passed and the title was agreed to.

Mr. Little moved that the vote by which

Senate bill No. 217,

A bill for an act entitled an act directing state auditors to pay over funds belonging to agricultural college and deaf and dumb asylum to the respective institution treasurers and providing for the application of such funds.

Was passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

Mr. Little moved

That the senate do not concur in the house amendments to Senate bill No. 1,

A bill for an act entitled an act to provide for the trial of civil actions.

And a conference committee of three be appointed.

Which motion prevailed, and

The president appointed as such committee Messrs. Little, Noble and Ames.

Mr. Sanborn moved

That the senate concur in house amendments to Senate bill No. 117,

A bill for an act to amend section 1015 and article 2 of chapter 10 of the Revised Codes of the state of North Dakota, 1899.

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

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Hegge,	Sanborn,
Baker,	Laidlaw,	Sharpe,
Clarke,	Lavayea,	Simpson,
Cooper,	LaMoure,	Slotten,
Cox,	Little,	Swenson,
Devlin,	McDougal,	Talcott,
Fuller,	Miner,	Taylor,
Geer,	Murphy,	Williams,
Hale,	Noble,	Wolbert,

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Cashel,	Lewis,	Lofthus,
Jacobson,		

Messrs. Cashel and Lofthus being excused.

So the house amendments were concurred in.

Mr. Cox moved

That the rules be suspended and that

House bill No. 133,

A bill for an act fixing the liability of railroad companies for injuries sustained by employes of such companies in consequence of the negligence of fellow employes.

Be placed on its third reading and final passage.

Roll call demanded.

The roll was called and there were ayes 13, nays 15, absent and not voting 9.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Cox,	Murphy,	Swenson,
Hale,	Sanborn,	Taylor,
Jacobson,	Simpson,	Williams,
Lewis,	Slotten,	Wolbert,
McDougal,		

Those voting in the negative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Fuller,	Little,
Baker,	Geer,	Miner,
Clarke,	Hegge,	Noble,
Cooper,	Laidlaw,	Sharpe,
Devlin,	LaMoure,	Talcott,

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Cashel,	Lavayea,	Lofthus,

Messrs. Cashel and Lofthus being excused.

So the motion was lost.

Mr. Little moved that a recess of 10 minutes be taken,

Which motion prevailed.

Senate reassembled.

Senate bill No. 221,

A bill for an act to prevent prize fighting.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 28, nays none, absent and not voting 3.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Jacobson,	Noble,
Baker,	Laidlaw,	Sharpe,
Clarke,	Lavayea,	Simpson,
Cooper,	LaMoure,	Slotten,
Cox,	Lewis,	Swenson,
Devlin,	Little,	Talcott,
Fuller,	McDougal,	Taylor,
Geer,	Miner,	Williams,
Hale,	Murphy,	Wolbert,
Hegge,		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Cashel,	Lofthus,	Sanborn,

Messrs. Cashel and Lofthus being excused.

So the bill passed and the title was agreed to.

Mr. Lavayea moved that the vote by which

Senate bill No. 221,

A bill for an act to prevent prize fighting.

Was passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed,

Senate bill No. 227,

A bill for an act to amend section 3254 of the Revised Codes of 1899 relating to examination of banks by state examiner and the fees therefor, and his report thereon to the governor.

Was read the third time.

The question being upon the final passage of the bill

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

Those who voted in the affirmative were:

Messrs.—

Ames,  
Baker,  
Clarke,  
Cooper,  
Devlin,  
Fuller,  
Geer,  
Hale,  
Hegge,

Messrs.—

Jacobson,  
Laidlaw,  
Lavayea,  
LaMoure,  
Lewis,  
Little,  
McDougal,  
Miner,  
Murphy,

Messrs.—

Noble,  
Sanborn,  
Sharpe,  
Simpson,  
Slotten,  
Swenson,  
Taylor,  
Williams,  
Wolbert,

Absent and not voting:

Messrs.—

Cashel,  
Cox,

Messrs.—

Lofthus,

Messrs.—

Talcott,

Messrs. Cashel and Lofthus being excused.

So the bill passed and the title was agreed to.

#### MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,  
BISMARCK, NORTH DAKOTA,  
March 6, 1901.

Mr. President:

I have the honor to return herewith

Senate bill No. 39,

A bill for an act to amend section 888, Revised Codes, 1899, relating to education.

Also,

Senate bill No. 26,

A bill for an act to amend section 479 of the Revised Codes of North Dakota, relating to the qualifications of voters.

Also,

Senate bill No. 38,

A bill for an act to amend section 913 of the Revised Codes of 1899, relating to education.

Which the house has indefinitely postponed.

Also,

I have the honor to transmit herewith

House bill No. 223,

A bill for an act to amend section 2611 of the Revised Codes of North Dakota of 1899, relating to duties and salaries of township treasurers.

Also,

House bill No. 198,

A bill for an act fixing a penalty for any corporation, association, person or persons, for in any manner interfering with, or hindering, any persons in charge of any live stock being or about to be, transported over any railway in this state, in furnishing the feed or bedding in cars at any feeding station in this state.

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

Also,

I have the honor to return herewith

Senate bill No. 45,

A bill for an act entitled an act to amend section 2061 of the Revised Codes of North Dakota, relating to salary of clerk of district court.

Also,

Senate bill No. 192,

A bill for an act to amend sections 2134, 2141, 2155, 2204, 2251 and 2254 of the Revised Codes of 1899, relating to cities.

Also,

Senate bill No. 50,

A bill for an act to amend sections 867, 869, 870, 871, 872, Revised Codes, 1899, relating to education.

Also,

Senate bill No. 130,

A bill for an act conferring jurisdiction as judges of conciliation upon the courts of Indian offenses.

Which the house has indefinitely postponed.

Also,

I have the honor to inform you that the house has refused to concur in the senate amendments to

House bill No. 89,

A bill for an act to amend section 2073, chapter 27 of the Revised Codes of 1899 of the state of North Dakota, relating to the salaries of county auditors.



And the speaker has appointed as a conference committee Messrs. Chaffee, Winslow and Axvig.

Also,

I have the honor to inform you that the speaker has appointed Messrs. Young, Galbraith and Thomas as conference committee on Senate bill No. 1,

A bill for an act entitled an act to provide for the trial of civil actions.

And Messrs. Hare, Cassell and Leech on Senate bill No. 107,

A bill for an act to prevent the sale and use in this state of dangerous and impure oils.

Also,

I have the honor to return herewith Senate bill No. 147,

A bill for an act authorizing the issuance of bonds based upon the normal school land grant, for the purpose of erection and completion of buildings for the use of the state normal schools at Valley City and Mayville.

Also,

Senate bill No. 91,

A bill for an act to provide for the erection and equipment of necessary additional buildings for a system of sewerage and for other necessary improvements for the North Dakota agricultural college at Fargo.

Also,

Senate bill No. 224,

A bill for an act to amend section 2467 of the Revised Codes of North Dakota, 1899, relating to free public libraries.

Also,

Senate bill No. 136.

A bill for an act authorizing the board of trustees of the state university to issue bonds to provide a fund for the necessary repairs of buildings and to pay the floating indebtedness of said university.

Also,

Substitute for Senate bill No. 154,

A bill for an act defining express companies, freight line companies, equipment companies, telegraph and telephone companies and providing for the assessment of their property and taxation of the same.

Also,

Senate bill No. 199,

A bill for an act entitled "an act providing for the renewal of judgments and for continuing the lien thereof and prescribing the method of renewing the same without suit for an additional

term of ten years and allowing an execution thereon after renewal."

Also,

Senate bill No. 144,

A bill for an act to amend section 119 of the Revised Codes of 1899, relating to the duties of the attorney general.

Also,

Senate bill No. 20,

A bill for an act to provide for the admission of graduates from the law department of the university of North Dakota to the bar of this state.

Also,

House bill No. 188

A bill for an act to amend section 3597 of the Revised Codes of the state of North Dakota in regard to the record of certain instruments and the admissability in evidence of instruments entitled to record, without further proof.

Also,

Senate bill No. 228,

A bill for an act providing for the sale of public lands during the year 1901, and for the disposal of the proceeds of such sale and the revenue accruing thereon.

Also,

Senate bill No. 122,

A bill for an act to empower the board of county commissioners to offset due or delinquent taxes, due from any person, corporation or society, in whose favor an indebtedness has accrued against such county.

Also,

Senate bill No. 163,

A bill for an act to amend section 3231, Revised Codes, relating to capital of banks.

Also,

Senate bill No. 157,

A bill for an act entitled an act to amend section 238 of the Revised Codes, relating to state depositories.

Also,

Senate bill No. 93,

A bill for an act repealing sections 1675, 1676, 1677 and 1678, Revised Codes, 1899, relating to bounties for the manufacture of spinning fibres.

Which the house has passed unchanged.

Also,

Senate bill No. 119,

A bill for an act entitled "An act amending section 6777, relating to appeals from justice court making the payment of trans-

cript fees a condition precedent to granting an order compelling a justice to certify up the record."

Which the house has amended by striking out the emergency clause, and as so amended passed.

Very respectfully,

J. D. SCANLAN,  
Chief Clerk.

### THIRD READING OF HOUSE BILLS.

House bill No. 52,

A bill for an act to amend section 717 of the Revised Codes of 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 26, nays none, absent and not voting 5.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Baker,	Laidlaw,	Sharpe,
Clarke,	Lavayea,	Simpson,
Cooper,	LaMoure,	Slotten,
Cox,	Lewis,	Swenson,
Devlin,	McDougal,	Talcott,
Fuller,	Miner,	Taylor,
Geer,	Murphy,	Williams,
Hale,	Noble	Wolbert,
Jacobson,	Sanborn,	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Ames,	Hegge,	Lofthus,
Cashel,	Little,	

Messrs. Cashel and Lofthus being excused.

So the bill passed and the title was agreed to.

House bill No. 155,

A bill for an act to amend sections 173 and 182, Revised Codes, 1899, defining the duties of the land commissioner.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 28, nays none, absent and not voting 3.

Those voting in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Jacobson,	Sanborn,
Baker,	Laidlaw,	Sharpe,
Clarke,	Lavayea,	Simpson,
Cooper,	LaMoure,	Slotten,
Cox,	Lewis,	Swenson,
Devlin,	Little,	Talcott,

Messrs.—  
Fuller,  
Geer,  
Hale,  
Hegge,

Messrs.—  
McDougal,  
Miner,  
Noble,

Messrs.—  
Taylor,  
Williams,  
Wolbert,

Absent and not voting:

Messrs.—  
Cashel,

Messrs.—  
Lofthus,

Messrs.—  
Murphy,

Messrs. Cashel and Lofthus being excused.

So the bill passed and the title was agreed to.

Mr. LaMoure moved

That all house bills as soon as passed this day be messaged to the house.

Which motion prevailed.

House bill No. 59,

A bill for an act to amend section 234b, Revised Codes of 1889, being an act relating to the charging and collecting of fees at the leasing and sale of school lands.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 25, nays 3, absent and not voting 3.

Those who voted in the affirmative were:

Messrs.—  
Ames,  
Baker,  
Clarke,  
Cooper,  
Cox,  
Fuller,  
Geer,  
Hegge,  
Laidlaw,

Messrs.—  
Lavayea,  
LaMoure,  
Lewis,  
McDougal,  
Miner,  
Murphy,  
Noble,  
Sanborn,

Messrs.—  
Sharpe,  
Simpson,  
Slotten,  
Swenson,  
Talcott,  
Taylor,  
Williams,  
Wolbert,

Those voting in the negative were:

Messrs.—  
Devlin,

Messrs.—  
Hale,

Messrs.—  
Jacobson,

Absent and not voting:

Messrs.—  
Cashel,

Messrs.—  
Little,

Messrs.—  
Lofthus,

Messrs. Cashel and Lofthus being excused.

So the bill passed and the title was agreed to.

MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,  
BISMARCK, NORTH DAKOTA,  
March 6, 1901.

Mr. President:

I have the honor to inform you that the house has refused to concur in senate amendments to

House bill No. 52,

A bill for an act to amend section 717 of the Revised Codes of North Dakota.

And the speaker has appointed a conference committee consisting of Messrs. Packard, Winslow and Davis.

Very respectfully,

J. D. SCANLAN,

Chief Clerk.

Mr. Cooper moved

That a finance committee of three be appointed to act on House bill No. 52,

A bill for an act to amend section 717 of the Revised Codes of North Dakota.

And the president appointed as such committee Messrs Coop Wolbert and Sanborn.

Mr. Murphy moved that

House bill No. 55,

A bill for an act to amend sections 2464 and 2465 of the Revised Codes of 1899, relating to volunteer firemen's association.

Be indefinitely postponed.

Which motion was lost.

House bill No. 55,

A bill for an act to amend sections 2464 and 2465 of the Revised Codes of 1899, relating to volunteer firemen's association.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 23, nays 6, absent and not voting 2.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Jacobson,	Sharpe,
Baker,	Laidlaw,	Simpson,
Clarke,	Lavayea,	Slotten,
Cooper,	Lewis,	Swenson,
Cox,	Little,	Talcott,
Devlin,	McDougal,	Taylor,
Fuller,	Miner,	Wolbert.
Hegge,	Sanborn,	

Those voting in the negative were:

Messrs.—	Messrs.—	Messrs.—
Geer,	LaMoure,	Noble,
Hale,	Murphy,	Williams,

Absent and not voting Messrs. Cashel and Lofthus.

Messrs. Cashel and Lofthus being excused.

So the bill passed and the title was agreed to.

House bill No. 208,

A bill for an act to amend section 2736 of the Revised Codes of 1899, relating to the dissolution of marriage.

Was read the third time.

Mr. Simpson moved

To amend by striking out all after the word "persons" in the second subdivision of the section.

Which motion was lost.

The question being upon the final passage of the bill.

The roll was called and there were ayes 27, nays 2, absent and not voting 2.

Those who voted in the affirmative were:

Messrs.—

Ames,  
Baker,  
Clarke,  
Cooper,  
Cox,  
Devlin,  
Fuller,  
Geer,  
Hale,

Messrs.—

Hegge,  
Jacobson,  
Laidlaw,  
LaMoure,  
Lewis,  
Little,  
Miner,  
Murphy,  
Noble,

Messrs.—

Sanborn,  
Sharpe,  
Simpson,  
Slotten,  
Swenson,  
Talcott,  
Taylor,  
Williams,  
Wolbert,

Messrs. Lavayea and McDougal voted in the negative.

Absent and not voting, Messrs. Cashel and Lofthus, who were excused.

So the bill passed and the title was agreed to.

House bill No. 30,

A bill for an act to provide for the erection of necessary buildings for the state reform school at Mandan, North Dakota.

Mr. Little moved

To amend by striking out "\$15,000" and insert in lieu thereof "\$20,000."

Which motion prevailed.

Was read the third time.

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

The roll was called and there were ayes 27, nays 1, absent and not voting 3.

Those who voted in the affirmative were:

Messrs.—

Ames,  
Baker,  
Clarke,  
Cox,  
Devlin,  
Fuller,  
Geer,  
Hegge,  
Jacobson,

Messrs.—

Laidlaw  
Lavayea,  
LaMoure,  
Lewis,  
Little,  
McDougal,  
Miner,  
Murphy,  
Noble,

Messrs.—

Sanborn,  
Sharpe,  
Simpson,  
Slotten,  
Swenson,  
Talcott,  
Taylor,  
Williams,  
Wolbert,

Absent and not voting:

Messrs.—

Cashel,

Messrs.—

Hale,

Messrs.

Lofthus,

Mr. Cooper voting in the negative.

Messrs Cashel and Lofthus being excused.

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

House bill No. 11,

A bill for an act entitled an act to amend section 1143 of article 7, of chapter 17 of the Revised Codes of 1899.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 28, nays none, absent and not voting 3.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Jacobson,	Sanborn,
Baker,	Laidlaw,	Sharpe,
Clarke,	Lavayea,	Simpson,
Cooper,	LaMoure,	Slotten,
Cox,	Lewis,	Swenson,
Devlin,	McDougal,	Talcott,
Fuller,	Miner,	Taylor,
Geer,	Murphy,	Williams,
Hale,	Noble,	Wolbert,
Hegge,		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Cashel,	Little,	Lofthus,

Messrs. Cashel and Lofthus being excused.

So the bill passed and the title was agreed to.

House bill No. 1,

A bill for an act to amend section 1260 of article 18 of the Revised Code of North Dakota of 1899.

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 3, absent and not voting 6.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Jacobson,	Sanborn,
Baker,	Laidlaw,	Sharpe,
Clarke,	LaMoure,	Slotten,
Cooper,	Lewis,	Swenson,
Cox,	Little,	Talcott,
Fuller,	Miner,	Taylor,
Geer,	Murphy,	Wolbert,
Hale,		

Those voting in the negative were:

Messrs.—	Messrs.—	Messrs.—
Devlin,	Noble,	Williams,

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Cashel,	Lavayea,	McDougal,
Hegge,	Lofthus,	Simpson,

Messrs. Cashel and Lofthus being excused.

So the bill passed and the title was agreed to.

House bill No. 14,

A bill for an act authorizing board of county commissioners to offer reward for the destruction of buffalo or timber wolves.

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 none, absent and not voting 5.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Hegge,	Sanborn,
Baker,	Jacobson,	Sharpe,
Clarke,	LaMoure,	Slotten,
Cooper,	Lewis,	Swenson,
Cox,	Little,	Talcott,
Devlin,	McDougal,	Taylor,
Fuller,	Miner,	Williams,
Geer,	Murphy,	Wolbert,
Hale,	Noble,	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Cashel,	Lavayea,	Simpson,
Laidlaw,	Lofthus,	

Messrs. Cashel and Lofthus being excused.

So the bill passed and the title was agreed to.

House bill No. 125,

A bill for an act regulating water rights for irrigation purposes.

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 none, absent and not voting 5.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Hegge,	Sharpe,
Baker,	Jacobson,	Simpson,
Clarke,	LaMoure,	Slotten,
Cooper,	Lewis,	Swenson,
Cox,	Little,	Talcott,
Devlin,	Miner,	Taylor,
Fuller,	Murphy,	Williams,
Geer,	Noble,	Wolbert,
Hale,	Sanborn,	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Cashel,	Lavayea,	McDougal,
Laidlaw,	Lofthus,	

Messrs. Cashel and Lofthus being excused.



So the bill passed and the title was agreed to.

House bill No. 207,

A bill for an act to amend section 95 of the Revised Codes of 1899, relating to fees of the secretary of state.

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 none, absent and not voting 5.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Hegge,	Sanborn,
Baker,	Jacobson,	Sharpe,
Clarke,	Lavayea,	Slotten,
Cooper,	LaMoure,	Swenson,
Cox,	Lewis,	Talcott,
Devlin,	Little,	Taylor,
Fuller,	Miner,	Williams,
Geer,	Murphy,	Wolbert,
Hale,	Noble,	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Cashel,	Lofthus,	Simpson,
Laidlaw,	McDougal,	

Messrs. Cashel and Lofthus being excused.

So the bill passed and the title was agreed to.

House bill No. 98,

A bill for an act requiring notaries public to endorse on acknowledgments the date of the expiration of their commissions.

Was read the third time.

The question being upon the final passage of the bill.

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

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Hegge,	Noble,
Baker,	Jacobson,	Sanborn,
Clarke,	Laidlaw,	Sharpe,
Cooper,	Lavayea,	Slotten,
Cox,	Lewis,	Swenson,
Devlin,	Little,	Talcott,
Fuller,	McDougal,	Taylor,
Geer,	Miner,	Williams,
Hale,	Murphy,	Wolbert,

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Cashel,	Lofthus,	Simpson,
LaMoure,		

Messrs. Cashel and Lofthus being excused.

So the bill passed and the title was agreed to.

House bill No. 74,

A bill for an act to appropriate money to meet a deficiency in the salary and expenses of the office of assistant dairy and food commissioner.

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 1, absent and not voting 4.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Hegge,	Noble,
Baker,	Jacobson,	Sanborn,
Clarke,	Laidlaw,	Sharpe,
Cooper,	Lavayea,	Slotten,
Cox,	LaMoure,	Swenson,
Devlin,	Lewis,	Talcott,
Fuller,	Little,	Taylor,
Geer,	McDougal,	Williams,
Hale,	Miner,	Wolbert,

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Cashel,	Murphy,	Simpson,
Lofthus,		

Mr. Devlin voting in the negative.

Messrs. Cashel and Lofthus being excused.

So the bill passed and the title was agreed to.

THIRD READING OF SENATE BILLS.

Senate bill No. 156,

A bill for an act entitled an act to amend section 3071 l of the Revised Codes of the state of North Dakota for 1899.

Was read the third time.

The question being upon the final passage of the bill.

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

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Hegge,	Sanborn,
Baker,	Jacobson,	Sharpe,
Clarke,	Laidlaw,	Simpson,
Cooper,	Lavayea,	Slotten,
Cox,	LaMoure,	Swenson,
Devlin,	Lewis,	Talcott,
Fuller,	McDougal,	Taylor,
Geer,	Miner,	Williams,
Hale,	Noble,	Wolbert,

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Cashel,	Lofthus,	Murphy,
Little,		

Messrs. Cashel and Lofthus being excused.

So the bill passed and the title was agreed to.

Mr. Cox moved that the vote by which  
Senate bill No. 156,

A bill for an act entitled an act to amend section 3071 l of the Revised Codes of the state of North Dakota for 1899.

Was passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

House bill No. 100,

A bill for an act defining slander of females and making the same a misdemeanor.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 25, nays none, absent and not voting 6.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Hegge,	Sanborn,
Baker,	Jacobson,	Sharpe,
Clarke,	Laidlaw	Slotten,
Cooper,	Lavayea,	Swenson,
Cox,	Lewis,	Talcott,
Devlin,	McDougal,	Taylor,
Fuller,	Miner,	Williams,
Geer,	Noble,	Wolbert,
Hale.		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Cashel,	Little,	Murphy,
LaMoure,	Lofthus,	Simpson,

Messrs. Cashel and Lofthus being excused.

So the bill passed and the title was agreed to.

Mr. Lewis moved that the vote by which  
Senate bill No. 159,

A bill for an act entitled "An act to amend section 3023 of the Revised Codes of 1899, relating to long and short hauls, upon railroads and common carriers."

Was lost, be reconsidered.

Which motion prevailed.

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

Mr. President:

Your committee on enrolled and engrossed bills respectfully report that at the hour of 4:45 p. m. of this day

Senate bill No. 150,

A bill for an act to amend section 327 of the Revised Codes of 1899, providing for record of fees and monthly reports and payment of said fees to the state treasurer monthly by any state officer or deputy authorized by law to receive said fees.

Also,

Senate bill No. 123.

A bill for an act to amend section 1942 of the Revised Codes of 1899, relating to depositories for county funds.

Also,

Senate bill No. 219.

A bill for an act to amend section 1208 of the Revised Codes of North Dakota relating to the duties of the county auditor in furnishing supplies to assessors and the date of meeting of such assessors.

Also,

Senate bill No. 101.

A bill for an act to amend section 7464 of the Revised Codes of North Dakota, 1899, relating to embezzlement.

Also,

Senate bill No. 153.

A bill for an act to amend section 1180 of the Revised Codes, relating to property exempt from taxation.

Were delivered to his excellency, the governor, for his approval.

Also,

Senate bill No. 161.

A bill for an act to legalize the assessment and levy of taxes in territory over which counties have exercised criminal and civil jurisdiction for four years last past, and providing for the collection of the same.

Also,

Senate bill No. 170.

A bill for an act providing that certain records shall be kept in the office of the state treasurer.

And find the same correctly enrolled.

Also,

Senate bill No. 221.

A bill for an act to prevent prize fighting.

And find the same correctly engrossed.

Also,

Senate bill No. 87.

A bill for an act relating to the sale of dressed beef.

Also,

Senate bill No. 150.

A bill for an act to amend section 327 of the Revised Codes of 1899, providing for the record of fees and monthly reports and

payment of said fees to the state treasurer monthly by any state officer or deputy authorized by law to receive said fees.

Also,

Senate bill No. 101,

An act to amend section 7464 of the Revised Codes of North Dakota, 1899, relating to embezzlement.

Also,

Senate bill No. 123,

An act to amend section 1942 of the Revised Codes of 1899, relating to depositories for county funds.

Also,

Senate bill No. 153,

An act to amend section 1180 of the Revised Codes, relating to property exempt from taxation.

Also,

Senate bill No. 219.

An act to amend section 1208 of the Revised Codes of North Dakota, relating to the duties of the county auditor in furnishing supplies to assessors and the date of meeting of such assessors.

And find the same correctly enrolled.

Also,

Your committee on enrolled and engrossed bills respectfully report that at the hour of 2:50 p. m. this day

Senate bill No. 151,

A bill for an act to appropriate money to pay the annual expense of appraising, advertising, and selling common school and institution lands.

Also,

Senate bill No. 30,

A bill for an act entitled "An act making appropriations for the current and contingent expenses of the state penitentiary and for making permanent improvements and additions thereto."

Also,

Senate bill No. 83,

A bill for an act for the maintenance of the deaf and dumb asylum of North Dakota and making an appropriation therefor.

Also,

Senate bill No. 172,

A bill for an act entitled an act repealing section 131a of the Revised Codes, 1899, making an appropriation to promote immigration.

Also,

Senate bill No. 67,

A bill for an act for an appropriation for the maintenance and improvements of the state normal school at Mayville, North Dakota.

Also,

Senate bill No. 43,

A bill for an act providing for an appropriation for the maintenance and improvement of the state normal school at Valley City, North Dakota.

Also,

Senate bill No. 75,

A bill for an act entitled an act making appropriation for the current and contingent expenses of the Soldiers' Home located at Lisbon, North Dakota, and for making permanent improvements and additions thereto.

Also,

Senate bill No. 143,

A bill for an act entitled "an act to amend section 338 of the Revised Codes of 1899, providing for an appropriation for supplies for the capitol building, the executive mansion and the public grounds and parks connected therewith and for necessary repairs upon the capitol building."

Also,

Senate bill No. 81,

A bill for an act to provide for the maintenance of the Industrial School and School for Manual Training, located at Ellendale, North Dakota, and for making necessary improvements, and making an appropriation therefor.

Also,

Senate bill No. 162,

A bill for an act entitled an act providing for an appropriation of the payment of the current and contingent expenses of the North Dakota agricultural college for one year.

Also,

Senate bill No. 59,

A bill for an act to provide for the current and contingent expenses for the hospital for the insane at Jamestown, North Dakota.

Also,

Senate bill No. 121,

A bill for an act making an appropriation for repairing and furnishing the executive mansion.

Also,

Senate bill No. 184,

A bill for an act repealing section 966a, Revised Codes, 1899, relating to issuing certificates of indebtedness to provide for the equipment of the deaf and dumb asylum.

Also,

Senate bill No. 124,

A bill for an act to provide a fund for the purpose of retiring the principal of the bonded indebtedness of the state.

Also,

Senate bill No. 148,

A bill for an act entitled an act to provide for the maintenance of the state university at Grand Forks, agricultural college at Fargo, state normal school at Valley City, state normal at Mayville, and the deaf and dumb asylum of Devils Lake, as a part of the system of public schools.

Also,

Senate bill No. 218,

A bill for an act to amend section 2540 of the Revised Codes of North Dakota relating to the time of holding annual township meetings.

Also,

Senate bill No. 21,

A bill for an act regulating fraternal beneficiary societies, orders or associations.

Also,

Senate bill No. 88,

A bill for an act to amend section 2095 of the Revised Codes of 1899 relating to compensation of county commissioners.

Were delivered to his excellency, the governor, for approval.

H. E. LAVAYEA,

Chairman.

The president administered the oath to Maud Brunton and Helen Call as enrolling and engrossing clerks.

Mr. Little moved

That the senate do now adjourn,

Which motion prevailed, and

The senate adjourned.

GEORGE L. TOWNES,

Secretary.

FIFTY-NINTH DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
March 7, 1901.

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. Cashel and Lofthus, who were excused.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
BISMARCK, NORTH DAKOTA,  
March 5, 1901.

Mr. President:

I have the honor to return herewith.

Senate bill No. 94,

A bill for an act repealing sections 1679 and 1680, Revised Codes, 1899, relating to bounties for the manufacture of binding twine.

Also.

Senate bill No. 103,

A bill for an act entitled an act authorizing the requirement of an additional bond to be furnished by city treasurers, and declaring the office vacant upon neglect or refusal so to do.

Also,

Senate bill No. 142,

A bill for an act entitled an act to amend section 5730, Revised Codes, relating to service of notices and papers.

Also,

Senate bill No. 71,

A bill for an act to amend section 497b of the Revised Codes, relating to the time of holding caucuses and the issuance of certificates of election of delegates.

Also,

Senate bill No. 160,

A bill for an act entitled an act defining newspaper libel and providing for demanding remedy before action can be brought.



Also,

Senate bill No. 64,

A bill for an act entitled an act to amend section 5260, Revised Codes of 1899, relating to the manner of commencing civil action.

Also,

Senate bill No. 116,

A bill for an act to amend section 6670, of the Revised Codes and to repeal section 6671 of the Revised Codes.

Also,

Senate bill No. 141,

A bill for an act entitled an act to provide when execution of judgment in civil actions may be stayed.

Also,

Senate bill No. 92,

A bill for an act to prevent the extermination of antelope. Which the house has passed unchanged.

Also,

Senate bill No. 95,

A bill for an act prescribing the duties of county auditors in reference to the certification of abstracts of titles to real estate.

Which the house has amended

First. By striking out "section 2" of said bill.

Second. By striking out the figure "3" before the first word "emergency" in section 3 of the printed bill and inserting in lieu thereof the figure "2."

Third. By inserting after the word "that" in line 1 of section 3 of the printed bill the words "a portion of."

Also,

Senate bill No. 79,

A bill for an act entitled an act to amend section 5046 of the Revised Codes of 1899 relating to injunctions.

Which the house has amended as follows:

By striking out section 2 thereof.

Also,

Senate bill No. 118,

A bill for an act entitled an act concerning covenants of warranty.

Which the house has amended as follows:

By striking out section 2 thereof.

Also,

Senate bill No. 127,

A bill for an act entitled an act to amend and re-enact section 2082 of the Revised Codes of the Revision of 1899, relating to fees and compensation of sheriffs.

Which the house has amended as follows:

1. By striking out the word "two" in subdivision 11 of section 1, and inserting in lieu thereof the word "one."

2. By striking out section 2, and inserting in lieu thereof "Section 2. Section 2083 of the Revised Codes is hereby repealed."

3. By striking out section 3.

And as so amended passed, but failed to pass the emergency clause.

Also,

Senate bill No. 61,

A bill for an act entitled an act to amend section 6633 of Revised Codes of 1899, relating to commencement of actions in justice court.

Which the house has amended as follows:

By striking out section 2.

By inserting at the end of subdivision 4, section 1 the words "provided, that defendant or defendants referred to in this subdivision shall be construed to mean the original debtor or debtors."

And as so amended passed.

Senate bill No. 234,

A bill for an act requiring the secretary of state to publish names of commission merchants and other factors receiving grain in this state who have been licensed and filed bonds.

Also,

Senate bill No. 221,

A bill for an act to prevent prize fighting.

Also,

Senate bill No. 166,

A bill for an act to repeal sections 1199, 1200 and 1201 of the Revised Codes of 1899, relating to assessment of grain in warehouses, statement of ownership, lien of agent or warehouseman for taxes. Penalty for failure to make true statements.

Which the house has indefinitely postponed.

Also,

Senate bill No. 42,

A bill for an act entitled an act to provide for the creation of special school districts in incorporated cities, towns and villages constituting a part of a school district, and to divide the property and indebtedness of such school district.

Which the house has amended

So that section 7 shall read as follows:

"Sec. 7. The county superintendents shall thereupon call an election for the election of officers of such special school district, and school district, of which notice shall be given for at least fifteen days, which election shall be held as in other cases, in school districts, and special school districts, and such special school districts shall thereafter be subject to all provisions of law affecting other school districts."

Also,

Senate bill No. 52,

A bill for an act to promote the efficiency of the national guard of the state of North Dakota.

Which the house has amended as follows:

By striking out all of section one (1) after the word "served" in line 3.

Also,

Senate bill No. 205,

A bill for an act to amend section 5961 of the code of civil procedure, and to facilitate the assessment of damages under the law of eminent domain, and to regulate procedure in actions brought thereunder.

Which the house has amended as follows:

By inserting in line 20, page 3 of printed bill after word "sheriff" the words "the plaintiff shall give sufficient surety to be approved by the clerk of said court for the payment of all jury fees and mileage."

Also,

Substitute for Senate bill No. 115,

A bill for an act to amend sections 1842, 1893, 1896 and 2095 of the Revised Codes of 1899, relating to commissioner districts, and the powers, election and compensation of county commissioners.

Which the house has amended as follows:

Strike out all of section 4 and insert in lieu thereof:

"Sec. 4. The county commissioners whose term of office expires in 1901 and 1903 shall hold their office respectively until after their successors are elected and qualified, at the next succeeding general election."

And as so amended passed.

Also,

Senate bill No. 220,

A bill for an act providing for the collection of delinquent personal taxes by action.

Also,

Senate bill No. 84,

A bill for an act entitled an act to provide for making unknown persons parties defendant in certain civil actions and to amend section 5907 and repeal section 5907a, Revised Codes of 1899, relating to unknown parties defendant.

Which the house has passed unchanged.

Very respectfully,

J. D. SCANLAN,

Chief Clerk.

#### MESSAGE FROM THE GOVERNOR.

The following message was received from the governor:

EXECUTIVE CHAMBER,  
BISMARCK, NORTH DAKOTA.

March 7, 1901,

To the Senate:

Gentlemen—I have the honor to inform you that I have approved and filed with the honorable secretary of state

Senate bill No. 121,

A bill for an act making an appropriation for repairing and furnishing the executive mansion.

Also,

Senate bill No. 124,

A bill for an act to provide a fund for the purpose of retiring the principal of the bonded indebtedness of the state.

Also,

Senate bill No. 143,

A bill for an act entitled "an act to amend section 338 of the Revised Codes of 1899, providing for an appropriation for supplies for the capitol building, the executive mansion and the public grounds and parks connected therewith and for necessary repairs upon the capitol building."

Also,

Senate bill No. 148,

A bill for an act entitled an act to provide for the maintenance of the state university and school of mines at Grand Forks, agricultural college at Fargo, state normal school at Valley City, state normal at Mayville, and the deaf and dumb asylum at Devils Lake and the school of forestry at Bottineau, as a part of the system of public schools.

Also,

Senate bill No. 172,

A bill for an act entitled an act repealing section 131a of the Revised Codes, 1899, making an appropriation to promote immigration.

Also,

Senate bill No. 184,

A bill for an act repealing section 966a, Revised Codes, 1899, relating to issuing certificates of indebtedness to provide for the equipment of the deaf and dumb asylum.

Also,

Senate bill No. 218,

A bill for an act to amend section 2540 of the Revised Codes of North Dakota, relating to the time of holding annual township meetings.

Also,

Senate bill No. 150,

A bill for an act entitled "An act to amend section 327 of the Revised Codes of 1899, providing for the record of fees and monthly reports and payments of said fees to the state treasurer monthly by any state officer or deputy authorized by law to receive said fees."

Very respectfully yours,

FRANK WHITE,  
Governor.

## REFERENCE OF THE JOURNAL.

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

Mr. President:

Your committee on revision and correction of the Journal recommend the following corrections for the fifty-eighth day:

On page 1, second line from the bottom strike out the word "Severson" and insert in lieu thereof the word "Swenson."

On page 15, strike out four lines commencing with "all were confirmed, etc.

On page 21, line 1, strike out the word "senate" and insert in lieu thereof the word "house."

On same page, strike out second and third lines from top and insert in lieu thereof the following:

"A bill for an act fixing the liability of railroad companies for injuries sustained by employes of such companies in consequence of the negligence of fellow employes."

And when so amended recommend that the same be approved.

H. J. NEVIN,  
Chairman.

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

## REPORTS OF STANDING COMMITTEES.

Mr. President:

Your conference committee appointed to confer on the house amendment to

Substitute for Senate bill No. 115,

A bill for an act to amend sections 1842, 1893, 1896 and 2095 of the Revised Codes of 1899, relating to commissioner districts, and the powers, election and compensation of county commissioners.

Report that they do recede from the house amendments.

F. S. TALCOTT,  
V. B. NOBLE,  
R. C. COOPER,

On the part of the senate.

C. H. BRISBIN,  
G. O. GULACK,

On the part of the house.

The committee on state affairs made the following report:  
Mr. President:

Your committee on state affairs to whom was referred

House bill No. 7,

A bill for an act to amend section 1941 of the Revised Codes of the state of North Dakota, relating to the presentation and acceptance of proposals for the deposit of county funds, and the bonds of county depositories.

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

Also,

House bill No. 186,

A bill for an act declaring gophers a common nuisance and to provide for their extermination in certain instances.

Have had the same under consideration and recommend that the same be indefinitely postponed.

A. B. COX,  
Chairman.

Mr. Cox 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. 36,

A bill for an act to amend section 1566 of the Political Code of North Dakota, relating to bounty for killing wolves.

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

After the word "county" on line 4 of the printed bill strike out the word "shall" and insert in lieu thereof the words "may in their discretion."

And when so amended recommend that the same do pass.

A. B. COX,  
Chairman.

Mr. Cox moved

That the report be adopted.

Which motion prevailed, and

The report was adopted.

The committee on education made the following report:

Mr. President:

Your committee on education to whom was referred

House bill No. 214,

A bill for an act to amend section 911 of the Revised Codes relating to the meetings and compensation of the members of

the board of trustees and the board of management of the normal schools.

Also,

House bill No. 158,

A bill for an act to amend section 707 of article 6 of the Revised Codes of 1899, relating to education; providing for an enumeration each year of the deaf and dumb persons in each district in the state.

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

G. M. WOLBERT,  
Chairman.

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

Mr. President:

Your committee on enrolled and engrossed bills have examined

Senate bill No. 20,

A bill for an act to provide for the admission of graduates from the law department of the university of North Dakota to the bar of this state.

Also,

Senate bill No. 91,

A bill for an act to provide for the erection and equipment of necessary additional buildings, for a system of sewerage and for other necessary improvements for the North Dakota Agricultural college at Fargo.

Also,

Senate bill No. 117,

A bill for an act to amend section 1015 and article 2 of chapter 10 of the Revised Codes of the state of North Dakota, 1899.

Also,

Senate bill No. 188,

A bill for an act entitled an act to amend section 1289 of the Revised Codes of 1899, relating to notice when time for redemption expires. Duties of certificate holders and auditors.

Also,

Senate bill No. 93,

A bill for an act repealing sections 1675, 1676, 1677 and 1678, Revised Codes, 1899, relating to bounties for the manufacture of spinning fibres.

Also,

Senate bill No. 122,

A bill for an act to empower the board of county commissioners to offset due or delinquent taxes, due from any person, corpora-

tion or society, in whose favor an indebtedness has accrued against such county.

Also,

Senate bill No. 136,

A bill for an act authorizing the board of trustees of the state university to issue bonds to provide a fund for the necessary repairs of buildings and to pay the floating indebtedness of said university.

Also,

Senate bill No. 144,

A bill for an act to amend section 1979 of the Revised Codes of 1899, relating to the duties of the state's attorney.

Also,

Senate bill No. 186,

A bill for an act creating a board of trustees for an institution for the feeble minded located at or near the city of Grafton, Walsh county, North Dakota, by an act of congress entitled "An act making appropriations for sundry civil expenses of the government in the fiscal year ending June 30, 1895, and for other purposes," approved August 18, 1894, and defining the duties of such board of trustees.

Also,

Substitute for Senate bill No. 154.

A bill for an act defining express companies, freight line companies, equipment companies, telegraph and telephone companies and providing for the assessment of their property and taxation of the same.

Also,

Senate bill No. 157,

A bill for an act entitled an act to amend section 238 of the Revised Codes, relating to state depositories.

Also,

Senate bill No. 163,

A bill for an act to amend section 3231, Revised Codes, relating to capital of banks.

Also,

Senate bill No. 224,

A bill for an act to amend section 2467 of the Revised Codes of North Dakota, 1899, relating to free public libraries.

Also,

Senate bill No. 228,

A bill for an act providing for the sale of public lands during the year 1901, and for the disposal of the proceeds of such sale and the revenue accruing thereon.



Also,  
Senate bill No. 199,

A bill for an act entitled "an act providing for the renewal of judgments and for continuing the lien thereof and prescribing the method of renewing the same without suit for an additional term of ten years and allowing an execution thereon after renewal  
And find the same correctly enrolled.

H. E. LAVAYEA,  
Chairman.

The committee on conference made the following report:

Mr. President:

Your committee on conference to whom was referred  
House bill No. 52,

A bill for an act to amend section 717 of the Revised Codes of North Dakota.

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

Change the word "August" to "September" in the last line on page 3 of the Senate Journal of Thursday, February 14th.

And when so amended recommend that the same be concurred in.

R. C. COOPER,  
Chairman.

Roll call demanded.

The roll was called and there were ayes 29, nays none, absent and not voting 2.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Jacobson,	Sanborn,
Baker,	Laidlaw,	Sharpe,
Clarke,	Lavayea,	Simpson,
Cooper,	LaMoure,	Slotten,
Cox,	Lewis,	Swenson,
Devlin,	Little,	Talcott,
Fuller,	McDougal,	Taylor,
Geer,	Miner,	Williams,
Hale,	Murphy,	Wolbert,
Hegge,	Noble,	

Absent and not voting, Messrs. Cashel and Lofthus.

Messrs. Cashel and Lofthus being excused.

So the report was adopted.

Mr. Little moved

That all house bills on the secretary's desk be given their first and second reading and referred to the steering committee.

Which motion prevailed.

Mr. Hegge moved

That all senate bills that were passed yesterday be transmitted to the house,

Which motion prevailed.

The courtesies of the floor were extended to Geo. W. Lee, Glass-ton, N. D.; Rev. F. J. Hibbard, Tower City, N. D.; Ray C. Lewis, W. L. Van Horn, Ray Brastead, of Fargo, N. D.

Mr. Geer moved

That the senate concur in house resolution in regard to White Stone battle,

Which motion prevailed.

Mr. Simpson moved

That the senate do now concur in house amendments to

Senate bill No. 127,

A bill for an act entitled an act to amend and re-enact section 2082 of the Revised Codes of the Revision of 1899, relating to fees and compensation of sheriffs.

The roll was called and there were ayes 29, nays none, absent and not voting 2.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Jacobson,	Sanborn,
Baker,	Laidlaw,	Sharpe,
Clarke,	Lavayea,	Simpson,
Cooper,	LaMoure,	Slotten,
Cox,	Lewis,	Swenson,
Devlin,	Little,	Talcott,
Fuller,	McDougal,	Taylor,
Geer,	Miner,	Williams,
Hale,	Murphy,	Wolbert,
Hegge,	Noble,	

Absent and not voting Messrs. Cashel and Lofthus.

Messrs. Cashel and Lofthus being excused.

So the amendments were concurred in.

Mr. Talcott moved

That the senate do not concur in house amendments to

Substitute for Senate bill No. 115,

A bill for an act to amend sections 1842, 1893 and 2095, of the Revised Codes of 1899 relating to commissioner districts and the powers, election and compensation of county commissioners.

Which motion prevailed.

The president appointed as such committee Messrs. Talcott, Cooper and Noble.

Mr. Noble moved

That the senate do now concur in house amendments to

Senate bill No. 79,

A bill for an act entitled an act to amend section 5046 of the Revised Codes of 1899 relating to injunctions.

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

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Hegge,	Noble,
Baker,	Laidlaw,	Sanborn,
Clarke,	Lavayea,	Sharpe,
Cooper,	LaMoure,	Slotten,
Cox,	Lewis,	Swenson,
Devlin,	Little,	Talcott,
Fuller,	McDougal,	Taylor,
Geer,	Miner,	Williams,
Hale,	Murphy,	Wolbert,

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Cashel,	Lofthus,	Simpson,
Jacobson,		

Messrs. Cashel and Lofthus being excused.

So the amendments were concurred in.

Mr. Noble moved

That the senate do now concur in house amendments to  
Senate bill No. 118,

A bill for an act entitled an act concerning covenants of warranty.

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

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Hegge,	Noble,
Baker,	Jacobson,	Sharpe,
Clarke,	Laidlaw,	Sanborn,
Cooper,	Lavayea,	Slotten,
Cox,	LaMoure,	Swenson,
Devlin,	Little,	Talcott,
Fuller,	McDougal,	Taylor,
Geer,	Miner,	Williams,
Hale,	Murphy,	Wolbert,

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Cashel,	Lofthus,	Simpson,
Lewis,		

Messrs. Cashel and Lofthus being excused.

So the amendments were concurred in.

Mr. LaMoure moved to correct Journal of February 15th

On page 10, by striking out in subdivision 3 the word "January" and inserting in lieu thereof the word "May."

Which motion prevailed.

Mr. Ames moved

That the senate do now concur in house amendments to  
Senate bill No. 42,

A bill for an act entitled "An act to provide for the creation of special school districts in incorporated cities, towns and villages

constituting a part of a school district, and to divide the property and indebtedness of such school district."

The roll was called and there were ayes 29, nays none, absent and not voting 2.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Jacobson,	Sanborn,
Baker,	Laidlaw,	Sharpe,
Clarke,	Lavayea,	Simpson,
Cooper,	LaMoure,	Slotten,
Cox,	Lewis,	Swenson,
Devlin,	Little,	Talcott,
Fuller,	McDougal,	Taylor,
Geer,	Miner,	Williams,
Hale,	Murphy,	Wolbert,
Hegge,	Noble,	

Absent and not voting Messrs. Cashel and Lofthus.

Messrs. Cashel and Lofthus being excused.

So the amendments were concurred in.

Mr. Laidlaw moved

That the senate do now concur in the house amendments to Senate bill No. 61,

A bill for an act entitled an act to amend section 6633 of Revised Codes of 1899, relating to commencement of actions in justice court.

The roll was called and there were ayes 28, nays none, absent and not voting 3.

Those voting in the affirmative were:

Messrs.—	Messrs.—	Messrs.
Ames,	Jacobson,	Noble,
Baker,	Laidlaw,	Sanborn,
Clarke,	Lavayea,	Sharpe,
Cooper,	LaMoure,	Slotten,
Cox,	Lewis,	Swenson,
Devlin,	Little,	Talcott,
Fuller,	McDougal,	Taylor,
Geer,	Miner,	Williams,
Hale,	Murphy,	Wolbert,
Hegge,		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.
Cashel,	Lofthus,	Simpson,

Messrs. Cashel and Lofthus being excused.

So the amendments were concurred in.

The senate went into executive session, and the following appointment was confirmed

W. H. Webb, Jr. of Bismarck, North Dakota, as trustee of the state reform school at Mandan, North Dakota, for the term of two years, beginning the first Tuesday in April, 1901.

Open session.

The secretary announced that the president was about to sign Senate bill No. 228,

A bill for an act providing for the sale of public lands during the year 1901, and for the disposal of the proceeds of such sale and the revenue accruing thereon.

Also,

Senate bill No. 186,

A bill for an act creating a board of trustees for an institution for the feeble minded located at or near the city of Grafton, Walsh county, North Dakota, by an act of congress entitled "An act making appropriations for sundry civil expenses of the government in the fiscal year ending June 30, 1895, and for other purposes," approved August 18, 1894, and defining the duties of such board of trustees.

Also,

Substitute for Senate bill No. 154,

A bill for an act defining express companies, freight line companies, equipment companies, telegraph and telephone companies and providing for the assessment of their property and taxation of the same.

Also,

Senate bill No. 163,

A bill for an act to amend section 3231, Revised Codes, relating to capital of banks.

Also,

Senate bill No. 224,

A bill for an act to amend section 2467 of the Revised Codes of North Dakota, 1899, relating to free public libraries.

Also,

Senate bill No. 157,

A bill for an act entitled an act to amend section 238 of the Revised Codes, relating to state depositories.

Also,

Senate bill No. 199,

A bill for an act entitled "an act providing for the renewal of judgments and for continuing the lien thereof and prescribing the method of renewing the same without suit for an additional term of ten years and allowing an execution thereon after renewal."

Also,

Senate bill No. 122,

A bill for an act to empower the board of county commissioners to offset due or delinquent taxes, due from any person, corporation or society, in whose favor an indebtedness has accrued against such county.

Also,

Senate bill No. 161,

A bill for an act to legalize the assessment and levy of taxes in territory over which counties have exercised criminal and civil jurisdiction for four years last past, and providing for the collection of the same.

Also,

Senate bill No. 170,

A bill for an act providing that certain records shall be kept in the office of the state treasurer.

Also,

Senate bill No. 91,

A bill for an act to provide for the erection and equipment of necessary additional buildings, for a system of sewerage and for other necessary improvements for the North Dakota Agricultural college at Fargo.

Also,

Senate bill No. 117,

A bill for an act to amend section 1015 and article 2 of chapter 10 of the Revised Codes of the state of North Dakota, 1899.

Also,

Senate bill No. 144,

A bill for an act to amend section 119 of the Revised Codes of 1899, relating to the duties of the attorney general.

Also,

Senate bill No. 20,

A bill for an act to provide for the admission of graduates from the law department of the university of North Dakota to the bar of this state.

Also,

Senate bill No. 188,

A bill for an act entitled an act to amend section 1289 of the Revised Codes of 1899, relating to notice when time for redemption expires. Duties of certificate holders and auditors.

Also,

Senate bill No. 93,

A bill for an act repealing sections 1675, 1676, 1677 and 1678, Revised Codes, 1899, relating to bounties for the manufacture of spinning fibres.

Also,

Senate bill No. 64,

A bill for an act entitled an act to amend section 5260, Revised Codes of 1899, relating to the manner of commencing civil actions.

Also,

Senate bill No. 71,

A bill for an act to amend section 497b of the Revised Codes

relating to the time of holding caucuses and the issuance of certificates of election of delegates.

Also,

Senate bill No. 92,

A bill for an act to prevent the extermination of antelope.

Also,

Senate bill No. 94,

A bill for an act repealing sections 1679 and 1680, Revised Codes, 1899, relating to bounties for the manufacture of binding twine.

Also,

Senate bill No. 136,

A bill for an act authorizing the board of trustees of the state university to issue bonds to provide a fund for the necessary repairs of buildings and to pay the floating indebtedness of said university.

Also,

Senate bill No. 103,

A bill for an act entitled an act authorizing the requirement of an additional bond to be furnished by city treasurers, and declaring the office vacant upon neglect or refusal so to do.

Also,

Senate bill No. 116,

A bill for an act to amend section 6670, of the Revised Codes and to repeal section 6671 of the Revised Codes.

Also,

Senate bill No. 141,

A bill for an act entitled an act to provide when execution of judgment in civil actions may be stayed.

Also,

Senate bill No. 142,

A bill for an act entitled an act to amend section 5730, Revised Codes, relating to service of notices and papers.

Also,

Senate bill No. 160,

A bill for an act entitled an act defining newspaper libel and providing for demanding remedy before action can be brought.

Also,

House bill No. 1,

A bill for an act to amend section 1260 of article 18 of the Revised Code of North Dakota of 1899.

Also,

House bill No. 155,

A bill for an act to amend sections 173 and 182, Revised Codes, 1899, defining the duties of the land commissioner.

Also,

House bill No. 207,

A bill for an act to amend section 95 of the Revised Codes of 1899, relating to fees of the secretary of state.

Also,

House bill No. 74,

A bill for an act to appropriate money to meet a deficiency in the salary and expenses of the office of assistant dairy and food commissioner.

Also,

House bill No. 14,

A bill for an act authorizing board of county commissioners to offer reward for the destruction of buffalo or timber wolves.

Also,

House bill No. 52,

A bill for an act to amend section 717 of the Revised Codes of North Dakota.

Also,

House bill No. 98,

A bill for an act requiring notaries public to endorse on acknowledgments the date of the expiration of their commissions.

Also,

House bill No. 30,

A bill for an act to provide for the erection of necessary buildings for the state reform school at Mandan, North Dakota.

Also,

House bill No. 11,

A bill for an act entitled an act to amend section 1143 of article 7, of chapter 17 of the Revised Codes of 1899.

Also,

House bill No. 208,

A bill for an act to amend section 2736 of the Revised Codes of 1899, relating to the dissolution of marriage.

Also,

House bill No. 59,

A bill for an act to amend section 234b, Revised Codes of 1889, being an act relating to the charging and collecting of fees at the leasing and sale of school lands.

Also,

House bill No. 100,

A bill for an act defining slander of females and making the same a misdemeanor.

Also,

House bill No. 55,

A bill for an act to amend sections 2464 and 2465 of the Revised Codes of 1899, relating to volunteer firemen's association.



## FIRST AND SECOND READING OF HOUSE BILLS.

House bill No. 8,

A bill for an act concerning land titles.

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

Also,

House bill No. 223,

A bill for an act to amend section 2611 of the Revised Codes of the state of North Dakota of 1899, relating to duties and salaries of township treasurers.

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

Also,

House bill No. 198,

A bill for an act fixing a penalty for any corporation, association, person or persons, for in any manner interfering with, or hindering, any persons in charge of any live stock being or about to be, transported over any railway in this state, in furnishing the feed or bedding in cars at any feeding station in the state.

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

Also,

House bill No. 140,

A bill for an act to amend section 76 of chapter 126 of the laws of 1897, being section 1261 of the Revised Codes of the state of North Dakota, 1899, in regard to revenue and taxation, and providing that in bidding at public vendue the purchaser who will pay the total amount of taxes, penalties and costs charged against land sold therefor at the lowest rate of interest shall be the best bidder therefor.

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

House bill No. 179,

A bill for an act entitled "An act providing for the repeal of sections 1570a, 1570b, 1570c, 1570d, 1570e, 1570f, 1570g, 1570h and 1570i of the Revised Codes of 1899, providing for a state wolf bounty and authorizing the state board of equalization at their session in the year 1901 to levy a special tax to pay the amount due on outstanding certificates existing at the time of the taking effect of this act."

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

House bill No. 22,

A bill for an act to amend section 225 of the Revised Codes of 1899, so as to enable the lessee of common school and public lands of the state during and within one year after his term shall

have expired to remove from such lands any fencing, buildings or improvements he may have made thereon or have purchased from his predecessor.

Was read the first and second times, and

Referred to the steering committee.

Report of conference committee on  
Senate bill No. 107,

A bill for an act to prevent the sale and use in this state of dangerous and impure oils.

Mr. President:

We, your committee of conference on

Senate bill No. 107,

A bill for an act to prevent the sale and use in this state of dangerous and impure oils.

Respectfully report that we have failed to reach an agreement upon the amendments to

Senate bill No. 107,

A bill for an act to prevent the sale and use in this state of dangerous and impure oils.

H. E. LAVAYEA,  
HENRY HALE,  
O. I. HEGGE,

For the Senate.

JOSEPH HARE,  
W. F. LEECH,  
M. B. CASSELL,

For the House.

Mr. Hale moved

That the report of the committee be laid on the table.

Mr. LaMoure moved as a substitute

That the report be accepted.

Which motion prevailed, and

The report was accepted.

Mr. Little moved

That the senate recede from its non-concurrence to the house amendments to

Senate bill No. 107,

A bill for an act to prevent the sale and use in this state of dangerous and impure oils.

Which motion prevailed.

#### MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,  
BISMARCK, NORTH DAKOTA,  
March 7, 1901.

Mr. President:

I have the honor to return herewith

Senate bill No. 85,

A bill for an act entitled an act to provide an appropriation for increased clerical work in the office of the state treasurer.

Which the house has passed without the emergency clause.

Also,

Senate bill No. 180,

A bill for an act to amend section 527 of the Revised Codes of 1899 relating to abstract of votes. Certificate of election. Publication of returns.

Which the house has amended as follows:

After the word "sheet" in line 31 of first page of engrossed bill insert the following: "The abstract of votes for county and precinct officers shall be on one sheet," and by striking out the words "at least one of the" in line 26 on page 2 of the engrossed bill and inserting in lieu thereof "the official."

Also,

Senate bill No. 200,

A bill for an act entitled an act to define the system of free public schools of the state.

Which the house has amended as follows:

After the first word "school" in line 12 insert the words "at Wahpeton," and after the word "forestry" in the same line strike out the word "of," and insert in lieu thereof the word "at" and after the word "Ellendale" in line 11, place a **comma**.

And as so amended passed.

Also,

I have the honor to inform you that the house has decided to receive

Senate bill No. 156,

A bill for an act entitled an act to amend section 3071 1 of the Revised Codes of the state of North Dakota for 1899.

Also,

I have the honor to inform you that the speaker has appointed Messrs. Gulack, Axvig and Brisbin as a committee of conference on

Substitute for Senate bill No. 115.

A bill for an act to amend sections 1842, 1893, 1896 and 2095 of the Revised Codes of 1899, relating to commissioner districts, and the powers, election and compensation of county commissioners.

Very respectfully,

J. D. SCANLAN,

Chief Clerk.

Mr. LaMoure moved that the senate concur in the house amendments to

Senate bill No. 107,

A bill for an act to prevent the sale and use in this state of dangerous and impure oils.

The roll was called and there were ayes 17, nays 12, absent and not voting 2.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Jacobson,	Sanborn,
Baker,	Laidlaw,	Sharpe,
Cooper,	LaMoure,	Simpson,
Cox,	Lewis,	Talcott,
Devlin,	Little,	Wolbert,
Geer,	Miner,	

Those voting in the negative were:

Messrs.—	Messrs.—	Messrs.—
Clarke,	Lavayea,	Slotten,
Fuller,	McDougal,	Swenson,
Hale,	Murphy,	Taylor,
Hegge,	Noble,	Williams,

Absent and not voting Messrs. Cashel and Lofthus.

Messrs. Cashel and Lofthus being excused.

So the house amendments were concurred in.

Mr. Lewis moved that the vote by which house amendments to Senate bill No. 107,

A bill for an act to prevent the sale and use in this state of dangerous and impure oils.

Was passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion was lost.

### THIRD READING OF HOUSE BILLS.

House bill No. 182,

A bill for an act to license and regulate the business of storage companies and public warehousemen (other than warehousemen of grain in bulk) and to provide penalty for violation of the same.

Was read the third time.

Mr. Murphy moved to amend as follows:

In line 3 of section 1, before the word "storage" insert the word "public,"

Also the same amendment in line 1 of section 4.

In line 1 of section 3, before the word "storage" insert the word "public."

Also in line 1, section 5.

Also in line 2 of section 9, and in line 3 of section 9, before the word "warehouseman" insert the word "public."

Also in line 1, section 11, before the word "railroad" insert the following: "Implement, transfer company or to any."

Which amendments were adopted.

The question being upon the final passage of the bill.

The roll was called and there were ayes 21, nays none, absent and not voting 10.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Geer,	Murphy,
Baker,	Hale,	Sanborn,
Clarke,	Hegge,	Sharpe,
Cooper,	Lavayea,	Slotten,
Cox,	LaMoure,	Swenson,
Devlin,	McDougal,	Taylor,
Fuller,	Miner,	Williams,

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Cashel,	Little,	Simpson,
Jacobson,	Lofthus,	Talcott,
Laidlaw,	Noble,	Wolbert,
Lewis,		

Messrs. Cashel and Lofthus being excused.

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

Mr. Murphy moved that the vote by which

House bill No. 182,

A bill for an act to license and regulate the business of storage companies and public warehousemen (other than warehousemen of grain in bulk) and to provide penalty for violation of the same.

Was passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

House bill No. 214,

A bill for an act to amend section 911 of the Revised Codes relating to the meetings and compensation of the members of the board of trustees and the board of management of the normal schools.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 25; nays none, absent and not voting 6.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Hegge,	Murphy,
Baker,	Jacobson,	Sanborn,
Clarke,	Laidlaw,	Sharpe,
Cooper,	Lavayea,	Slotten,
Cox,	LaMoure,	Swenson,
Devlin,	Little,	Talcott,
Fuller,	McDougal,	Taylor,
Geer,	Miner,	Williams,
Hale,		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Cashel,	Lofthus,	Simpson,
Lewis,	Noble,	Wolbert,

Messrs. Cashel and Lofthus being excused.

So the bill passed and the title was agreed to.

House bill No. 32,

A bill for an act to regulate the practice of barbering, the licensing of persons to carry on such practice, and to insure the better education of such practitioners in the state of 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 20, nays 3, absent and not voting 8.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Hegge,	Murphy,
Baker,	Jacobson,	Sanborn,
Clarke,	Lavayea,	Slotten,
Cox,	LaMoure,	Swenson,
Fuller,	Lewis,	Taylor,
Geer,	Little,	Williams,
Hale,	Miner,	

Those voting in the negative were:

Messrs.—	Messrs.—	Messrs.—
Cooper,	McDougal,	Sharpe,

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Cashel,	Lofthus,	Talcott,
Devlin,	Noble,	Wolbert,
Laidlaw,	Simpson,	

Messrs. Cashel and Lofthus being excused.

So the bill passed and the title was agreed to.

House bill No. 73,

A bill for an act to amend sections 450, 453, 456 and 457 of the Revised Codes of North Dakota, relating to jurors and the manner of drawing same.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 19, nays 1, absent and not voting 11.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Jacobson,	Sanborn,
Baker,	Lewis,	Sharpe,
Clarke,	Little,	Slotten,
Cooper,	McDougal,	Swenson,
Cox,	Miner,	Taylor,
Devlin,	Murpny,	Williams,
Fuller,		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Cashel,	LaMoure,	Simpson,
Geer,	Laidlaw,	Talcott,

Messrs.—	Messrs.—	Messrs.—
Hale,	Lofthus,	Wolbert,
Hegge,	Noble,	

Mr. Lavayea voted in the negative.

Messrs. Cashel and Lofthus being excused.

So the bill passed and the title was agreed to.

House bill No. 102,

A bill for an act to amend section 1322, chapter 18, Revised Codes, 1899.

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.—
Ames,	Lavayea,	Sharpe,
Baker,	LaMoure,	Slotten,
Cooper,	Little,	Swenson,
Cox,	McDougal,	Talcott,
Devlin,	Miner,	Taylor,
Fuller,	Murphy,	Williams,
Geer,	Sanborn,	Wolbert,
Hegge,		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Cashel,	Laidlaw,	Noble,
Clarke,	Lewis,	Simpson,
Jacobson,	Lofthus,	

Mr. Hale voting in the negative.

Messrs. Cashel and Lofthus being excused.

So the bill passed and the title was agreed to.

House bill No. 124,

A bill for an act to amend section 51 of chapter 126 of the Session Laws of 1897, being section 1229 of the Political Code, relating to the rate of state and county tax, prescribing the manner in which township taxes may be levied, fixing the rates of township road and bridge tax and directing the expenditure of road and poll taxes in certain cases.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 25, nays none, absent and not voting 6.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Hegge,	Sanborn,
Baker,	Laidlaw,	Sharpe,
Clarke,	Lavayea,	Slotten,
Cooper,	LaMoure,	Swenson,
Cox,	Little,	Talcott,

Messrs.—	Messrs.—	Messrs.—
Devlin,	McDougal,	Taylor,
Fuller,	Miner,	Williams,
Geer,	Murphy,	Wolbert,
Hale,		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Cashel,	Lofthus,	Noble,
Jacobson,	Lewis,	Simpson,

Messrs Cashel and Lofthus being excused.

So the bill passed and the title was agreed to.

House bill No. 139,

A bill for an act to amend section 7671 of the Revised Codes of 1899. relating to unlawful obligations.

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 none, absent and not voting 5.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Hegge,	Sharpe,
Baker,	LaMoure,	Simpson,
Clarke,	Lewis,	Slotten,
Cooper,	Little,	Swenson,
Cox,	McDougal,	Talcott,
Devlin,	Miner,	Taylor,
Fuller,	Murphy,	Williams,
Geer,	Noble,	Wolbert.
Hale,	Sanborn,	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Cashel,	Laidlaw,	Lofthus,
Jacobson,	Lavayea,	

Messrs. Cashel and Lofthus being excused.

So the bill passed and the title was agreed to.

House bill No. 86,

A bill for an act to provide for the giving of proper official bonds by school district treasurers, and to provide for the payment of the premiums on same.

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 none, absent and not voting 5.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Hegge,	Sanborn,
Baker,	Laidlaw,	Simpson,
Clarke,	LaMoure,	Slotten,
Cooper,	Lewis,	Swenson,



Messrs.—	Messrs.—	Messrs.—
Cox,	Little,	Talcott,
Devlin,	McDougal,	Taylor,
Fuller,	Miner,	Williams,
Geer,	Murphy,	Wolbert,
Hale,	Noble,	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Cashel,	Lavayea,	Sharpe,
Jacobson,	Lofthus,	

Messrs. Cashel and Lofthus being excused.

So the bill passed and the title was agreed to.

House bill No. 173,

A bill for an act to amend section 502 of the Revised Codes of 1899, relating to certificates of nomination and prescribing the qualifications of persons participating in nomination at caucuses or in conventions, or by petition, and prescribing the duties of the secretary of state in reference to the placing of nominees on the official ballot.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 23, nays 2, absent and not voting 6.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Hegge,	Sanborn,
Baker,	Laidlaw,	Sharpe,
Cooper,	LaMoure,	Simpson,
Cox,	Lewis,	Slotten,
Devlin,	Little,	Swenson,
Fuller,	Miner,	Talcott,
Geer,	Murphy,	Taylor,
Hale,	Noble,	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Cashel,	Jacobson,	Lofthus,
Clarke,	Lavayea,	Wolbert,

Messrs. McDougal and Williams voting in the negative.

Messrs. Cashel and Lofthus being excused.

So the bill passed and the title was agreed to.

House bill No. 203,

A bill for an act to amend section 1474 of the Revised Codes providing for the issue of bonds for defraying the expenses of constructing drains.

Was read the third time.

Mr. Wolbert moved the following amendment on page 2, line 14 of the printed bill:

After the word "thereof" insert the following: Provided, that any land owner, who may desire to pay the entire amount assessed against his

land for the entire cost of such drain including warrants and interest thereon, may, prior to the sale of said bonds, pay into the county treasurer the amount of said assessment, for which the treasurer shall give his receipt in full, and such lands shall not be included in the list of the lands assessed. The money paid in shall be used to take up warrants and the bonds issued shall be for such an amount as will pay the remainder of the warrants outstanding.

Which amendment was adopted.

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

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

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	LaMoure,	Sharpe,
Cooper,	Lewis,	Simpson,
Cox,	Little,	Slotten,
Devlin,	McDougal,	Swenson,
Fuller,	Miner,	Talcott,
Geer,	Murphy,	Williams,
Hegge,	Noble,	Wolbert,
Jacobson,	Sanborn,	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Baker	Hale,	Lofthus,
Cashel,	Laidlaw,	Taylor,
Clarke,	Lavayea,	

Messrs. Cashel and Lofthus being excused.

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

Mr. Simpson moved to amend title of

Senate bill No. 127,

A bill for an act entitled an act to amend and re-enact section 2082 of the Revised Codes of the Revision of 1899, relating to fees and compensation of sheriffs.

By adding and repealing section 2083 of the Revised Codes.

Which motion prevailed.

House bill No. 153,

A bill for an act to amend section 1722 of the Political Code of the Revised Codes of 1899, relating to weights and measures.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 25, nays none, absent and not voting 6.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Hegge,	Sharpe,
Baker,	Jacobson,	Simpson,
Clarke,	LaMoure,	Slotten,
Cooper,	Little,	Swenson,
Cox,	McDougal,	Talcott,
Devlin,	Murphy,	Taylor,

Messrs.— Fuller, Geer, Hale,	Messrs.— Noble Sanborn,	Messrs.— Williams, Wolbert,
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Absent and not voting:

Messrs.— Cashel, Laidlaw,	Messrs.— Lavayea, Lewis,	Messrs.— Lofthus, Miner,
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Messrs. Cashel and Lofthus being excused.

So the bill passed and the title was agreed to.

House bill No. 144,

A bill for an act to amend sections 1894 and 1895 of the Revised Codes of the state of North Dakota of 1899, relating to the procedure for redistricting county commissioners' districts.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 24, nays 1, absent and not voting 6.

Those who voted in the affirmative were:

Messrs.— Ames, Baker, Clarke, Cooper, Cox, Devlin, Fuller, Geer,	Messrs.— Hegge, Jacobson, LaMoure, Lewis, Little, McDougal, Miner, Murphy,	Messrs.— Noble, Sanborn, Sharpe, Slotten, Swenson, Taylor, Williams, Wolbert,
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Absent and not voting:

Messrs.— Cashel, Laidlaw,	Messrs.— Lavayea, Lofthus,	Messrs.— Simpson, Talcott,
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Mr. Hale voting in the negative.

Messrs. Cashel and Lofthus being excused.

So the bill passed and the title was agreed to.

House bill No. 218,

A bill for an act entitled an act to amend section 1115b of article 5 of chapter 11 of the Revised Codes of 1899 relating to the purchase of road machinery.

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 none, absent and not voting 5.

Those who voted in the affirmative were:

Messrs.— Ames, Baker, Clarke,	Messrs.— Jacobson, Lavayea, LaMoure,	Messrs.— Sanborn, Sharpe, Slotten,
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Messrs.—	Messrs.—	Messrs.
Cox,	Lewis,	Swenson,
Devlin,	Little,	Talcott,
Fuiler,	McDougal,	Taylor,
Geer,	Miner,	Williams,
Hale,	Murphy,	Wolbert,
Hegge,	Noble,	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Cashel,	Laidlaw,	Simpson,
Cooper,	Lofthus,	

Messrs. Cashel and Lofthus being excused.

So the bill passed and the title was agreed to:

House bill No. 36,

A bill for an act to amend section 1566 of the Political Code of North Dakota, relating to bounty for killing wolves.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 25, nays 1, absent and not voting 5.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Lavayea,	Sanborn,
Baker,	LaMoure,	Sharpe,
Clarke,	Lewis,	Slotten,
Cox,	Little,	Swenson,
Devlin,	McDougal,	Talcott,
Fuller,	Miner,	Taylor,
Geer,	Murphy,	Williams,
Hegge,	Noble,	Wolbert,
Jacobson,		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Cashel,	Laidlaw,	Simpson,
Cooper,	Lofthus,	

Mr. Hale voting in the negative.

Messrs. Cashel and Lofthus being excused.

So the bill passed and the title was agreed to.

House bill No. 181,

A bill for an act to amend section 7264 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 was called and there were ayes 26, nays none, absent and not voting 5.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.
Ames,	Hegge,	Sanborn,
Baker,	Jacobson,	Sharpe,

Messrs.—	Messrs.—	Messrs.—
Clarke,	Laidlaw,	Slotten,
Cooper,	Lavayea,	Swenson,
Cox,	Lewis,	Talcott,
Devlin,	Little,	Taylor,
Fuller,	McDougal,	Williams,
Geer,	Miner,	Wolbert,
Hale,	Noble,	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Cashel,	Lofthus,	Simpson,
LaMoure,	Murphy,	

Messrs. Cashel and Lofthus being excused.

So the bill passed and the title was agreed to.

House bill No. 16,

Concurrent resolution amending 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 was called and there were ayes 25, nays none, absent and not voting 6.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Hegge,	Noble,
Baker,	Jacobson,	Sanborn,
Clarke,	Laidlaw,	Sharpe,
Cooper,	LaMoure,	Slotten,
Cox,	Little,	Swenson,
Devlin,	McDougal,	Talcott,
Fuller,	Miner,	Taylor,
Geer,	Murphy,	Williams,
Hale,		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Cashel,	Lewis,	Simpson,
Lavayea,	Lofthus,	Wolbert,

Messrs. Cashel and Lofthus being excused.

So the bill passed and the title was agreed to.

House bill No. 167,

A bill for an act to prohibit the sale of certain game birds and animals within the state and providing a penalty for violation of the same.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 24, nays none, absent and not voting 7.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Hale,	Noble,
Baker,	Hegge,	Sanborn,

Messrs.—	Messrs.—	Messrs.—
Clarke,	Lavayea,	Sharpe,
Cooper,	LaMoure,	Simpson,
Cox,	Little,	Slotten,
Devlin,	McDougal,	Swenson,
Fuller,	Miner,	Taylor,
Geer,	Murphy,	Williams,

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Cashel,	Lofthus,	Talcott,
Jacobson,	Lewis,	Wolbert,
Laidlaw,		

Messrs. Cashel and Lofthus being excused.  
So the bill passed and the title was agreed to.

House bill No. 213,

A bill for an act giving the state and counties precedence over liens in the enforcement of the collection of personal property taxes.

Was read the third time.

Mr. Noble moved

That at the end of section 1 the following be inserted:

“Provided, that any person holding a lien on personal property of any tax debtor may demand and regain the property of the tax debtor not covered by a lien to be first exhausted in the payment of such taxes.

Which amendment was adopted.

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

The roll was called and there were ayes 18, nays 10, absent and not voting 3.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Baker,	Jacobson,	Simpson,
Cooper,	Lavayea,	Slotten,
Cox,	Lewis,	Swenson,
Geer,	Little,	Talcott,
Hale,	Noble,	Taylor,
Hegge,	Sharpe,	Williams,

Those voting in the negative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Laidlaw,	Miner,
Clarke,	LaMoure,	Murphy,
Devlin,	McDougal,	Sanborn,
Fuller,		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Cashel,	Lofthus,	Wolbert,

Messrs. Cashel and Lofthus being excused.

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

## MESSAGES FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,  
BISMARCK, NORTH DAKOTA,  
March 7, 1901.

Mr. President:

I have the honor to inform you that the house has refused to receive

Senate bill No. 176,

A bill for an act entitled an act to amend section 144a, Revised Codes, 1899, relating to appointment of assistant examiner.

And return it herewith.

J. D. SCANLAN,  
Chief Clerk.

HOUSE OF REPRESENTATIVES,  
BISMARCK, NORTH DAKOTA,  
March 7, 1901.

Mr. President:

I have the honor to inform you that the house requests the return of

Senate bill No. 156,

A bill for an act entitled an act to amend section 30711 of the Revised Codes of the state of North Dakota for 1899.

Which is a part of the message which the house has received.

ROBERT M. POLLOCK,  
Speaker.

HOUSE OF REPRESENTATIVES,  
BISMARCK, NORTH DAKOTA,  
March 7, 1901.

Mr. President:

I have the honor to inform you that the house is now ready to receive

Senate bill No. 176,

A bill for an act entitled an act to amend section 144a, Revised Codes, 1899, relating to appointment of assistant examiner.

J. D. SCANLAN,  
Chief Clerk.

Mr. Little moved

That when the senate adjourn they take a recess until 10 o'clock to-morrow morning.

Which motion prevailed.

House bill No. 105,

A bill for an act to amend section 4827 of the Revised Codes of North Dakota, relating to farm laborer's lien. How the

same may be obtained, and extending the time for filing affidavit and notice;

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 29, nays none, absent and not voting 2.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Jacobson,	Sanborn,
Baker	Laidlaw,	Sharpe,
Clarke,	Lavayea,	Simpson,
Cooper,	LaMoure,	Slotten,
Cox,	Lewis,	Swenson,
Devlin,	Little,	Talcott,
Fuller,	McDougal,	Taylor,
Geer,	Miner,	Williams,
Hale,	Murphy,	Wolbert,
Hegge,	Noble,	

Absent and not voting Messrs. Cashel and Lofthus.

Messrs. Cashel and Lofthus being excused.

So 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. 64,

A bill for an act entitled an act to amend section 5260, Revised Codes of 1899, relating to the manner of commencing civil actions.

Also,

Senate bill No. 71,

A bill for an act to amend section 497b of the Revised Codes, relating to the time of holding caucuses and the issuance of certificates of election of delegates.

Also,

Senate bill No. 92,

A bill for an act to prevent the extermination of antelope.

Also,

Senate bill No. 94,

A bill for an act repealing sections 1679 and 1680, Revised Codes, 1899, relating to bounties for the manufacture of binding twine.

Also,

Senate bill No. 103,

A bill for an act entitled an act authorizing the requirement



of an additional bond to be furnished by city treasurers, and declaring the office vacant upon neglect or refusal so to do.

Also,

Senate bill No. 116,

A bill for an act to amend section 6670, of the Revised Codes and to repeal section 6671 of the Revised Codes.

Also,

Senate bill No. 141,

A bill for an act entitled an act to provide when execution of judgment in civil actions may be stayed.

Also,

Senate bill No. 142,

A bill for an act to amend section 5730, Revised Codes, relating to service of notices and papers.

Also,

Senate bill No. 160,

A bill for an act entitled an act defining newspaper libel and providing for demanding remedy before action can be brought

And find the same correctly enrolled.

Also,

Your committee on enrolled and engrossed bills, respectfully report that at the hour of 4:10 p. m. of this day

Senate bill No. 161,

A bill for an act to legalize the assessment and levy of taxes in territory over which counties have exercised criminal and civil jurisdiction for four years last past, and providing for the collection of the same.

Also,

Senate bill No. 170,

A bill for an act providing that certain records shall be kept in the office of the state treasurer.

Also,

Senate bill No. 20,

A bill for an act to provide for the admission of graduates from the law department of the university of North Dakota to the bar of this state.

Also,

Senate bill No. 87,

A bill for an act entitled an act relating to the sale of dressed beef.

Also,

Senate bill No. 91,

A bill for an act to provide for the erection and equipment of necessary additional buildings, for a system of sewerage and for other necessary improvements for the North Dakota Agricultural college at Fargo.

Also,

Senate bill No. 93,

A bill for an act repealing sections 1675, 1676, 1677 and 1678, Revised Codes, 1899, relating to bounties for the manufacture of spinning fibres.

Also,

Senate bill No. 117,

A bill for an act to amend section 1015 and article 2 of chapter 10 of the Revised Codes of the state of North Dakota, 1899.

Also,

Senate bill No. 122,

A bill for an act to empower the board of county commissioners to offset due or delinquent taxes, due from any person, corporation or society, in whose favor an indebtedness has accrued against such county.

Also,

Senate bill No. 144,

A bill for an act to amend section 119 of the Revised Codes of 1899, relating to the duties of the attorney general.

Also,

Senate bill No. 186,

A bill for an act creating a board of trustees for an institution for the feeble minded located at or near the city of Grafton, Walsh county, North Dakota, by an act of congress entitled "An act making appropriations for sundry civil expenses of the government in the fiscal year ending June 30, 1895, and for other purposes," approved August 18, 1894, and defining the duties of such board of trustees.

Also,

Senate bill No. 224,

A bill for an act to amend section 2467 of the Revised Codes of North Dakota, 1899, relating to free public libraries.

Also,

Senate bill No. 228,

A bill for an act providing for the sale of public lands during the year 1901, and for the disposal of the proceeds of such sale and the revenue accruing thereon.

Also,

Senate bill No. 199,

A bill for an act entitled "an act providing for the renewal of judgments and for continuing the lien thereof and prescribing the method of renewing the same without suit for an additional term of ten years and allowing an execution thereon after renewal."

Also,

Senate bill No. 136,

A bill for an act authorizing the board of trustees of the state

university to issue bonds to provide a fund for the necessary repairs of buildings and to pay the floating indebtedness of said university.

Also,

Substitute for Senate bill No. 154,

A bill for an act defining express companies, freight line companies, equipment companies, telegraph and telephone companies and providing for the assessment of their property and taxation of the same.

Also

Senate bill No. 157,

A bill for an act entitled an act to amend section 238 of the Revised Codes, relating to state depositories.

Also,

Senate bill No. 163,

A bill for an act to amend section 3231, Revised Codes, relating to capital of banks.

Also,

Senate bill No. 188,

A bill for an act entitled an act to amend section 1289 of the Revised Codes of 1899, relating to notice when time for redemption expires. Duties of certificate holders and auditors.

Also

Senate bill No. 64,

A bill for an act entitled an act to amend section 5260, Revised Codes of 1899, relating to the manner of commencing civil actions.

Also,

Senate bill No. 92,

A bill for an act to prevent the extermination of antelope.

Also,

Senate bill No. 94,

A bill for an act repealing sections 1679 and 1680, Revised Codes, 1899, relating to bounties for the manufacture of binding twine.

Also,

Senate bill No. 103,

A bill for an act entitled an act authorizing the requirement of an additional bond to be furnished by city treasurers, and declaring the office vacant upon neglect or refusal so to do.

Also,

Senate bill No. 116,

A bill for an act to amend section 6670, of the Revised Codes and to repeal section 6671 of the Revised Codes.

Also,

Senate bill No. 142,

A bill for an act to amend section 5730, Revised Codes, relating to service of notices and papers.

Also,

Senate bill No. 160,

A bill for an act defining newspaper libel and providing for demanding remedy before action can be brought.

Also,

Senate bill No. 71,

A bill for an act to amend section 497b of the Revised Codes, relating to the time of holding caucuses and the issuance of certificates of election of delegates.

Also,

Senate bill No. 141,

A bill for an act entitled an act to provide when execution of judgment in civil actions may be stayed.

Were delivered to his excellency, the governor, for his approval.

H. E. LAVAYEA,

Chairman.

House bill No. 24,

A bill for an act entitled "An act to amend sections 324, 326, 328 and 333 of the Code of Civil Procedure of the state of North Dakota, being sections 5518, 5520, 5522 and 5528 of the Revised Codes of 1895 of the state of North Dakota, and to repeal section 325 of the Code of Civil Procedure of North Dakota, being section 5519 of the Revised Codes of said state, all of said sections relating to exemptions.

Mr. Baker offered the following amendment:

In sections 5518 and 5522 strike out "seven hundred and fifty dollars" where it appears and insert in lieu thereof "one thousand dollars."

The amendment was adopted.

Mr. Hale moved

That wherever "one thousand dollars" appears it be changed to "two thousand dollars."

Mr. Noble moved that the motion of Mr. Hale be laid on the table.

Which motion prevailed,

Mr. Little moved

That the senate take a recess until 10 o'clock tomorrow morning.

Which motion was lost.

Mr. Little moved

That the senate take a recess until 9:30 tomorrow morning.

Which motion was lost.

Mr. Noble moved that

House bill No. 23,

A bill for an act entitled "An act to amend section 135 of the Probate Code of North Dakota, being section 6391 of the Revised Codes of North Dakota for 1895, relating to exemptions."

Be laid over until tomorrow.

Which motion prevailed,

#### MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,  
BISMARCK, NORTH DAKOTA,  
March 7, 1901.

Mr. President:

I have the honor to inform you that the house has receded from its amendments to

Substitute for Senate bill No. 115,

A bill for an act to amend sections 1842, 1893, 1896 and 2095, of the Revised Codes of 1899 relating to commissioner districts and the powers, election and compensation of county commissioners.

And so passed the bill.

Also,

I have the honor to return herewith

Senate bill No. 36,

A bill for an act entitled an act to provide for the settlement of estates of decedents.

Also,

Senate bill No. 149,

A bill for an act entitled an act requiring agents and attorneys to have a power of attorney authorizing the foreclosure of real estate mortgages, and requiring it to be filed in the office of the register of deeds.

Which the house has passed unchanged.

Very respectfully,

J. D. SCANLAN,

Chief Clerk.

Mr. Simpson moved to amend

House bill No. 18,

A bill for an act to amend section 7677 of chapter 72 of the Revised Codes of 1899, relating to game and fish.

As follows:

By striking out in subdivision 9 of section 1 the words "or any deer between the first day of December and the first day of November following," and insert in lieu thereof "or any deer prior to January 1, 1905."

Which amendment was adopted.

Mr. LaMoure moved

That the senate take a recess until 10 o'clock to-morrow morning.

Which motion prevailed.

GEORGE L. TOWNES,

Secretary.

### FIFTY-NINTH DAY—AFTER RECESS.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
March 8, 1901.

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

The president announced that the question was upon the final passage of

House bill No. 18,

A bill for an act to amend section 7677 of chapter 72 of the Revised Codes of 1899, relating to game and fish.

Mr. Noble moved that the vote by which the amendment prevailed be reconsidered.

Which motion prevailed.

The president announced that the question was upon the adoption of the amendment by the senator from Stark.

Mr. Cooper moved as a substitute motion

To strike out "1905" and insert in lieu thereof "1903."

Which motion was lost.

The question being upon the original amendment.

So the motion was lost.

Mr. Wolbert moved

To amend by adding the word "or" at the end of subdivision 6.

Which motion prevailed.

Mr. Simpson moved

To amend subdivision 8 by striking out all after the word "deer," and insert in lieu thereof the words "prior to January 1st, 1904, or."

Which motion was lost.

House bill No. 18,

A bill for an act to amend section 7677 of chapter 72 of the Revised Codes of 1899 relating to game and fish.

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 3, absent and not voting 2.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Laidlaw	Sanborn,
Baker,	Lavayea,	Simpson,
Cashel,	LaMoure,	Slotten,
Clarke,	Lewis,	Swenson,
Cox,	Little,	Talcott,
Devlin,	McDougal,	Taylor,
Fuller,	Miner,	Williams,
Hale,	Murphy,	Wolbert,
Hegge,	Noble,	

Those voting in the negative were:

Messrs.—	Messrs.—	Messrs.—
Cooper,	Geer,	Sharpe,

Absent and not voting, Messrs. Jacobson and Lofthus.

Mr. Lofthus being excused.

So the bill passed and the title was agreed to.

Mr. Little moved that

House bill No. 156,

A bill for an act to amend section 715 of the Revised Codes of 1899, requiring county superintendents of schools to report all school moneys to district treasurers.

Be messaged to the house,

Which motion prevailed.

Mr. Wolbert introduced the following resolution:

Resolved that the "postmaster and messenger" of the senate be allowed the sum of thirty dollars (\$30.00,) as provided in chapter 27 of the session laws of 1897.

And moved its adoption.

Which motion prevailed.

Mr. Lewis moved that the senate concur in house amendments to Senate bill No. 200,

A bill for an act entitled an act to define the system of free public schools of the state.

The roll was called and there were ayes 30, nays none, absent and not voting 2.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Hegge,	Noble,
Baker,	Jacobson,	Sanborn,
Cashel,	Laidlaw,	Sharpe,
Clarke,	Lavayea,	Simpson,
Cooper,	LaMoure,	Slotten,
Cox,	Lewis,	Swenson,
Devlin,	Little,	Talcott,
Fuller,	McDougal,	Taylor,
Geer,	Miner,	Williams,
Hale,	Murphy,	Wolbert,

Absent and not voting Mr. Lofthus.

Mr. Lofthus being excused.

So the amendments were concurred in.

Mr. LaMoure moved

That Mr. Lindsey be allowed a dollar a day additional, and that a dollar a day additional pay be added to the pay of the janitors of the senate from the date they were sworn in.

Mr. Cox rose to a point of order, and

The president declared the motion out of order.

Mr. Hegge moved

That the senate now concur to house amendments to

Senate bill No. 205,

A bill for an act to amend section 5961 of the Code of Civil Procedure, and to facilitate the assessment of damages under the law of eminent domain, and to regulate procedure in actions brought thereunder.

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

Those who voted in the affirmative were:

Messrs.—

Ames,  
Baker,  
Cashel,  
Clarke,  
Cooper,  
Cox,  
Devlin,  
Fuller,  
Geer,  
Hale,

Messrs.—

Hegge,  
Jacobson,  
Laidlaw,  
Lavayea,  
LaMoure,  
Lewis,  
Little,  
McDougal,  
Miner,  
Murphy,

Messrs.—

Noble,  
Sanborn,  
Sharpe,  
Simpson,  
Slotten,  
Swenson,  
Talcott,  
Taylor,  
Williams,  
Wolbert,

Absent and not voting Mr. Lofthus who was excused.

So the amendments were concurred in.

Mr. Laidlaw moved that the senate concur in the house amendments to

Senate bill No, 180,

A bill for an act to amend section 527 of the Revised Codes of 1899 relating to votes. Certificate of election. Publication of returns.

The roll was called and there were ayes 29, nays none, absent and not voting 2.

Those who voted in the affirmative were:

Messrs.—

Ames,  
Baker,  
Cashel,  
Clarke,  
Cooper,  
Cox,  
Devlin,  
Fuller,  
Geer,  
Hale,

Messrs.—

Jacobson,  
Laidlaw,  
Lavayea,  
LaMoure,  
Lewis,  
Little,  
McDougal,  
Miner,  
Murphy,  
Noble,

Messrs.—

Sanborn,  
Sharpe,  
Simpson,  
Slotten,  
Swenson,  
Talcott,  
Taylor,  
Williams,  
Wolbert,



Absent and not voting Messrs. Hegge and Lofthus.

Mr. Lofthus being excused.

So the house amendments were concurred in.

Mr. Wolbert moved that the vote by which  
House bill No. 18,

A bill for an act to amend section 7677 of chapter 72 of the Revised Codes of 1899, relating to game and fish.

Was passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

Mr. Hale moved

That the senate do now concur in the house amendments to  
Senate bill No. 95,

A bill for an act prescribing the duties of county auditor in reference to the certification of abstracts of titles to real estate.

The roll was called and there were ayes 29, nays none, absent and not voting 2.

Those who voted in the affirmative were.

Messrs.—	Messrs.—	Messrs.—
Ames,	Jacobson,	Sanborn,
Baker,	Laidlaw,	Sharpe,
Cashel,	Lavayea,	Simpson,
Clarke,	LaMoure,	Slotten,
Cooper,	Lewis,	Swenson,
Cox,	Little,	Talcott,
Devlin,	McDougal,	Taylor,
Fuller,	Miner,	Williams,
Geer,	Murphy,	Wolbert,
Hale,	Noble,	

Absent and not voting, Messrs. Hegge and Lofthus.

Mr. Lofthus being excused.

So the house amendments were concurred in.

### THIRD READING OF HOUSE BILLS.

House bill No. 97,

A bill for an act to amend chapter 21 of the Revised Codes, governing the location, establishment and construction of drains, and relating to the allowance and taxation of costs and attorneys fees against the defendants in actions to enjoin drainage proceedings or the levy and collection of taxes and assessments therefor.

Was read the third time.

The question being upon the final passage of the bill.

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

Those who voted in the affirmative were:

Messrs.—  
Ames,  
Baker,  
Cashel,  
Clarke,  
Cooper,  
Cox,  
Devlin,  
Fuller,  
Geer,

Messrs.—  
Hale,  
Hegge,  
Lavayea,  
LaMoure,  
Lewis,  
McDougal,  
Miner,  
Murphy,  
Noble.

Messrs.—  
Sanborn,  
Sharpe,  
Simpson,  
Slotten,  
Swenson,  
Talcott,  
Taylor,  
Williams,  
Wolbert,

Absent and not voting:

Messrs.—  
Jacobson,  
Laidlaw,

Messrs.—  
Little,

Messrs.—  
Lofthus,

Mr. Lofthus being excused.

So the bill passed and the title was agreed to.

House bill No. 163,

A bill for an act to amend section 2564 of article 8 of chapter 31 of the Revised Codes, relating to the time when township officers shall qualify.

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 none, absent and not voting 5.

Those who voted in the affirmative were:

Messrs.—  
Ames,  
Cashel,  
Clarke,  
Cooper,  
Devlin,  
Fuller,  
Geer,  
Hale,  
Hegge,

Messrs.—  
Jacobson,  
Lavayea,  
LaMoure,  
Little,  
McDougal,  
Miner,  
Murphy,  
Noble,  
Sanborn,

Messrs.—  
Sharpe,  
Simpson,  
Slotten,  
Swenson,  
Talcott,  
Taylor,  
Williams,  
Wolbert,

Absent and not voting:

Messrs.—  
Baker,  
Cox,

Messrs.—  
Laidlaw,  
Lewis,

Messrs.—  
Lofthus,

Mr. Lofthus being excused.

So the bill passed and the title was agreed to.

House bill No. 99,

A bill for an act to amend section 220, chapter 4 of the Revised Codes of 1899, relating to advertisements for leasing of school lands.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 24, nays none, absent and not voting 7.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Hegge,	Sharpe,
Cashel,	Lavayea,	Simpson,
Clarke,	LaMoure,	Slotten,
Cooper,	McDougal,	Swenson,
Devlin,	Miner,	Talcott,
Fuller,	Murphy,	Taylor,
Geer,	Noble,	Williams,
Hale,	Sanborn,	Wolbert,

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Baker,	Laidlaw,	Little,
Cox,	Lewis,	Lofthus,
Jacobson,		

Mr. Lofthus being excused.

So the bill passed and the title was agreed to.

House bill No. 119,

A bill for an act to amend sections 5, 6 and 7 of chapter 82 of the session laws of 1897, being section 6676e of the Revised Codes of 1899, relating to garnishee procedure in justice court.

Was read the third time.

The question being upon the final passage of the bill.

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

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Hale,	Sanborn,
Baker,	Jacobson,	Sharpe,
Cashel,	Lavayea,	Simpson,
Clarke,	Lewis,	Slotten,
Cooper,	Little,	Swenson,
Cox,	McDougal,	Talcott,
Devlin,	Miner,	Taylor,
Fuller,	Murphy,	Williams,
Geer,	Noble,	Wolbert,

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Hegge,	LaMoure,	Lofthus,
Laidlaw,		

Mr. Lofthus being excused.

So the bill passed and the title was agreed to.

House bill No. 67,

A bill for an act to amend section 7679 of the Revised Codes of 1899, being chapter 93 of the session laws of 1899, relating to game and fish.

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 4, absent and not voting 5.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Hegge,	Simpson,
Baker,	Jacobson,	Slotten,
Cashel,	LaMoure,	Swenson,
Clarke,	Lewis,	Talcott,
Cooper,	Little,	Taylor,
Fuller,	McDougal,	Williams,
Geer,	Miner,	Wolbert,
Hale,	Sharpe,	

Those voting in the negative were:

Messrs.—	Messrs.—	Messrs.—
Devlin,	Lavayea,	Sanborn,
Laidlaw,		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Cox,	Murphy,	Noble,
Lofthus,		

Mr. Lofthus being excused.

So the bill passed and the title was agreed to.

House bill No. 12,

A bill for an act to amend section 278 of the Political Code of North Dakota, being section 4 of the act entitled "an act to regulate the practice of medicine in the state of North Dakota, to license physicians, surgeons and obstetricians and to punish persons violating the provisions of this act.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 25, nays none, absent and not voting 6.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Hegge,	Sharpe,
Baker,	Jacobson,	Simpson,
Cashel,	Lavayea,	Slotten,
Clarke,	LaMoure,	Swenson,
Cooper,	Lewis,	Talcott,
Cox,	Little,	Taylor,
Fuller,	McDougal,	Williams,
Geer,	Sanborn,	Wolbert,
Hale,		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Devlin,	Lofthus,	Murphy,
Laidlaw,	Miner,	Noble,

Mr. Lofthus being excused.

So the bill passed and the title was agreed to.

House bill No. 113,  
Concurrent resolution.

Was read the third time.

The question being upon the final passage of the bill.

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

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Hale,	Noble,
Baker,	Hegge,	Sanborn,
Cashel,	Jacobson,	Sharpe,
Clarke,	Laidlaw,	Slotten,
Cooper,	Lavayea,	Swenson,
Cox,	LaMoure,	Talcott,
Devlin,	Little,	Taylor,
Fuller,	McDougal,	Williams,
Geer,	Miner,	Wolbert,

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Lewis,	Murphy,	Simpson,
Lofthus,		

Mr. Lofthus being excused.

So the bill passed and the title was agreed to.

House bill No. 58,

A bill for an act to amend section 175 of the Revised Codes, relating to the collection of moneys arising from the disposal of university, school and other public lands, and authorizing the foreclosure of mortgages held by the state, and assignment of same in certain cases.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 25, nays none, absent and not voting 6.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Hale,	Noble,
Baker,	Hegge,	Sanborn,
Cashel,	Laidlaw,	Sharpe,
Clarke,	Lavayea,	Slotten,
Cooper,	LaMoure,	Swenson,
Cox,	McDougal,	Talcott,
Devlin,	Miner,	Taylor,
Fuller,	Murphy,	Williams,
Geer,		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Jacobson,	Little,	Simpson,
Lewis,	Lofthus,	Wolbert,

Mr. Lofthus being excused.

So the bill passed and the title was agreed to.

House bill No. 83,

A bill for an act requiring railroad companies to stop all regular passenger trains at county seats.

Was read the third time.

Mr. LaMoure moved to amend the senate amendment

To strike out the word "500" and insert in lieu thereof the words "800."

Which motion was lost.

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.—	Messrs.—	Messrs.—
Ames,	Hale,	Sanborn,
Baker	Hegge,	Sharpe,
Cashel,	Jacobson,	Slotten,
Clarke,	Laidlaw,	Swenson,
Cooper,	Lavayea,	Talcott,
Cox,	McDougal,	Taylor,
Devlin,	Miner,	Williams,
Fuller,	Murphy,	Wolbert,
Geer,	Noble,	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Lewis,	Lofthus,	Simpson,

Messrs. LaMoure and Little voting in the negative.

Mr. Lofthus being excused.

So the bill passed and the title was agreed to.

House bill No. 202,

A bill for an act for the construction of an electric line from the penitentiary to the capitol building in the city of Bismarck.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 28, nays none, absent and not voting 3.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Jacobson,	Noble,
Baker,	Laidlaw,	Sanborn,
Cashel,	Lavayea,	Sharpe,
Clarke,	LaMoure,	Simpson,
Cooper,	Lewis,	Slotten,
Cox,	Little,	Swenson,
Devlin,	McDougal,	Taylor,
Fuller,	Miner,	Williams,
Geer,	Murphy,	Wolbert,
Hegge,		

Absent and not voting

Messrs.—	Messrs.—	Messrs.—
Hale,	Lofthus,	Talcott,

Mr. Lofthus being excused.

So the bill passed and the title was agreed to.

House bill No. 38,

A bill for an act to amend section 5 of chapter 64 of the session laws of 1899, relating to fees of the clerks of the district courts.

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 none, absent and not voting 5.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Hegge,	Noble,
Baker,	Jacobson,	Sanborn,
Cashel,	Laidlaw,	Sharpe,
Clarke,	Lavayea,	Simpson,
Cooper,	LaMoure,	Slotten,
Cox,	Little,	Swenson,
Devlin,	McDougal,	Taylor,
Fuller,	Miner,	Williams,
Geer,	Murphy,	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Hale,	Lofthus,	Wolbert,
Lewis,	Talcott,	

Mr. Lofthus being excused.

So the bill passed and the title was agreed to.

House bill No. 126,

A bill for an act providing stables and hitching posts on school sites in rural school districts.

Was read the third time.

The question being upon the final passage of the bill.

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

Those voting in the affirmative were:

Messrs.—	Messrs.—	Messrs.
Ames,	Hegge,	Noble,
Baker,	Jacobson,	Sanborn,
Cashel,	Laidlaw,	Sharpe,
Cooper,	Lavayea,	Simpson,
Cox,	LaMoure,	Slotten,
Devlin,	Little,	Swenson,
Fuller,	McDougal,	Talcott,
Geer,	Miner,	Taylor,
Hale,	Murphy,	Williams,

Absent and not voting:

Messrs.—	Messrs.—	Messrs.
Clarke,	Lofthus,	Wolbert,
Lewis,		

Mr. Lofthus being excused,

So the bill passed and the title was agreed to.

Mr. Little moved that the senate take a recess of 15 minutes.

Which motion prevailed.

The senate reassembled.

Mr. Little moved that the report of the committee to indefinitely postpone

House bill No. 200,

A bill for an act authorizing the county commissioners to build and equip dipping tanks at county expense.

Be expunged from the record.

Found on page

Which motion prevailed.

The secretary announced that the president was about to sign the following house bills:

House bill No. 16,

Concurrent resolution.

Also,

House bill No. 105,

A bill for an act to amend section 4827 of the Revised Codes of North Dakota, relating to farm laborers' lien. How the same may be obtained, and extending the time for filing the affidavit and notice.

Also,

House bill No. 218,

A bill for an act entitled an act to amend section 1151b of article 5 of chapter 11 of the Revised Codes of 1899, relating to the purchase of road machinery.

Also,

House bill No. 125,

A bill for an act regulating water rights for irrigation purposes.

Also,

House bill No. 213,

A bill for an act giving the state and counties precedence over liens in the enforcement of the collection of personal property taxes.

Also.

House bill No. 175,

A bill for an act relating to the transfer of cemetery lots by religious corporations.

Also,

House bill No. 182,

A bill for an act to license and regulate the business of storage



companies and public warehousemen (other than warehousemen of grain in bulk) and to provide penalty for violation of the same.

Also,

House bill No. 181,

A bill for an act to amend section 7264 of the Penal Code of the state of North Dakota.

Also,

House bill No. 129,

A bill for an act to amend section 1322, chapter 18, Revised Codes, 1899.

Also,

House bill No. 86,

A bill for an act to provide for the proper official bonds by school district treasurers, and to provide for the payment of the premiums on same.

Also,

House bill No. 103,

A bill for an act to prevent the adulteration, misbranding and selling of adulterated and unwholesome foods and beverages, prescribing a penalty for the violation, and charging the states attorney with the enforcement hereof.

Also,

House bill No. 153,

A bill for an act to amend section 1722 of the political code of the Revised Codes of 1899, relating to weights and measures.

Also,

House bill No. 139,

A bill for an act to amend section 7671 of the Revised Codes of 1899, relating to unlawful obligations.

Also,

House bill No. 214,

A bill for an act to amend section 911 of the Revised Codes, relating to the meetings and compensation of the members of the board of trustees and the boards of management of the normal schools.

Also,

House bill No. 167,

A bill for an act to prohibit the sale of certain game birds and animals within the state and providing a penalty for violation of the same.

Also,

House bill No. 23,

A bill for an act entitled "An act to amend section 135 of the Probate Code of North Dakota, being section 6391 of the Revised Codes of North Dakota for 1895, relating to exemptions."

Also,

House bill No. 144,

A bill for an act to amend sections 1894 and 1895 of the Revised Codes of the state of North Dakota of 1899, relating to the procedure for redistricting county commissioners' districts.

The president signed the same in the presence of the senate.

### MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,  
BISMARCK, NORTH DAKOTA,  
March 8, 1901.

Mr. President:

I have the honor to return herewith

Senate bill No. 216,

A bill for an act entitled an act to amend and re-enact sections 1636 and 1636a of the Revised Codes of the revision of 1899.

Which the house has passed unchanged.

Also,

Senate bill No. 208,

A bill for an act entitled an act concerning the inspection of live stock before shipment, creating the office of stock inspector and prescribing his duties and compensation.

Which the house has indefinitely postponed.

Also.

Senate bill No. 194,

A bill for an act entitled "an act to amend sections 1168 and 1173 of the Revised Codes of 1899, relating to ferries."

Which the house has failed to pass.

Also

Senate bill No. 29,

A bill for an act entitled an act authorizing district courts and also the supreme court of the state to direct judgment to be entered in certain cases instead of granting a motion for a new trial.

Also,

Senate bill No. 86,

A bill for an act to amend section 8494 of the Revised Codes of 1899, relating to the governor demanding the return of fugitives from justice in this state of the executive authority of any other state or territory, within the United States, providing for the appointment of agents to receive and return such fugitives and providing for payment of such agents.

Also,

Senate bill No. 198,

A bill for an act entitled an act regulating the filing and fore-

closure of mechanic's liens upon lands held or occupied under a filing under any of the land laws of the United States.

Also.

Senate bill No. 152,

A bill for an act legalizing the levy of taxes for road and general purposes by the township board of supervisors for the years 1899 and 1900.

Which the house has passed unchanged.

Very respectfully,

J. D. SCANLAN,  
Chief Clerk.

#### MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,  
BISMARCK, NORTH DAKOTA,  
March 8, 1901.

Mr. President:

I have the honor to inform you that the house requests the return of

Senate bill No. 194,

A bill for an act entitled "an act to amend sections 1168 and 1173 of the Revised Codes of 1899, relating to ferries."

Very respectfully,

J. D. SCANLAN,  
Chief Clerk.

#### MESSAGE FROM THE HOUSE.

The following message was received from the house.

HOUSE OF REPRESENTATIVES,  
BISMARCK, NORTH DAKOTA,  
March 8, 1901.

Mr. President:

I have the honor to return herewith

Senate bill No. 171,

A bill for an act to amend and re-enact section 334, Revised Codes, 1899, in reference to allowance of clerk hire in state offices.

Also,

Senate bill No. 207.

A bill for an act entitled "An act to amend section 6346 of the Revised Codes of 1899, being section 21 of chapter 3 of the laws of 1897, providing the requisites for qualification of executors, administrators and guardians."

Which the house has passed unchanged.

Also,

Senate bill No. 215,

A bill for an act requiring the payment of taxes by non-resident owners of live stock from other states herding and feeding on the ranges of the state of North Dakota, and providing for collection of such taxes.

Which the house has passed without the emergency clause.

Also,

Senate bill No. 53

A bill for an act making an appropriation for deficit in fuel account at the North Dakota hospital for the insane.

Which the house has passed unchanged.

Very respectfully,

J. D. SCANLAN,

Chief Clerk.

#### MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,  
BISMARCK, NORTH DAKOTA,  
March 8, 1901

Mr. President:

I have the honor to inform you that the house requests the return of

Senate bill No. 208,

A bill for an act entitled an act concerning the inspection of live stock before shipment, creating the office of stock inspector and prescribing his duties and compensation.

Which was messaged by mistake.

Very respectfully,

J. D. SCANLAN,

Chief Clerk.

Mr. Lewis moved

That the senate return to the thirteenth order of business.

Which motion prevailed,

#### THIRD READING OF SENATE BILLS.

Mr. Lewis moved that

Senate bill No. 159,

A bill for an act entitled "An act to amend section 3023 of the Revised Codes of 1899, relating to long and short hauls, upon railroads and common carriers."

Be placed on its third reading and final passage.

Which motion prevailed, and

Senate bill No. 159,

A bill for an act entitled "An act to amend section 3023 of the

Revised Codes of 1899, relating to long and short hauls, upon railroads and common carriers."

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 13, nays 12, absent and not voting 5.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Lewis,	Simpson,
Baker,	Miner,	Slotten,
Cashel,	Murphy,	Talcott,
Cooper,	Noble,	Williams,
Geer,		

Those voting in the negative were:

Messrs.—	Messrs.—	Messrs.—
Cox,	Jacobson,	Little,
Fuller,	Laidlaw,	McDougal,
Hale,	Lavayea,	Sanborn,
Hegge,	LaMoure,	Taylor,

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Clarke,	Lofthus,	Wolbert,
Devlin,	Sharpe,	Swenson,

Mr. Lofthus being excused.

So the bill was lost.

The senate returned to the sixth order of business.

The committee on appropriations made the following report:

Mr. President:

Your committee on appropriations to whom was referred House bill No. 176,

A bill for an act to provide for the collection, arrangement and display of the products and resources of the state of North Dakota, at the Pan-American exposition, to be held at the city of Buffalo, state of New York, in the year 1901.

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

At the end of section 1 of said bill strike out the words "a resident of the state of North Dakota, to be appointed by the governor within thirty days after the passage and approval of this act," and insert in lieu thereof the words "the lieutenant governor of this state."

After the word "and" in the fifth line of the engrossed bill of section 2 strike out the words "shall choose one of their number" and insert in place thereof the words "may select some resident of the state."

And when so amended recommend that the same do pass.

JUDSON LAMOURE,  
Chairman.

The committee on appropriations made the following report:

Mr. President:

Your committee on appropriations to whom was referred  
House bill No. 177,

A bill for an act to make an appropriation for the collection, arrangement and display of the products of the state of North Dakota at the Pan-American exposition of 1901, and to provide for the expenses of the state commissioners thereof.

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

In section 2 strike out the words "ten thousand" and insert the words "six thousand dollars."

At the end of said section insert the following: "Provided, that none of the moneys appropriated under the provisions of this act shall be available or used if the exhibit provided for herein is open on the Sabbath day."

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. Little moved

That the senate do now adjourn,

Which motion prevailed, and

The senate adjourned.

GEORGE L. TOWNES,  
Secretary.

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### SIXTIETH DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
March 8, 1901.

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 Mr. Lofthus who was excused.

## MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
BISMARCK, NORTH DAKOTA,  
March 8, 1901.

Mr. President:

I have the honor to inform you that the house has refused to concur in senate amendments to

House bill No. 36,

A bill for an act to amend section 1566 of the Political Code of North Dakota, relating to bounty for killing wolves.

And the speaker has appointed a conference committee thereon consisting of Messrs. Davis, Winslow and Gulack.

Also,

I have the honor to return herewith

House bill No. 200,

A bill for an act authorizing the county commissioners to build and equip dipping tanks at county expense.

Which the senate has requested.

Very respectfully,

J. D. SCANLAN,

Chief Clerk.

Mr. Hale moved that a conference committee be appointed relative to

House bill No. 36,

A bill for an act to amend section 1566 of the Political Code of North Dakota, relating to bounty for killing wolves.

Mr. Little moved as a substitute that a conference committee be also appointed on

House bill No. 89,

A bill for an act to amend section 2073, chapter 27 of the Revised Codes of 1899 of the state of North Dakota, relating to the salaries of county auditors.

Which motion prevailed, and

The president appointed Messrs. Hale, Cox and Little on

House bill No. 36,

A bill for an act to amend section 1566 of the Political Code of North Dakota, relating to bounty for killing wolves.

And Messrs. Sanborn, Geer and Wolbert on

House bill No. 89,

A bill for an act to amend section 2073, chapter 27 of the Revised Codes of 1899 of the state of North Dakota, relating to the salaries of county auditors.

## REPORTS OF STANDING COMMITTEES.

Mr. President:

Your committee on revision and correction of the Journal

respectfully report that they have carefully examined the Journal of the fifty-ninth day, and recommend the following corrections:

On page 37 immediately above the line beginning "Mr. Baker" insert the following:

"House bill No. 24.

A bill for an act entitled an act to amend sections 324, 326, 328 and 333 of the code of civil procedure of the state of North Dakota, being sections 5518, 5520, 5522 and 5528 of the Revised Codes of 1895 of the state of North Dakota, and to repeal section 325 of the code of civil procedure of North Dakota, being section 5519 of the Revised Codes of said state, all of said sections relating to exemptions.

Was read the third time."

H. J. MINER,  
Chairman.

### MOTIONS AND RESOLUTIONS.

Mr. Cox moved

That the steering committee be instructed to produce House bill No. 133,

A bill for an act fixing the liability of railroad companies for injuries sustained by employes of such companies in consequence of the negligence of fellow employes.

And it be placed on its third reading and final passage.

The motion was lost.

### REPORTS OF STANDING COMMITTEES.

Mr. President:

Your conference committee appointed to confer on the house amendment to

Substitute for Senate bill No. 115,

A bill for an act to amend sections 1842, 1893, 1896 and 2095, of the Revised Codes of 1899 relating to commissioner districts and the powers, election and compensation of county commissioners.

Report that they do recede from the house amendments.

F. S. TALCOTT,

V. B. NOBLE,

R. C. COOPER,

On the part of the senate.

C. H. BRISBIN,

G. O. GULACK,

On the part of the house.

Which report was adopted.

Mr. Lavayea presented the following resolution and moved its adoption:

Resolved, that the president be requested to appoint the secretary of the senate together with one assistant to correct the Journal of the sixtieth day, and compare the Journal of the session with the written Journal, and that they be allowed \$6 per day for the time necessary to do the work.



The president and secretary of the senate are hereby authorized and directed to sign the necessary vouchers for the service.

The resolution was adopted.

Mr. Lavayea offered the following and moved its adoption.

Whereas, That in view of the fact that the Seventh legislative assembly will have adjourned before the house and senate Journals shall have been printed; therefore be it

Resolved, That the secretary of state be requested to mail to each member of the senate at his home address, one copy each of the Journals of the sixtieth day; and also to send a list of titles of all acts passed at this session which finally become laws, and also a list of vetoed bills, if any.

The resolution was adopted.

Mr. Hale moved that the senate do not concur in  
Senate bill No. 52,

A bill for an act to promote the efficiency of the national guard of the state of North Dakota.

And that a conference committee of three be appointed.

The motion prevailed, and

The president appointed as such committee Messrs. Sanborn, Hale and Fuller.

Mr. Talcott presented the following resolution and moved its adoption:

Resolved, that the thanks of the senate be extended to Geo. L. Townes for the capable and courteous manner in which he has performed the duties of secretary of the senate.

The resolution was adopted.

Mr. Lavayea presented the following resolution and moved its adoption:

Resolved, that in O. B. Holton the senate recognizes a competent and efficient bill clerk, and hereby thanks him for the faithful discharge of his duties.

Which resolution was adopted.

The secretary announced that the president was about to sign  
Senate bill No. 147,

A bill for an act authorizing the issuance of bonds, based upon the normal school land grant, for the purpose of erection and completion of buildings for the use of the state normal schools at Valley City and Mayville.

Also,

Senate bill No. 118,

A bill for an act entitled an act concerning covenants of warranty.

Also,

Senate bill No. 79,

A bill for an act entitled an act to amend section 5046 of the Revised Codes of 1899 relating to injunctions.

Also,

Senate bill No. 61,

A bill for an act entitled an act to amend section 6633 of Revised Codes of 1899, relating to commencement of actions in justice court.

Also,

Senate bill No. 36,

A bill for an act entitled an act to provide for the settlement of estates of decedents.

Also,

Senate bill No. 220,

A bill for an act entitled an act providing for the collection of delinquent personal taxes by action.

Also,

Senate bill No. 84,

A bill for an act to provide for making unknown persons parties defendant in certain civil actions and to amend section 5907 and repeal section 5907a, Revised Codes of 1899, relating to unknown parties defendant.

Also,

Senate bill No. 127,

A bill for an act entitled an act to amend and re-enact section 2082 of the Revised Codes of the Revision of 1899, relating to fees and compensation of sheriffs.

Also,

Senate bill No. 42,

A bill for an act entitled an act to provide for the creation of special school districts in incorporated cities, towns and villages constituting a part of a school district, and to divide the property and indebtedness of such school district.

Also,

Senate bill No. 85,

A bill for an act entitled "An act to provide an appropriation for increased clerical work in the office of the state treasurer."

Also,

Senate bill No. 149,

A bill for an act entitled an act requiring agents and attorneys to have a power of attorney authorizing the foreclosure of real estate mortgages, and requiring it to be filed in the office of the register of deeds.

Also,

Senate bill No. 215,

A bill for an act requiring the payment of taxes by non-resident owners of live stock from other states herding and feeding on the ranges of the state of North Dakota, and providing for collection of such taxes.

Also,

Senate bill No. 171,

A bill for an act to amend and re-enact section 334, Revised

Codes, 1899, in reference to allowance of clerk hire in the state offices.

Also,

Senate bill No. 29,

A bill for an act entitled an act authorizing district courts and also supreme courts of the state to direct judgment to be entered in certain cases instead of granting motion for a new trial.

Also,

Senate bill No. 86,

A bill for an act to amend section 8494 of the Revised Codes of 1899, relating to the governor demanding the return of fugitives from justice in this state of the executive authority of any other state or territory, within the United States, providing for the appointment of agents to receive and return such fugitives and providing for payment of such agents.

Also,

Senate bill No. 152.

A bill for an act legalizing the levy of taxes for road and general purposes by the township board of supervisors for the years 1899 and 1900.

Also,

Senate bill No. 53

A bill for an act making an appropriation for deficit in fuel account at the North Dakota hospital for the insane.

Also,

Senate bill No. 107,

A bill for an act to prevent the sale and use in this state of dangerous and impure oils.

Also,

Senate bill No. 200,

A bill an act entitled an act to define the system of free public schools of the state.

Also,

Substitute for Senate bill No. 115,

A bill for an act to amend sections 1842, 1893, 1896 and 2095 of the Revised Codes of 1899, relating to commissioner districts, and the powers, election and compensation of county commissioners.

Also,

Senate bill No. 12,

A bill for an act to amend section 28 of the Revised Codes of North Dakota, 1899, the same being chapter 104 of the session laws of 1899, relating to legislative officers and employes and their compensation.

Also,

Senate bill No. 119,

A bill for an act entitled "An act amending section 6777, relating to appeals from justice court making the payment of trans-

cript fees a condition precedent to granting an order compelling a justice to certify up the record."

Also,

Senate bill No. 124,

A bill for an act to provide a fund for the purpose of retiring the principal of the bonded indebtedness of the state.

Also,

Senate bill No. 67,

A bill for an act for an appropriation for the maintenance and improvements of the state normal school at Mayville, North Dakota.

Also,

House bill No. 163,

A bill for an act to amend section 2564 of article 8 of chapter 31 of the Revised Codes, relating to the time when township officers shall qualify.

Also,

House bill No. 203,

A bill for an act to amend section 2474 of the Revised Codes providing for the issue of bonds for defraying the expenses of constructing drains.

Also,

House bill No. 97,

A bill for an act to amend chapter 21 of the Revised Codes, governing the location, establishment and construction of drains, and relating to the allowance and taxation of costs and attorneys fees against the defendants in actions to enjoin drainage proceedings or the levy and collection of taxes and assessments therefor.

Also,

House bill No. 32,

A bill for an act to regulate the practice of barbering, the licensing of persons to carry on such practice, and to insure the better education of such practitioners in the state of North Dakota.

Also,

House bill No. 99,

A bill for an act to amend section 220, chapter 4 of the Revised Codes of 1899, relating to advertisements for leasing of school lands.

Also,

House bill No. 113,

Concurrent resolution.

And the president signed the same in the presence of the senate.

## THIRD READING OF SENATE BILLS.

Mr. LaMoure moved to amend

House bill No. 151,

A bill for an act entitled "An act to amend section 2985 of the Revised Codes of 1899, relating to maintenance of station houses."

By striking out "\$3,000 and insert in lieu thereof "\$5,000."

The amendment was not adopted.

House bill No. 151,

A bill for an act entitled "An act to amend section 2985 of the Revised Codes of 1899, relating to maintenance of station houses."

Was read the third time.

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

The roll was called and there were ayes 24, nays 5, absent and not voting 2.

Those who voted in the affirmative were:

Messrs.—

Ames,  
Baker,  
Cashel,  
Clarke,  
Cooper,  
Cox,  
Devlin,  
Hale,

Messrs.—

Hegge,  
Laidlaw,  
Little,  
McDougal,  
Miner,  
Murphy,  
Noble,  
Sanborn,

Messrs.—

Sharpe,  
Simpson,  
Slotten,  
Swenson,  
Talcott,  
Taylor,  
Williams,  
Wolbert,

Those voting in the negative were:

Messrs.—

Fuller,  
Geer,

Messrs.—

Jacobson,  
Lavayea,

Messrs.—

LaMoure,

Absent and not voting Messrs. Lewis and Lofthus.

Mr. Lofthus being excused.

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

House bill No. 166,

A bill for an act to provide for the satisfaction of judgments when any person having the power or authority to satisfy the same cannot be found.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 28, nays none, absent and not voting 3.

Those who voted in the affirmative were:

Messrs.—

Ames,  
Baker,  
Cashel,  
Clarke,  
Cooper,  
Cox,

Messrs.—

Hegge,  
Jacobson,  
Laidlaw,  
Lavayea,  
LaMoure,  
Lewis,

Messrs.—

Noble,  
Sanborn,  
Sharpe,  
Slotten,  
Swenson,  
Talcott,

Messrs.—	Messrs.—	Messrs.—
Devlin,	McDougal,	Taylor,
Fuller,	Miner,	Williams,
Geer,	Murphy,	Wolbert,
Hale,		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Little,	Lofthus,	Simpson,

Mr. Lofthus being excused.

So the bill passed and the title was agreed to.

#### MESSAGE FROM THE HOUSE.

Mr. President:

I have the honor to return herewith

Senate bill No. 156,

A bill for an act entitled an act to amend section 3071 l of the Revised Codes of the state of North Dakota for 1899.

Which the house has indefinitely postponed.

Very respectfully,

J. D. SCANLAN,  
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. 61,

A bill for an act entitled an act to amend section 6633 of Revised Codes of 1899, relating to commencement of actions in justice court.

Also,

Senate bill No. 79,

A bill for an act entitled an act to amend section 5046 of the Revised Codes of 1899 relating to injunctions.

Also,

Senate bill No. 118,

A bill for an act entitled an act concerning covenants of warranty.

Also,

Senate bill No. 147,

A bill for an act authorizing the issuance of bonds, based upon the normal school land grant, for the purpose of erection and completion of buildings for the use of the state normal schools at Valley City and Mayville.

Also,

Senate bill No. 220,

A bill for an act providing for the collection of delinquent personal taxes by action.

Also,

Senate bill No. 36,

An act to provide for the settlement of estates of decedents.

Also,

Senate bill No. 42,

An act to provide for the creation of special school districts in incorporated cities, towns and villages constituting a part of a school district, and to divide the property and indebtedness of such school district."

Also,

Senate bill No. 84,

A bill for an act entitled an act to provide for making unknown persons parties defendant in certain civil actions and to amend section 5907 and repeal section 5907a, Revised Codes of 1899, relating to unknown parties defendant.

Also,

Senate bill No. 85,

A bill for an act entitled an act to provide an appropriation for increased clerical work in the office of the state treasurer.

Also,

Senate bill No. 127,

A bill for an act entitled an act to amend and re-enact section 2082 of the Revised Codes of the Revision of 1899, relating to fees and compensation of sheriffs.

Also,

House bill No. 149,

An act requiring agents and attorneys to have a power of attorney authorizing the foreclosure of real estate mortgages, and requiring it to be filed in the office of the register of deeds.

And find the same correctly enrolled.

H. E. LAVAYEA,

Chairman.

House bill No. 200,

A bill for an act authorizing the county commissioners to build and equip dipping tanks at county expense.

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 none, absent and not voting 5.

Those who voted in the affirmative were:

Messrs.—

Ames,  
Baker,  
Cashel,  
Clarke,  
Cooper,  
Devlin,

Messrs.—

Hegge,  
Jacobson,  
Lavayea,  
LaMoure,  
Lewis,  
Little,

Messrs.—

Noble,  
Sanborn,  
Sharpe,  
Slotten,  
Swenson,  
Talcott,

Messrs.—

Fuller,  
Geer,  
Hale,

Messrs.—

McDougal,  
Miner,  
Murphy,

Messrs.—

Taylor,  
Wolbert,

Absent and not voting:

Messrs.—

Cox,  
Laidlaw,

Messrs.—

Lofthus,  
Simpson,

Messrs.—

Williams,

Mr. Lofthus being excused.

So the bill passed and the title was agreed to.

House bill No. 7,

A bill for an act to amend section 1941 of the Revised Codes of the state of North Dakota, relating to the presentation and acceptance of proposals for the deposit of county funds, and the bonds of county depositories.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 24, nays 1, absent and not voting 6.

Those who voted in the affirmative were:

Messrs.—

Ames,  
Baker,  
Cashel,  
Clarke,  
Cooper,  
Cox,  
Devlin,  
Geer,

Messrs.—

Hegge,  
Jacobson,  
Lavayea,  
Laidlaw,  
LaMoure,  
McDougal,  
Miner,  
Murphy,

Messrs.—

Noble,  
Sanborn,  
Sharpe,  
Slotten,  
Swenson,  
Talcott,  
Taylor,  
Wolbert,

Absent and not voting:

Messrs.—

Hale,  
Lewis,

Messrs.—

Little,  
Lofthus,

Messrs.—

Simpson,  
Williams,

Mr. Fuller voted in the negative.

Mr. Lofthus being excused.

So the bill passed and the title was agreed to.

House bill No. 223,

A bill for an act to amend section 2611 of the Revised Codes of the state of North Dakota of 1899, relating to duties and salaries of township treasurers.

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 none, absent and not voting 5.

Those who voted in the affirmative were:



Messrs.—

Ames,  
Baker,  
Cashel,  
Clarke,  
Cooper,  
Cox,  
Devlin,  
Fuller,  
Geer,

Messrs.—

Hegge,  
Jacobson,  
Laidlaw,  
Lavayea,  
LaMoure,  
McDougal,  
Miner,  
Murphy,  
Noble,

Messrs.—

Sanborn,  
Sharpe,  
Slotten,  
Swenson,  
Talcott,  
Taylor,  
Williams,  
Wolbert,

Absent and not voting:

Messrs.—

Hale,  
Lewis,

Messrs.—

Little,  
Lofthus,

Messrs.—

Simpson,

Mr. Lofthus being excused.

So the bill passed and the title was agreed to.

## MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,  
BISMARCK, NORTH DAKOTA,  
March 8, 1901.

Mr. President:

I have the honor to inform you that the speaker has appointed as a committee on conference on

Senate bill No. 52,

A bill for an act to promote the efficiency of the national guard of the state of North Dakota.

Messrs. Thomas, Chacey and Michels.

Also,

I have the honor to return herewith

Senate bill No. 194,

A bill for an act entitled "an act to amend sections 1168 and 1173 of the Revised Codes of 1899, relating to ferries."

Which the house has passed unchanged.

Very respectfully,

J. D. SCANLAN,  
Chief Clerk.

House bill No. 176,

A bill for an act entitled an act to amend section 144a, Revised Codes, 1899, relating to appointment of assistant examiner.

Was read the third time.

The question being upon the final passage of the bill.

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

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Hegge,	Sharpe,
Baker,	Laidlaw,	Slotten,
Cashel,	Lavayea,	Swenson,
Clarke,	LaMoure,	Talcott,
Cooper,	Little,	Taylor,
Cox,	McDougal,	Williams,
Devlin,	Miner,	Wolbert,
Geer,	Murphy,	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Fuller,	Lewis,	Sanborn,
Hale,	Lofthus,	Simpson,
Jacobson,	Noble,	

Mr. Lofthus being excused.

So the bill passed and the title was agreed to.

Mr. Talcott moved to amend

House bill No. 177,

A bill for an act to make an appropriation for the collection, arrangement and display of the products of the state of North Dakota at the Pan-American exposition of 1901, and to provide for the expenses of the state commissioners thereof.

By striking out the word "six" and inserting in lieu thereof the word "ten."

Which amendment was adopted.

House bill No. 177,

A bill for an act to make an appropriation for the collection, arrangement and display of the products of the state of North Dakota at the Pan-American exposition of 1901, and to provide for the expenses of the state commissioners thereof.

Was read the third time.

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

The roll was called and there were ayes 24, nays 2, absent and not voting 5.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Geer,	Sanborn,
Baker,	Jacobson,	Sharpe,
Cashel,	Lavayea,	Slotten,
Clarke,	Lewis,	Swenson,
Cooper,	Little,	Talcott,
Cox,	McDougal,	Taylor,
Devlin,	Miner,	Williams,
Fuller,	Murphy,	Wolbert,

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Hegge,	Lofthus,	Simpson,
Laidlaw,	Noble,	

Messrs. Hegge and LaMoure voted in the negative.

Mr. Lofthus being excused.

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

House bill No. 184,

A bill for an act to amend section 207 of the Revised Codes, relating to the taxation of school and institutional lands after the contract for the sale thereof has been made and prohibiting the issuance of tax deeds thereof and providing for dropping the same from the tax lists after the cancellation of said contract.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 25, nays none, absent and not voting 6.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Hegge,	Sanborn,
Baker	Jacobson,	Sharpe,
Cashel,	Lavayea,	Slotten,
Clarke,	LaMoure,	Swenson,
Cooper,	Little,	Talcott,
Cox,	Miner,	Taylor,
Devlin,	Murphy,	Williams,
Fuller,	Noble,	Wolbert,
Geer,		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Hale,	Lewis,	McDougal,
Laidlaw,	Lofthus,	Simpson,

Mr. Lofthus being excused.

So the bill passed and the title was agreed to.

Mr. LaMoure moved that

House bill No. 24,

A bill for an act entitled "An act to amend sections 324, 326, 328 and 333 of the Code of Civil Procedure of the state of North Dakota, being sections 5518, 5520, 5522 and 5528 of the Revised Codes of 1895 of the state of North Dakota, and to repeal section 325 of the Code of Civil Procedure of North Dakota, being section 5519 of the Revised Codes of said state, all of said sections relating to exemptions.

Be taken from off the table.

To which Mr. Noble arose to a point of order.

Mr. LaMoure appealed from the decision of the chair; but the appeal was lost.

House bill No. 122,

A bill for an act to provide for submitting the question of conferring additional jurisdiction upon county courts.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 3, nays 22, absent and not voting 6.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Lavayea,	Little,	Miner,

Those voting in the negative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Hegge,	Simpson,
Baker,	Lewis,	Slotten,
Cashel,	McDougal,	Swenson,
Cooper,	Murphy,	Talcott,
Cox,	Noble,	Taylor,
Devlin,	Sanborn,	Williams,
Fuller,	Sharpe,	Wolbert,
Geer,		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Clarke,	Jacobson,	LaMoure,
Hale,	Laidlaw,	Lofthus,

Mr. Lofthus being excused.

So the bill passed and the title was agreed to.

House bill No. 140,

A bill for an act to amend section 76 of chapter 126 of the laws of 1897, being section 1261 of the Revised Codes of the state of North Dakota, 1899, in regard to revenue and taxation, and providing that in bidding at public vendue the purchaser who will pay the total amount of taxes, penalties and costs charged against land sold therefor at the lowest rate of interest shall be the best bidder therefor.

Was read the third time.

The question being upon the final passage of the bill.

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

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Hegge,	Noble,
Baker,	Jacobson,	Sanborn,
Cashel,	Laidlaw,	Sharpe,
Clarke,	Lavayea,	Slotten,
Cooper,	LaMoure,	Swenson,
Cox,	Lewis,	Talcott,
Devlin,	McDougal,	Taylor,
Fuller,	Miner,	Williams,
Geer,	Murphy,	Wolbert.

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Hale,	Lofthus,	Simpson,
Little,		

Mr. Lofthus being excused.

So the bill passed and the title was agreed to.

House bill No. 22,

A bill for an act to amend section 225 of the Revised Codes of

1899, so as to enable the lessee of common school and public lands of the state during and within one year after his term shall have expired to remove from such lands any fencing, buildings or improvements he may have made thereon or have purchased from his predecessor.

Was read the third time.

So the bill passed and the title was agreed to.

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

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Hegge,	Noble,
Baker,	Jacobson,	Sanborn,
Cashel,	Laidlaw	Sharpe,
Clarke,	Lavayea,	Slotten,
Cooper,	Lewis,	Swenson,
Cox,	Little,	Talcott,
Devlin,	McDougal,	Taylor,
Fuller,	Miner,	Williams,
Geer,	Murphy,	Wolbert,

Absent and not voting:

Messrs.—	Messrs.—	Messrs.
Hale,	Lofthus,	Simpson,
LaMoure,		

Mr. Lofthus being excused.

The question being upon the final passage of the bill.

The president appointed to assist the secretary in correction of the Journal Senator H. E. Lavayea.

House bill No. 188

A bill for an act to amend section 3597 of the Revised Codes of the state of North Dakota in regard to the record of certain instruments and the admissability in evidence of instruments entitled to record, without further proof.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 28, nays none, absent and not voting 3.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Jacobson,	Noble,
Baker,	Laidlaw,	Sanborn,
Cashel,	Lavayea,	Sharpe,
Clarke,	LaMoure,	Slotten,
Cooper,	Lewis,	Swenson,
Cox,	Little,	Talcott,
Devlin,	McDougal,	Taylor,
Fuller,	Miner,	Williams,
Geer,	Murphy,	Wolbert,
Hegge,		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Hale,	Lofthus,	Simpson,

Mr. Lofthus being excused.

So the bill passed and the title was agreed to.

House bill No. 66,

A bill for an act to amend section 441 of the Revised Codes of North Dakota, relating to jurors.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 28, nays none, absent and not voting 3.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Laidlaw	Sanborn,
Baker,	Lavayea,	Sharpe,
Cashel,	Lamoure,	Simpson,
Clarke,	Lewis,	Slotten,
Cooper,	Little,	Swenson,
Devlin,	McDougal,	Talcott,
Fuller,	Miner,	Taylor,
Geer,	Murphy,	Williams,
Hegge,	Noble,	Wolbert,
Jacobson,		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Cox,	Hale.	Lofthus,

Mr. Lofthus being excused.

So the bill passed and the title was agreed to.

### MESSGAE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,  
BISMARCK, NORTH DAKOTA,  
March 8, 1901

Mr. President:

I have the honor to return herewith

Senate bill No. 145,

A bill for an act to amend section 1979 of the Revised Codes of 1899, relating to duties of state's attorneys.

Which the house has amended as follows:

By striking out all after sub-division eight of the engrossed bill and substituting in lieu thereof the following:

9. It is the intention of this act to make the attorney general, his assistants, and the states attorney the only public prosecutors in all cases civil and criminal wherein the state or county is a party to the action, and that they only shall be authorized and empowered to perform the

duties herein set forth, except as hereinafter provided. The attorney general or his assistants are authorized to institute and prosecute any cases in which the state is a party whenever in their judgment it would be to the best interests of the state so to do. And in case the states attorney refuses or neglects to perform any of the duties prescribed in subdivisions 2 and 3 of this section, after it has been properly brought to his attention, or when he has information that a public offense has been committed or that a civil suit in which the state is a party should be instituted and the fact of such refusal or neglect to perform such duty, and that the action is one that should be prosecuted, has been brought before the judge of the district court in the judicial district having jurisdiction of such action by affidavit or otherwise, and said judge is satisfied that such action should be postponed and that said states attorney has failed or neglected to perform his duty, then in that case he shall request the attorney general or an assistant attorney general to take charge of such prosecution, or he shall appoint by an order to be entered upon the minutes of the court some suitable person, an attorney at law, and the person so appointed shall thereupon be vested with all the powers of such states attorney for that action, but for no other purpose, and the district court shall by order, to be entered in the minutes of the court, fix his fee therefor, which amount shall be allowed by the board of county commissioners, and which amount, if so ordered by the court shall be deducted from the salary of the states attorney, and the person so appointed shall be the only person authorized to proceed therein; provided, however, that nothing herein contained shall prevent the county commissioners of any county in cases of public importance and with the advice and consent of the states attorney, employing such additional counsel as may be deemed advisable to assist the states attorney upon such compensation as may be agreed upon. Provided, further, that the provisions of this act shall not be construed so as to abridge any of the powers conferred upon the attorney general, his assistants, or the states attorney, or to relieve them of any duty imposed, or to relieve them from the infliction of any punishment, fine or forfeiture for neglect of duty, as prescribed by the provisions of chapter 63 of the penal code, commonly known as the prohibition law.

reports to the attorney general of proceedings instituted or pending in his  
 Sec. 2 Whereas, there is now no law requiring a states attorney to make county, an emergency exists, and this act shall take effect and be in force from and after its passage and approval.

And as so amended passed, but without the emergency clause.

Very respectfully,

J. D. SCANLAN,  
 Chief Clerk.

### MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,  
 BISMARCK, NORTH DAKOTA,  
 March 8, 1901.

Mr. President:

I have the honor to return herewith  
 Senate bill No. 167,

A bill for an act to amend sections 3137 and 3142 of the Revised Codes of 1899 relating to insurance premiums to be paid, conditions of policy, assessments and liability of policy holders.

Which the house has amended as follows:

In line 23 of the engrossed bill after the word "note" insert the words "which note."

Also,

Senate bill No. 227,

A bill for an act to amend section 3254 of the Revised Codes of 1899 relating to examination of banks by state examiner and the fees therefor, and his report thereon to the governor.

Which the house has amended as follows:

Strike out lines 25 and 26 of the engrossed bill and insert in lieu thereof the following: "Banks of twenty thousand dollars capital or less," and in line 14 of engrossed bill strike out the word "of" and insert in lieu thereof the word "to."

And as so amended passed.

Very respectfully,

J. D. SCANLAN,

Chief Clerk.

Mr. Simpson moved to amend

House bill No. 179,

A bill for an act entitled "An act providing for the repeal of sections 1570a, 1570b, 1570c, 1570d, 1570e, 1570f, 1570g, 1570h and 1570i of the Revised Codes of 1899, providing for a state wolf bounty and authorizing the state board of equalization at their session in the year 1901 to levy a special tax to pay the amount due on outstanding certificates existing at the time of the taking effect of this act."

By striking out of section 1 "1570b, 1570c, 1570d and 1570i" of the printed bill.

So the amendment was adopted.

House bill No. 179,

A bill for an act entitled "An act providing for the repeal of sections 1570a, 1570b, 1570c, 1570d, 1570e, 1570f, 1570g, 1570h and 1570i of the Revised Codes of 1899, providing for a state wolf bounty and authorizing the state board of equalization at their session in the year 1901 to levy a special tax to pay the amount due on outstanding certificates existing at the time of the taking effect of this act."

Was read the third time.

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

The roll was called and there were ayes 28, nays 1, absent and not voting 2.

Those who voted in the affirmative were:

Messrs.—

Ames,  
Baker,

Messrs.—

Hegge,  
Jacobson,

Messrs.—

Sanborn,  
Sharpe,



Messrs.—	Messrs.—	Messrs.—
Cashel,	Laidlaw,	Simpson,
Clarke,	Lavayea,	Slotten,
Cooper,	Lewis,	Swenson,
Cox,	Little,	Talcott,
Devlin,	McDougal,	Taylor,
Fuller,	Murphy,	Williams,
Geer,	Noble,	Wolbert,
Hale,		

Mr. LaMoure voting in the negative.

Absent and not voting Messrs. Lofthus and Miner.

Mr. Lofthus being excused.

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

Mr. Wolbert moved to amend title of

House bill No. 197,

A bill for an act entitled "an act providing for the repeal of sections 1570a, 1570b, 1570c, 1570d, 1570e, 1570f, 1570g, 1570h, and 1570i, of the Revised Codes of 1899, providing for a state wolf bounty and authorizing the state board of equalization at their session in the year 1901 to levy a special tax to pay the amount due on outstanding certificates existing at the time of the taking effect of the act."

By striking out "sections 1570b, 1570c, 1570d and 1570i."

Which amendment was adopted.

Mr. LaMoure moved

That the senate do now concur in house amendments to

Senate bill No. 145,

A bill for an act to amend section 1979 of the Revised Codes of 1899, relating to duties of state's attorneys.

The roll was called and there were ayes 29, nays none, absent and not voting 2.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Jacobson,	Sanborn,
Baker,	Laidlaw,	Sharpe,
Cashel,	Lavayea,	Simpson,
Clarke,	LaMoure,	Slotten,
Cooper,	Lewis,	Swenson,
Cox,	Little,	Talcott,
Devlin,	McDougal,	Taylor,
Fuller,	Miner,	Williams,
Geer,	Murphy,	Wolbert,
Hale,	Noble,	

Absent and not voting Messrs. Hegge and Lofthus.

So the title was approved.

Mr. Little moved

That the senate take a recess of 30 minutes.

Which motion prevailed.

The secretary announced that the president was about to sign Senate bill No. 216,

A bill for an act entitled an act to amend and re-enact sections 1636 and 1636a of the Revised Codes of the revision of 1899.

Also,

Senate bill No. 207,

A bill for an act entitled "An act to amend section 6346 of the Revised Codes of 1899, being section 21 of chapter 3 of the laws of 1897, providing the requisities for qualification of executors, administrators and guardians."

Also,

Senate bill No. 95,

A bill for an act prescribing the duties of county auditor in reference to the certification of abstracts of titles to real estate.

Also,

Senate bill No. 205,

A bill for an act to amend section 5961 of the code of civil procedure, and to facilitate the assessment of damages under the law of eminent domain, and to regulate procedure in actions brought thereunder.

Also,

Senate bill No. 198,

A bill for an act entitled an act regulating the filing and foreclosure of mechanic's liens upon land held or occupied under a filing under any of the land laws of the United States.

Also,

Senate bill No. 180,

A bill for an act to amend section 527 of the Revised Codes of 1899 relating to abstract of votes. Certificate of election. Publication of returns.

And the president signed the same in the presence of the senate.

Mr. Laidlaw moved

That the senate do now concur in house amendments to

Senate bill No. 167,

A bill for an act to amend sections 3137 and 3142 of the Revised Codes of 1899, relating to insurance premiums to be paid, conditions of policy, assessments and liability of policy holders.

The roll was called and there were ayes 28, nays none, absent and not voting 3.

Those who voted in the affirmative were:

Messrs.—

Ames,  
Baker,  
Cashel,  
Clarke,

Messrs.—

Hegge,  
Laidlaw,  
Lavayea,  
LaMoure,

Messrs.—

Noble,  
Sanborn,  
Sharpe,  
Simpson,

Messrs.—

Cooper,  
Cox,  
Devlin,  
Fuller,  
Geer,  
Hale,

Messrs.—

Lewis,  
Little,  
McDougal,  
Miner,  
Murphy,

Messrs.

Slotten,  
Swenson,  
Talcott,  
Taylor,  
Williams,

Absent and not voting:

Messrs.—

Jacobson,

Messrs.—

Lofthus,

Messrs.—

Wolbert,

So the house amendments were concurred in.

### MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,  
BISMARCK, NORTH DAKOTA,  
March 8, 1901

Mr. President:

I have the honor to return herewith

Senate bill No. 158,

A bill for an act to provide for the protection of the health, lives and interests of the coal miners of North Dakota, and to provide for the inspection of all coal mines in this state, and the conducting and operating of coal mines, and to create a state inspector of mines.

Also,

Senate bill No. 217,

A bill for an act entitled an act directing state auditors to pay over funds belonging to agricultural college and deaf and dumb asylum to the respective institution treasurers and providing for the application of such funds.

Also,

Senate bill No. 137,

A bill for an act to amend sections 73 and 76 of the Revised Codes of 1899, relating to public printing and making an appropriation therefor.

Which the house has passed unchanged.

Very respectfully,

J. D. SCANLAN,  
Chief Clerk.

Mr. Little moved that the rules be suspended and that the senate return to the eighth order of business.

Which motion was lost.

House bill No. 198,

A bill for an act fixing a penalty for any corporation, association, person or persons, for in any manner interfering with, or

hindering, any persons in charge of any live stock being or about to be, transported over any railway in this state, in furnishing the feed or bedding in cars at any feeding station in the state.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 28, nays none, absent and not voting 3.

Those who voted in the affirmative were:

Messrs.—	Hegge,	Messrs.—
Ames,	Jacobson,	Noble,
Baker,	Laidlaw,	Sanborn,
Cashel,	Lavayea,	Simpson,
Clarke,	LaMoure,	Slotten,
Cooper,	Lewis,	Swenson,
Cox,	Little,	Talcott,
Devlin,	McDougal,	Taylor,
Fuller,	Miner,	Williams,
Hale,	Murphy,	Wolbert,

Messrs.—

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Geer,	Lofthus,	Sharpe,

Mr. Lofthus being excused.

So the bill passed and the title was agreed to.

### MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,  
BISMARCK, NORTH DAKOTA.  
March 8, 1901.

Mr. President:

I have the honor to inform you that the house adopted the report of the conference committee on

Senate bill No. 52,

A bill for an act to promote the efficiency of the national guard of the state of North Dakota.

But failed to pass the bill on final roll call.

Also,

I have the honor to return herewith

Senate bill No. 165,

A bill for an act to amend section 1203 of the Revised Codes, 1899, relating to bank stock "where and at what valuation to be listed."

Which the house has failed to pass.

Very respectfully.

J. D. SCANLAN,  
Chief Clerk.

Mr. Wolbert moved that

Senate bill No. 165,

A bill for an act to amend section 1203 of the Revised Codes, 1899, relating to bank stock "where and at what valuation to be listed."

Be returned to the house as requested.

Which motion prevailed.

### THIRD READING OF HOUSE BILLS.

House bill No. 88,

A bill for an act to create a state farmers' institute board of directors and prescribing its powers and duties, and making an appropriation for conducting farmers' institutes.

Mr. LaMoure moved the following amendment.

Amend section 4, by adding after the words "treasurer of the state, upon the approval of the state board of audit," and strike out the words "upon the warrant of the state auditor."

House bill No. 88,

A bill for an act to create a state farmers' institute board of directors and prescribing its powers and duties, and making an appropriation for conducting farmers' institutes.

Was read the third time.

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

The roll was called and there were ayes 29, nays none, absent and not voting 2.

Those who voted in the affirmative were:

Messrs.—

Ames,  
Baker  
Cashel,  
Clarke,  
Cooper,  
Cox,  
Devlin,  
Fuller,  
Geer,  
Hale,

Messrs.—

Hegge,  
Jacobson,  
Laidlaw,  
Lavayea,  
LaMoure,  
Lewis,  
Little,  
McDougal,  
Miner,  
Murphy,

Messrs.—

Noble,  
Sanborn,  
Sharpe,  
Simpson,  
Slotten,  
Swenson,  
Talcott,  
Taylor,  
Williams,

Absent and not voting Messrs. Lofthus and Wolbert.

Mr. Lofthus being excused.

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

Mr. Baker moved that

House bill No. 24,

A bill for an act entitled "An act to amend sections 324, 326, 328 and 333 of the Code of Civil Procedure of the state of North Dakota, being sections 5518, 5520, 5522 and 5528 of the Revised Codes of 1895 of the state of North Dakota, and to repeal section 325 of the Code of Civil Procedure of North Dakota, being section

5519 of the Revised Codes of said state, all of said sections relating to exemptions.

Be taken from the table and be placed on its third reading and final passage.

Which motion prevailed.

Mr. Lewis moved that

House bill No. 133,

A bill for an act fixing the liability of railroad companies for injuries sustained by employes of such companies in consequence of the negligence of fellow employes.

Be taken up and placed on third reading.

Which motion was ruled out of order.

House bill No. 24,

A bill for an act entitled "An act to amend sections 324, 326, 328 and 333 of the Code of Civil Procedure of the state of North Dakota, being sections 5518, 5520, 5522 and 5528 of the Revised Codes of 1895 of the state of North Dakota, and to repeal section 325 of the Code of Civil Procedure of North Dakota, being section 5519 of the Revised Codes of said state, all of said sections relating to exemptions.

Was read the third time.

The question being upon the final passage of the bill

The roll was called and there were ayes 20, nays 9, absent and not voting 2.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Hegge,	McDougal,
Baker,	Jacobson,	Miner,
Cashel,	Laidlaw,	Simpson,
Cooper,	Lavayea,	Swenson,
Devlin,	LaMoure,	Talcott,
Fuller,	Lewis,	Taylor,
Geer,	Little,	

Those voting in the negative were:

Messrs.—	Messrs.—	Messrs.—
Clarke,	Murphy,	Sharpe,
Cox,	Noble,	Slotten,
Hale,	Sanborn,	Williams,

Absent and not voting Messrs. Lofthus and Wolbert.

Mr. Lofthus being excused.

So the bill passed and the title was agreed to.

The secretary announced that the president was about to sign

House bill No. 223,

A bill for an act to amend section 2611 of the Revised Codes of the state of North Dakota of 1899, relating to duties and salaries of township treasurers.

Also,

House bill No. 58,

A bill for an act to amend section 175 of the Revised Codes, relating to the collection of moneys arising from the disposal of university, school and other public lands, and authorizing the foreclosure of mortgages held by the state, and assignment of same in certain cases.

Also,

House bill No. 83,

A bill for an act requiring railroad companies to stop all regular passenger trains at county seats.

Also,

House bill No. 202,

A bill for an act for the construction of an electric line from the penitentiary to the capitol building in the city of Bismarck.

Also,

House bill No. 126,

A bill for an act providing stables and hitching posts on school sites in rural school districts.

Also,

House bill No. 38,

A bill for an act to amend section 5 of chapter 64 of the session laws of 1899, relating to fees of the clerks of the district courts.

Also,

House bill No. 151,

A bill for an act entitled "An act to amend section 2985 of the Revised Codes of 1899, relating to maintenance of station houses."

Also,

House bill No. 18,

A bill for an act to amend section 7677 of chapter 72 of the Revised Codes of 1899, relating to game and fish.

And the president signed the same in the presence of the senate.

Mr. Little moved

That the senate take a recess of 30 minutes.

Which motion prevailed.

After recess.

### MESSAGE FROM THE HOUSE.

The following message was received from the house:

Mr. President:

I have the honor to inform you that the house requests the return of

Senate bill No. 165,

A bill for an act to amend section 1203 of the Revised Codes, 1899, relating to bank stock "where and at what valuation to be listed."

Also,

I have the honor to return herewith

Senate bill No. 209,

A bill for an act to prevent and punish the desecration of the flag of the United States.

Which the house has passed unchanged.

Very respectfully,

J. D. SCANLAN,  
Chief Clerk.

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

Mr. President:

Your committee on enrolled and engrossed bills, respectfully reports that at the hour of 4 p. m. of this day

Senate bill No. 95,

A bill for an act prescribing the duties of county auditor in reference to the certification of abstracts of titles to real estate.

Also,

Senate bill No. 180,

A bill for an act to amend section 527 of the Revised Codes of 1899 relating to abstract of votes. Certificate of election. Publication of returns.

Also,

Senate bill No. 198,

A bill for an act entitled an act regulating the filing and foreclosure of mechanic's liens upon land held or occupied under a filing under any of the land laws of the United States.

Also,

Senate bill No. 216,

A bill for an act entitled an act to amend and re-enact sections 1636 and 1636a of the Revised Codes of the revision of 1899.

Also,

Also,

Senate bill No. 205,

A bill for an act to amend section 5961 of the code of civil procedure, and to facilitate the assessment of damages under the law of eminent domain, and to regulate procedure in actions brought thereunder.

Also,

Senate bill No. 207,

A bill for an act entitled "An act to amend section 6346 of the Revised Codes of 1899, being section 21 of chapter 3 of the laws of 1897, providing the requisities for qualification of executors, administrators and guardians."



Were delivered to his excellency, the governor, for his approval.

H. E. LAVAYEA,  
Chairman.

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

Mr. President:

Your committee on enrolled and engrossed bills, respectfully report that at the hour of 3 p. m. of this day,

Senate bill No. 61,

A bill for an act entitled an act to amend section 6633 of Revised Codes of 1899, relating to commencement of actions in justice court.

Also,

Senate bill No. 79,

A bill for an act entitled an act to amend section 5046 of the Revised Codes of 1899 relating to injunctions.

Also,

Senate bill No. 118,

A bill for an act entitled an act concerning covenants of warranty.

Also,

Senate bill No. 147,

A bill for an act authorizing the issuance of bonds, based upon the normal school land grant, for the purpose of erection and completion of buildings for the use of the state normal schools at Valley City and Mayville.

Also,

Senate bill No. 220,

A bill for an act providing for the collection of delinquent personal taxes by action.

Also,

Senate bill No. 36,

A bill for an act entitled an act to provide for the settlement of estates of decedents.

Also,

Senate bill No. 42,

A bill for an act entitled an act to provide for the creation of special school districts in incorporated cities, towns and villages constituting a part of a school district, and to divide the property and indebtedness of such school district.

Also,

Senate bill No. 84,

A bill for an act entitled an act to provide for making unknown persons parties defendant in certain civil actions and to amend section 5907 and repeal section 5907a, Revised Codes of 1899, relating to unknown parties defendant.

Also,

Senate bill No. 85,

A bill for an act entitled an act to provide an appropriation for increased clerical work in the office of the state treasurer.

Also,

Senate bill No. 127,

A bill for an act entitled an act to amend and re-enact section 2082 of the Revised Codes of the Revision of 1899, relating to fees and compensation of sheriffs.

Also,

Senate bill No. 149,

A bill for an act entitled an act requiring agents and attorneys to have a power of attorney authorizing the foreclosure of real estate mortgages, and requiring it to be filed in the office of the register of deeds.

Also,

Senate bill No. 107,

A bill for an act to prevent the sale and use in this state of dangerous and impure oils.

Also,

Senate bill No. 200,

A bill for an act entitled an act to define the system of free public schools of the state.

Also,

Substitute for Senate bill No. 115,

A bill for an act to amend sections 1842, 1893, 1896 and 2095, of the Revised Codes of 1899 relating to commissioner districts and the powers, election and compensation of county commissioners.

Also,

Senate bill No. 29,

A bill for an act entitled an act authorizing district courts and also the supreme court of the state to direct judgment to be entered in certain cases instead of granting a motion for a new trial.

Also,

Senate bill No. 86,

A bill for an act to amend section 8494 of the Revised Codes of 1899, relating to the governor demanding the return of fugitives from justice in this state of the executive authority of any other state or territory, within the United States, providing for the appointment of agents to receive and return such fugitives and providing for payment of such agents.

Also,

Senate bill No. 152,

A bill for an act legalizing the levy of taxes for road and general purposes by the township board of supervisors for the years 1899 and 1900.

Also,

Senate bill No. 171,

A bill for an act to amend and re-enact section 334, Revised Codes, 1899, in reference to allowance of clerk hire in state offices.

Also,

Senate bill No. 215,

A bill for an act requiring the payment of taxes by non-resident owners of live stock from other states herding and feeding on the ranges of the state of North Dakota, and providing for collection of such taxes.

Also,

Senate bill No. 53

A bill for an act making an appropriation for deficit in fuel account at the North Dakota hospital for the insane.

Were delivered to his excellency, the governor, for his approval.

H. E. LAVAYEA,

Chairman.

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

Mr. President:

Your committee on enrolled and engrossed bills have examined Senate bill No. 107,

A bill for an act to prevent the sale and use in this state of dangerous and impure oils.

Also,

Senate bill No. 200,

A bill for an act entitled an act to define the system of free public schools of the state.

Also,

Substitute for Senate bill No. 115,

A bill for an act to amend sections 1842, 1893, 1896 and 2095 of the Revised Codes of 1899, relating to commissioner districts, and the powers, election and compensation of county commissioners.

Also,

Senate bill No. 152,

A bill for an act legalizing the levy of taxes for road and general purposes by the township board of supervisors for the years 1899 and 1900.

Also,

Senate bill No. 171,

A bill for an act to amend and re-enact section 334, Revised Codes, 1899, in reference to allowance of clerk hire in state offices.

Also,

Senate bill No. 215,

A bill for an act requiring the payment of taxes by non-resident

owners of live stock from other states herding and feeding on the ranges of the state of North Dakota, and providing for collection of such taxes.

Also,

Senate bill No. 53

A bill for an act making an appropriation for deficit in fuel account at the North Dakota hospital for the insane.

Also,

Senate bill No. 29,

A bill for an act entitled an act authorizing district courts and also the supreme court of the state to direct judgment to be entered in certain cases instead of granting a motion for a new trial.

Also,

Senate bill No. 86,

A bill for an act to amend section 8494 of the Revised Codes of 1899, relating to the governor demanding the return of fugitives from justice in this state of the executive authority of any other state or territory within the United States, providing for the appointment of agents to receive and return such fugitives and providing for payment of such agents.

Also,

Senate bill No. 95,

A bill for an act prescribing the duties of county auditors in reference to the certification of abstracts of titles to real estate.

Also,

Senate bill No. 180,

A bill for an act to amend section 527 of the Revised Codes of 1899 relating to abstract of votes. Certificate of election. Publication of returns.

Also,

Senate bill No. 198,

A bill for an act entitled an act regulating the filing and foreclosure of mechanic's liens upon lands held or occupied under a filing under any of the land laws of the United States.

Also,

Senate bill No. 205,

A bill for an act to amend section 5961 of the code of civil procedure, and to facilitate the assessment of damages under the law of eminent domain, and to regulate procedure in actions brought thereunder.

Also,

Senate bill No. 207,

A bill for an act entitled "an act to amend section 6346 of the Revised Codes of 1899, being section 21 of chapter 3 of the laws of 1897, providing the requisities for qualification of executors, administrators and guardians."

Also,

Senate bill No. 216,

A bill for an act entitled an act to amend and re-enact sections 1636 and 1636a of the Revised Codes of the revision of 1899.

And find the same correctly enrolled.

H. E. LAVAYEA,  
Chairman.

The senate reassembled.

### MESSAGE FROM THE HOUSE.

The following message was received from the house.

HOUSE OF REPRESENTATIVES,  
BISMARCK, NORTH DAKOTA,  
March 8, 1901.

Mr. President:

I have the honor to return herewith

Senate bill No. 197,

A bill for an act entitled an act to amend section 217 of the Revised Codes of 1899 providing for the leasing of public lands.

Also,

Senate bill No. 223,

A bill for an act to provide for the settlement of claims of the state against sureties on bonds of state depositories.

Also,

Senate bill No. 225,

A bill for an act to provide for the investment of the sinking funds of special school districts and to prescribe a mode of executing, satisfying, and foreclosing mortgages taken upon such investments.

Also,

Senate bill No. 164,

A bill for an act entitled "An act to provide for transfer facilities at track crossings at grade of common carriers, determining how the expenses of such track crossings shall be paid and empowering the board of railroad commissioners to establish reasonable joint through rates."

Also,

Senate bill No. 233,

A bill for an act to amend section 5658 of the Revised Codes of 1899 relating to attendance of witnesses for examination.

Also,

Senate bill No. 27,

A bill for an act authorizing the board of trustees of the North Dakota agricultural college to co-operate with the geological, agricultural, and other surveys, organized under the department

of the interior of the United States, in completing a topographic, agricultural and geological survey and map of North Dakota and making an appropriation therefor.

Also,

Senate bill No. 195,

A bill for an act entitled an act to amend section 1311 of the Revised Codes of 1899 relating to extraordinary expenditures.

Also,

Senate bill No. 231,

A bill for an act to amend sections 136, 141 and 145 of the Revised Codes of 1899 relating to the state examiner, his appointment, term of office, qualifications, examination of banks, salary, deputy and his salary, and penalty for malfeasance.

Also,

Senate bill No. 232,

A bill for an act to amend section 3218 of the Revised Codes of 1899 relating to the examination of building and loan associations by the state examiner and the fees therefor.

Also,

Senate bill No. 214,

A bill for an act entitled "An act to amend section 2080 of the Revised Codes of 1899, relating to the salary of county treasurers."

Which the house has passed unchanged.

Very respectfully,

J. D. SCANLAN,  
Chief Clerk.

Mr. Wolbert moved

That the senate concur in house amendments to

Senate bill No. 227,

A bill for an act to amend section 3254 of the Revised Codes of 1899 relating to examination of banks by state examiner and the fees therefor, and his report thereon to the governor.

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

Those who voted in the affirmative were:

Messrs.—

Ames,  
Baker,  
Cashel,  
Clarke,  
Cooper,  
Cox,  
Devlin,  
Fuller,  
Geer,

Messrs.—

Hale,  
Hegge,  
Jacobson,  
Laidlaw,  
Lavayea,  
LaMoure,  
Lewis,  
Little,  
Murphy,

Messrs.

Noble,  
Sanborn,  
Sharpe,  
Slotten,  
Swenson,  
Talcott,  
Taylor,  
Williams,  
Wolbert,

Absent and not voting:

Messrs.—  
Lofthus,  
McDougal,

Messrs.—  
Miner,

Messrs.  
Simpson,

So the amendments were concurred in.

House bill No. 160,

A bill for an act to amend section 1936 of the Revised Codes of North Dakota, relating to the publication of proceedings of board of county commissioners.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 24, nays none, absent and not voting 7.

Those who voted in the affirmative were:

Messrs.—

Ames,  
Cashel,  
Clarke,  
Cooper,  
Cox,  
Devlin,  
Fuller,  
Geer,

Messrs.—

Hale,  
Hegge,  
Jacobson,  
Laidlaw,  
Lavayea,  
LaMoure,  
Lewis,  
Little,

Messrs.—

Noble,  
Sanborn,  
Sharpe,  
Slotten,  
Swenson,  
Talcott,  
Williams,  
Wolbert,

Absent and not voting:

Messrs.—

Baker,  
Lofthus,  
McDougal,

Messrs.—

Miner,  
Murphy,

Messrs.—

Simpson,  
Taylor,

Mr. Lofthus being excused.

So the bill passed and the title was agreed to.

Mr. Noble moved

That all after the enacting clause be stricken out and there be inserted the original.

House bill No. 109,

A bill for an act to amend section 1786 of the Revised Codes of the state of North Dakota, edition of 1899, relating to and defining public warehouses, by striking out so much of said section as relates to grist mills.

Which motion was adopted.

House bill No. 109,

A bill for an act to amend section 1786 of the Revised Codes of the state of North Dakota, edition of 1899, relating to and defining public warehouses, by striking out so much of said section as relates to grist mills.

Was read the third time.

The question being upon the final passage of the bill.

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

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Hegge,	Noble,
Cashel,	Jacobson,	Sanborn,
Clarke,	Laidlaw,	Sharpe,
Cooper,	Lavayea,	Simpson,
Cox,	LaMoure,	Slotten,
Devlin,	Lewis,	Swenson,
Fuller,	Little,	Talcott,
Geer,	Miner,	Williams,
Hale,	Murphy,	Wolbert,

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Baker,	McDougal,	Taylor,
Lofthus,		

So the bill passed and the title was agreed to.

Mr. Little moved that the vote by which

House bill No. 109,

A bill for an act to amend section 1786 of the Revised Codes of the state of North Dakota, edition of 1899, relating to and defining public warehouses, by striking out so much of said section as relates to grist mills.

Was passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

Mr. Little moved the following amendment

Amend section 1936 in line 2 of the engrossed bill by striking out the words "it shall be the duty of the board to" and inserting in lieu thereof the following: "The board may in their discretion."

House bill No. 160,

A bill for an act to amend section 1936 of the Revised Codes of North Dakota, relating to the publication of proceedings of board of county commissioners.

Was read the third time.

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

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

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Ames,	Hegge,	Sanborn,
Cashel,	Jacobson,	Sharpe,
Clarke,	Laidlaw,	Simpson,
Cooper,	Lavayea,	Slotten,
Cox,	LaMoure,	Swenson,
Devlin,	Lewis,	Talcott,
Fuller,	Little,	Williams,
Geer,	Murphy,	Wolbert,
Hale,	Noble,	



Absent and not voting:

Messrs.—

Baker,  
Lofthus,

Messrs.—

McDougal,  
Miner,

Messrs.—

Taylor,

Mr. Lofthus being excused.

So the bill passed and the title was agreed to.

Mr. Wolbert moved that further consideration of  
House bill No. 137,

A bill for an act to amend section 1199 and to repeal section 1200 of the Revised Codes of the state of North Dakota, edition of 1899, relating to the mode of listing, assessing and taxing property, including grain in elevators, warehouses and grain houses.

Be indefinitely postponed.

Which motion prevailed.

Mr. LaMoure offered the following resolution:

Resolved, that the secretary of state be requested to forward to the president of the senate, speaker and chief officers and each member of the legislature 15 extra copies of the Legislative Manual when issued and also copies of the last day's journals of the two houses.

Which resolution was adopted.

Mr. LaMoure moved

That a vote of thanks be returned to the presiding officer for the uniform courtesy extended to this body during the session about to close, and including the several officers of the senate.

Which motion prevailed.

Mr. Little moved

That the senate take a recess of 30 minutes.

Which motion prevailed.

The senate reassembled.

#### MESSAGES FROM THE HOUSE.

The following messages were received from the house:

HOUSE OF REPRESENTATIVES,  
BISMARCK, NORTH DAKOTA,  
March 8, 1901.

Mr. President:

I have the honor to return herewith  
Senate bill No. 208,

A bill for an act entitled an act concerning the inspection of live stock before shipment, creating the office of stock inspector and prescribing his duties and compensation.

Also,

Mr. President:

I have the honor to transmit herewith

Senate bill No. 176,

A bill for an act entitled an act to amend section 144a, Revised Codes, 1899, relating to appointment of assistant examiner.

Which the house has passed unchanged.

Also,

I have the honor to inform you that the house has refused to concur in the senate amendment to

House bill No. 160,

A bill for an act to amend section 1936 of the Revised Codes of North Dakota, relating to the publication of proceedings of board of county commissioners.

And the speaker has appointed as a conference committee: Messrs. Cassell, Packard and Sargeant.

Very respectfully,

J. D. SCANLAN,  
Chief Clerk,

The president announced as members of the conference committee on the part of the senate on

House bill No. 160,

A bill for an act to amend section 1936 of the Revised Codes of North Dakota, relating to the publication of proceedings of board of county commissioners.

Messrs. Wolbert, Cooper and Cox.

The conference committee made the following report:

Mr. Speaker:

Your committee on conference to whom was referred

House bill No. 89,

A bill for an act to amend section 2073, chapter 27, of the Revised Codes of 1899 of the state of North Dakota relating to the salaries of county auditors.

Have had the same under consideration and refuse to recede.

R. C. SANBORN,  
D. E. GEER,  
G. W. WOLBERT,  
Committee.

Mr. Little moved

That a committee be appointed to wait upon the governor and inform him that we are about to adjourn and ask if he has any further communication.

Which motion prevailed, and

The president appointed as such committee Messrs. Little, Noble and Ames.

The secretary announced that the president was about to sign

Senate bill No. 145,

A bill for an act to amend section 1979 of the Revised Codes of 1899, relating to duties of state's attorneys.

Also,

Senate bill No. 194,

A bill for an act entitled "an act to amend sections 1168 and 1173 of the Revised Codes of 1899, relating to ferries."

And the president signed the same in the presence of the senate.

Mr. Murphy moved that the rules be suspended and

House bill No. 133,

A bill for an act fixing the liability of railroad companies for injuries sustained by employes of such companies in consequence of the negligence of fellow employes.

Be put on its third reading and final passage.

Mr. Little moved as a substitute that we take a recess for 10 minutes.

The substitute prevailed.

The secretary announced that the president was about to sign

Senate bill No. 197,

A bill for an act entitled an act to amend section 217 of the Revised Codes of 1899 providing for the leasing of public lands

Also,

Senate bill No. 227,

A bill for an act to amend section 3254 of the Revised Codes of 1899 relating to examination of banks by state examiner and the fees therefor, and his report thereon to the governor.

Also,

Senate bill No. 233,

A bill for an act to amend section 5658 of the Revised Codes of 1899 relating to attendance of witnesses for examination.

Also,

Senate bill No. 167,

A bill for an act to amend sections 3137 and 3142 of the Revised Codes of 1899, relating to insurance premiums to be paid, conditions of policy, assessments and liability of policy holders.

Also,

Senate bill No. 137,

A bill for an act to amend sections 73 and 76 of the Revised Codes of 1899, relating to public printing and making an appropriation therefor.

Also,

Senate bill No. 217,

A bill for an act entitled an act directing state auditors to pay over funds belonging to agricultural college and deaf and dumb asylum to the respective institution treasurers and providing for the application of such funds.

Also,

Senate bill No. 158,

A bill for an act to provide for the protection of the health,

lives and interests of the coal miners of North Dakota, and to provide for the inspection of all coal mines in this state, and the conducting and operating of coal mines, and to create a state inspection of mines.

Also,

Senate bill No. 195,

A bill for an act entitled an act to amend section 1311 of the Revised Codes of 1899 relating to extraordinary expenditures.

Also,

House bill No. 177,

A bill for an act to make an appropriation for the collection, arrangement and display of the products of the state of North Dakota at the Pan-American exposition of 1901, and to provide for the expenses of the state commissioners thereof.

Also,

House bill No. 200,

An act authorizing the county commissioners to build and equip dipping tanks at county expense.

Also,

House bill No. 7,

A bill for an act to amend section 1941 of the Revised Codes of the state of North Dakota, relating to the presentation and acceptance of proposals for the deposit of county funds, and the bonds of county depositories.

Also,

House bill No. 166,

A bill for an act to provide for the satisfaction of judgments when any person having the power or authority to satisfy the same cannot be found.

Also,

House bill No. 140,

A bill for an act to amend section 76 of chapter 126 of the laws of 1897, being section 1261 of the Revised Codes of the state of North Dakota, 1899, in regard to revenue and taxation, and providing that in bidding at public vendue the purchaser who will pay the total amount of taxes, penalties and costs charged against land sold therefor at the lowest rate of interest shall be the best bidder therefor.

Also,

House bill No. 184,

A bill for an act to amend section 207 of the Revised Codes, relating to the taxation of school and institutional lands after the contract for the sale thereof has been made and prohibiting the issuance of tax deeds thereof and providing for dropping the same from the tax lists after the cancellation of said contract.

Also,

House bill No. 188

A bill for an act to amend section 3597 of the Revised Codes of the state of North Dakota in regard to the record of certain instruments and the admissability in evidence of instruments entitled to record, without further proof.

Also,

House bill No. 22,

A bill for an act to amend section 225 of the Revised Codes of 1899, so as to enable the lessee of common school and public lands of the state during and within one year after his term shall have expired to remove from such lands any fencing, buildings or improvements he may have made thereon or have purchased from his predecessor.

Also,

House bill No. 66,

A bill for an act to amend section 441 of the Revised Codes of North Dakota, relating to jurors.

Also,

House bill No. 36,

An act to amend section 1566 of the Political Code of North Dakota relating to bounty for killing wolves.

Also,

House bill No. 176,

A bill for an act to provide for the collection, arrangement and display of the products and resources of the state of North Dakota, at the Pan-American exposition, to be held at the city of Buffalo, state of New York, in the year 1901.

And the president signed the same in the presence of the senate.

Mr. LaMoure nominated Senator J. B. Sharpe for president pro tem, and moved his election,

Which motion prevailed, and

Mr. Sharpe was declared duly elected president pro tem.

Mr. LaMoure moved

That the senate take a recess of 10 minutes.

Which motion prevailed.

The secretary announced that the president was about to sign Senate bill No. 27,

A bill for an act authorizing the board of trustees of the North Dakota agricultural college to co-operate with the geological, agricultural, and other surveys, organized under the department of the interior of the United States, in completing a topographic, agricultural and geological survey and map of North Dakota and making an appropriation therefor.

Also,

Senate bill No. 223,

A bill for an act to provide for the settlement of claims of the state against sureties on bonds of state depositories.

Also,

Senate bill No. 176,

A bill for an act entitled an act to amend section 144a, Revised Codes, 1899, relating to appointment of assistant examiner.

Also,

Senate bill No. 232.

A bill for an act to amend section 3218 of the Revised Codes of 1899 relating to the examination of building and loan associations by the state examiner and the fees therefor.

Also,

Senate bill No. 164,

A bill for an act entitled "An act to provide for transfer facilities at track crossings at grade of common carriers, determining how the expenses of such track crossings shall be paid and empowering the board of railroad commissioners to establish reasonable joint through rates."

Senate bill No. 209,

A bill for an act to prevent and punish the desecration of the flag of the United States.

Also,

Senate bill No. 225,

A bill for an act to provide for the investment of the sinking funds of special school districts and to prescribe a mode of executing, satisfying, and foreclosing mortgages taken upon such investments.

Also,

Senate bill No. 214,

A bill for an act entitled "An act to amend section 2080 of the Revised Codes of 1899, relating to the salary of county treasurers."

Also,

Senate bill No. 208,

A bill for an act entitled an act concerning the inspection of live stock before shipment, creating the office of stock inspector and prescribing his duties and compensation.

And the president signed the bills in the presence of the senate.

Mr. Little moved that a committee of three to notify the house that the senate was about to adjourn *sin die* be appointed.

Which motion prevailed.

And the president appointed as such committee: Messrs. Hegge, Devlin and Miner.

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. 194,

A bill for an act entitled "an act to amend sections 1168 and 1173 of the Revised Codes of 1899, relating to ferries."

Also,

Senate bill No. 231,

A bill for an act to amend sections 136, 141 and 145 of the Revised Codes of 1899 relating to the state examiner, his appointment, term of office, qualifications, examination of banks, salary, deputy and his salary, and penalty for malfeasance.

Also,

Senate bill No. 232,

A bill for an act to amend section 3218 of the Revised Codes of 1899 relating to the examination of building and loan associations by the state examiner and the fees therefor.

Also,

Senate bill No. 176,

A bill for an act entitled an act to amend section 144a, Revised Codes, 1899, relating to appointment of assistant examiner.

Also,

Senate bill No. 208,

A bill for an act entitled an act concerning the inspection of live stock before shipment, creating the office of stock inspector and prescribing his duties and compensation.

Also,

Senate bill No. 225,

A bill for an act to provide for the investment of the sinking funds of special school districts and to prescribe a mode of executing, satisfying, and foreclosing mortgages taken upon such investments.

Also,

Senate bill No. 227,

A bill for an act to amend section 3254 of the Revised Codes of 1899 relating to examination of banks by state examiner and the fees therefor, and his report thereon to the governor.

Also,

Senate bill No. 233,

A bill for an act to amend section 5658 of the Revised Codes of 1899 relating to attendance of witnesses for examination.

Also,

Senate bill No. 137.

A bill for an act to amend sections 73 and 76 of the Revised

Codes of 1899, relating to public printing and making an appropriation therefor.

Also,

Senate bill No. 145,

A bill for an act to amend section 1979 of the Revised Codes of 1899, relating to the duties of state's attorney.

Also,

Senate bill No. 158,

A bill for an act to provide for the protection of the health, lives and interests of the coal miners of North Dakota, and to provide for the inspection of all coal mines in this state, and the conducting and operating of coal mines, and to create a state inspection of mines.

Also,

Senate bill No. 164,

A bill for an act entitled "An act to provide for transfer facilities at track crossings at grade of common carriers, determining how the expenses of such track crossings shall be paid and empowering the board of railroad commissioners to establish reasonable joint through rates."

Also,

Senate bill No. 167,

A bill for an act to amend sections 3137 and 3142 of the Revised Codes of 1899, relating to insurance premiums to be paid, conditions of policy, assessments and liability of policy holders.

Also,

Senate bill No. 197,

A bill for an act entitled an act to amend section 217 of the Revised Codes of 1899 providing for the leasing of public lands.

Also,

Senate bill No. 214,

A bill for an act entitled "An act to amend section 2080 of the Revised Codes of 1899, relating to the salary of county treasurers."

Also,

Senate bill No. 195,

A bill for an act entitled an act to amend section 1311 of the Revised Codes of 1899 relating to extraordinary expenditures.

Also,

Senate bill No. 27,

A bill for an act authorizing the board of trustees of the North Dakota agricultural college to co-operate with the geological, agricultural, and other surveys, organized under the department of the interior of the United States, in completing a topographic, agricultural and geological survey and map of North Dakota and making an appropriation therefor.



Also,

Senate bill No. 217,

A bill for an act entitled an act directing state auditors to pay over funds belonging to agricultural college and deaf and dumb asylum to the respective institution treasurers and providing for the application of such funds.

Also,

Senate bill No. 209,

A bill for an act to prevent and punish the desecration of the flag of the United States.

Also,

Senate bill No. 223,

A bill for an act to provide for the settlement of claims of the state against sureties on bonds of state depositories.

And find the same correctly engrossed.

H. E. LAVAYEA,  
Chairman.

The committee on conference made the following report:

Mr. President:

Your committee on conference to whom was referred.

House bill No. 160,

A bill for an act to amend section 1936 of the Revised Codes of North Dakota, relating to the publication of proceedings of board of county commissioners.

Have had the same under consideration and recommend that that the senate recede from their amendment.

G. W. WOLBERT,  
A. B. COX,  
R. C. COOPER.

Mr. Cooper moved

The adoption of the report,

Which motion was lost.

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

Mr. President:

Your committee on enrolled and engrossed bills, respectfully reports that at the hour of 10 p. m. of this day

Senate bill No. 194,

A bill for an act entitled "an act to amend sections 1168 and 1173 of the Revised Codes of 1899, relating to ferries."

Also,

Senate bill No. 195,

A bill for an act entitled an act to amend section 1311 of the Revised Codes of 1899 relating to extraordinary expenditures.

Also,

Senate bill No. 214,

A bill for an act entitled "an act to amend section 2080 of the Revised Codes of 1899, relating to the salary of county treasurers."

Also,

Senate bill No. 232,

A bill for an act to amend section 3218 of the Revised Codes of 1899 relating to the examination of building and loan associations by the state examiner and the fees therefor.

Also,

Senate bill No. 137,

A bill for an act to amend sections 73 and 76 of the Revised Codes of 1899, relating to public printing and making an appropriation therefor.

Also,

Senate bill No. 145,

A bill for an act to amend section 1979 of the Revised Codes of 1899, relating to duties of state's attorney.

Also,

Senate bill No. 158,

A bill for an act to provide for the protection of the health, lives and interests of the coal miners of North Dakota, and to provide for the inspection of all coal mines in this state, and the conducting and operating of coal mines and to create a state inspection of mines.

Also,

Senate bill No. 164,

A bill for "an act to provide for transfer facilities at track crossings at grade of common carriers, determining how the expenses of such track crossings shall be paid and empowering the board of railroad commissioners to establish reasonable joint through rates."

Also,

Senate bill No. 208,

An act concerning the inspection of live stock before shipment, creating the office of stock inspector and prescribing his duties and compensation.

Also,

Senate bill No. 167,

A bill for an act to amend sections 3137 and 3142 of the Revised Codes of 1899, relating to insurance premiums to be paid, conditions of policy, assessments and liability of policy holders.

Also,

Senate bill No. 197,

A bill for an act entitled an act to amend section 217 of the Revised Codes of 1899 providing for the leasing of public lands.

Also,

Senate bill No. 209,

An act to prevent and punish the desecration of the flag of the United States.

Also,

Senate bill No. 217,

An act directing state auditors to pay over funds belonging to agricultural college and deaf and dumb asylum to the respective institution treasurers and providing for the application of such funds.

Also,

Senate bill No. 223,

An act to provide for the settlement of claims of the state against sureties on bonds of state depositories.

Also,

Senate bill No. 231,

An act to amend sections 136, 141 and 145 of the Revised Codes of 1899 relating to the state examiner, his appointment, term of office, qualifications, examination of banks, salary, deputy and his salary, and penalty for malfeasance.

Also,

Senate bill No. 27,

A bill for an act authorizing the board of trustees of the North Dakota agricultural college to co-operate with the geological, agricultural, and other surveys, organized under the department of the interior of the United States, in completing a topographic, agricultural and geological survey and map of North Dakota and making an appropriation therefor.

Also,

Senate bill No. 176,

A bill for an act entitled an act to amend section 144a, Revised Codes, 1899, relating to appointment of assistant examiner.

Also,

Senate bill No. 225,

A bill for an act to provide for the investment of the sinking funds of special school districts and to prescribe a mode of executing, satisfying and foreclosing mortgages taken upon such investments.

Also,

Senate bill No. 227,

A bill for an act to amend section 3254 of the Revised Codes of 1899 relating to examination of banks by state examiner and the fees therefor, and his report thereon to the governor.

Also,

Senate bill No. 233,

A bill for an act to amend section 5658 of the Revised Codes of 1899, relating to attendance of witnesses for examination.

Were delivered to his excellency, the governor, for his approval.

H. E. LAVAYEA,  
Chairman.

Mr. LaMoure moved

That the senate do now adjourn sine die.

Which motion prevailed, and

The senate adjourned sine die.

GEORGE L. TOWNES,  
Secretary.

## SPECIAL COMMITTEE REPORT.

---

The special committee appointed (per resolution on page 599 of printed journal) to correct the journal of the sixtieth day, and to compare the journal of the session with the written journal, respectfully submit the following report:

On page 17 of the printed Journal, line 5, change words "mines and minerals" to "mines and mining," and the same correction to apply to the written Journal on line 9, page 18.

On page 34, next to last line, change figures 27 to read 28. and on last line of same page correct figure 4 to read 3, and make the corresponding changes on page 40 of written Journal.

On line 17, page 36, change figures "1891" to read "1899" and make corresponding correction on page 42 of written Journal.

On line 17, page 47, of printed Journal, the word "be" after the word "floor" should be changed to read "were."

On page 60 of the written Journal on line 25, strike out the words "enrolled and engrossed bills"; and insert in lieu thereof the word "judiciary."

After line 22, page 65 of the written Journal, the following should be inserted: "Which the house has passed and your favorable consideration thereof is respectfully requested."

Also after line 3, page 66, of written journal, the following should be inserted:

"Very respectfully,

J. D. SCANLAN, Chief Clerk."

On line 25, page 69, printed Journal, change "1891" to "1899".

On line 5, page 74, printed Journal, change "W. D. Aust" to "W. D. Austin", and make corresponding correction on page 89 of written Journal.

In line 24, page 76, of printed Journal change word "instituting" to read "substituting", and make the corresponding correction on page 92 in written Journal.

On page 97, line 19 of written Journal, after the word "Codes" insert the words "of North Dakota."

Between lines 14 and 15, page 98 of written Journal insert the words "Concurrent Resolution."

On line 7, page 84 of printed Journal change figure "3" to read "4", and make a corresponding correction in line 21, page 102 of written Journal.

On page 86, printed Journal, line 3, counting from bottom of page, after the word "an" insert the word "act".

On page 87 of printed Journal, in line 3 counting from bottom of page change word "individually" to "individuals".

On line 21, page 96 of printed Journal, change the word "committee" to read "chairman", and make a corresponding correction in line 29., page 117 of written Journal.

Change "as" to "for" on line 6 from bottom on page 122, written Journal, to correspond with the printed Journal on page 100.

Change the word "provide" in fifth line from top of page 123, written Journal, to "prescribe", to correspond with printed Journal on page 101.

After the word "of" in line 24, on page 123, written Journal, add the words "the fraternities or associations, commonly known as the various organizations of," to correspond with the printed journal, page 101.

On page 128 of written Journal after the word "act" in line 17 add the words "entitled an act" to correspond with the printed Journal, page 105.

In the tenth line from the bottom on page 130 written Journal insert the words "Mr. President," to correspond with the printed Journal on page 167.

In line 21 written Journal on page 132 after the word "taxation" add "have had the same under consideration and recommend that the same do pass," to correspond with the printed Journal, page 109.

J. B. SHARPE, Chairman.

In line 1 of the written Journal, page 140, change "1891" to "1899" and make a corresponding change in the printed Journal, page 114, line 6 from bottom of page.

On page 154 of written Journal after the word "do" in line 12 from the bottom add the words "and find the same correctly engrossed."

After "house" in line 15 from the bottom of page 161, written journal, add the words: "The following message was received from the house."

In line 22, page 133, printed Journal, substitute "house" for the word "senate."

In last line of written Journal, page 165, Mr. Hegge's motion should read: "That all house bills which were read the first time today be read a second time and referred to their appropriate committee" to correspond with the printed Journal, page 137.

In line 22, written Journal, page 166, add:

"Also,

"Senate bill No. 129,

"A bill for an act relating to the manner of making and filing claims against the state and prescribing forms to be used.

"Which was read the first and second times and referred to the committee on state affairs,"

To correspond with the printed journal, page 137.

In line 20, page 182, written journal, after the word "state," add "university," to correspond with printed journal, page 151.

In line 23, written journal, page 185, substitute "Lewis" for "Little," to correspond with the printed journal, page 153.

In line 30, page 192, written journal, substitute the word "two" for "three" to correspond with printed journal, page 159.

In line 13, written journal, page 199, substitute "182" for "12S" to correspond with printed journal, page 164.

In line two from the bottom, page 219, written journal, insert the words "Mr. Little moved that the vote by which," to correspond with the printed journal, page 180.

In date line of 33d day, page 186 of the printed journal, change "G" to "9."

On page 194, printed journal, after the roll call on House bill No. 92, add "so the bill passed and the title was agreed to," to correspond with written journal, page 235.

In line ten from the bottom, written journal, page 241, substitute the word "usurious" for "usury," to correspond with printed journal, page 199.

In line 7 from bottom, page 245, written journal, substitute the word "house" for "senate," to correspond with the printed journal, page 202.

In line 4 from the bottom, page 246, written journal, after the word "codes" add "of North Dakota," to correspond with printed journal, page 203.

In line 23, page 248, written journal, after the word "courtesies" add "of the floor were extended," to correspond with the printed journal, page 204.

In line 14, page 250 of the printed journal, after the word "act" add "entitled an act," to correspond with the printed journal, page 206.

On page 252 of the printed journal, the entire record of the third reading and vote on final passage of Senate bill No. 121 is omitted, and the record as given on page 209, printed journal, should be inserted.

In line 10 from bottom of written journal, page 260, strike out the figure "2" to correspond with the printed journal, page 215.

On page 216 of written journal the entire record of "Reports of Standing Committees" and the committee report on Senate bill No. 148 and the adoption of the report by the senate is omitted, and the record should be inserted to correspond with the printed journal, as given on pages 216 and 217.

In line 2 from bottom of page 262, written journal, after the word "mines" add "and to create a state inspector of mines," to correspond with page 218 of the printed journal.

On page 263 of written journal the order of House bills 92 and 93 is transposed as per order in printed journal, page 219.

On page 268 of written journal after line 7, and on page 223 of printed journal after line 4 insert the words "so the bill passed and the title was agreed to."

On page 270, line 2, of written journal, after the word "law" add "which motion prevailed," to correspond with page 224 of printed journal.

In line 13, printed journal, page 225, change "Bacon" to read "Baker."

In line 24, page 272, written Journal, insert the following: "That the title of said bill be amended so as to read as follows:" to correspond with page 226 of printed Journal.

In line 13, page 295, written Journal, after 1899 add "relating to dissolution of marriage."

"Also,

"Senate Bill No. 58,

"A bill for an act to amend section 6435 of the Revised Codes of 1899" to correspond with page 245 of printed Journal.

In line 23, written Journal, page 318, after words "section 2" add "on page 2" to correspond with printed Journal, page 264.

On page 267 of printed Journal, after words "Motions and Resolutions," insert the words as they appear on line 19 and all following on the page excepting the last line, and following this insertion insert lines 13, 14, 15 16, 17, 18, and the last line on the page, and change the order of pages 322 and 323 of written journal to correspond.

In line 9 from bottom of page 270 of printed Journal substitute "irrigation for emigration" to correspond with written Journal, page 326.

In the printed Journal, page 272, and written Journal 328 strike out Wolbert where the name appears preceding the name Lavayea in the affirmative vote on Senate Bill No. 21.

In line 26, page 274 of the printed Journal, after word "Messrs." insert the word "Clark."

In line 7, written Journal, page 341, strike out the words "the motion prevailed," and substitute "The report was adopted."

In line 1, page 342, written Journal, strike out "entitled an act."

In line 23, written Journal, page 358, change the word "section" to "chapter."

In line 8, printed Journal, page 303, change "V. B. Sharpe" to "J. B. Sharpe."

In line 14 from bottom written Journal, page 369, after "1899" insert "relating to filing of certificates of fire departments of cities which the

house has passed and your favorable consideration thereof is respectfully requested."

"Also return herewith

Substitute for S. B. No. 4,

"A bill for an act repealing 410 of the Revised Codes of 1899" to correspond with printed Journal, page 305.

To correspond with the written Journal line 14, page 372, the printed journal, page 307 should read Dec. 31, 1901.

On page 310, printed journal after the final passage of Senate bill 153, should appear "Mr. Lavayea was called to the chair."

After line 26, page 375 of written journal, insert "Mr. Talcott moved that" after the words "view to profit" in line marked 5 of section 1 in printed bill, strike out the remainder of "subdivision 1 of said section."

On page 314, printed journal, strike out all of lines 9 and 10 from bottom.

Strike out all of lines 9 and 10, page 384, written journal.

After the word "bond" in line 2 from the bottom, page 384, written journal, add "shall in the amount which the state loses by reason of the breach of such bond."

In line 14 from the bottom of page 386, written Journal, substitute "H. E. Lavayea" for "F. S. Talcott," to correspond with line 11 of page 319 of printed journal.

In line 8, written journal, page 388, substitute "return" for "transmit."

In line 10 counting from the bottom, page 388 of written journal, after the words "of the" add "Revised Codes of the."

In line 16 from bottom, page 390, written Journal, add "which motion prevailed."

In roll call on Senate bill 85, page 397, written Journal Mr. Jacobson is credited with voting in the negative when he was excused—same correction to be made on page 329 of printed Journal.

On line 2 from bottom of page 403, written Journal, add "the village" to correspond with printed Journal, line 22, page 334.

On fifth line from bottom of page 407, after "sufficient" add "amount" to compare with printed Journal, page 337.

On page 408, written Journal, line 14, after "whenever" insert word "there" to compare with printed Journal, page 337.

On page 408, written Journal, line 15 from bottom after "emergency" change "question" to "section" to compare with page 337 of printed Journal.

On page 409, written Journal, line 18, change "senate" bill to "house" bill to compare with same on page 338 printed Journal.

On page 412, written Journal, line 3 from top change "of" to "for" after word "school" to agree with printed Journal, page 340.

On page 414, written Journal, line 15, after the word "training" insert "located" to agree with same on page 342 printed Journal.

On page 419, written Journal, in roll call after the word "Cashel" insert the word "Clarke" to agree with page 344 of printed Journal.

On page 419, written Journal, line 19 from bottom after "year" add words "Was read the third time" to agree with page 345, printed Journal.

On page 420, written Journal, line 19, after word "year" insert "Was read the third time," to make same to correspond with printed Journal, page 345.

On page 426, written Journal, line 9 from bottom after word "representative" insert "districts."

On page 434, written Journal, line 25 from bottom after word "and" insert "recommend."

On page 436, written Journal, line 3 from bottom after "considered" insert "today."



On page 438, written Journal, line 9 from bottom insert "The state of North Dakota," after words "Codes of."

On page 440, written Journal, line 2 from top after "permanent" insert "improvements."

On page 443, written Journal, line 10 from bottom should read "Message from the Governor."

On page 444, written Journal, line 13 from top after "Codes of" insert "the state of North Dakota."

On page 449, written Journal, line 2 from bottom of page strike out words "North Dakota."

On page 451, written Journal, line 19 from bottom change the word "powers" to "figures" and add all of lines 21 and 22 of page 372, printed Journal.

On page 451, written Journal, line 1 from bottom after word "bill" insert "as amended."

On page 453, written Journal, line 15 from bottom after figures "1941" insert "of the."

On page 453, written Journal, line 14, after word "to" insert word "the."

On page 458, line 15 from top after word "years" insert "from."

On page 458, written Journal, line 20 from bottom after word "school" insert "for one full school."

On page 460, written Journal, line 15 from bottom after the word "college" strike out the word "student" and insert the word "graduates" in lieu thereof.

On page 462, written Journal, line 3 from top, after the word "paid" insert all of the 13th line in the printed Journal, page 351.

On page 468, written Journal, line 16 from bottom, after figures "1899", add "the same being chapter 35 of the laws of 1899."

On page 470, written Journal, line 2 from top, after "and" strike out the word "providing" and insert words "to provide" in lieu thereof.

On page 472, written Journal, line 12 from bottom, after the word "of" add "North Dakota."

On page 473, written Journal, line 3 from top, after words "Express Co." add "freight line companies, equipment companies."

On page 473, written Journal, line 3 from bottom, after the word "act" insert "entitled an act."

On page 477, written Journal, line 11 from top, insert "being absent and not voting."

On page 477, written Journal, line 23 from top, after word "act" insert the words "entitled an act."

On page 486, written Journal, line 20 from top, after "codes" insert the words "of the state of North Dakota."

On page 487, line 9 from bottom, written Journal, after "act" insert the words "entitled an act to amend section 144a Revised Codes, 1899."

On page 496, written Journal, line 4 from top insert all of line 1 of printed Journal, page 411.

On page 496, written Journal, line 9 from top after word "act" strike out the three following lines.

On page 496, written Journal, 11 lines from bottom, after "6346" insert the words "of the."

On page 500, written Journal, 7 lines from top, after "act" insert "entitled an act."

On page 502, written Journal, line 11 from bottom, after "Codes" insert the words "of the state of North Dakota."

On page 504, written Journal, after "J. D. Scanlan, Chief Clerk," insert the following 8 lines in printed Journal, page 418.

On page 511, written Journal, 4 lines from bottom after "Codes" insert the words "North Dakota."

On page 518, written Journal, 5 lines from bottom, after "resources" insert the words "of agricultural importance."

On page 521, written Journal, line 11 from bottom, after "act" insert the word "entitled."

On page 522, written Journal, Senate bill No. 39 omitted as per on page 433, printed Journal.

On page 524, written Journal, insert lines 9 and 10 from bottom of page 435 of printed Journal.

On page 525, written Journal, line 9 from top after "act" insert words "entitled an act".

On page 536, written Journal, 20 lines from bottom the word "Sharpe" should be omitted.

On page 536, written Journal, line 5 from bottom after "Codes" insert words "of North Dakota."

On page 548, written Journal, line 10 from bottom, insert word "senate" after "also."

On page 551, written Journal, line 2 from top after "Codes" insert words "of the state of North Dakota, edition of."

On page 552, written Journal, line 24 from bottom after "distinction" omit words "of such injury."

On page 572, written Journal, line 10 from bottom, after "policy" insert the word "holder."

On page 583, written Journal, 9 lines from bottom, insert after state "and the conducting and operating of coal mines."

On page 599, written Journal, line 15 from bottom, after word "bill" insert "as amended passed and the title was agreed to."

On page 548, printed Journal, "H. J. Nevin, chairman," should read "J. H. Miner, chairman."

On page 679, written Journal, House bill No. 16 and house bill No. 167 are omitted.

On page 686, written Journal, after "Senate bill No. 142," insert "Senate bill No. 71."

On page 686, written Journal, in the 25th line after "North Dakota" insert the words "and to repeal section 325 of the code of civil procedure of North Dakota."

On page 695, written Journal, after the word "excused", in line 18 from bottom, insert the words "so the bill passed and the title was agreed to."

On page 698, written Journal, after the word "excused," in the second line from top, insert the words "so the bill passed and the title was agreed to."

On page 706, written Journal, after the word "chairman" in the 19th line from top insert "committee on appropriations report" as it appears on page 597, printed Journal.

On page 729, written Journal, "House bill No. 179" should read "House bill No. 197."

On page 753, written Journal, after the word "also" in second line from top, insert the words "Senate bill No. 223, a bill for an act to provide for the settlement of claims of the state against sureties on bonds of state depositories."

Mr. President:

Your committee beg to report that with the foregoing corrections they believe the written and printed journals of the Seventh legislative assembly are substantially correct.

H. E. LAVAYEA, Chairman.  
GEO. L. TOWNES, Secretary.



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**INDEX.**

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## SENATE BILLS.

Bill Number	Introduced by	Relating to	Introduced	First Reading	Second Reading
	Messrs.—				
1	Little .....	Trials of civil actions.....	10	10	26
2	Little .....	Claims against estates of decedents.....	10	10	21
3	Little .....	Mailing summons and complaint.....	10	10	21
4	LaMoure.....	Terms of court, Seventh Judicial district.....	10	10	21
4	Judiciary Com.....	Substitute for Senate bill No. 4.....	36	36	36
5	Lewis .....	Status and government of associations known as lodges, chapters, posts, etc.....	12	12	21
6	Lewis .....	Incorporation of benevolent, charitable and social institutions.....	12	12	21
7	Talcott.....	Embezzlement for retaining fees.....	12	12	21
8	Little .....	To waive service of citation.....	12	12	21
9	Cashel.....	Funding warrants.....	12	12	22
10	Cashel.....	Selection of candidates for election by popular vote and relating to nominations.....	12	12	26
10	Cashel.....	Substitute for Senate bill No. 10.....	191	191	192
11	Sharpe.....	Recording of marks and brands.....	13	13	22
12	Simpson.....	Legislative officers and employees and their compensation.....	15	15	15
13	Lavayea.....	Exceptions to depositions.....	15	15	26
14	Sanborn.....	Extension of payment of 1890 taxes.....	20	20	26
15	Sanborn.....	Parties to actions to foreclose mortgages.....	20	20	26
16	Sanborn.....	Forbidding and preventing the practice of law by judges of courts having increased jurisdiction.....	20	20	26
17	Slotten.....	Reimbursing parties for loss on leasing school lands.....	24	24	37
18	Lavayea.....	Extension of time for payment of 1890 taxes.....	24	24	37
19	Taylor.....	Depositories of county funds.....	25	25	37
19	Taylor.....	Substitute for Senate bill No. 19.....	...	97	112
20	Taylor.....	Admission of graduates from law department university of North Dakota to the bar to practice law.....	25	25	37
21	Lewis .....	Fraternal, beneficiary societies, orders or associations.....	25	25	43
22	Lewis .....	Exemptions.....	25	25	37
23	Hale.....	Exemptions.....	25	25	37
24	Hale.....	Lien upon threshing engines or separators for repairs.....	25	25	37
25	Hale.....	Granting highway across encampment grounds at Rock Island.....	25	25	37
26	Lewis .....	Qualifications of voters.....	25	25	37
27	Lewis .....	Topographic, agricultural and geological survey and maps.....	25	25	44
28	Lewis .....	Incorporation of cities with population of 9000 and over.....	25	25	55
29	Little .....	Directing judgment and granting motion for new trial by supreme and district courts.....	26	26	38
30	Little .....	Appropriation, expenses and improvements state penitentiary.....	26	26	38
31	McDougal.....	Buildings for reform school at Mandan.....	26	26	38
32	Ames.....	Taxing hawkers and peddlers.....	28	28	44
33	Ames.....	Securing from loss persons who furnish materials or labor in erecting or repairing public buildings.....	29	29	38
34	Murphy.....	Limitations of actions.....	29	29	38
35	Lewis .....	Examination of parties to actions by adverse parties.....	29	29	38
36	Swenson.....	Settlement of estates of decedents.....	29	29	38
37	Wolbert.....	Warrants and vouchers.....	29	29	38



## SENATE BILLS—Continued.

Bill Number	Introduced by	Relating to	Introduced	First Reading	Second Reading
	Messrs.—				
38	Wolbert.....	Education, amending section 913.....	29	29	39
39	Wolbert.....	Education, amending section 888.....	29	29	39
40	Lewis.....	Transaction of business by fire insurance companies or associations other than through resident agents.....	29	29	39
41	Little.....	Rules and regulations of twine plant.....	30	30	44
42	Ames.....	Creation of special school districts in incorporated cities, towns and villages.....	35	35	35
43	Cox.....	Maintenance and support normal school at Valley City.....	35	35	35
44	Lewis.....	Appropriation for North Dakota agricultural college and experimental station at Fargo.....	35	35	35
45	Murphy.....	Salary of clerk of district court.....	35	36	36
46	Murphy.....	Defective acknowledgments.....	36	36	36
47	Wolbert.....	Stock running at large.....	36	36	36
47	Judiciary Com...	Substitute for Senate bill No. 47.....	126	100	100
48	Wolbert.....	Liability of owner for trespass of animals.....	36	36	36
49	Wolbert.....	Discovery of property withheld from taxation.....	36	36	36
50	Wolbert.....	Education, amending sections 887, 869, etc.....	36	36	36
51	Hale.....	State military board.....	36	36	36
51	Military Affairs..	Substitute for Senate bill No. 51.....	95	97	100
52	Hale.....	Efficiency of national guard.....	36	36	36
53	Cooper.....	Appropriation for deficit fuel account, hospital for insane.....	43	43	55
54	Noble.....	Veterinary districts.....	43	43	64
55	Hale.....	Persons not attorneys acting as attorneys or counselors at law.....	43	43	55
56	Taylor.....	Objects and departments of university.....	43	43	65
57	Little.....	Drawing of warrants by state auditor upon state treasurer.....	43	43	55
58	Ames.....	Sales of real estate by executors and administrators.....	47	47	65
59	Cooper.....	Current and contingent expenses, hospital for insane.....	47	47	65
60	Sharpe.....	Senatorial and representative districts and number of senators and representatives.....	47	47	55
61	Noble.....	Commencement of actions in justice court.....	47	48	55
62	Noble.....	Appeals in county court.....	48	48	55
63	Cox.....	Appointment state and district veterinarians and prescribing their duties.....	48	48	65
64	Little.....	Manner of commencing civil actions.....	48	48	65
65	Murphy.....	Revenue and taxation.....	52	52	65
66	Simpson.....	Fraudulently obtaining food and accommodations at inns.....	53	53	66
67	Ames.....	Appropriation for improvements and expense state normal school, Mayville.....	53	53	73
68	Noble.....	Board of pardons and prescribing its powers and duties.....	53	53	73
69	Miner.....	Senatorial and representative districts and number of senators and representatives.....	53	53	73
70	LaMoire.....	State auditing board.....	53	53	66
71	Little.....	Time of holding caucuses and issuance of certificates of election.....	53	53	73
72	LaMoire.....	Bounty on starch.....	53	53	66
73	LaMoire.....	Divorce.....	53	53	66
74	LaMoire.....	Elections.....	54	54	66
75	Sanborn.....	Appropriation for soldiers' home.....	63	63	63
76	Lavayea.....	Kidnaping.....	63	63	63

SENATE BILLS—Continued.

Reported	Amendments	Third Reading	Passed	Lost	Subsequent Action	Received from House					Enrolled	To Governor	Approved
						Passed	Lost	Amendments	Concurrence	President Signed			
428	428	469	470	....	433	....	527	....	....	....	....	....	....
427	427	469	469	....	433	....	526	....	....	....	....	....	....
46	47	57	57	....	52 157	147	....	147	149	154	157	158	196
75	75	82	83	....	82	101	....	....	....	111	111	115	139
302	....	325	325	....	325 335	545	....	545	554	602	606	625	....
242 112	243	293	294	....	280 294	490	....	....	....	513	509	541	....
....	214	240	240	....	230 252	....	527	....	....	....	....	....	....
....	282	349	....	....	303 350	....	....	....	....	....	....	....	....
51	....	67	67	....	70	376	....	....	....	422	399	406	449
58 126	....	....	....	....	157 406	....	....	....	....	....	....	....	....
....	....	138	138	....	....	454	....	454	461	492	486	488	520
....	100	114	115	....	119	454	....	....	....	493	487	488	520
229 229	291	292	....	292	....	....	....	....	....	....	....	....	....
186 380	186	444	444	....	405 444	....	527	....	....	....	....	....	....
....	380	....	....	....	....	139	....	....	....	492	....	....	....
95	186	....	....	....	....	....	....	....	....	....	....	....	....
125	....	139	139	....	....	455	....	....	....	....	....	....	....
119	....	131	131	....	185 136	545	620	545	....	....	487	489	520
....	....	136	136	....	608	....	....	....	....	....	....	....	....
358	358	408	408	....	432	595	....	....	....	603	627	626	....
146	....	....	....	....	371	....	....	....	....	....	....	....	....
....	....	....	....	....	....	....	....	....	....	....	....	....	....
187	187	220	220	....	201	....	436	....	....	....	....	....	....
77	....	84	84	....	92 208	233	....	....	....	256	....	265	266
....	....	....	....	....	....	244	....	....	....	....	....	....	....
95	....	102	102	....	110 245	233	....	....	....	256	....	265	266
....	....	....	....	....	....	....	....	....	....	....	....	....	....
341	341	346	347	....	347 362	491	....	....	....	512	508	541	....
....	....	531	531	....	....	....	....	....	....	....	....	....	....
158	158	180	180	....	180 190	286	....	286	293	352	....	363	366
....	180	....	....	....	292	304	....	....	....	....	....	....	....
70	....	80	81	....	89 99 388	545	....	545	555	....	606	....	....
....	....	....	....	....	....	....	....	....	....	....	....	....	....
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143	144	....	....	....	....	....	....	....	....	601	....	....	....
157	....	207	208	....	215	544	....	....	....	557	575	578	....
96	....	103	103	....	103 115	....	342	....	....	....	....	....	....
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....	307	....	....	....	....	....	....	....	....	....	....	....	....
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263	263	307	308	....	280 308	490	....	....	....	513	509	540	....
....	....	....	....	....	....	....	....	....	....	608	....	....	....
157	....	199	200	....	201	453	....	453	462	492	488	488	521
....	....	....	....	....	....	....	....	....	....	....	....	....	....
....	....	....	....	....	....	....	....	....	....	....	....	....	....
76	....	84	84	....	157	148	....	....	....	154	157	158	190
....	....	....	....	....	....	....	....	....	....	....	....	....	....
156	....	208	208	....	89 215	543	....	....	....	557	575	579	....
77	....	85	85	....	99	320	....	....	....	352	361	363	366
96	....	103	104	....	110 244	233	....	....	....	257	244	265	266
187	187	210	210	....	201	455	....	....	....	492	487	489	521
339	340	347	347	....	347 362	491	....	....	....	513	509	541	....
95	....	104	104	....	110	148	....	....	....	154	157	158	191



## SENATE BILLS—Continued,

Bill Number	Introduced by	Relating to	Reference		
			Introduced	First Reading	Second Reading and
	Messrs.—				
77	Lavayer.....	Qualifications of voters.....	63	64	64
78	Simpson.....	Special tax for payment of wolf bounties.....	64	64	64
79	Noble.....	Injunctions.....	64	64	64
80	Cox.....	Residence, salaries and clerk hire of state officers.	64	64	64
81	Sharpe.....	Appropriation for industrial school.....	64	64	64
82	Baker.....	Primary elections.....	71	71	71
83	Hale.....	Appropriation for deaf and dumb school.....	71	71	71
84	Little.....	Parties defendant in certain civil actions and amending sections 5907 and 5907a.....	71	71	71
85	Little.....	Appropriation for increased clerical work in office of state treasurer.....	72	72	72
86	Simpson.....	Fugitives from justice.....	72	72	72
87	Jacobson.....	Sale of dressed beef.....	72	72	72
88	Wolbert.....	Compensation of county commissioners.....	72	72	72
89	Miner.....	Duties of judges in courts of limited jurisdiction..	72	72	72
90	Miner.....	Duties of attorneys at law.....	72	72	72
91	Lewis.....	Erection, equipment and improvement, agricultural college.....	72	72	72
92	Noble.....	Extermination of antelope.....	73	73	73
93	Hale.....	Bounties for manufacture of spinning fiber.....	79	79	79
94	Hale.....	Manufacture of binding twine.....	79	79	79
95	Hale.....	Duties county auditor as to certification of abstracts of title.....	79	79	79
96	Talcott.....	Deed not to be recorded without auditor's certificate of taxes paid.....	79	79	79
97	Talcott.....	Study of foreign languages in district schools.....	79	79	79
98	Talcott.....	Redemption and filing certificates.....	79	79	79
99	Wolbert.....	Assessor's statement and return of auditor.....	79	79	79
100	Simpson.....	Appropriation for district and chief state veterinarians.....	80	80	80
101	Talcott.....	Embezzlement.....	80	80	80
102	Ames.....	Cities having 1,000 or more inhabitants to extend their corporate limits.....	90	90	90
103	Ames.....	Additional bond to be furnished by city treasurers	90	90	90
104	Hale.....	Division of school districts.....	90	90	90
105	LaMoure.....	Liens in general.....	91	91	91
106	Murphy.....	Lien for grain to be used for seed.....	96	96	100
107	Murphy.....	Sale and use of dangerous and impure oils.....	97	97	112
108	Wolbert.....	County mutual insurance companies.....	97	97	100
109	Hale.....	Sale of cigarettes and cigarette paper.....	97	97	101
110	Murphy.....	Form of judgment when sale of land is adjudged void and for recovery of money in such cases....	100	100	100
111	Ames.....	Printing of briefs and abstracts on appeal to the supreme court.....	111	111	111
112	Lewis.....	Punishment for refusal or neglect to support a minor child.....	111	111	111
113	Sharpe.....	Bonds to secure seed grain for needy farmers.....	111	111	111
114	Cashel.....	Concurrent resolution, appropriating land for hospital for insane at Jamestown and locating institution for feeble minded at Grafton.....	111	111	111
115	Talcott.....	Number and election of county officers.....	111	111	111
115	Talcott.....	Substitute for Senate bill No. 115.....	256	256	256

SENATE BILLS—Continued.

Reported	Amendments	Third Reading	Passed	Lost	Subsequent Action	Received from House					Enrolled	To Governor	Approved
						Passed	Lost	Amendments	Concurrence	President Signed			
.....	.....	.....	.....	.....	157	.....	492	.....	.....	.....	.....	.....	.....
215	215	373	373	.....	230 873	.....	.....	.....	.....	.....	.....	.....	.....
.....	373	.....	.....	.....	387	.....	.....	.....	.....	.....	.....	.....	.....
145	145	183	183	.....	156	544	.....	544	553	601	606	624	.....
278	278	311	322	312	304 321	.....	436	.....	.....	.....	.....	.....	.....
.....	322	.....	.....	.....	335	.....	.....	.....	.....	.....	.....	.....	.....
340	340	345	346	346	362	491	.....	.....	.....	513	509	541	.....
.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
278	278	344	344	.....	303 345	490	.....	.....	.....	513	509	540	.....
.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
245	245	308	309	.....	280 319	546	.....	.....	.....	601	606	625	.....
.....	308	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
298	298	328	329	.....	318 329	562	.....	562	.....	602	606	625	.....
.....	328	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
108	108	122	122	.....	120	593	.....	.....	.....	602	627	625	.....
.....	122	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
146	146	194	195	.....	156 353	515	342	.....	.....	511	539	576	.....
.....	194	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
96	96	494	104	.....	104 110	454	.....	454	494	513	509	542	.....
.....	.....	.....	.....	.....	527	.....	.....	.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
378	.....	441	442	.....	442 460	528	.....	.....	.....	557	550	576	.....
143	188	180	180	.....	190 195	544	.....	.....	.....	557	575	578	.....
.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
118	.....	131	131	.....	135	529	.....	.....	.....	558	550	577	.....
.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
143	.....	181	181	.....	190	543	.....	.....	.....	558	575	577	.....
.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
134	.....	152	152	.....	156	544	.....	544	584	617	627	623	.....
.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
213	213	238	238	.....	231	453	.....	.....	.....	493	486	489	521
.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
112	.....	.....	.....	.....	112	.....	.....	.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
108	108	122	122	.....	119	.....	.....	.....	.....	.....	.....	.....	.....
.....	122	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
96	428	105	105	.....	117	320	.....	.....	.....	352	361	364	368
.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
134	.....	151	152	.....	157	516	.....	.....	.....	511	540	539	.....
.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
119	119	137	138	.....	.....	543	.....	.....	.....	558	575	578	.....
.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
112	.....	121	121	.....	.....	455	.....	.....	.....	498	486	489	521
.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
108	189	105	221	222	221 221	455	.....	.....	.....	493	487	489	521
.....	.....	.....	.....	.....	231	.....	.....	.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
118	.....	140	140	.....	107 147	376	.....	376	389	422	.....	407	449
.....	.....	.....	.....	.....	202 405	.....	.....	.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
355	355	439	439	.....	386 434	518	.....	.....	564	603	627	625	.....
.....	439	.....	.....	.....	440 528	.....	.....	.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	561 563	.....	.....	.....	.....	.....	.....	.....	.....
126	126	141	142	.....	135	455	.....	.....	.....	493	487	489	521
.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	156	.....	.....	.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
214	.....	238	238	.....	244 405	376	.....	.....	.....	422	.....	407	449
.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
358	338	371	372	.....	363	.....	436	.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
126	126	141	141	.....	135	233	.....	233	253	276	280	283	.....
.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
125	.....	141	141	.....	147	266	.....	.....	.....	422	280	286	.....
.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
134	134	.....	.....	.....	147	.....	.....	.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
281	281	372	372	.....	304 386	546	.....	546	.....	603	627	625	.....
.....	372	.....	.....	.....	553 562	.....	.....	.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	580	.....	.....	.....	.....	.....	.....	.....	.....

## SENATE BILLS—Continued.

Bill Number	Introduced by	Relating to			
			Introduced	First Reading	Second Reading and Reference
<b>Messrs.—</b>					
116	Little .....	Title to real estate.....	120	120	130
117	Sanborn .....	Annual meeting board of trustees of soldiers' home	120	120	130
118	Noble .....	Covenants of warranty.....	120	120	130
119	Lofthus.....	Appeals from justice court and payment of transcript fees.....	120	120	130
120	Murphy .....	Creation of liens upon future interests.....	129	129	129
121	Little .....	Appropriation for executive mansion.....	129	129	129
122	Sanborn.....	Offset due on delinquent taxes.....	129	129	129
123	Talcott.....	Depositories for county funds.....	129	129	129
124	Cashel.....	Fund for retiring bonded indebtedness of the state	129	129	129
125	Lavayea .....	Asylum and poor farm .....	129	130	130
126	Hegge .....	Rate of state and county tax and prescribing manner of levy .....	130	130	130
127	Simpson.....	Fees and compensation of sheriffs.....	137	137	137
128	Wolbert.....	Vouchers and numbering same .....	137	137	137
129	Wolbert.....	Manner of making and filing claims against state.	137	137	137
130	Hegge .....	Jurisdiction of judges of conciliation.....	137	137	137
131	Taylor.....	Practice of medicine, surgery and obstetrics.....	137	137	137
132	Simpson.....	Practice of osteopathy.....	141	141	141
133	Lewis .....	Sale of merchandise in fraud.....	150	150	177
134	Lewis .....	Appropriation agricultural college.....	150	150	177
135	Swenson.....	Collection of personal property tax judgments.....	150	151	177
136	Lavayea .....	Issue of bonds for state university.....	151	151	177
137	Wolbert.....	Public printing and appropriation therefor.....	151	151	192
138	Little .....	Amendment to section 182 of the constitution.....	151	151	177
139	Little .....	Making the state a preferred creditor in sales of binding twine on time .....	151	151	177
140	Noble .....	Procedure for locating and moving county seats..	175	175	178
141	Little .....	Stay of execution in civil actions .....	176	176	178
142	Little .....	Service of notices and papers.....	176	176	178
143	LaMoure .....	Appropriation for capitol and executive mansion.	176	176	178
144	LaMoure .....	Duties of the attorney general.....	176	176	178
145	LaMoure .....	Duties of states attorneys.....	176	176	178
146	Special Com. ...	Issue of bonds for maintenance of twine plant....	176	176	178
147	Cox.....	Issue of bonds for erection of normal school buildings at Valley City and Mayville.....	176	176	179
148	Lewis .....	Maintenance of state university, agricultural college, normal schools at Valley City and Mayville and deaf and dumb asylum.....	177	177	179
149	Murphy .....	Foreclosure of real estate mortgages.....	191	191	192
150	LaMoure .....	Reports of state officers and payment of fees to state treasurer.....	191	191	205
151	Hegge .....	Appropriation to pay expense of appraising, advertising and selling public lands.....	191	192	192
152	Devlin.....	Legalizing levy of taxes.....	205	205	206
153	Baker .....	Property exempt from taxation .....	205	205	206
154	Wolbert.....	Defining express companies and other public carriers and assessment of their property.....	205	205	206
155	Lavayea .....	Noxious weeds and destruction of same.....	205	205	206
156	Wolbert.....	Rates for transportation of coal within the state..	218	218	219
157	Miner .....	State depositories.....	218	218	219

SENATE BILLS—Continued.

Reported	Amendments	Third Reading	Passed	Lost	Subsequent Action	Received from House					Enrolled	To Governor	Approved
						Passed	Lost	Amendments	Concurrence	President Signed			
146	146	183	183	....	156	544	....	....	....	538	576	578	
135	....	152	153	....	156	516	516	....	....	557	550	577	
281	281	326	327	....	303	544	....	544	554	601	606	624	
282	282	327	327	....	304	529	....	530	....	603			
188	....	209	209	....	215 526	491	....	....	....	513	508	541	547
143	203	224	224	....	231	529	....	....	....	556	550	577	
145	145	184	184	....	156	516	....	....	....	511	540	539	
189	189	222	222	....	201 231	491	....	491	495	513	508	541	547
384	222	384	384	....						612			
	384	495	495	....									
250	250	294	295	....	280 295	544	....	544	553	601	606	625	
202	....	223	224	....	231	454	....	....	....	493	487	488	521
202	....	223	223	....	231	455	....	....	....	493	487	489	521
214	....	239	240	....	244	....	527	....	....				
146	277	182	182	....	190 204	....							
359	359		413	....	218 222								
	388			....	405 413								
	412			....									
244	....	....	....	....	525								
230	....	260	260	....	285	376	....	....	....	422	398	406	449
357	357	396	396	....	363 396	528	....	....	....	558	551	577	
202	380	409	409	....	433	619	....	....	....	635	639	641	
203	....	225	225	....	231	....	455	....	....				
262	....	288	289	303	....	453	....	453	461	493	486	....	521
203	224	224	225	....	....	453	....	....	....	493	486	489	521
214	....	239	239	....	231 244	544	....	....	....	558	576	579	
214	....	239	239	....	244	543	....	....	....	558	576	579	
188	....	209	210	....	....	491	....	....	....	512	509	541	547
228	228	257	257	....	215 264	529	....	....	....	557	551	577	
228	228	257	259	....	145 244	614	....	614	617	634	639	641	
402	257	268	268	....	264 267								
	268			....									
336	336	467	467	....	375 467	528	....	....	....	601	606	624	
	467			....									
216	216	241	241	....	231	492	....	....	....	513	510	542	547
338	402	397	397	....	397 405	580	....	....	....	602	606	625	
314	314	371	371	....	335	....	....	....	....	511	539	538	547
339	....	350	350	....	351 361	490	....	....	....	512	510	540	
338	....	395	396	....	396 406	594	....	....	....	602	627	625	
277	310	310	310	....	318	516	....	....	....	512	540	539	
	311			....									
380	....	....	....	....	335 538	....	605	....	....				
316	316	537	538	....	562 574								
				....	582								
282	....	327	328	....	334	529	....	....	....	556	551	578	

## SENATE BILLS—Continued.

Bill Number	Introduced by	Relating to	Introduced	First Reading	Second Reading and Reference
	Messrs.—				
158	Jacobson.....	Protection of coal miners and inspection of mines	218	218	219
159	Lewis.....	Licensing of architects and practice of architecture	218	218	220
160	Cox.....	Newspaper libel and action on same	219	219	220
161	Simpson.....	Legalizing assessment of taxes in territory under jurisdiction of counties	219	219	220
162	Lewis.....	Appropriation for North Dakota agricultural college	219	219	220
163	Cooper.....	Capital of banks.	233	233	233
164	Heggs.....	Track crossings at grade of common carrier	234	234	234
165	Wolbert.....	Assessment of bank stock	234	234	234
166	Wolbert.....	Assessment of grain in warehouses	234	234	234
167	Laidlaw.....	Insurance premiums and assessment of same.	234	234	234
168	Wolbert.....	Selling of game after close of hunting season.	234	234	234
169	Little.....	Levy of sinking fund tax by state board of equalization	234	234	234
170	Special Com.....	Certain records to be kept in the office of state treasurer.	235	235	235
171	Special Com.....	Clerk hire in state offices	235	235	235
172	Special Com.....	Appropriation to promote immigration	235	235	235
173	Special Com.....	Fees for transportation of prisoners and patients.	235	235	235
174	Special Com.....	Additional duties of adjutant general and prescribing his salary	235	235	235
175	Special Com.....	Duties of railroad commissioners and fixing their salaries	235	235	235
176	Special Com.....	Appointment of an assistant examiner	235	236	236
177	Lofthus.....	Druggists' permits.	236	236	236
178	McDougal.....	Sale of unwholesome or adulterate milk or cheese	236	236	236
179	Simpson.....	Appropriation for Patrick McGinley	236	236	236
180	Laidlaw.....	Abstract of votes	255	256	256
181	Cox.....	Sale of land by foreign corporations and individuals	256	256	256
182	Lavayea.....	Purchase of road machines	256	256	256
183	Taylor.....	Appropriation for state university	256	256	256
184	Hale.....	Issuing certificates of indebtedness for equipment of deaf and dumb asylum	256	256	256
186	Cashel.....	Board of trustees for institution of feeble minded.	268	269	269
187	Cox.....	Notice before cancellation, termination or forfeiture under any instrument for future conveyance of lands	284	284	...
188	Noble.....	Notice when time of redemption expires	285	285	...
189	Miner.....	Assessors' districts.	285	285	...
190	Lavayea.....	Purchase of road machines	285	285	...
191	Lavayea.....	Prohibition	285	285	...
192	Murphy.....	Cities	306	306	306
193	McDougal.....	Repeal of section 7593 of the Penal Code	307	307	307
194	LaMoure.....	Ferries	307	307	307
195	Hale.....	Extraordinary expenditures	307	307	307
196	Taylor.....	Examination of persons alleged to be insane	307	307	307
197	Cashel.....	Leasing of public lands	307	307	307
198	Miner.....	Filing and foreclosure of mechanics' liens	307	307	307
199	LaMoure.....	Renewal of judgments and continuation of lien	322	322	322
200	Lewis.....	System of free public schools	323	323	323
201	Clarke.....	Payment of accrued costs in change of venue in justice courts.	323	323	323
202	Clarke.....	Payment of accrued costs in appeals in civil actions	323	323	323
203	Clarke.....	Increased jurisdiction in arrest and bail	323	323	323



## SENATE BILLS—Continued.

Bill Number	Introduced by	Relating to	Introduced	First Reading	Second Reading and Reference
	Messrs.—				
204	Lofthus .....	Salaries of commissioners of insanity .....	323	323	323
205	Hegge .....	Assessment of damages under the law of eminent domain .....	323	323	323
206	Miner .....	Newspapers qualified to do legal printing .....	348	348	348
207	Ames .....	Requisites and qualification of executors, administrators and guardians .....	349	349	349
208	Simpson .....	Stock inspector and inspection of stock before shipment .....	349	349	349
209	Little .....	Desecration of the flag of the United States .....	349	349	349
210	Jacobson .....	Accounting on policies by mutual life insurance companies .....	349	349	349
211	Hale .....	Garnishment in justice courts .....	349	349	349
212	Baker .....	Appropriation and compensation for court stenographers .....	368	368	368
213	Baker .....	Disinfecting enclosures where diseased domestic animals have been confined .....	368	368	368
214	Murphy .....	Salary of county treasurers .....	368	368	368
215	Simpson .....	Payment of taxes by nonresident owners of stock feeding on ranges .....	369	369	369
216	Simpson .....	Mechanics' liens .....	369	369	369
217	Lewis .....	Payment of funds to treasurers of public institutions .....	369	369	369
218	Hegge .....	Time of holding annual town meetings .....	369	369	369
219	Hegge .....	Duties of auditors to assessors .....	369	369	369
220	Lavayea .....	Collection of delinquent taxes by action .....	369	369	369
221	Lavayea .....	Prize fighting .....	370	370	370
222	Miner .....	Garnishment .....	370	370	370
223	Special Com. ....	Settlement with sureties .....	390	390	390
224	Ames .....	Free public libraries .....	390	390	390
225	Ames .....	Sinking fund, special school districts .....	390	390	390
226	Wolbert .....	Road machines .....	391	391	391
227	Wolbert .....	Examination of banks .....	391	391	391
228	Cashel .....	Sale of public lands .....	391	391	391
229	Cooper .....	Practice of healing arts or sciences .....	391	391	391
230	Simpson .....	Fees for brand certificates .....	391	391	391
231	Special Com. ....	State examiner and assistants .....	407	407	407
232	Special Com. ....	Examination of building and loan associations .....	407	407	407
233	Ames .....	Attendance of witnesses .....	407	407	407
234	Hegge .....	Publication of list of licensed commission men .....	436	...	...

SENATE BILLS—Continued.

Reported	Amendments	Third Reading	Passed	Lost	Subsequent Action	Received from House					Enrolled	To Governor	Approved
						Passed	Lost	Amendments	Concurrence	President Signed			
258	258	412	413	....	378 413	516	....	546	583	617	628	624	
378	414	411	411	....	412 433	594	....	....	....	617	628	624	
361	436	414	....	414	437 460	633	593	....	....	637	638	641	
378	....	408	408	441	437 595 441 433	623	....	....	....	637	638	642	
383	495	441	....	441	441 466	....	....	....	....	....	....	....	
378	....	410	410	....	410 433	....	492	....	....	....	....	....	
426	....	498	498	....	498 508	629	....	....	....	637	638	641	
385	....	415	415	....	433	594	....	594	....	602	627	625	
386	....	415	416	....	416 433	593	....	....	....	617	628	624	
486	486	523	524	....	518 524	619	....	....	....	635	638	642	
403	....	437	438	....	433 438	503	....	503	....	513	510	542	
403	....	438	439	....	434 439	516	....	....	....	512	549	539	
402	....	440	440	....	560	516	....	....	601	....	606	625	
485	....	....	....	....	539	....	545	....	....	....	....	....	
431	432	462	463	....	460 463	629	....	....	....	637	640	642	
456	....	464	464	....	465 488	528	....	....	....	556	551	577	
424	425	496	496	....	460 496	629	....	....	....	637	638	642	
484	484	526	526	....	508	615	....	615	....	634	638	642	
424	424	497	497	....	460	529	....	....	....	556	551	577	
432	497	497	498	....	498 508	629	....	....	....	....	638	642	
432	499	499	499	....	499 508	629	....	....	....	637	638	641	
456	....	465	465	....	488	629	....	....	....	634	638	642	
.....	....	499	500	....	500 508	....	545	....	....	....	....	....	

547



## HOUSE BILLS.

Bill Number	Relating to	Received	First Reading	Second Reading and Reference	Reported	Amendments	Third Reading	Passed	Lost	Subsequent Action
1	Amending 1260, Revised Codes .....	434	448	448	484	484	534	534	...	558
2	Status of secret organizations .....	101	116	123	155	...	295	296	...	319
3	Exemption church property .....	78	92	97	109	...	272	272	...	319
4	Incorporation benevolent institutions	81	92	97	99	...	116	117	...	139
5	Directors religious corporations .....	78	92	97	99	...	117	117	...	139
6	Repeal irrigation and forestry .....	81	92	98	262	...	296	296	...	319
7	County depositories .....	342	374	374	549	...	607	607	...	635
8	Land titles .....	518	560	560	...	...	...	...	...	...
11	Amending 1143, Revised Codes .....	110	123	132	189	...	534	534	...	559
12	Registration physicians certificates .....	148	185	198	279	...	587	587	...	...
14	Bounty for timber wolves .....	73	81	93	385	385	535	535	...	559
15	Education of deaf .....	121	132	153	228	...	...	...	...	...
16	Constitutional amendment deaf school	150	185	198	...	...	572	572	...	591
17	Repeal "hobo" law .....	193	198	198	382	382	...	...	...	...
18	Game and fish .....	110	123	132	251	251	581	582	...	584
						580				623
19	Amending 5341, Revised Codes .....	78	92	98	...	...	...	...	...	...
20	Term of court, First district .....	452	448	448	480	...	...	...	...	...
21	Examination of parties .....	81	92	98	...	...	...	...	...	...
22	Rights of lessees of school lands .....	515	560	560	...	...	612	612	...	636
23	Exemptions .....	255	269	269	457	...	...	...	...	592
24	Exemptions .....	193	197	197	299	579	621	622	...	599
27	Kidnaping .....	121	132	153	...	...	...	...	...	...
30	Bonds for reform school .....	434	447	447	506	533	...	...	533	559
32	Regulating barbers .....	193	198	198	279	...	565	565	...	604
34	Amending 4063, 4064, Revised Codes .....	254	270	270	...	...	...	...	...	...
36	Bounty for wolves .....	150	185	198	549	549	571	571	...	598
										636
38	Fees of clerks of court .....	78	93	98	338	...	590	590	...	622
40	Amending 217, Revised Codes .....	416	420	420	483	...	...	...	...	...
43	Uniform teachers examinations .....	85	93	98	112	...	196	196	...	219
44	Discharge real estate mortgages .....	232	241	241	457	...	471	471	...	514
47	Usury .....	148	184	199	...	...	...	...	...	...
51	Hunting permits .....	121	132	153	277	277	...	...	...	...
52	Amending 717, Revised Codes .....	148	185	198	228	228	530	530	...	532
						552				559
55	Fire companies tax .....	255	270	270	360	...	532	532	...	532
57	Veterinarian districts .....	193	197	197	203	...	207	207	...	237
58	Collection of moneys from school lands	265	269	269	480	...	588	588	...	622
59	Fees from sale and lease school lands	365	374	374	403	403	531	531	...	559
60	Appropriation industrial school .....	342	374	374	...	...	...	...	...	...
66	Jurors .....	148	184	199	...	...	613	613	...	636
67	Game and fish .....	148	184	199	262	384	586	587	...	...
						394				...
71	Eminent domain .....	133	153	199	250	...	472	473	...	466
73	Drawing jurors .....	266	269	269	313	...	565	566	...	592
74	Deficiency dairy commissioner .....	105	116	123	339	...	537	537	...	559
76	Addresses grantor and grantee .....	254	270	270	402	...	...	...	...	...
77	Meetings of town supervisors .....	254	270	270	360	...	422	422	...	422
										466
83	Trains stop at county seats .....	193	197	197	404	404	589	589	...	622
86	Fidelity bonds school treasurers .....	254	270	270	458	458	567	568	...	592
88	Substitute for House bill No. 33 .....	148	184	199	...	...	621	621	...	...
89	County auditors' salaries .....	451	448	448	457	475	475	476	...	633
91	Liability for killing stock .....	342	374	374	459	...	...	...	...	...
92	Legalizing tax levies .....	105	116	123	188	...	194	194	...	219
97	Costs in damage suits .....	149	185	198	479	...	584	585	...	604
98	Acknowledgments of notaries .....	254	271	271	313	...	536	536	...	559
99	Leasing school lands .....	284	285	285	...	...	585	586	...	604
100	Slander females .....	148	184	199	506	...	538	538	...	559
102	Amending 1322, Revised Codes .....	...	...	...	...	...	566	566	...	...

HOUSE BILLS—CONTINUED.

Bill Number	Relating to	Received	First Reading	Second Reading and Reference	Reported	Amendments	Third Reading	Passed	Lost	Subsequent Action
103	Adulteration of food .....	254	271	271	359	359	...	...	...	592
105	Farm laborers' lien .....	254	271	271	507	507	575	575	...	591
106	Depositories .....	296	332	332	360	...	...	...	...	...
109	Public warehouses .....	417	419	419	453	631	631	631	...	631
112	Bonds of county treasurers .....	284	285	285	360	...	...	...	...	...
113	Concurrent resolution .....	284	286	286	338	...	538	588	...	604
114	Payment of taxes .....	255	271	271	301	...	351	332	...	332
118	School district bonds .....	193	197	197	228	473	473	473	...	514
119	Garnishee procedure .....	255	270	270	507	...	536	586	...	...
120	Abandonment of children .....	266	270	270	...	...	...	...	...	...
122	Jurisdiction of county courts .....	342	373	373	479	479	611	...	...	...
123	Real estate title in justice court .....	266	269	269	...	...	...	...	...	...
124	Township taxes .....	218	241	241	384	...	566	562	...	320
125	Irrigation .....	255	270	270	358	...	535	536	...	591
126	Stables at rural schools .....	255	270	270	427	427	590	591	...	622
127	State board equalization .....	434	446	446	457	569	...	...	...	...
129	Amend 1322, Revised Codes .....	266	269	269	360	...	...	...	...	592
133	Liability of railroads to employes .....	284	286	286	405	...	...	...	...	...
134	Duties of county judges .....	366	269	269	300	...	305	306	...	306
137	Taxation of grain in warehouses .....	195	197	197	202	...	...	...	...	632
139	Unlawful obligations .....	254	271	271	424	...	567	567	...	592
140	Revenue and taxation .....	519	560	560	...	...	611	612	...	636
144	Commissioners districts .....	416	419	419	426	427	570	570	...	593
145	Bonds for maintenance twine plant .....	465	374	374	...	...	444	445	...	445
147	Editors to receive documents .....	416	419	419	...	...	...	...	...	494
148	Crime of rape .....	416	419	419	...	...	...	...	...	592
149	Rights of purchaser at tax sale .....	365	374	374	402	...	474	474	...	514
150	Salary reporter supreme court .....	515	...	...	...	...	...	...	...	...
151	Maintenance station houses .....	284	286	286	404	404	604	604	...	623
152	Taxes paid before record .....	320	332	332	...	...	...	...	...	...
153	Weights and measures .....	416	419	419	482	...	569	570	...	592
155	Duties land commissioner .....	417	419	419	425	...	530	530	...	531
156	Reports of school moneys .....	320	332	332	428	...	474	474	...	538
157	Concurrent resolution .....	284	285	285	383	...	445	445	...	494
158	Enumeration of deaf and dumb .....	435	447	447	550	...	...	...	...	592
160	Publishing commissioners' proceedings .....	364	375	375	...	632	630	630	...	632
163	Township officers .....	417	419	419	482	...	585	585	...	603
164	Engrossing and enrolling by contract .....	417	418	418	482	482	504	504	...	504
166	Satisfaction of judgments .....	417	418	418	506	506	605	605	...	514
167	Prohibit sale of game birds .....	377	397	397	481	...	572	573	...	635
168	County physician .....	434	447	447	482	483	...	...	...	...
169	Certificates of fire departments .....	305	332	332	361	...	370	370	...	370
170	Voting machines .....	435	446	446	...	...	...	...	...	387
173	Amending election law .....	365	375	375	...	...	568	568	...	...
175	Transfer of cemetery lots .....	377	398	398	457	...	472	472	...	514
176	Exhibit at Pan-American exposition .....	435	447	447	596	596	609	609	...	591
177	Appropriation for exhibit .....	476	477	477	597	597	609	610	...	636
178	Liability of husband and wife .....	435	446	446	457	...	...	...	...	635
179	Repeal of wolf bounty .....	518	560	560	...	615	616	616	...	...
180	Protection of soft drink manufacturers .....	377	397	397	424	...	475	475	...	...
181	Amending §7264 R. C .....	377	398	398	424	...	571	572	...	592
182	Storage companies .....	417	418	418	458	459	563	564	...	564
184	Taxation of school lands .....	...	477	477	484	484	610	610	...	636
186	Gophers common nuisance .....	476	477	477	549	...	...	...	...	...
187	Restrict sale of cigarettes .....	434	447	447	481	...	...	...	...	...

## HOUSE BILLS—CONTINUED.

Bill Number	Relating to	Introduced	First Reading	Second Reading and Reference	Reported	Amendments	Third Reading	Passed	Lost	Subsequent Action
188	Amending §3597 R. C.....	377	398	398	457	...	613	613	...	636
194	Defective acknowledgments.....	417	418	418	457	...	471	472	...	514
197	Sale of public lands.....	435	446	446	481	...	...	...	...	...
198	Feed of stock in transit.....	527	560	560	...	619	619	607	...	581
200	County dipping tanks.....	451	449	449	481	...	607	607	...	598 598 622
202	Electric line penitentiary to capitol..	451	448	448	485	...	589	589	...	603
203	Bonds for drains.....	451	448	448	482	568	568	569	...	559
207	Fees secretary of state.....	476	477	477	485	...	536	536	...	559
208	Dissolution of marriage.....	435	446	446	457	...	533	533	...	559
209	Concurrent resolution.....	435	446	446	...	...	...	...	...	...
211	Claims against estates.....	452	448	448	...	...	...	...	...	...
213	Personal property taxes.....	418	446	446	483	573	573	573	...	591
214	Normal school board.....	452	448	448	549	...	564	565	...	592
218	Purchase of road machinery.....	476	477	477	480	...	570	571	...	591
219	Salary county judges.....	435	...	...	...	...	...	...	...	...
222	Cases in supreme court.....	476	477	477	...	...	608	608	...	622
223	Duties township treasurers.....	527	560	560	...	...	...	...	...	...

## INDEX TO MEMBERS.

- AMES—Bills—28 29 35 47 53 90 90 111 348 390 390 407.  
 Motions—45 63 179 290 325 375 412 465 467 496 554.  
 Committee reports—34 49 160 172.
- BAKER—Bills—205, 368 368.  
 Motions—71 71 88 621.  
 Committee reports—34 229.
- CASHEL—Bills—12 111 129 191 268 307 391.  
 Motions—71 164 179 187 188 191 191 191 205 222 237 268 339 357 388 389 391 393 412.  
 Committee reports—172.
- CLARKE—Bills—323 323 323.  
 Committee reports—34 367.
- COOPER—Bills—43 47 233 391.  
 Motions—27 58 142 341 353 358 432 447 452 522 581 640.  
 Committee reports—30 42 548 600 640.
- COX—Bills—35 48 64 73 176 219 256 284.  
 Motions—33 51 59 59 69 75 76 76 144 145 145 219 242 252 255 262 263 277 279 294 321 322 328 360 370-  
 370 384 385 404 481 481 482 486 524 538 549 549 599.  
 Committee reports—42 59 75 76 76 77 144 145 145 160 202 252 253 262 263 263 277 300 360 361 384  
 385 386 404 432 432 481 481 482 485 486 549 549 552 640.
- DEVLIN—Bills—205.  
 Motions—396.  
 Committee reports—27 28.
- FULLER—Motions—459.  
 Committee reports—42 458.
- GEER—Committee reports—47 229 654.
- HALE—Bills—25 25 25 36 43 71 79 79 79 90 97 256 307 349.  
 Motions—62 128 129 136 136 150 187 279 325 343 351 367 410 421 439 465 475 498 499 503 504 561 579-  
 584 598 600.  
 Committee reports—47 112 156 232 300 366 381 211 561.
- HEGGE—Bills—130 137 191 234 323 369 369 436.  
 Motions—23 41 47 50 125 126 137 142 144 351 413 436 439 469 479 494 552 583.  
 Committee reports—47 47 125 126 383 479 561.
- JACOBSON—Bills—72 218 349.  
 Motions—69 252 427 463 463 483.  
 Committee reports—28 52 173 229 252 360 403 426 427 483.
- LAIDLAW—Bills—234 255.  
 Motions—503 523 555 583 618.  
 Committee reports—160.
- LAMOURE—Bills—10 53 53 53 54 91 176 176 176 191 307 322.  
 Motions—27 62 78 117 185 192 196 197 201 217 221 221 222 222 243 244 253 253 264 267 272 278 298  
 300 305 306 356 357 367 367 379 381 392 394 422 431 439 439 485 501 531 554 561 562 581 583 589 596  
 597 611 617 632 637 642.  
 Committee reports—52 71 160 188 216 217 243 244 264 278 279 339 340 341 341 358 379 380 381  
 431 485 596 597.
- LAVAYEA—Bills—24 63 63 129 151 205 256 285 285 369 369.  
 Motions—27 40 49 64 106 106 106 107 133 173 179 229 322 396 441 526.  
 Committee reports—41 44 44 52 52 58 68 68 70 82 99 110 115 115 117 120 136 147 157 158 190 202 203  
 215 229 232 245 250 265 285 281 283 286 316 317 319 363 363 364 387 389 399 406 407 434 461 490 510  
 542 552 561 579 606.
- LEWIS—Bills—12 12 25 25 25 25 29 29 35 72 111 150 150 176 218 219 323 369.  
 Motions—27 32 57 124 153 175 295 316 340 380 381 383 404 404 440 442 460 470 500 501 582 595 595 620.  
 Committee reports—27 59 316 316 381 383 404 404 405 460.
- LOETHUS—Bills—120 236 323.  
 Committee reports—358.
- LITTLE—Bills—10 10 10 12 29 30 43 48 53 120 129 151 151 176 176 234 349.  
 Motions—9 10 13 14 15 18 22 23 23 24 24 25 27 33 34 34 35 39 42 45 46 50 57 63 63 68 69 71 72 80 80 82  
 85 91 96 98 106 106 107 108 108 109 112 115 117 120 130 132 134 134 145 146 146 149 152 158 180 188  
 189 189 194 195 197 203 206 208 210 213 214 216 217 229 229 242 250 250 264 267 269 271 273 274 281  
 281 282 283 284 285 290 292 293 299 300 301 306 314 315 321 326 324 331 332 337 338 343 344 346 347  
 348 348 356 357 358 368 379 388 388 389 389 394 397 399 403 414 418 420 424 425 445 447 449 458 458  
 461 463 464 477 477 479 480 502 504 506 506 507 520 524 524 525 533 542 552 561 574 579 579 582 591  
 591 597 598 617 619 623 634 634 638.

- Committee reports—14 33 42 42 46 51 59 59 70 76 89 96 106 108 108 125 126 134 135 145 146 146 158  
158 189 189 213 214 228 250 250 253 281 281 282 283 292 300 301 314 315 335 337 438 358 356 357 357  
357 358 361 379 403 424 425 458 458 479 480 506 506 507.
- McDOUGAL**—Bills—26 236 306.  
Committee reports—386.
- MINER**—Bills—59 72 72 218 285 307 348 370.  
Motions—118 155 204 227 261 276 298 313 387 505 548.  
Committee reports—90 94 99 107 118 124 134 143 155 186 189 204 213 227 242 261 276 298 313 335  
363 367 387 399 423 456 478 505 548 599.
- MURPHY**—Bills—29 35 36 36 36 36 36 52 96 97 100 129 191 306 368.  
Motions—103 200 252 252 350 373 389 397 439 443 485 495 498 519 532 564 634.  
Committee reports—27 28 229 276 485.
- NOBLE**—Bills—43 47 48 53 64 73 120 175 285.  
Motions—12 14 22 30 178 180 242 260 268 306 310 343 351 353 359 367 371 373 375 394 395 443 462 553  
554 573 579 580 581 631.  
Committee reports—14 292 300 311 548 600.
- SANBORN**—Bills—20 20 20 63 95 120 129.  
Motions—40 44 95 95 321 524.  
Committee reports—95 119 125 135 172 299 634.
- SHARPE**—Bills—13 47 64 111.  
Motions—28 42 62 90 90 112 163 173 202 242 253 253 297 298 302 317 333 341 343 346 352 385 423 483  
484 500.  
Committee reports—14 89 90 106 109 126 143 173 202 204 229 230 253 277 292 300 302 303 317 385  
386 425 483 484.
- SWENSON**—Bills—29 150.  
Committee reports—77 380.
- SIMPSON**—Bills—53 64 72 80 137 141 219 236 349 369 369 391.  
Motions—9 15 18 19 31 77 141 151 310 312 324 330 373 373 415 416 438 553 569 580 581 615.  
Committee reports—17 77 383.
- SLOTTEN**—Bills—24.  
Motions—318 426 426.  
Committee reports—77 317 426 426 481.
- TALCOTT**—Bills—12 79 79 79 80 111 129.  
Motions—74 119 175 225 310 310 372 553 609.  
Committee reports—119 229 384 548 600.
- TAYLOR**—24 25 43 137 256 307.  
Motions—204 278 359 359 387 468 483.  
Committee reports—147 277 279 359 359 483.
- WILLIAMS**—Motions—93 381.
- WOLBERT**—Bills—29 29 29 72 79 97 137 137 151 205 218 234 234 234 391 391.  
Motions—11 13 15 30 67 68 68 83 104 107 181 205 228 291 332 333 371 421 427 427 428 437 444 461 466  
473 581 582 584 616 620 630 632 634 640.  
Committee reports—14 80 112 187 187 187 228 228 302 427 427 428 428 511 550.

## MISCELLANEOUS.

- Adjournments—77 82 175 321 333.
- Amendments to Constitution—  
Institution for feeble minded, 276.
- Appointments—273 420 520 555.
- Appeal from chair—8 9.
- Appropriations—  
Estimate for two years, 128.  
Standing, 60 62 71.  
Capitol and executive mansion, 176 178 188 209 210 547.  
Clerical work office state treasurer, Senate Bill No. 85.  
Court stenographer, “ “ 212.  
Deaf and dumb school, “ “ 83 148.  
District and state veterinarians, “ “ 100.  
Executive mansion, “ “ 121.  
Industrial school, “ “ 81.  
Immigration, “ “ 172.  
Insane hospital, “ “ 53.  
Normal school, Valley City, “ “ 43.  
Normal school, Mayville, “ “ 67 148.  
North Dakota agricultural college, “ “ 44 134 162.  
Patrick McGinley, “ “ 179.  
Public printing, “ “ 137.  
State university, “ “ 183.  
State penitentiary, “ “ 30.  
Selling public lands, “ “ 157.
- Adjutant General, “ “ 174.
- Board of pardons, “ “ 68.
- Bosard & Bosard letter—258.
- Capital of banks, “ “ 183.
- Cigarettes, “ “ 97 101 156.  
Petitions favoring bill, 134 142 154 154 155 200 200 201 201 212 212 212 212 226 261 274 276-  
276 297 334 334 354.
- Communications from Governor—13 18 54 91 139 149 174 190 196 232 266 267 343 366 449 450-  
520 546.
- Committee on reduction of expenses—62 71.
- Concurrent resolutions—  
Adjournment, 18 23 24 77 82 175 321.  
Public institutions, 19, 23 27.  
U. S. senator, 20 22 23 400 401.  
Session, 19 24.  
Funding warrants, 34 35 49 50 68.  
Freight rates, 54 63.  
John Marshall day, 55 62 80 109.  
Twine plant, 109 114.  
Report Experimental station, 128.  
Hon. Gilbert A. Pierce, 267 283.  
Institution for feeble minded, 276.  
Nelson bankruptcy law, 418.  
White Stone Hill monument, 519.
- Depositories county funds, Senate Bill No. 19.
- Divorce—53 66 96 103 104 110 233 244 257 266.
- Duties attorneys-at-law, Senate Bill No. 90.
- Duties states' attorneys, “ “ 145.
- Duties attorney general, “ “ 144.
- Druggists' permits, “ “ 177.
- Executive session—  
Appointments, 273 420 520 555.

- Exemptions**--  
 Senate Bills Nos. 25 37 77 83 321 323 368 363 366.  
 Petitions, 87 88.
- Experimental Station reports**--128
- Extension payment 1900 taxes**--20 26 24 37 89 90 106.
- Embezzlement**--80 134 151 157.
- Freight rates**--54 63.
- Fraternal beneficiary orders**--25 43 125 135 151 252 272 273 280.
- Foreign languages in public schools**--79 112.  
 Petition--74.
- Funding warrants**--12 22 34 35 49 50 68.
- Fugitives from justice**--72 108 120 122.
- Garnishment**--370.
- Hon. Gilbert A. Pierce resolution**--267 283.
- Hon. Alfred Dickey resolution**--93.
- Holdovers**--3.
- Hawkers and peddlers**--28 44 75 91 92 417 361.
- House messages**--10 19 19 20 22 22 27 31 49 54 73 78 81 85 105 105 110 110 121 121 121  
 121 133 147 150 193 266 266 284 304 305 320 333 353 364 365 377 377 416 418 451 452 476  
 490 503 515 526 531 543 561 574 580 593 594 595 598 605 608 614 615 618 620 623 628 633.
- John Marshall's day**--55 62 80 109.
- Joint rules**--70.
- Joint resolutions**--211.
- Kidnaping**--63 95 104 110 148 154 157 158 161.
- Lien for seed grain**--96 100 118 140 376 389 407 422.
- Lien, threshers and separators**--25 37 106.  
 Petition--94.
- Nelson bankruptcy law**--418.
- Memorial, Tri-State Drainage association**--236.
- Marks and brands**--13 22 33 40 41 173 174 203 210 232 250.
- North Dakota Firemen's association**--255 270 360.  
 Petition--261.
- Newspaper libel**--219 220 264 328 334.
- Newspapers qualified to do public printing**, 348.
- Oils, impure**--97 112 355 439 440.
- Officers of senate**--4 5 6 7 8 9 62 69.
- Officers of house**--10.
- Organization** 3.
- Osteopathy**--137 141 146 182 218 222 277 359 413.  
 Petitions--274 275 275.
- Parties to mortgage foreclosures**--20 26.
- Public schools**--323 428.
- Prize fighting**--370, Senate Bill No. 221.
- Petitions**--  
 Foreign languages in public schools--74.  
 Federal surveys--88.  
 Woman's suffrage--133 155 213 226.  
 Cigarettes--134 142 142 154 200 201 212 212 212 226 261 274 276 297 334 334 354.  
 North Dakota Firemen's association--261.  
 Leins, thresher engines--94.  
 Osteopathy--274.  
 U. S. senators, 312.  
 Prohibition--334 354 377.
- Prohibition**--307 426.  
 Petitions--334 354 377.
- Qualification of voters**--25 37.
- Rules**--9 14 70.
- Road machines**--285.
- State depositories**--218 219 282 327 334.
- Salaries commissioners insanity**--323, Senate Bill No. 204.
- Salary county treasurer**--368 426.
- St. Louis World's Fair**--174.
- Salaries legislative officers and employes**--31 54.
- Standing committees**--16 69 90.
- Special committees**--9 10 28 33 41 45 58 59.

*End*