

STATE OF NORTH DAKOTA

JOURNAL OF THE SENATE

OF THE

NINTH SESSION

OF THE

LEGISLATIVE ASSEMBLY

*Begun and held at the Capitol at Bismarck
January 3 to March 3, 1905,
Inclusive*

BISMARCK, N. D.
TRIBUNE, STATE PRINTERS AND BINDERS
1905

OFFICERS AND MEMBERS
OF THE
SENATE OF NORTH DAKOTA

FOR THE
NINTH LEGISLATIVE ASSEMBLY

1905

OFFICERS

PRESIDENT..... LIEUT. GOVERNOR DAVID BARTLETT
PRESIDENT PRO TEM..... FRANK S. TALCOTT
SECRETARY OF THE SENATE..... R. M. TUTTLE, L. M. McGLASHAN
FIRST ASSISTANT SECRETARY OF THE SENATE..... JAMES TWAMLEY
SECOND ASSISTANT SECRETARY OF THE SENATE..... F. W. KEMPF
CHIEF ENROLLING AND ENGROSSING CLERK..... JOHN ANDREWS
BILL CLERK..... O. J. OLSON
STENOGRAPHER..... MISS KATHERINE COLEMAN
SERGEANT AT ARMS..... D. B. WELLMAN
ASSISTANT SERGEANT AT ARMS..... EVER WAGNESS
DOORKEEPER..... AMOS LAFRANCE
GALLERY DOORKEEPER..... E. R. KENNEDY
MESSENGER..... OLE ANDERSON
POSTMASTER..... M. J. FREEMAN
ASSISTANT POSTMASTER..... E. R. STEINBRUECK
WATCHMAN..... FRANK BOHN, JOHN C. SHERIDAN
JOURNAL CLERK..... BYRON LEE, E. A. BUTTERFIELD
ASSISTANT JOURNAL CLERK..... T. F. NORGAARD
CLERK OF THE JUDICIARY COMMITTEE..... JOHN R. SELBY
CHAPLAIN..... REV. O. F. JONES
PROOFREADER..... W. H. PRAY
BILL ROOM CLERK..... GEORGE GAME
CLERK OF THE APPROPRIATION COMMITTEE..... MRS. MINNIE C. BUDLONG
JANITOR..... ARNDT MAMEL
CLOAK ROOM ATTENDANT..... HARRY WEILAND
PAGES..... W. S. McLEAN, H. HOGUE, W. E. SAVAGE
SHED LAMBERT, BENNIE THORESON

MEMBERS

Dist.	Name	Postoffice Address	Occupation	Where Born	Came to State	Married or Single	Age
6	Bacon, Jerry D., *r...	Grand Forks..	Hotel.....	Iowa	1882	Married	39
12	Benson, A., *d.....	Sperry	Farmer....	Iowa'	1878	Married	50
10	Brown, Geo. D., *r...	Wild Rice	Merchant..	New York..	1881	Married	42
32	Carroll, John D., *r...	New Rockford	Farmer....	Pennsylvia	1879	Married	54
4	Cashel, John L., *d...	Grafton	Banker....	New York..	1881	Married	54
16	Crane, Maynard, *r...	Cooperstown..	Lumb'rman	New Jers'y	1883	Married	47
13	Dyste, John H.....	Forman	Merchant..	Norway	1885	Married	41
34	Fox, Robert A., *r...	Towner	Rancher ..	England ..	1897	Married	46
2	Garnett, Albert, *r...	St. Thomas ..	Farmer ...	Canada....	1881	Single..	46
35	Gulack, Gilbert O., r*	Ashley	Merchant..	Wisconsin	1879	Married	42
38	Hagen, Hans O., **...	Fingal	Farmer....	Norway....	1882	Married	47
9	Hanna, L. B.....	Fargo	Banker....	Pennsylvia	1862	Married	43
8	Herbrandson, P., *r...	Caledonia	Farmer .....	.....	1876	Married	57
35	Johnson, August E.,	Washburn	Realestate	Sweden....	1883	Married	31
3	Johnson, Thomas....	Park River ..	Merchant..	Wisconsin	1892	Married	51
20	Kirkeide, A. J., *r...	Churchs Ferry	Farmer....	Norway ...	1882	Married	45
39	Kraabel, Anton T....	Caledonia	Merchant..	Norway ..	1882	Married	42
1	LaMoure, Judson	Pembina	Merchant..	Canada....	.....	Married	66
27	Little, Clarence B....	Bismarck	Banker....	New Ham..	1882	Married	48
26	Macdonald, Alex, *r...	Glencoe.....	Farmer....	Scotland ..	1883	Married	44
22	Main, Rienzi W., *r...	Cando.....	Farmer....	Ohio.....	.....	Married	54
28	McArthur, D. H., *d...	Bottineau.....	Druggist..	Canada....	1885	Married	40
18	McLean, Henry, *r...	Hannah	Farmer....	Scotland ..	1882	Married	57
37	Movius, Emil A.....	Lidgerwood ..	Banker....	Germany..	1887	Married	46
14	Pierce, Edward, *r...	Sheldon	Lawyer....	Michigan..	1878	Married	41
40	Plain, Chas. W., *d...	Milton.....	Merchant..	Illinois....	.....	Married	47
33	Regan, J. Austin....	Fessenden....	Merchant..	Canada....	1891	Married	34
24	Sharpe, James B., *r...	Kulm.....	Lawyer....	New York	1892	Single..	47
23	Sifton, J. W.....	Jamestown....	Physician.	Ontario ..	1890	Married	39
31	Simpson, Leslie A....	Dickinson....	Lawyer ...	Maine.....	1889	Married	36
5	Spoonheim, E. K., *...	Northwood ..	Teacher ..	Norway ...	1882	Single..	30
21	Stade, Andrew J.....	Devils Lake..	Merchant..	Norway ...	1883	Single..	46
29	Steele, H. H.....	Mohall.....	Banker....	Wisconsin	1896	Married	33
17	Swenson, Iver.....	Aneta	Farmer....	Norway ...	1880	Married	55
11	Talcott, Frank S....	Buffalo.....	Farmer....	New York..	1887	Married	41
7	Taylor, John D.....	Grand Forks..	Physician.	Canada....	1879	Single..	44
25	Thatcher, T. H.....	Guelph	Farmer ...	Wisconsin	1883	Married	54
30	Voss, Henry G., *r...	Mandan	Lawyer ...	Illinois....	1882	Married	47
19	Wagner, C. I. F.....	Rolla.....	Realestate	New Jers'y	1882	Widow r	42
15	Young, Geo. M.....	Valley City...	Lawyer....	Ontario....	1890	Married	34

Journal of the Senate

NINTH SESSION

FIRST DAY

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
January 3, 1905.

At the hour of 12 o'clock meridian on Tuesday the 3rd day of January, A. D. 1905, being the day and hour designated by law for the convening of the legislative assembly of North Dakota assembled in the senate chamber of the capitol at Bismarck, and were called to order by the Hon. David Bartlett, lieutenant governor, as president of the senate.

Prayer was offered by the Rev. O. F. Jones of Burleigh. The roll of senators elect was called and the following named members responded to their names:

First District—Judson LaMoure.
Third District—Thomas Johnson.
Fifth District—E. K. Spoonheim.
Seventh District—John D. Taylor.
Ninth District—L. B. Hanna.
Eleventh District—Frank S. Talcott.
Thirteenth District—John H. Dyste.
Fifteenth District—Geo. M. Young.
Seventeenth District—Iver Swenson.
Nineteenth—C. I. F. Wagner.

Twenty-first District—Andrew J. Stade.

Twenty-third District—J. W. Sifton.

Twenty-fifth District—T. H. Thatcher.

Twenty-seventh District—C. B. Little.

Twenty-ninth District—H. H. Steele.

Thirty-first District—L. A. Simpson.

Thirty-third District—J. Austin Regan.

Thirty-fifth District—August E. Johnson.

Thirty-seventh District—Emil A. Movius.

Thirty-ninth District—Anton T. Kraabel.

The oath of office was administered to the senators elect by Hon. D. E. Morgan, Chief Justice of the Supreme Court.

Roll call.

All members present.

Mr. Simpson moved

That the senate proceed to the election of officers of the senate in the order as they appear in the Legislative Manual.

Which motion prevailed.

Mr. Hanna nominated F. S. Talcott for president pro tem of the senate.

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

Messrs. Bacon, Brown, Benson, Carroll, Cashel, Crane, Dyste, Fox, Garnett, Gulack, Hagen, Hanna, Herbrandson, Johnson of McLean, Johnson of Walsh, Kirkeide, Kraabel, LaMoure, Little, Macdonald, Main, McArthur, McLean, Movius, Pierce, Plain, Regan, Sharpe, Stade, Simpson, Sifton, Steele, Spoonheim, Swenson, Talcott, Taylor, Thatcher, Voss, Wagner, Young.

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

Mr. Voss nominated R. M. Tuttle for secretary of the senate.

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

Messrs. Bacon, Brown, Benson, Carroll, Cashel, Crane, Dyste, Fox, Garnett, Gulack, Hagen, Hanna, Herbrandson, Johnson of McLean, Johnson of Walsh, Kirkeide, Kraabel, LaMoure, Little, Macdonald, Main, McArthur, McLean, Movius, Pierce, Plain, Regan, Sharpe, Stade, Simpson, Sifton, Steele, Spoonheim, Swenson, Talcott, Taylor, Thatcher, Voss, Wagner, Young.

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

Mr. Bacon nominated James Twamley as first assistant secretary.

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

Messrs. Bacon, Brown, Benson, Carroll, Cashel, Crane, Dyste, Fox, Garnett, Gulack, Hagen, Hanna, Herbrandson, Johnson of McLean, Johnson of Walsh, Kirkeide, Kraabel, LaMoure, Little, Macdonald, Main, McArthur, McLean, Movius, Pierce, Plain, Regan, Sharpe, Stade, Simpson, Sifton, Steele, Spoonheim, Swenson, Talcott, Taylor, Thatcher, Voss, Wagner, Young.

Mr. Twamley receiving a majority of the votes cast was declared elected.

Mr. Sharpe nominated F. W. Kempf as second assistant secretary.

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

Messrs. Bacon, Brown, Benson, Carroll, Cashel, Crane, Dyste, Fox, Garnett, Gulack, Hagen, Hanna, Herbrandson, Johnson of McLean, Johnson of Walsh, Kirkeide, Kraabel, LaMoure, Little, Macdonald, Main, McArthur, McLean, Movius, Pierce, Plain, Regan, Sharpe, Stade, Simpson, Sifton, Steele, Spoonheim, Swenson, Talcott, Taylor, Thatcher, Voss, Wagner, Young.

Mr. Kempf receiving a majority of the votes cast was declared elected.

Mr. Movius nominated John Andrews as chief enrolling and engrossing clerk.

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

Messrs. Bacon, Brown, Benson, Carroll, Cashel, Crane, Dyste, Fox, Garnett, Gulack, Hagen, Hanna, Herbrandson, Johnson of McLean, Johnson of Walsh, Kirkeide, Kraabel, LaMoure, Little, Macdonald, Main, McArthur, McLean, Movius, Pierce, Plain, Regan, Sharpe, Stade, Simpson, Sifton, Steele, Spoonheim, Swenson, Talcott, Taylor, Thatcher, Voss, Wagner, Young.

Mr. Andrews receiving a majority of the votes cast was declared elected.

Mr. Hanna nominated O. J. Olson as bill clerk.

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

Messrs. Bacon, Brown, Benson, Carroll, Cashel, Crane, Dyste, Fox, Garnett, Gulack, Hagen, Hanna, Herbrandson, Johnson of McLean, Johnson of Walsh, Kirkeide, Kraabel, LaMoure, Little, Macdonald, Main, McArthur, McLean, Movius, Pierce, Plain, Regan, Sharpe, Stade, Simpson, Sifton, Steele, Spoonheim, Swenson, Talcott, Taylor, Thatcher, Voss, Wagner, Young.

Mr. Olson receiving a majority of the votes cast was declared elected.

Mr. Carroll nominated D. B. Wellman for sergeant at arms.

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

Messrs. Bacon, Brown, Benson, Carroll, Cashel, Crane, Dyste, Fox, Garnett, Gulack, Hagen, Hanna, Herbrandson, Johnson of McLean, Johnson of Walsh, Kirkeide, Kraabel, LaMoure, Little, Macdonald, Main, McArthur, McLean, Movius, Pierce, Plain, Regan, Sharpe, Stade, Simpson, Sifton, Steele, Spoonheim, Swenson, Talcott, Taylor, Thatcher, Voss, Wagner, Young.

Mr. Wellman receiving a majority of the votes cast was declared elected.

Mr. Wagner nominated Amos LaFrance as doorkeeper.

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

Messrs. Bacon, Brown, Benson, Carroll, Cashel, Crane, Dyste, Fox, Garnett, Gulack, Hagen, Hanna, Herbrandson, Johnson of McLean, Johnson of Walsh, Kirkeide, Kraabel, LaMoure, Little, Macdonald, Main, McArthur, McLean, Movius, Pierce, Plain, Regan, Sharpe, Stade, Simpson, Sifton, Steele, Spoonheim, Swenson, Talcott, Taylor, Thatcher, Voss, Wagner, Young.

Mr. LaFrance receiving a majority of the votes cast, was declared elected.

Mr. Voss nominated Miss Katherine Coleman as stenographer.

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

Messrs. Bacon, Brown, Benson, Carroll, Cashel, Crane, Dyste, Fox, Garnett, Gulack, Hagen, Hanna, Herbrandson, Johnson of McLean, Johnson of Walsh, Kirkeide, Kraabel, LaMoure, Little, Macdonald, Main, McArthur, McLean.

Movius, Pierce, Plain, Regan, Sharpe, Stade, Simpson, Sifton, Steele, Spoonheim, Swenson, Talcott, Taylor, Thatcher, Voss, Wagner, Young.

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

Mr. Dyste nominated Ole Anderson for messenger.

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

Messrs. Bacon, Brown, Benson, Carroll, Cashel, Crane, Dyste, Fox, Garnett, Gulack, Hagen, Hanna, Herbrandson, Johnson of McLean, Johnson of Walsh, Kirkeide, Kraabel, LaMoure, Little, Macdonald, Main, McArthur, McLean, Movius, Pierce, Plain, Regan, Sharpe, Stade, Simpson, Sifton, Steele, Spoonheim, Swenson, Talcott, Taylor, Thatcher, Voss, Wagner, Young.

Mr. Anderson receiving a majority of the votes cast was declared elected.

Mr. Pierce nominated M. J. Freeman as post master.

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

Messrs. Bacon, Brown, Benson, Carroll, Cashel, Crane, Dyste, Fox, Garnett, Gulack, Hagen, Hanna, Herbrandson, Johnson of McLean, Johnson of Walsh, Kirkeide, Kraabel, LaMoure, Little, Macdonald, Main, McArthur, McLean, Movius, Pierce, Plain, Regan, Sharpe, Stade, Simpson, Sifton, Steele, Spoonheim, Swenson, Talcott, Taylor, Thatcher, Voss, Wagner, Young.

Mr. Freeman receiving a majority of the votes cast was declared elected.

Mr. Steele nominated Frank Bohn for watchman.

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

Messrs. Bacon, Brown, Benson, Carroll, Cashel, Crane, Dyste, Fox, Garnett, Gulack, Hagen, Hanna, Herbrandson, Johnson of McLean, Johnson of Walsh, Kirkeide, Kraabel, LaMoure, Little, Macdonald, Main, McArthur, McLean, Movius, Pierce, Plain, Regan, Sharpe, Stade, Simpson, Sifton, Steele, Spoonheim, Swenson, Talcott, Taylor, Thatcher, Voss, Wagner, Young.

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

Mr. LaMoure nominated B. E. Lee as journal clerk.

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

Messrs. Bacon, Brown, Benson, Carroll, Cashel, Crane, Dyste, Fox, Garnett, Gulack, Hagen, Hanna, Herbrandson, Johnson of McLean, Johnson of Walsh, Kirkeide, Kraabel, LaMoure, Little, Macdonald, Main, McArthur, McLean, Movius, Pierce, Plain, Regan, Sharpe, Stade, Simpson, Sifton, Steele, Spoonheim, Swenson, Talcott, Taylor, Thatcher, Voss, Wagner, Young.

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

Mr. Talcott nominated T. F. Norgaard as assistant journal clerk.

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

Messrs. Bacon, Brown, Benson, Carroll, Cashel, Crane, Dyste, Fox, Garnett, Gulack, Hagen, Hanna, Herbrandson, Johnson of McLean, Johnson of Walsh, Kirkeide, Kraabel, LaMoure, Little, Macdonald, Main, McArthur, McLean, Movius, Pierce, Plain, Regan, Sharpe, Stade, Simpson, Sifton, Steele, Spoonheim, Swenson, Talcott, Taylor, Thatcher, Voss, Wagner, Young.

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

Mr. Taylor nominated John P. Selby as clerk of the judiciary committee.

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

Messrs. Bacon, Brown, Benson, Carroll, Cashel, Crane, Dyste, Fox, Garnett, Gulack, Hagen, Hanna, Herbrandson, Johnson of McLean, Johnson of Walsh, Kirkeide, Kraabel, LaMoure, Little, Macdonald, Main, McArthur, McLean, Movius, Pierce, Plain, Regan, Sharpe, Stade, Simpson, Sifton, Steele, Spoonheim, Swenson, Talcott, Taylor, Thatcher, Voss, Wagner, Young.

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

Mr. Little nominated Rev. O. F. Jones for chaplain.

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

Messrs. Bacon, Brown, Benson, Carroll, Cashel, Crane, Dyste, Fox, Garnett, Gulack, Hagen, Hanna, Herbrandson, Johnson of McLean, Johnson of Walsh, Kirkeide, Kraabel,

LaMoure, Little, Macdonald, Main, McArthur, McLean, Movius, Pierce, Plain, Regan, Sharpe, Stade, Simpson, Sifton, Steele, Spoonheim, Swenson, Talcott, Taylor, Thatcher, Voss, Wagner, Young.

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

Mr. Young nominated W. H. Pray for proof reader.

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

Messrs. Bacon, Brown, Benson, Carroll, Cashel, Crane, Dyste, Fox, Garnett, Gulack, Hagen, Hanna, Herbrandson, Johnson of McLean, Johnson of Walsh, Kirkeide, Kraabel, LaMoure, Little, Macdonald, Main, McArthur, McLean, Movius, Pierce, Plain, Regan, Sharpe, Stade, Simpson, Sifton, Steele, Spoonheim, Swenson, Talcott, Taylor, Thatcher, Voss, Wagner, Young.

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

Mr. Sifton nominated George Game as bill room clerk.

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

Messrs. Bacon, Brown, Benson, Carroll, Cashel, Crane, Dyste, Fox, Garnett, Gulack, Hagen, Hanna, Herbrandson, Johnson of McLean, Johnson of Walsh, Kirkeide, Kraabel, LaMoure, Little, Macdonald, Main, McArthur, McLean, Movius, Pierce, Plain, Regan, Sharpe, Stade, Simpson, Sifton, Steele, Spoonheim, Swenson, Talcott, Taylor, Thatcher, Voss, Wagner, Young.

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

Mr. Benson nominated E. K. Shirley as clerk of the appropriation committee.

Mr. LaMoure nominated Mrs. Minnie C. Budlong as clerk of the appropriation committee.

There being no other nominations, the roll being called, the following named senators voted for Mrs. Budlong:

Messrs. Bacon, Carroll, Cashel, Dyste, Fox, Garnett, Gulack, Hanna, Herbrandson, Kirkeide, Kraabel, LaMoure, Little, McLean, Movius, Pierce, Sharpe, Stade, Simpson, Sifton, Steele, Spoonheim, Swenson, Talcott, Taylor, Thatcher, Voss, Wagner, Young.

The following named senators voter for Mr. Shirley:

Messrs. Brown, Benson, Crane, Hagen, Johnson of Walsh, McArthur.

Not voting: Messrs. Johnson of McLean, McDonald, Main, Plain and Regan.

Mrs. Budlong having received a majority of all votes cast was declared elected.

Mr. Little nominated W. S. McLean, H. Hogue, W. E. Savage and Shed Lambert for pages.

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

Messrs. Bacon, Brown, Benson, Carroll, Cashel, Crane, Dyste, Fox, Garnett, Gulack, Hagen, Hanna, Herbrandson, Johnson of McLean, Johnson of Walsh, Kirkeide, Kraabel, LaMoure, Little, Macdonald, Main, McArthur, McLean, Movius, Pierce, Plain, Regan, Sharpe, Stade, Simpson, Sifton, Steele, Spoonheim, Swenson, Talcott, Taylor, Thatcher, Voss, Wagner, Young.

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

Mr. Voss nominated E. R. Steinbrueck for assistant post master.

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

Messrs. Bacon, Brown, Benson, Carroll, Cashel, Crane, Dyste, Fox, Garnett, Gulack, Hagen, Hanna, Herbrandson, Johnson of McLean, Johnson of Walsh, Kirkeide, Kraabel, LaMoure, Little, Macdonald, Main, McArthur, McLean, Movius, Pierce, Plain, Regan, Sharpe, Stade, Simpson, Sifton, Steele, Spoonheim, Swenson, Talcott, Taylor, Thatcher, Voss, Wagner, Young.

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

Mr. Stade nominated Ever Wagness for assistant sergeant at arms.

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

Messrs. Bacon, Brown, Benson, Carroll, Cashel, Crane, Dyste, Fox, Garnett, Gulack, Hagen, Hanna, Herbrandson, Johnson of McLean, Johnson of Walsh, Kirkeide, Kraabel, LaMoure, Little, Macdonald, Main, McArthur, McLean, Movius, Pierce, Plain, Regan, Sharpe, Stade, Simpson, Sifton, Steele, Spoonheim, Swenson, Talcott, Taylor, Thatcher, Voss, Wagner, Young.

TUESDAY, JANUARY 3, 1905.

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

Mr. Thatcher nominated E. R. Kennedy for doorkeeper in the gallery.

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

Messrs. Bacon, Brown, Benson, Carroll, Cashel, Crane, Dyste, Fox, Garnett, Gulack, Hagen, Hanna, Herbrandson, Johnson of McLean, Johnson of Walsh, Kirkeide, Kraabel, LaMoure, Little, Macdonald, Main, McArthur, McLean, Movius, Pierce, Plain, Regan, Sharpe, Stade, Simpson, Sifton, Steele, Spoonheim, Swenson, Talcott, Taylor, Thatcher, Voss, Wagner, Young.

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

Mr. Gulack nominated Arndt Mamel for janitor.

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

Messrs. Bacon, Brown, Benson, Carroll, Cashel, Crane, Dyste, Fox, Garnett, Gulack, Hagen, Hanna, Herbrandson, Johnson of McLean, Johnson of Walsh, Kirkeide, Kraabel, LaMoure, Little, Macdonald, Main, McArthur, McLean, Movius, Pierce, Plain, Regan, Sharpe, Stade, Simpson, Sifton, Steele, Spoonheim, Swenson, Talcott, Taylor, Thatcher, Voss, Wagner, Young.

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

Mr. McLean nominated Harry Weiland for cloak room attendant.

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

Messrs. Bacon, Brown, Benson, Carroll, Cashel, Crane, Dyste, Fox, Garnett, Gulack, Hagen, Hanna, Herbrandson, Johnson of McLean, Johnson of Walsh, Kirkeide, Kraabel, LaMoure, Little, Macdonald, Main, McArthur, McLean, Movius, Pierce, Plain, Regan, Sharpe, Stade, Simpson, Sifton, Steele, Spoonheim, Swenson, Talcott, Taylor, Thatcher, Voss, Wagner, Young.

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

Mr. Talcott nominated M. A. Shirley, K. Magnuson, Earl Gillmer and S. H. Carothers for assistant engrossing and enrolling clerks.

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

Messrs. Bacon, Brown, Benson, Carroll, Cashel, Crane, Dyste, Fox, Garnett, Gulack, Hagen, Hanna, Herbrandson, Johnson of McLean, Johnson of Walsh, Kirkeide, Kraabel, LaMoure, Little, Macdonald, Main, McArthur, McLean, Movius, Pierce, Plain, Regan, Sharpe, Stade, Simpson, Sifton, Steele, Spoonheim, Swenson, Talcott, Taylor, Thatcher, Voss, Wagner, Young.

The above named clerks having received a majority of the votes cast were declared elected.

Mr. Simpson moved that three stenographers for the senators be elected, and he named as such Miss Cora Simpson, Mrs. Karrie King Mayfield and Mr. L. M. McGlashan.

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

Messrs. Bacon, Brown, Benson, Carroll, Cashel, Crane, Dyste, Fox, Garnett, Gulack, Hagen, Hanna, Herbrandson, Johnson of McLean, Johnson of Walsh, Kirkeide, Kraabel, LaMoure, Little, Macdonald, Main, McArthur, McLean, Movius, Pierce, Plain, Regan, Sharpe, Stade, Simpson, Sifton, Steele, Spoonheim, Swenson, Talcott, Taylor, Thatcher, Voss, Wagner, Young.

The above named stenographers having received a majority of the votes cast were declared elected.

Mr. Little moved that a committee on rules be appointed, and pending the report of the committee the senate be governed by the old rules.

Which motion prevailed.

The president announced as the committee on rules the following: Messrs. LaMoure, Little, Cashel, Sharpe, Talcott, Young and Wagner.

The oath was administered by the President to the following officers and employes:

F. S. Talcott, president pro tem.

R. M. Tuttle, secretary.

James Twamley, first assistant secretary.

F. W. Kempf, assistant secretary.

O. J. Olson, bill clerk.

D. B. Wellman, sergeant at arms.

E. Gilmer and S. H. Carothers, enrolling and engrossing clerks.

E. R. Kennedy, doorkeeper of gallery.

A. LaFrance, doorkeeper.

E. R. Steinbrueck, assistant postmaster.
Mrs. Minnie C. Budlong, clerk appropriation committee.
Miss C. Coleman, stenographer.
Mrs. Karrie King Mayfield, Miss Cora G. Simpson and
L. M. McGlashan, stenographers for the senators.
W. McLean, Wm. Savage, Howard Hogue and Shed Lambert, pages.

Mr. Little moved.

That a committee of three be appointed to wait on the governor and inform him that the senate is organized and ready for business.

Which motion prevailed.

The President appointed as such committee, Messrs. Little, Garnett and Main.

Mr. Simpson moved

That a committee of three be appointed to notify the house that the senate has organized and is ready for business.

Which motion prevailed.

And Messrs. Simpson, Cashel and Talcott were so appointed.

Mr. Young moved

The adoption of the following resolution:

Resolved, That there be printed and furnished each member of the senate five extra copies of the daily journals and bills of the respective houses, and that all regular correspondents of the press be supplied with files of the bills and journals.

Which motion prevailed.

Mr. Simpson moved

That the secretary of state be requested to furnish each member of the senate with a copy of the Revised Codes, and a copy of the session laws for the year 1901 and 1903.

Which motion prevailed.

Mr. Little moved

That the senate adjourn to 2 p. m. of the following day.

Which motion prevailed.

The senate adjourned.

R. M. TUTTLE,
Secretary.

SECOND DAY

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
January 4, 1905.

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

The president presiding.

Prayer by the chaplain.

Roll call.

All members present.

A committee from the house reported that the house had organized and was ready for business.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
January 3, 1905.

Mr. President:

I have the honor to inform the senate that the house has organized by the election of the following officers and is ready to receive any communication from the senate:

Speaker—George H. Piercy.

Chief Clerk—Otto Sougstad.

First Assistant Clerk—M. A. Lisle.

Second Assistant Clerk—T. C. Miller.

Chief Enrolling and Engrossing Clerk—W. A. Kelly.

Bill Clerk—J. F. Marsh.

Sergeant at Arms—Ole T. Grant.

Doorkeeper—J. A. Westerdahl.

Gallery Doorkeeper—John Stoose.

Messenger—T. J. Hampton.

Postmaster—James Flannigan.

Chaplain—Rev. A. W. Hays.

Stenographer—Miss Jeanette P. James.

Members' Stenographer—Miss Clara E. Stevens.

Billroom Clerk—W. E. Truemner.
Assistant Bill Clerk—J. S. O'Grady.
Clerk of Judiciary Committee—Charles O. Heckel.
Journal Clerk—T. G. Anderson.
Assistant Journal Clerk—W. E. Burgett.
First Janitor—Thomas Evans.
Second Janitor—M. Skarison.
Pages—Hugh Fadden, James Brown, Earle Hagy, Walter White, Ralph Fisher, Ira Herbert.
Watchman—Charles Hubbard.
First Cloak Room Attendant—George Sands.
Second Cloak Room Attendant—Ole Kinneberg.

Very respectfully,

OTTO SOUGSTAD,
Chief Clerk.

INTRODUCTION AND FIRST READING OF SENATE BILLS.

Mr. Little introduced
Senate Bill No. 1,

A bill for an act prescribing regulations for the appropriation, distribution and use of water in the construction and maintaining of canals, ditches and storage reservoirs for the purpose of irrigation, evaporation and water power; for the diversion and confining, retention, storage and distribution of water; the condemnation of lands for the right of way of works for such purposes; providing for a state engineer and an assistant state engineer and the appointment of officers for the surveying and measurement, fixing their compensation and providing for the payment of the same and making an appropriation therefor, prescribing their duties, powers and qualifications, and the appropriation of the streams of the state and controlling the distribution of water throughout the state in the several water divisions thereof, prescribing water divisions, and the management of water regulations and adjudicating the rights and the priority of rights of those diverting, carrying or storing water for irrigation or other beneficial purposes in the water districts in the several water divisions, providing for the expense of such adjudication and for the apportionment and payment thereof, prescribing regulations and ascertaining the rights and priorities of those

entitled to water for use for the irrigation of lands, and to provide penalties and for punishing persons for interfering with it or maliciously trespassing upon the ditches, reservoirs or irrigation works for the storage and conveyance of water and to regulate the rights to the use of water for agricultural and manufacturing and other purposes, to provide for a board of water commissioners, prescribing their duties, pay, compensation, providing for water masters, their duties, compensation, providing for change of place or use of diversion, measuring devices, bridges over ditches or canals, providing for constructing works, the disposition of seepage water, and providing for the disposition of state lands and right of way over same.

Which was read the first time.

Mr. Plain introduced

Senate Bill No. 2,

A bill for an act concerning land titles.

Which was read the first time.

A committee from the house reported that the house was ready to meet with the senate in joint session.

Mr. Little moved

That the senate proceed to the house to meet in joint session.

Which motion prevailed.

The senate re-convened.

Mr. Cashel moved

That the senate chamber be properly decorated with the American flag,

Which motion prevailed, and

The sergeant at arms was instructed to provide such decoration.

The following clerks and employes were sworn in by the president:

John R. Selby, clerk of the judiciary committee; Byron and T. S. Norgaard, journal clerks; K. Magnuson, clerk; Ole Anderson, messenger; George Game, bill room clerk; Ever Wagness, assistant sergeant at arms.

Mr. Crane moved

That the senate do now adjourn,

Which motion prevailed,

The senate adjourned.

R. M. TUTTLE,
Secretary.

THIRD DAY

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
January 5, 1905.

The senate met at 2:00 o'clock p. m., pursuant to adjournment.

The president presiding.

Prayer by the chaplain.

Roll call.

All members present.

Mr. Sharpe moved

That the chair appoint a committee of three to approve and correct the journal.

Which motion prevailed, and

The chair appointed as such committee Messrs. Main. Brown and Kraabel.

Mr. LaMoure presented the following concurrent resolution and moved its adoption:

CONCURRENT RESOLUTION.

Be it resolved by the senate, the house of representatives concurring.

That the World's Fair Commission be requested, in accordance with the provisions of section 5 of chapter 34 of the laws of 1903, to at once provide for the shipment to the Lewis and Clark exposition at Portland, Oregon, of the North Dakota exhibit which is now at the St. Louis exposition.

Which motion prevailed, and

The resolution was adopted.

MESSAGES FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
January 5, 1905.

Mr. President:

I have the honor to inform the senate that the house has passed the following resolution and the concurrence of the senate therein is requested.

CONCURRENT RESOLUTION.

Whereas, It is currently reported that the Millers Association has made application to the Treasury Department at Washington for a ruling under which foreign grown wheat may be imported in bond under the provisions of section 30 of the Dingley tariff law; and

Whereas, The effect of the granting of said application, in our opinion, would be to practically nullify paragraph 234 of said law, which provides for a specific duty on wheat imports of twenty-five cents per bushel; and

Whereas, The opinions of the Department of Justice on the question of drawbacks upon imported materials to be used in articles manufactured for export are lacking in uniformity, at least one of said opinions holding to the view that materials so imported for such use "shall so appear in the completed article that the quantity or measure thereof may be ascertained" (this, in fact being the letter of the law); therefore,

Resolved, By the house of representatives of the ninth legislative assembly of the state of North Dakota, the senate concurring, that we firmly protest against the granting of the application of the said millers and urge upon our delegation in congress the importance of proceeding in every reasonable way to protect the grain growers of the northwest against the injustice that we are convinced would follow the success of any scheme for the free admission of foreign grown wheat:

Resolved, That an engrossed copy of these resolutions be forwarded to the honorable secretary of the treasury and to each of our senators and members in congress.

Very respectfully,

OTTO SOUGSTAD,

Chief Clerk.

HOUSE OF REPRESENTATIVES,

BISMARCK, NORTH DAKOTA,

January 5, 1905.

Mr. President:

I have the honor to inform the senate that the house has passed the following resolution and the concurrence of the senate therein is respectfully requested.

Whereas, It is necessary to use the hall of the house of representatives for the inaugural ball, and

Whereas, The hall is in an incomplete condition and it will take two or three days to arrange desks, lay carpets and otherwise prepare the hall for the members, therefore, be it

Resolved by the house of representatives, the senate concurring:

That when the house and senate adjourn today they stand adjourned until Thursday, January 12, 1905, at 2 p. m.

Very respectfully,

OTTO SOUGSTAD,

Chief Clerk.

Mr. Hanna moved

That the senate concur in the resolution relating to adjournment,

Which motion prevailed.

The oath of office was administered by the president to M. J. Freeman, postmaster; W. H. Pray, proof reader.

Mr. Talcott moved

That the senate do now adjourn.

Which motion prevailed, and

The senate adjourned.

R. M. TUTTLE,
Secretary.

TENTH DAY

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
January 12, 1905.

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

The president presiding.

Prayer by the chaplain.

The oath of office was administered by the president to John Andrews, chief enrolling and engrossing clerk; Arndt Mamel, janitor.

There not being a quorum present the senate adjourned.

R. M. TUTTLE,
Secretary.

ELEVENTH DAY

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
January 13, 1905.

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

The president presiding.

Prayer by the chaplain.

Roll call.

All present except Messrs. Bacon, Brown, Benson, Carroll, Cashel, Crane, Fox, Gulack, Johnson of Walsh, Main, McArthur, Movius, Plain, Stade, Sifton, Wager.

Mr. LaMoure moved

That all absent senators be excused,

Which motion prevailed.

COMMITTEE REPORT.

Mr. President: Your committee on rules make the following report:

We recommend in addition to other committees the appointment of a committee on Game and Fish, consisting of seven members.

Also recommend the adoption of the following in place of Rule 39:

Rule 39. All nominations from the executive shall be opened and read immediately in executive session and then be referred to their appropriate committees, unless otherwise ordered; and the final question on every nomination shall be, "Will the senate advise and consent to the nomination?" which question shall not be put on the same day on

which the nomination is received, nor on the day on which it may be reported by a committee, unless by unanimous consent.

Also recommend that committee on state affairs be increased from 9 to 11 members; on appropriation from 15 to 17 members and insurance committee from 7 to 9 members.

And when so amended recommend that the rules of the last session be adopted as the rules of the present session.

Your committee also recommend that the joint rules of the last session be adopted.

Respectfully submitted,

JUDSON LAMOURE,
Chairman.

Mr. LaMoure moved

That the report of the committee be adopted.

Which motion prevailed.

MOTIONS AND RESOLUTIONS.

Mr. Steele offered the following resolution:

Whereas, It is apparent that for the prompt and efficient dispatch of the business of the senate, it is necessary that at least five additional assistant enrolling and engrossing clerks and one additional page be employed; therefore,

Resolved, That the president of the senate forthwith appoint the following persons as such assistant enrolling and engrossing clerks, viz:

Erick K. Moe of Eddy county, Elmer Blecken of Walsh county, Siver Rodning of Benson county, George Weatherhead of Cass county, E. A. Butterfield of Traill county, and that they be temporarily assigned to such duties as may be most in need.

Also that Bennie Thoreson of Ward county be appointed as page of the senate.

Mr. Steele moved the adoption of the resolution,

Which motion prevailed.

Mr. Hanna offered the following resolution:

That there be appointed by the president of the senate two clerks whose duty it shall be to mail copies of the journals of the senate and the house, and senate and house bills to residents of the state. The names of the residents and addresses to be furnished by members of this senate.

Mr. Hanna moved

That the resolution be adopted.

Which motion prevailed.

Mr. Young offered the following:

CONCURRENT RESOLUTION.

Whereas a bill has been introduced in the senate of the United States by Hon. P. J. McCumber (S. 199) to provide for the fixing of a uniform

standard of classification and grading of wheat, flax, corn, oats, barley, rye and other grains; and

Whereas, it is a well established fact that grain cannot be inspected conveniently or in any practical manner excepting at the terminal markets, viz: the markets now established at points of trans-shipment or large milling centers; and

Whereas, many of the states have no such terminal markets within their borders and are dependent upon the systems of grain inspection established under the laws of neighboring states, which laws lack uniformity, and are sometimes executed unfairly; and

Whereas the natural markets of North Dakota, the great wheat state, are at Duluth, West Superior and Minneapolis, beyond our state lines, and our grain is inspected under laws enacted in legislatures in which our people are not represented; and

Whereas, Such inspection has proved unsatisfactory and has occasioned great injustice to our grain growers; now therefore,

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

(1) That we desire the establishment of a system of grain inspection by the Congress of the United States, the only legislative body in which we have representation which can properly deal with the subject.

(2) That we believe the grain growers of North Dakota are in favor of the passage of senate bill No. 199, and that if a system of grain inspection is established thereunder it will result in great benefit, not only to the grain growers of North Dakota, but every farmer in the United States.

That an engrossed copy hereof be forwarded to the secretary of agriculture and to each of our senators and representatives.

Mr. Young moved

The adoption of the resolution.

Which motion prevailed.

INTRODUCTION AND FIRST READING OF SENATE BILLS.

Mr. Simpson introduced

Senate Bill No. 3,

A bill for an act fixing the salaries and providing for the payment of the necessary expenses for the judges of the district court of the state of North Dakota.

Which was read the first time.

Mr. Hanna introduced

Senate Bill No. 4,

A bill for an act appropriating money for the building and equipping of a chemical laboratory and green house for the North Dakota Agricultural College and Experiment Station at Fargo.

Which was read the first time.

Mr. Hanna introduced

Senate Bill No. 5.

A bill for an act to establish the live stock sanitary board of North Dakota and to provide for the suppression and control of dangerous, contagious, and infectious diseases of domestic animals.

Which was read the first time.

Mr. Kraabel introduced

Senate Bill No. 6,

A bill for an act to amend section 2876 of the Revised Codes of North Dakota of the revision of 1899 relating to the issuance of certificates of stock of corporations and the transfer thereof.

Which was read the first time.

Mr. Kraabel introduced

Senate Bill No. 7.

A bill for an act to amend chapter 4 of the laws of 1903, relating to procedure in civil actions in justice court.

Which was read the first time.

Mr. Kraabel introduced

Senate Bill No. 8,

A bill for an act to provide police for towns and villages not organized, and provide revenue to support the same.

Which was read the first time.

Mr. LaMoure introduced

Senate Bill No. 9,

A bill for an act making an appropriation of \$1,500 for the payment of the expenses of Prof. E. F. Ladd, state pure food commissioner in defending a suit brought against him by an association of food manufacturers.

Which was read the first time.

Mr. Sharpe introduced

Senate Bill No. 10.

A bill for an act authorizing the construction or reconstruction and repairing of sidewalks in incorporated villages in this state and the manner of assessment and levy thereof and collection of the same.

Which was read the first time.

Mr. Pierce introduced

Senate Bill No. 11.

A bill for an act providing for specific performance by

guardians of contracts for sale of real estate in certain cases.

Which was read the first time.

Mr. Taylor introduced
Senate Bill No. 12.

A bill for an act providing for the creating of a state bacteriological and and pathological laboratory, for the control of such laboratory, and duties of the director, for the apportionment of a director of such laboratory, who shall be ex-officio state bacteriologist and for an appropriation for the support of such laboratory.

Mr. Pierce introduced
Senate Bill No. 13.

A bill for an act to amend subdivision 2 of section 5653 of the Revised Codes.

Mr. Pierce introduced •
Senate Bill No. 14.

A bill for an act to authorize courts of competent jurisdiction to cancel satisfactions of judgments, liens or mortgages obtained by fraud, error or mistake or when the title to the property fails or satisfaction is not realized from the sale of the property under execution.

Mr. Steel introduced
Senate Bill No. 15.

A bill for an act to amend section 4791 of the Revised Codes, relating to the filing of mechanics' liens and giving notice of intention to file a lien.

MESSAGE FROM THE GOVERNOR.

The sergeant at arms announced a message from the governor.

Mr. Little moved

That the rules be suspended and that the governor's message be read.

Which motion prevailed.

GOVERNOR'S OFFICE.

BISMARCK, N. D., JANUARY 13, 1905.

To the Senate:

Mr. President: A meeting of the State Irrigation Congress will be held in Bismarck January 24, for the purpose of considering irrigation work in North Dakota. The steps taken by the government reclamation service for the beginning of active work in the state have reached that point where the

cooperation of our people is necessary to enable them to reap the benefits of practical irrigation. That effective cooperation may be arrived at, the education of our people is necessary. The officers of the state irrigation congress have obtained assurances from some of the government's leading irrigation and drainage experts that they will be present and address the meeting. Other wellknown public men who have taken the lead in irrigation work in the north-west have agreed to be present and give the people of the state the benefit of their experience. This congress bids fair to be the most helpful and advantageous yet held in the state. That steps may be taken by your body to render this meeting most effective and its influence far reaching, will at once suggest itself to your wisdom and desire for the state's good.

I have the honor to request, therefore, that a committee be appointed from the senate and house to confer with me regarding this important matter, looking to the making of such arrangements as will enable the state to derive the greatest benefit from this meeting, to the end that the proceedings of this irrigation congress be most widely and effectively disseminated among the people of our state. I will be pleased to meet with such a committee as your body chooses to name at its earliest convenience for the discussion of arrangements, to be reported for the consideration of the legislative body.

E. Y. SARLES,
Governor.

Mr. Little offered the following resolution:

Resolved, That approving the suggestion contained in the message of the governor just read, that the president of the senate appoint a committee of five to act with a similar committee to be appointed on the part of the house, to confer with Governor Sarles in regard to the meeting of the State Irrigation Congress which convenes in Bismarck, January 24, 1905, and the secretary of the senate is instructed to forthwith transmit a copy of this resolution to the house.

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

The president appointed as a committee to confer with the governor and a similar committee from the house, on the question of the coming irrigation congress, the following: Messrs. Hanna, LaMoure, Little, Simpson and Fox.

MESSAGES FROM THE HOUSE.

Mr. President:

I have the honor to inform the senate that the house has adopted the following resolution:

Resolved, That in compliance with the suggestion contained in the message of the governor just read, that the speaker of the House appoint a committee of seven to act with a like committee to be appointed on the part of the senate, to confer with Governor Sarles in regard to the meeting of the state Irrigation congress, which convenes in Bismarck, January 24, 1905, and the chief clerk of the house is instructed to forthwith transmit a copy of this resolution to the senate.

And has appointed as the committee on the part of the

house Messrs. Chapman, Weigel, Phelan, Buttz, Palmer, Peterson, Stevens of Burleigh.

Respectfully,
 OTTO SOUGSTAD,
 Chief Clerk.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES.
 BISMARCK, NORTH DAKOTA,
 January 13, 1905.

Mr. President:

I have the honor to inform the senate that the house has passed the following concurrent resolution:

Resolved by the House of Representatives, the Senate concurring, That a special committee consisting of three members of the house be appointed by the speaker and two members of the senate to be appointed by the president of the senate, to inquire into and assign, after consulting with the board of capitol commissioners, the necessary rooms for the various committees of the two houses, and to arrange and designate such other matters connected with the organization of the two houses as may be necessary for the transaction of the routine business connected with the assignment of said committee rooms.

And the concurrence of the senate therein is respectfully requested.

Respectfully,
 OTTO SOUGSTAD,
 Chief Clerk.

MOTIONS AND RESOLUTIONS.

Mr. Talcott moved

That the senate do now concur in the house resolution in relation to the bonded wheat question.

Which motion prevailed.

Mr. Steele offered the following resolution:

Whereas, Frank E. Bohm, who was elected as an employee of the senate as watchman, has unavoidably been prevented from accepting and qualifying in that capacity and thereby creating a vacancy in that office, therefore be it Resolved, That John P. Sheridan, of Ward county, be substituted as watchman to the senate.

And moved its adoption,

Which motion prevailed.

The following employes were sworn in by the president: Gride K. Moe, Siver Rodning, E. A. Butterfield and Elmer Bleeken on the enrolling and engrossing force; Bennie

Thorsen page; Harry Wielam, cloak room attendant; John P. Sheridan, watchman; S. G. Skulason, committee clerk.

RESIGNATION OF THE SECRETARY.

January 13, 1905.

To the President of the Senate:

I herewith respectfully tender my resignation as secretary of the senate, owing to the fact that in a few days I shall remove from the state.

R. M. TUTTLE.

Mr. Simpson moved

That a committee of seven be appointed to draft resolutions concerning the resignation of Mr. Tuttle, and that the resolutions when accepted, be enrolled, spread upon the minutes of the senate and that engrossed copies thereof be forwarded to Mr. Tuttle.

Which motion prevailed.

The president appointed as such committee Messrs. Simpson, LaMoure, Hanna, Young, Sharpe, Voss and Pierce.

Mr. Little moved

That the senate do now adjourn.

Which motion prevailed and

The senate adjourned.

JAMES TWAMLEY,
Assistant Secretary.

TWELFTH DAY

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
January 14, 1905.

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

Prayer by the chaplain.

Roll call.

All members present except Messrs. Brown, Benson, Cashel, Fox, Gulack, Main, McArthur, Plain, Stade, Sifton, Swenson, Voss and Wagner, who were excused.

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 first and second days has carefully examined the same and recommend that the same be corrected as follows:

Of the first day—On page 10, following the words "R. M. Tuttle, secretary," insert "James Twamley, first assistant secretary." At the middle of page 11, after the words "Which motion prevailed," add "And Messrs. Simpson, Cashel and Talcott were so appointed."

Of the second day—On page 4, strike out the name "John R. Selly" and insert in lieu thereof "John R. Selby."

Your committee on revision and correction of the journal of the third, tenth and eleventh days, has carefully examined the same and find no corrections to make.

And when so amended recommend that the same be approved.

A. T. KRAABEL,
Acting Chairman.

MOTIONS AND RESOLUTIONS.

Mr. Kraabel moved

That the report be adopted.

Which motion prevailed.

Mr. Bacon offered the following concurrent resolution.

CONCURRENT RESOLUTION.

Whereas, Much grain is raised for sale by the farmers in the Red River Valley and

Whereas, Much of this grain could be more conveniently marketed, at warehouses along the river than at railway stations, and

Whereas, It would save much expense and labor to farmers if they were able to market at such warehouses, and

Whereas, The river channel is so filled up as to prevent boats loaded to their full capacity from passing, now, therefore, be it

Resolved, By the senate of the state of North Dakota, the house of representatives concurring, That our senators and members of the house of representatives in congress be requested to put forth every effort and use all honorable means to secure the appropriation of \$20,000 from the United States government for the purpose of dredging the Red River and aiding navigation; and, be it further

Resolved, That a copy of this resolution be forwarded to each of the senators and representatives of this state in Washington.

Mr. Bacon moved

That the resolution be adopted as read.

Which motion prevailed, and

The resolution was adopted.

Mr. Crane moved

That there be added to the rules of the senate a rule prohibiting smoking in the senate chamber while the senate is in session.

Which motion prevailed.

Mr. Spoonheim offered the following concurrent resolution:

CONCURRENT RESOLUTION.

Whereas, The arbitrary power of the railroads to fix rates, subject to no modification by the shippers or the people, has by unjust discriminations built up huge monopolies that are antagonistic to public good;

Resolved by the senate of the Ninth Legislative Assembly of the state of North Dakota, the house of representatives concurring, That we urge and earnestly request our senators and members in congress to support the Quarles-Cooper bill or other measures giving increased power to interstate commerce commission in conformity with the recommendations contained in President Roosevelt's message to congress.

Mr. Spoonheim moved

That the resolution be adopted.

Mr. Simpson arose to a point of order.

The president announced the point well taken and the resolution went over one day.

INTRODUCTION AND FIRST AND SECOND READING OF SENATE BILLS.

Mr. Little introduced
Senate Bill No. 16,

A bill for an act making appropriations for current and contingent expenses of the state penitentiary, and for making permanent improvements thereto.

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

Mr. Sharpe introduced
Senate Bill No. 17,

A bill for an act to provide for the licensing of auctioneers.

Which was read the first and second times and referred to the committee on state affairs.

Mr. Ryan introduced
Senate Bill No. 18,

A bill for an act to amend section 407 of the revised codes of 1899 with reference to the boundaries and terms of court in the Fifth judicial district.

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

Mr. Ryan introduced
Senate Bill No. 19,

A bill for an act to amend section 2071 of the revised codes of 1899, relating to reimbursing counties for salaries paid judges of county courts.

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

SECOND READING OF SENATE BILLS.

Senate Bill No. 1,

A bill for an act prescribing regulations for the appropriation, distribution and use of water in the construction and maintaining of canals, ditches and storage reservoirs for the purpose of irrigation, evaporation and water power; for the diversion and confining, retention, storage and distribution of water; the condemnation of lands for

the right of way of works for such purposes; providing for a state engineer and an assistant state engineer and the appointment of officers for the surveying and measurement, fixing their compensation and providing for the payment of the same and making an appropriation therefor, prescribing their duties, powers and qualifications, and the appropriation of the streams of the state and controlling the distribution of water throughout the state in the several water divisions thereof, prescribing water divisions, and the management of water regulations and adjudicating the rights and the priority of rights of those diverting, carrying or storing water for irrigation or other beneficial purposes in the water districts in the several water divisions, providing for the expense of such adjudication and for the apportionment and payment thereof, prescribing regulations and ascertaining the rights and priorities of those entitled to water for use for the irrigation of lands, and to provide penalties and for punishing persons for interfering with it or maliciously trespassing upon the ditches, reservoirs or irrigation works for the storage and conveyance of water and to regulate the rights to the use of water for agricultural and manufacturing and other purposes, to provide for a board of water commissioners, prescribing their duties, pay, compensation, providing for water masters, their duties, compensation, providing for change of place or use of diversion, measuring devices, bridges over ditches or canals, providing for constructing works, the disposition of seepage water, and providing for the disposition of state lands and right of way over same.

Was read the second time, and
Referred to the committee on irrigation.

Mr. Hanna moved

That the senate do now adjourn.

Which motion prevailed, and

The senate adjourned.

JAMES TWAMLEY,
Acting Secretary.

FOURTEENTH DAY

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
January 16, 1905.

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. Benson and Brown.
Who were excused.

UNFINISHED BUSINESS.

Mr. Spoonheim offered the following:

CONCURRENT RESOLUTION

Whereas, The arbitrary power of the railroads to fix rates, subject to no modification by the shippers or the people, has by unjust discrimination built up huge monopolies that are antagonistic to public good.

Resolved by the Senate of the Ninth Legislative Assembly of the State of North Dakota, the House of Representatives concurring, That we urge and earnestly request our senators and members in congress to support the Quarles-Cooper bill or other measures giving increased power to interstate commerce commission in conformity with the recommendations contained in President Roosevelt's message to congress.

Mr. Little moved

That the resolution be referred to the committee on railroads.

Which motion prevailed, and

The resolution was referred.

MOTIONS AND RESOLUTIONS.

The courtesies of the floor were extended to the following: Eugene Fritz, Jr., J. D. Mills, E. H. Kent, of Grand Forks; K. K. Koppang, of Cavalier; P. J. Pellissier, J. W. Follos, of Billings, and W. C. Taylor, of LaMoure.

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

Whereas, It is apparent that the present force of stenographers for the senate is insufficient to perform the work demanded of them, therefore

Resolved, That Frank Goodman of Barnes county, be elected an additional stenographer for the senators.

Which motion prevailed, and
The resolution was adopted.

Mr. Simpson moved

That the senate take a recess of 10 minutes for the purpose of calling in a body upon the governor to congratulate him upon his 46th birthday.

Which motion prevailed, and
The senate took a recess of ten minutes.

AFTER RECESS.

The senate reconvened.

Mr. Simpson moved

That the resignation of Mr. Tuttle, as secretary of the senate, be accepted.

Which motion prevailed.

RESIGNATION OF STENOGRAPHER FOR THE SENATE.

BISMARCK, NORTH DAKOTA,
January 16, 1905.

To the President of the Senate:

I herewith tender my resignation as stenographer for the senators.

L. M. McGLASHAN.

Mr. LaMoure moved

That the resignation of L. M. McGlashan as stenographer be accepted.

Which motion prevailed.

Mr. LaMoure nominated L. M. McGlashan for secretary of the senate.

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

Messrs. Bacon, Carroll, Cashel, Crane, Dyste, Fox, Garnett, Gulack, Hagen, Hanna, Herbrandson, Johnson of McLean, Johnson of Walsh, Kirkeide, Kraabel, LaMoure, Little, MacDonald, Main, McArthur, McLean, Movius, Pierce, Plain, Regan, Sharpe, Sifton, Simpson, Spoonheim,

Stade, Steele, Swenson, Talcott, Taylor, Thatcher, Voss, Wagner, Young.

Absent and not voting Messrs. Benson and Brown.

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

INTRODUCTION AND FIRST READING OF BILLS.

Mr. Dyste introduced

Senate Bill No. 20,

A bill for an act to amend and re-enact section 2365 of the revised codes of North Dakota, 1899, relating to the powers of board of trustees of villages.

Which was read the first time.

Mr. Little introduced

Senate Bill No. 21,

A bill for an act providing for the reconstruction of the capitol building of the state of North Dakota; and for that purpose, creating a board of capitol commissioners, defining its powers and duties, providing for and appropriating the proceeds of sales of the capitol building lands, and authorizing the issuance of interest bearing certificates against said fund.

Which was read the first time.

Mr. Cashel introduced

Senate Bill No. 22,

A bill for an act to amend section 2365 of the revised codes of 1899 relating to the powers and duties of boards of trustees, and the levy and collection of taxes in villages.

Which was read the first time.

Mr. Cashel introduced

Senate Bill No. 23,

A bill for an act making an appropriation for a deficiency in the appropriation for the institution for the feeble minded.

Which was read the first time.

Mr. Fox introduced

Senate Bill No. 24,

A bill for an act to amend section 4788, revised codes of North Dakota, for 1899, relating to mechanics' liens.

Which was read the first time.

Mr. Spoonheim introduced
Senate Bill No. 25,

A bill for an act to regulate hours of employment of locomotive engineers and locomotive firemen, and provide a penalty for violation thereof.

Which was read the first time.

Mr. Hagen introduced
Senate Bill No. 26,

A bill for an act entitled an act to prohibit persons under the age of eighteen years to be allowed to play in, or visit, any pool, billiard or card resorts.

Which was read the first time.

Mr. Hanna introduced
Senate Bill No. 27,

A bill for an act to amend and re-enact sections 1, 2 and 3 of chapter 6 of the session laws of 1903, the same being: An act to prevent the adulteration, misbranding and selling of adulterated and unwholesome foods and beverages, prescribing a penalty for the violation, providing for the inspection and analysis of foods, charging the North Dakota government agricultural experiment station with the duty thereof, charging the state's attorney with the enforcement hereof, and making an appropriation therefor.

Which was read the first time.

SECOND READING OF SENATE BILLS.

Senate Bill No. 3,

A bill for an act fixing the salaries and providing for the payment of the necessary expenses for the judges of the district court of the state of North Dakota.

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

Senate Bill No. 4,

A bill for an act appropriating money for the building and equipping of a chemical laboratory and green house for the North Dakota Agricultural College and Experiment Station at Fargo.

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

Senate Bill No. 5,

A bill for an act to establish the live stock sanitary board

of North Dakota and to provide for the suppression and control of dangerous, contagious, and infectious diseases of domestic animals.

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

Senate Bill No. 6,

A bill for an act to amend section 2876 of the Revised Codes of North Dakota of the revision of 1899, relating to the issuance of certificates of stock of corporations and the transfer thereof.

Was read the second time, and
Referred to the committee on corporations.

Senate Bill No. 7,

A bill for an act to amend chapter 4 of the laws of 1903, relating to procedure in civil actions in justice court.

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

Senate Bill No. 8,

A bill for an act to provide police for towns and villages not organized, and provide revenue to support the same.

Was read the second time, and
Referred to the committee on municipal corporations.

Senate Bill No. 9,

A bill for an act making an appropriation of \$1,500 for the payment of the expenses of Prof. E. F. Ladd, state pure food commissioner in defending a suit brought against him by an association of food manufacturers.

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

Senate Bill No. 10.

A bill for an act authorizing the construction or reconstruction and repairing of sidewalks in incorporated villages in this state and the manner of assessment and levy thereof and collection of the same.

Was read the second time, and
Referred to the committee on corporations.

Senate Bill No. 11,

A bill for an act providing for specific performance by guardians of contracts for sale of real estate in certain cases.

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

Senate Bill No. 12.

A bill for an act providing for the creating of a state bacteriological and and pathological laboratory, for the control of such laboratory, and duties of the director, for the apportionment of a director of such laboratory, who shall be ex-officio state bacteriologist and for an appropriation for the support of such laboratory.

Was head the second time, and
 Referred to the committee on public health.

Senate Bill No. 13,

A bill for an act to amend subdivision 2 of section 5653 of the Revised Codes.

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

Senate Bill No. 14,

A bill for an act to authorize courts of competent jurisdiction to cancel satisfactions of judgments, liens or mortgages obtained by fraud, error or mistake or when the title to the property fails or satisfaction is not realized from the sale of the property under execution.

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

Senate Bill No. 15.

A bill for an act to amend section 4791 of the Revised Codes, relating to the filing of mechanics' liens and giving notice of intention to file a lien.

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

CONSIDERATION OF MESSAGES FROM THE HOUSE.

CONCURRENT RESOLUTION

Resolved by the House of Representatives, the Senate concurring, That a special committee consisting of three members of the house be appointed by the speaker and two members of the senate to be appointed by the president of the senate, to inquire into and assign, after consulting with the board of capitol commissioners, the necessary rooms for the various committees of the two houses, and to arrange and designate such other matters connected with the organization of the two houses as may be necessary for the transaction of the routine business connected with the assignment of said committee rooms.

Mr. Little moved

That the senate concur in the concurrent resolution.

Which motion prevailed, and
The president appointed as such committee, Messrs. Little and Hanna.

MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
January 16, 1905.

Mr. President:

I have the honor to inform the senate that the house has concurred in the following senate concurrent resolution relating to inspection of grain:

CONCURRENT RESOLUTION.

Whereas, Much grain is raised for sale by the farmers in the Red River valley, and

Whereas, Much of this grain could be more conveniently marketed, at warehouses along the river than at railroad stations, and

Whereas, It would save much expense and labor to farmers if they were able to market at such warehouses, and

Whereas, The river channel is so filled up as to prevent boats loaded to their full capacity from passing, now, therefore, be it

Resolved, By the Senate of the state of North Dakota, the House of Representatives concurring, That our senators and members of the house of representatives in congress be requested to put forth every effort and use all honorable means to secure the appropriation of \$20,000 from the United States government for the purpose of dredging the Red River and aiding navigation; and, be it further

Resolved, That a copy of this resolution be forwarded to each of the senators and representatives of this state in Washington.

Very respectfully,
OTTO SOUGSTAD,
Chief Clerk.

The president appointed, under Mr. Hanna's resolution of the eleventh day, N. Chilson and John Young as mailing clerks.

The president announced the following standing and joint committees:

SENATE STANDING COMMITTEES.

Judiciary—Messrs. Little, chairman; Sharpe, Talcott, Simpson, LaMoire, Voss, Bacon, Fox, Crane, Cashel, Pierce, Gannett, Young, Hanna, Regan.

Education—Messrs. Talcott, chairman; Cashel, Sharpe, Gannett, Main, Young, Stade, McDonald, Herbrandson.

Elections—Messrs. Hanna, chairman; Regan, Swenson, Gulack, LaMoire, McDonald, Cashel, Kraabel, Stade.

Appropriations—Messrs. LaMoire, chairman; Taylor, Crane,

Sharpe, Little, McLean, Garnett, Cashel, Fox, Hanna, Voss, Stade, Herbrandson, Young, Sifton, Thatcher, Movius.

State Affairs—Messrs. Sharpe, chairman; Fox, Herbrandson, Brown, Little, Swenson, Crane, LaMoure, Johnson of Walsh, Plain, Regan.

Public Lands—Messrs. Sifton, chairman; Young, Kirkeide, Hagen, McArthur, Talcott, McDonald, Benson, Movius.

Railroads—Messrs. Simpson, chairman; Swenson, Sharpe, Carroll, Regan, Benson, Gulack, Hanna, Dyste, Main, Hagen, Thatcher, Steele.

Ways and Means—Messrs. Garnett, chairman; Bacon, Brown, Simpson, Voss, Movius, Thatcher, Wagner, Hagen.

Agriculture—Messrs. Swenson, chairman; Talcott, McArthur, Main, McLean, Kirkeide, Plain.

Warehousing, Grain and Grain Grading—Messrs. Kirkeide, chairman; Regan, Hagen, Johnson of McLean, Johnson of Walsh, Gulack, Main, Carroll, Kraabel, McArthur, Spoonheim.

Counties—Messrs. Johnson of McLean, chairman, Pierce, Carroll, Fox, Crane, Simpson, Dyste, Movius, Thatcher.

Engrossed and Enrolled Bills—Messrs. Young, chairman; Steele, Dyste, Spoonheim, Wagner.

Banks and Banking—Messrs. Pierce, chairman; Little, Bacon, Voss, Gulack, Simpson, Kirkeide, Steele, Movius.

Cities and Municipal Corporations—Messrs. Bacon, chairman; Simpson, Voss, Hanna, Young, Stade, Johnson of Walsh.

Indian Affairs—Messrs. Gulack, chairman; McDonald, Wagner, Hagen, Spoonheim.

Statistics—Messrs. Wagner, chairman; Dyste, Hanna, Sifton, Thatcher.

Federal Relations—Messrs. Carroll, chairman; Taylor, McArthur, Plain, McLean, Pierce, Dyste.

Insurance—Messrs. Regan, chairman; Crane, Pierce, Fox, Carroll, McDonald, Little, Kraabel, Sifton.

Public Health—Messrs. Taylor chairman; Sifton, Thatcher, Steele, Brown.

Public Printing—Messrs. Garnett, chairman; Brown, Young, Taylor, Carroll.

Temperance—Messrs. Kraabel, chairman; Pierce, Talcott, Brown, Benson, Young, Garnett, LaMoure, Thatcher.

Mines and Minerals—Messrs. Herbrandson, chairman; Simpson, McDonald, Garnett, Plain, Dyste, Sifton.

Rules—Messrs. LaMoure, chairman; Little, Cashel, Sharpe, Talcott, Wagner, Young.

Immigration—Messrs. Hagen, chairman; Carroll, Benson, Garnett, Johnson of Walsh.

Highways, Bridges and Ferries—Messrs. McDonald, chairman; McArthur, McLean, Herbrandson, Stade, Kraabel, Spoonheim.

Irrigation—Messrs. Voss, chairman; Hanna, Swenson, Little, Simpson, Plain, Sifton.

Apportionment—Messrs. Brown, chairman; Little, Garnett, Herbrandson, Kirekide, Plain, Steele, Fox, Main, Swenson, McDonald.

Corporations Other Than Municipal—Messrs. Crane, chairman; Cashel, Benson, Carroll, Johnson of McLean, Johnson of Walsh, Movius.

Military Affairs—Messrs. Fox, chairman; Thatcher, McArthur, Main, Stade, Dyste, Wagner.

Woman Suffrage—Messrs. McLean, chairman; Taylor, Bacon, Johnson of Walsh, Kraabel.

Game and Fish—Messrs. Main, chairman; Garnett, Crane, Taylor, Talcott, Pierce, Steele.

JOINT COMMITTEES.

Public Buildings—Messrs. Simpson, chairman; Cashel, Hanna, Litcher, Gulack.

Charitable Institutions—Messrs. Bacon, chairman; Carroll, Sifton, Spoonheim, Steele.

Penal Institutions—Messrs. Little, chairman; Pierce, McLean, Kirkeide, Stade.

Educational Institutions—Messrs. Talcott, chairman; Main, Fox, Taylor, Hagen, Stade, Cashel.

State Library—Messrs. Sharpe, chairman; Crane, Brown, Gulack, Plain.

Joint Rules—Messrs. LaMoure, chairman; Little, Cashel, Sharpe, Talcott, Wagner, Young.

Mr. LaMoure moved

That the senate return to the sixth order of business.

Which motion prevailed.

REPORTS OF STANDING COMMITTEES.

The committee on joint rules made the following report:
Mr. President:

Your committee on joint rules beg leave to report the same joint rules for the government of the senate and house as were adopted by the legislative assembly of 1903 and recommend that the secretary of state be authorized to incorporate them in proper form in the legislative manual of 1905, which shall also contain similar information to that contained in the last manual, and when printed that copies be furnished the state officers and ten copies to each member of the ninth legislative assembly; one to each newspaper in the state, exchange with other states, and sufficient copies shall be retained by the secretary of state to supply each member of the tenth legislative assembly with one copy, which shall be forwarded to him immediately upon his election. Advance sheets of the manual, containing the rules of each house and the standing committees, shall be furnished at once for the use of the respective bodies.

Respectfully submitted,
JUDSON LAMOURE,
Chairman of the Senate Committee.
R. N. STEVENS,
Chairman of the House Committee.

Mr. LaMoure moved
That the report be adopted.
Which motion prevailed, and
The report of the committee was adopted.
Mr. Sharpe moved
That the senate do now adjourn,
Which motion prevailed, and
The senate adjourned.

L. M. McGLASHAN,
Secretary.

FIFTEENTH DAY

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
January 17, 1905.

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

The president presiding.

Prayer by the chaplain.

Roll call.

All members present.

The courtesies of the floor were extended to the following: W. C. Stevens, J. Wimbleton, James Collins, Dr. G. A. Leonard, and J. W. Lahart.

The committee on judiciary made the following report:
Mr. President:

Your committee on judiciary to whom was referred
Senate Bill No. 11,

A bill for an act providing for specific performance by guardians of contracts for sale of real estate in certain cases.

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

By striking out section 2, the emergency clause.

And when so amended recommend the same do pass.

C. B. LITTLE,
Chairman.

Mr. Little moved
The adoption of the report.
Which motion prevailed.

The committee on judiciary made the following report:
Mr. President:

Your committee on judiciary to whom was referred
Senate Bill No. 19,

A bill for an act to amend section 2071 of the revised
codes of 1899, relating to reimbursing counties for salaries
paid jorges of county courts.

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

By striking out section 2, the emergency clause.

And when so amended recommend the same do pass.

C. B. LITTLE,
Chairman.

Mr. Little moved
The adoption of the report.

Which motion prevailed.

Mr. Steele moved

That the employees of the senate who have been elected
and sworn in receive compensation from the first day of
the session.

The president ruled the motion out of order.

Mr. Crane introduced the following resolution:

Resolved, by the Senate of North Dakota, the House of Representatives
concurring, That a committee consisting of two senators and three representa-
tives be named by their respective presiding officers, to arrange for exercises
commemorative of the valuable services rendered his state by the late John
M. Cochrane, associate justice of the supreme court.

Mr. Crane moved the adoption of the resolution.

Which motion prevailed.

Mr. Little moved

That the senate do now proceed to vote on United States
senator.

Which motion prevailed.

Mr. Movious nominated Hon. P. J. McCumber of Rich-
land county.

Those voting for Hon. Porter J. McCumber were:

Messrs.—	Messrs.—	Messrs.—
Bacon	Johnson of McLean	Sharpe
Benson	Johnson of Walsh	Sifton
Brown	Kirkeide	Simpson
Carroll	Kraabel	Spoonheim
Cashel	LaMoure	Stade

Messrs.—	Messrs.—	Messrs.—
Crane	Little	Steele
Dyste	Macdonald	Swenson
Fix	Main	Talcott
Garnett	McLean	Taylor
Gulack	Movius	Thatcher
Hagen	Pierce	Voss
Hanna	Plain	Wagner
Herbrandson	Regan	Young
Not voting:		
Mr. McArthur		

Mr. Cashel explaining his vote as follows:

Mr. President:

Before announcing my vote I desire to say that I am a democrat, but not so narrow a partisan that I cannot see merits in a candidate, no matter what his political affiliations may be. Neither is the gentleman whom you will elect United States senator so dwarfed within party lines that he cannot see merits or demerits in a measure, no matter by what party presented, and he has the courage to support or oppose it according to his convictions, for such is his record on the Philippine government bill and the amendments thereto.

This legislative assembly will reflect credit upon itself and honor upon this young commonwealth by reelecting the honorable gentleman to succeed himself.

I, with no party candidate, take the liberty and join with you, in honoring the gentleman who, by his private and public record has brought honor upon himself and the state which he represents. I therefore take pleasure in voting for Hon. P. J. McCumber for United States senator.

The president announced the result of the vote as follows:

Hon. P. J. McCumber received 39 votes.

Mr. McArthur being absent and not voting.

COMMUNICATION FROM THE SECRETARY OF STATE.

The following communication was received from the secretary of state:

To the senate:

I hereby certify that the following proposed constitutional amendment was passed by the eighth legislative assembly and was advertised by me in accordance with the law.

E. F. PORTER,
Secretary of State.

CONCURRENT RESOLUTION—INVESTMENT OF SCHOOL FUNDS.

Be it resolved by the Senate of the state of North Dakota, the House of Representatives concurring, that the following proposed amendment to section 162 of the constitution of the state of North Dakota be referred to the legislative assembly to be chosen at the next general election in said state, to be by said last mentioned legislative assembly submitted to the qualified electors of the state for approval or rejection, in accordance with the provisions of section 202 of the constitution of the state of North Dakota.

AMENDMENT.

That section 162 of the constitution of the state of North Dakota be amended so as to read as follows:

Sec. 162—The moneys of the permanent school fund, and other educational funds, shall be invested only in bonds of school corporations or of counties or townships, within the state, bonds of the United States, bonds of the state of North Dakota, municipal bonds, or on first mortgages on farm lands in the state, not exceeding in amount one-third of the actual value of any subdivision on which the same may be loaned. such value to be determined by the board of appraisal of school lands.

INTRODUCTION AND FIRST READING OF BILLS.

Mr. Kirkeide introduced

Senate Bill No. 28,

A concurrent resolution fixing time of payments of school and institution lands.

Which was read the first time.

Mr. Little introduced

Senate Bill No. 29,

A concurrent resolution, amending the constitution of the state of North Dakota relating to the investment of school funds.

Which was read the first time.

Mr. Spoonheim introduced

Senate Bill No. 30,

A bill for an act to amend section 717 of chapter 86 of the session laws of 1901, being same as section 717 of the revised codes of 1899, relating to education.

Which was read the first time.

Mr. Hanna introduced

Senate Bill No. 31,

A bill for an act appropriating money for the enforcement of the pure food and other health and sanitary laws and for investigating the strength and purity of drugs and formaldehyde.

Which was read the first time.

Mr. Pierce introduced

Senate Bill No. 32,

A bill for an act to provide for the appointment of a board of trustees of the soldiers' home and prescribing the qualification of the members thereof.

Which was read the first time.

Mr. Johnson introduced

Senate Bill No. 33,

A bill for an act to provide for the census or enumeration of the inhabitants of this state.

Which was read the first time.

Mr. Stade introduced

Senate Bill No. 34,

A bill for an act to provide for new buildings and for making needed permanent improvements for the school of deaf and dumb, located at Devils Lake, North Dakota, and making an appropriation therefor.

Which was read the first time.

Mr. Fox introduced

Senate Bill No. 35,

A bill for an act to amend section 2673, revised codes of North Dakota, relating to township boards.

Which was read the first time.

Mr. Stade introduced

Senate Bill No. 36,

A bill for an act providing for establishment of grades and highways in certain cases.

Which was read the first time.

Mr. Cashel introduced

Senate Bill No. 37,

A bill for an act to provide an appropriation for the current and contingent expenses of the institution for the feeble minded at Grafton, North Dakota.

Which was read the first time.

Mr. Sharpe introduced

Senate Bill No. 38,

A bill for an act to amend section 6596 of the revised codes, relating to the issue of process in the county courts with increased jurisdiction.

Which was read the first time.

Mr. Sharpe introduced

Senate Bill No. 39,

A bill for an act to amend section 6608 of the revised codes, relating to the issue of summons in county court with increased jurisdiction.

Which was read the first time.

Mr. Movius introduced

Senate Bill No. 40,

A bill for an act to provide for reimbursing the several counties of the state for moneys paid for officers fees, care, transportation and sustenance of insane persons, prior to June 30, 1903.

Which was read the first time.

Mr. Sifton introduced

Senate Bill No. 41,

A bill for an act to provide an appropriation for the current and contingent expenses of the state hospital for the insane at Jamestown.

Which was read the first time.

Mr. Hagen introduced

Senate Bill No. 42,

A bill for an act to regulate the sale of binding twine manufactured at the state twine and cordage plant at Bismarck, North Dakota.

Which was read the first time.

Mr. Wagner introduced

Senate Bill No. 43,

A bill for an act regulating the fees to be charged and collected by the register of deeds.

Which was read the first time.

Mr. Wagner introduced

Senate Bill No. 44,

A bill for an act to amend section 2068 of the revised statutes of the state of North Dakota, 1899, relating to the salary of county judge.

Which was read the first time.

Mr. Wagner introduced

Senate Bill No. 45,

A bill for an act to amend sections 6341, 6342 and 6343 of article 6 of chapter 4 of the probate code of the revised

codes of the state of North Dakota, 1899, relating to special proceedings for probate of heirship.

Which was read the first time.

The president administered the oath of office to Frank Goodman, as additional stenographer for the senators.

Mr. Crane moved

That the senate do now take a recess until 12 p. m. tomorrow.

Which motion prevailed, and

The senate took a recess until 12 o'clock noon tomorrow.

L. M. McGLASHAN,
Secretary.

SIXTEENTH DAY

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
January 18, 1905.

The senate met at 12 o'clock m.
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 REPRESENTAVES,
BISMARCK, NORTH DAKOTA,
January 18, 1905.

Mr. President:

I have the honor to inform you that the house is now ready to meet the senate in joint session for the purpose of taking such further action for the election of United States senator as is required by law. Seats have been reserved in the center of the house and the honorable senators are respectfully invited to occupy the same.

Very respectfully,

OTTO SOUGSTAD,
Chief Clerk.

Mr. Little moved

That the senate now proceed to the house for the purpose of meeting with the house in joint session.

Which motion prevailed.

The senate reconvened.

The following certificate was filed:

SENATE CHAMBER,
NINTH LEGISLATIVE SESSION,
BISMARCK, NORTH DAKOTA,
January 18, 1905.

This is to certify that at a meeting of the two houses of the ninth legislative assembly of the state of North Dakota, in joint session, held on Wednesday, the 18th day of January, A. D., 1905, at 12 o'clock meridian, a majority of all members of each house being present, it was found upon examination and comparison of the journals of the respective houses, that, upon the day before, and after the meeting and organization of the legislative assembly, each house had, by an open viva voce vote of the members present, a majority of all senators and representatives elect being present and voting, named Porter J. McCumber of Richland county, state of North Dakota, for senator in the congress of the United States, for the state of North Dakota. Whereupon the joint assembly, in session as aforesaid, formally declared said Porter J. McCumber of Richland county, North Dakota, duly elected senator to represent the state of North Dakota in the congress of the United States for the term beginning March 4, A. D., 1905.

DAVID BARTLETT,

President of the Senate and Joint Assembly.

L. M. McGLASHAN,

Secretary of the Senate.

GEORGE H. PIERCY,

Speaker of the House of Representatives.

OTTO SOUGSTAD,

Chief Clerk of the House.

Mr. Talcott moved

That the senate take a recess until 1:15 p. m.

Which motion prevailed.

The senate reconvened at 1:15 p. m.

REPORT OF SELECT COMMITTEE.

Mr. President:

Your committee appointed to confer with the governor in response to the request contained in his communication of January 13th, after a conference, report the following recommendations with regard to the meeting of the state irrigation congress to be held in Bismarck, January 24th.

1. That this legislative assembly take official notice of the forthcom-

ing meeting and extend to the state irrigation congress an invitation to hold its meeting in the hall of the house of representatives.

2. That for that purpose, when this legislative body adjourns on Monday, an adjournment shall be taken until Wednesday afternoon at two o'clock.

3. That the stenographers of the house and the senate transcribe the proceedings of the congress for the future use of this legislative body.

4. That the members of the house and the senate attend the session of the congress in a body.

L. B. HANNA,
Chairman.

Mr. Hanna moved
The adoption of the report.
Which motion prevailed.

MOTIONS AND RESOLUTIONS.

Mr. Pierce offered the following resolution:

Whereas, There are now five committee rooms without attendants, therefore, be it

Resolved, That there be appointed forthwith, the following assistant engrossing and enrolling clerks, viz. K. Koppang, of Cavalier county; W. C. Taylor, of LaMoure county; George Egge, of McHenry county; Jessie Messersmith, of Stark county; Robert Coats, of Walsh county; and that they be temporarily assigned for duty to such committee rooms.

And whereas, Harry Welland of Cavalier county, heretofore elected cloak room attendant, has been transferred to the house of representatives, therefore be it,

Resolved, that John Gordon of the same county be appointed to succeed to the duties of said Harry Welland.

Mr. Pierce moved
That the resolution be adopted.

Mr. Regan objected to the consideration of the motion.

Mr. Little moved

That the rules be suspended and that the resolution be considered at this time.

Which motion prevailed, and
The resolution was adopted.

Mr. Johnson of McLean offered the following resolution:

Resolved, That F. Briezman and Barney Flynn of McLean county be and are appointed to the enrolling and engrossing force, to be assigned as clerks of committees, or to such other positions as it may be necessary to fill.

Mr. Johnson moved
That the resolution be adopted.

Mr. Little arose to a point of order.

Mr. Johnson moved

That the rules be suspended and the resolution be considered at this time.

Which motion was lost, and
The resolution went over one day.

INTRODUCTION AND FIRST READING OF SENATE BILLS.

Mr. Talcott introduced
Senate Bill No. 46,

A bill for an act to amend sections 370, 652, 653, 657, 695, 757 and 761 of the revised codes of 1899.

Which was read the first time.

Mr. Talcott introduced
Senate Bill No. 47,

A bill for an act to encourage elementary education.

Which was read the first time.

Mr. Young introduced
Senate Bill No. 48,

A bill for an act to amend section 1270 of the revised codes of 1899, with reference to void tax sales, void taxes and repayment of the same.

Which was read the first time.

Mr. McArthur introduced
Senate Bill No. 49,

A bill for an act to prevent the adulteration of and deception in the sale of white lead and mixed paints.

Which was read the first time.

Mr. Stade introduced
Senate Bill No. 50,

A bill for an act to amend chapter 206 of the session laws of 1901, amending section 7671 of the revised codes of 1899, relating to unlawful obligations.

Which was read the first time.

Mr. Cashel introduced
Senate Bill No. 51,

A bill for an act to amend section 8 and section 12 of chapter 108, session laws of 1903, entitled an act to establish an institution for the feeble minded and provide for its support and management.

Which was read the first time.

Mr. Cashel introduced
Senate Bill No. 52,

A bill for an act to amend section 1375 of the revised

codes, relating to additional duties of the adjutant general.

Which was read the first time.

SECOND READING OF SENATE BILLS.

Senate Bill No. 2,

A bill for an act concerning land titles.

Was read the second time, and

Referred to the committee on judiciary.

Senate Bill No. 20,

A bill for an act to amend and re-enact section 2365 of the revised codes of North Dakota, 1899, relating to the powers of board of trustees of villages.

Was read the second time, and

Referred to the committee on judiciary.

Senate Bill No. 21,

A bill for an act providing for the reconstruction of the capitol building of the state of North Dakota; and for that purpose, creating a board of capitol commissioners, defining its powers and duties, providing for and appropriating the proceeds of sales of the capitol building lands, and authorizing the issuance of interest bearing certificates against said fund.

Was read the second time, and

Referred to the committee on judiciary.

Senate Bill No. 22,

A bill for an act to amend section 2365 of the revised codes of 1899 relating to the powers and duties of boards of trustees, and the levy and collection of taxes in villages.

Was read the second time, and

Referred to the committee on judiciary.

Senate Bill No. 23,

A bill for an act making an appropriation for a deficiency in the appropriation for the institution for the feeble minded.

Was read the second time, and

Referred to the committee on appropriations.

Senate Bill No. 24,

A bill for an act to amend section 4788, revised codes of North Dakota, for 1899, relating to mechanics' liens.

Was read the second time, and

Referred to the committee on judiciary.

Senate Bill No. 25,

A bill for an act to regulate hours of employment of locomotive engineers and locomotive firemen, and provide a penalty for violation thereof.

Was read the second time, and

Referred to the committee on railroads.

Senate Bill No. 26,

A bill for an act entitled an act to prohibit persons under the age of eighteen years to be allowed to play in, or visit, any pool, billiard or card resorts.

Was read the second time, and

Referred to the committee on state affairs.

Senate Bill No. 27,

A bill for an act to amend and re-enact sections 1, 2 and 3 of chapter 6 of the session laws of 1903, the same being: An act to prevent the adulteration, misbranding and selling of adulterated and unwholesome foods and beverages, prescribing a penalty for the violation, providing for the inspection and analysis of foods, charging the North Dakota government agricultural experiment station with the duty thereof, charging the state's attorney with the enforcement hereof, and making an appropriation therefor.

Was read the second time, and

Referred to the committee on state affairs.

THIRD READING OF SENATE BILLS.

Senate Bill No. 11,

A bill for an act providing for specific performance by guardians of contracts for sale of real estate in certain cases.

Was read the third time.

The question being upon the first passage of the bill.

The roll was called and there were ayes 31, nays none, absent and not voting 9.

Those who voted in the affirmative were:

Messrs.—

Bacon
Carroll
Cashel
Crane
Garnett
Hagen
Hanna

Messrs.—

Kraabel
LaMoure
Little
Macdonald
McLean
Movius
Plain

Messrs.—

Spoonheim
Stade
Steele
Swenson
Talcott
Taylor
Thatcher

Messrs.—

Herbrandson
Johnson of McLean
Johnson of Walsh
Kirkeide

Messrs.—

Regan
Sharpe
Simpson

Messrs.—

Voss
Wagner
Young

Absent and not voting:

Messrs.—

Benson
Brown
Dyste

Messrs.—

Fcx
Gulack
Main

Messrs.—

McArthur
Pierce
Sifton

So the bill passed and the title was agreed to.

Mr. Pierce moved

That the vote by which
Senate Bill No. 11,

A bill for an act providing for specific performance by guardians of contracts for sale of real estate in certain cases.

Was passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

The president pro tem administered the oath of office to the following: John Young, mailing clerk; W. C. Taylor, committee clerk; K. Koppang.

Mr. Sharpe moved

That the senate do now adjourn.

Which motion prevailed, and

The senate adjourned.

L. M. McGLASHAN,
Secretary.

SEVENTEENTH DAY

SENATE CHAMBER.

BISMARCK, NORTH DAKOTA,

January 19, 1905.

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. Carroll, Gulack, and McArthur, who were excused.

COMMUNICATIONS.

Washington, D. C., Jan. 18, 1905.

Hon. David Bartlett,
Lieutenant Governor,
Bismarck, N. D.

Through you I desire to express to the senate my gratitude, appreciation and sincere thanks for the honor conferred and confidence expressed by its vote of yesterday.

P. J. M'CUMBER.

UNFINISHED BUSINESS.

Mr. Johnson of McLean offered the following resolution:

Resolved, That F. Briezman and Barney Flynn of McLean county, be and are appointed to the enrolling and engrossing force, to be assigned as clerks of committees, or to such other positions as it may be necessary to fill.

Mr. Johnson moved

That the name of Barney Flynn be stricken from the resolution.

Which motion prevailed.

Mr. Johnson moved

That the resolution be adopted.

Roll call demanded.

The roll was called and there were ayes 17 nays 19, absent and not voting 4.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bacon	Hagen	McArthur
Brown	Johnson of McLean	Plain
Carroll	Johnson of Walsh	Regan
Crane	Kraabel	Sifton
Dyste	Macdonald	Spoonheim
Gulack	Main	

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Cashel	McLean	Talcott
Fox	Movius	Taylor
Garnett	Pierce	Thatcher
Hanna	Sharpe	Voss
Kirkeide	Simpson	Wagner
LaMoure	Steele	Young
Little		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Benson	Stade	Swenson
Herbrandson		

So the resolution was lost.

The courtesies of the floor were extended to the following: J. H. Fraine, Geo. E. Towle, H. A. Libby, Mr. and Mrs. Chas. E. Berg, C. A. Hale, Alvin Robertson, A. F. Turner, Henry Hancock, J. B. Gunderson, John Kellesvig, Nels Sastrom, F. T. Gronvold.

MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA.

January 19, 1905.

I have the honor to inform the senate that the house has adopted the following concurrent resolution and the concurrence of the senate therein is respectfully requested:

CONCURRENT RESOLUTION.

Whereas, The organized and persistent agitation for reduction of the tariff on farm products, so apparent in Twin City papers, is leading government officials and others to believe that the northwest, including North Dakota, is favorable to action detrimental to every interest in this state, and

Whereas, such agitation leads to unrest and undermining of confidence in farm and ranch investments, and ultimately, if persisted in, will im-

pair the value of farm products and the revenue resulting to merchants and transportation interests, retarding the development of new land and unsettled regions of our state, and

Whereas, part of the agitation has resulted in a plea for free seed wheat from the Canadian northwest, when according to Prof. Bolley, northwest and westward from Valley City, this state, has seldom raised so fine a crop of wheat of so high seed value, and the supply of such seed wheat is ample for North Dakota farms, therefore be it

Resolved by the house of representatives of the ninth assembly of the state of North Dakota, the senate concurring, that we oppose any and all tinkering with the tariff or the granting of special privileges favorable to special interests not in harmony with the spirit and letter of the Dingley tariff governing farm products, and that we oppose any reduction of duty on wheat for seed or other purposes, or on other products of the range and farm.

Resolved, That an engrossed copy of these resolutions be forwarded to the president and honorable secretary of the treasury, and to each of our senators and members of congress.

Also,

I have the honor to inform the senate that the house has concurred in the senate concurrent resolution relating to the memorial services in honor of the late Hon. John M. Cochrane, and the speaker has appointed as such committee on the part of the house, Messrs. Buttz, Ryan and Stevens of Burleigh.

Also,

I have the honor to inform you that the house has concurred in the senate concurrent resolution relating to the dredging of Red River.

Very respectfully,
OTTO SOUGSTAD,
Chief Clerk.

REPORT OF STANDING COMMITTEES.

The committee on judiciary made the following report:
Mr. President:

Your committee on judiciary to whom was referred
Senate Bill No. 13.

A bill for an act to amend subdivision 2 of section 5653 of the Revised Codes.

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

A bill for an act to amend section 5653 of the revised codes of North Dakota for the year 1899;

And that said bill be amended to read as follows:

Section 1. That section 5653 of the revised codes of

North Dakota for the year 1899 be amended to read as follows:

Sec. 2. 5653. Who not Excluded. Husband and Wife. Decedent's Statement. No person offered as a witness in any action or proceeding in any court, or before any officer or person having authority to examine witnesses or hear evidence, shall be excluded or excused by reason of such person's interest in the event of the action or proceeding; or because such person is a party thereto, or because such person is the husband or wife of a party thereto, or of any person in whose behalf such action or proceeding is commenced, prosecuted, opposed or defended, except as hereinafter provided:

1. A husband cannot be examined for or against his wife without her consent, nor a wife, for or against her husband without his consent, nor can either during the marriage or afterwards be, without the consent of the other, examined as to any communication made by one to the other during the marriage; but this subdivision does not apply to a civil action or proceeding by one against the other, not to a criminal action or proceeding for a crime committed by one against the other.

2. In civil action or proceedings by or against executors, administrators, heirs at law or next of kin in which judgment may be rendered or order entered for or against them, neither party shall be allowed to testify, in the first instance, against the other as to any transaction whatever with or statement by the testator or intestate, unless called to testify thereto by the opposite party. But where testimony is introduced by either party as to any such conversation or transaction the opposite party shall be a competent witness to contradict or explain any such transaction or conversation. When the testimony of a party to the action or proceeding has been taken and he shall afterwards die and after his death the testimony so taken shall be used upon any trial or hearing in behalf of his executors, administrators, heirs at law or next of kin, then the other party shall be a competent witness as to any and all matters to which the testimony so taken relates.

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 revision and correction of the journal made the following report:

Mr. President:

Your committee on revision and correction of the journal of the first, second, eleventh, twelfth, fourteenth, fifteenth and sixteenth days, have carefully examined the same and recommend that the same be corrected as follows:

Of the first day, on page 1, line 4, strike out the words, "assembled in the senate chamber of the," and insert in lieu thereof the words, "members elect of the senate."

Of the second day, on page 4, in line 7, strike out the word "and" and insert in lieu thereof the word "Lee."

Of the twelfth day, on page 3, strike out the name "Ryan" wherever it appears and insert in lieu thereof "Regan;" on page 4, following line 31, insert "The president administered the oath of office to George Weatherhead, as clerk.

Of the fourteenth day, on page 2, line 10, strike out the words, "of Barnes county;" on page 3, line 9, change the name, "McBlashan" to "McGlashan;" on page 7, strike out the first line; on page 4, following line 27, insert the following:

SECOND READING OF SENATE BILLS.

Senate Bill No. 3,

A bill for an act fixing the salaries and providing for the payment of the necessary expenses for the judges of the district court of the state of North Dakota.

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

Senate Bill No. 4,

A bill for an act appropriating money for the building and equipping of a chemical laboratory and green house for the North Dakota Agricultural College and Experiment Station at Fargo.

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

Senate Bill No. 5,

A bill for an act to establish the live stock sanitary board of North Dakota and to provide for the suppression and control of dangerous, contagious, and infectious diseases of domestic animals.

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

Senate Bill No. 6,

A bill for an act to amend section 2876 of the Revised Codes of North Dakota of the revision of 1899, relating to the issuance of certificates of stock of corporations and the transfer thereof.

Was read the second time, and
Referred to the committee on corporations.

Senate Bill No. 7,

A bill for an act to amend chapter 4 of the laws of 1903, relating to procedure in civil actions in justice court.

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

Senate Bill No. 8,

A bill for an act to provide police for towns and villages not organized, and provide revenue to support the same.

Was read the second time, and
Referred to the committee on municipal corporations.

Senate Bill No. 9,

A bill for an act making an appropriation of \$1,500 for the payment of the expenses of Prof. E. F. Ladd, state pure food commissioner in defending a suit brought against him by an association of food manufacturers.

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

Senate Bill No. 10.

A bill for an act authorizing the construction or reconstruction and repairing of sidewalks in incorporated villages in this state and the manner of assessment and levy thereof and collection of the same.

Was read the second time, and
Referred to the committee on corporations.

Senate Bill No. 11,

A bill for an act providing for specific performance by guardians of contracts for sale of real estate in certain cases.

Was read the second time, and

Referred to the committee on judiciary.

Senate Bill No. 12.

A bill for an act providing for the creating of a state bacteriological and and pathological laboratory, for the control of such laboratory, and duties of the director, for the apportionment of a director of such laboratory, who shall be ex-officio state bacteriologist and for an appropriation for the support of such laboratory.

Was read the second time, and

Referred to the committee on public health.

Senate Bill No. 14,

A bill for an act to authorize courts of competent jurisdiction to cancel satisfactions of judgments, liens or mortgages obtained by fraud, error or mistake or when the title to the property fails or satisfaction is not realized from the sale of the property under execution.

Was read the second time, and

Referred to the committee on judiciary.

Senate Bill No. 15.

A bill for an act to amend section 4791 of the Revised Codes, relating to the filing of mechanics' liens and giving notice of intention to file a lien.

Was read the second time, and

Referred to the committee on judiciary.

Of the fifteenth day, on page 6, strike out line 10; on page 5, line 9, strike out the word "of" and insert in lieu thereof the word "or."

Of the sixteenth day, on page 7, following line 19, insert, "which motion prevailed."

And when so amended recommend that the same be approved.

R. W. MAIN,
Chairman.

Mr. Main moved
That the report be adopted,

Which motion prevailed.

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

Mr. President:

Your committee on enrolled and engrossed bills have examined

Senate Bill No. 11,

A bill for an act providing for specific performance by guardians, of contracts for sale of real estate in certain cases.

And find the same correctly engrossed.

GEORGE M. YOUNG,
Chairman.

Mr. Young moved

That the report be adopted,

Which motion prevailed.

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

Mr. President:

Your committee on enrolled and engrossed bills to whom was referred

Senate Bill No. 19,

A bill for an act to amend section 2071 of the revised codes of 1899, relating to reimbursing counties for salaries paid judges of county courts.

And find the same correctly engrossed.

GEORGE M. YOUNG,
Chairman.

Mr. Young moved

That the report be adopted,

Which motion prevailed.

MOTIONS AND RESOLUTIONS.

Mr. LaMoure moved

That there be printed 1,000 copies each, in pamphlet form, of statements relative to the state's institutional public lands, and of statements concerning the present financial condition of the state, for the use of the legislative assembly and the public press.

Which motion prevailed.

Mr. Little offered the following concurrent resolution:

CONCURRENT RESOLUTION.

Resolved by the Senate of North Dakota, the House of Representatives concurring:

That a committee consisting of two senators and three members of the house be appointed for the purpose of conferring with the heads of the various departments to ascertain their requirements for clerk hire for the biennial period.

Mr. Little moved

That the resolution be adopted.

Which motion prevailed.

The president appointed, under the resolution just adopted, as senate members of the committee, Messrs. Talcott and Simpson.

Mr. Simpson moved

That the senate concur in the house concurrent resolution relative to the federal tariff on farm products.

Mr. Crane arose to a point of order, and

The motion went over one day.

Mr. Bacon offered the following concurrent resolution:

CONCURRENT RESOLUTION.

Whereas, Our national congress has by law provided that nearly all moneys received from the sale of public lands in Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Washington and Wyoming shall be used for irrigation purposes in the arid and semi-arid districts of said states, and

Whereas, there are portions of the state of North Dakota that would be greatly benefited by a proper drainage system, and

Whereas, The expense of such a drainage system would be too burdensome, under our state law as it now exists, now therefore, be it,

Resolved, By the Senate of the state of North Dakota, the House of Representatives concurring, That our senators and representatives in congress be requested to use all honorable means to secure an amendment to the national irrigation law to the effect that a portion of the money set aside for irrigation purposes may be used for drainage purposes where necessary in said state. And, be it further

Resolved, That a copy of these resolutions be sent to each of our senators and representatives in congress.

Mr. Bacon moved

That the resolution be adopted.

Mr. Cashel moved as a substitute motion,

That the resolution be referred to the committee on judiciary.

Which motion prevailed, and

The resolution was referred to the committee on judiciary.

INTRODUCTION AND FIRST READING OF BILLS.

Mr. Simpson introduced

Senate Bill No. 53,

A bill for an act providing for the redistricting of commissioner districts in organized counties which have enlarged their boundaries by the addition thereto of unorganized territory.

Which was read the first time.

Mr. Johnson of McLean introduced

Senate Bill No. 54,

A bill for an act to amend and re-enact section 5887, revised codes of 1897, providing for sale of personal property under foreclosure of mortgage.

Which was read the first time.

Mr. Johnson of McLean introduced

Senate Bill No. 55,

A bill for an act to re-enact section 2526 of the revised codes of 1897, relating to organization of townships.

Which was read the first time.

Mr. Garnett introduced

Senate Bill No. 56,

A concurrent resolution amending section 162 of the state constitution relating to investment of school funds.

Which was read the first time.

Mr. Hagen introduced

Senate Bill No. 57,

A bill for an act for the destruction of all weeds on all graded or otherwise cultivated highways.

Which was read the first time.

Mr. Young introduced

Senate Bill No. 58,

A bill for an act to amend section 3104 of the revised codes of North Dakota of 1899 relating to the amount of insurance required to be subscribed before a policy may be issued by a mutual insurance company.

Which was read the first time.

Mr. Hanna introduced

Senate Bill No. 59,

A bill for an act appropriating money for the purchase of live stock for breeding purposes and for feeding experi-

ments and for enlarging the scope of investigation by the station staff of the agricultural experiment station at Fargo and for making needed improvements.

Which was read the first time.

Mr. Young introduced

Senate Bill No. 60,

A bill for an act to provide for the organization and regulation of domestic mutual insurance companies.

Which was read the first time.

SECOND READING OF SENATE BILLS.

Senate Bill No. 28,

A concurrent resolution fixing time of payments of school and institution lands.

Was read the second time, and

Referred to the committee on judiciary.

Senate Bill No. 29,

A concurrent resolution, amending the constitution of the state of North Dakota relating to the investment of school funds.

Was read the second time, and

Referred to the committee on state affairs.

Senate Bill No. 30,

A bill for an act to amend section 717 of chapter 86 of the session laws of 1901, being same as section 717 of the revised codes of 1899, relating to education.

Was read the second time, and

Referred to the committee on education.

Senate Bill No. 31,

A bill for an act appropriating money for the enforcement of the pure food and other health and sanitary laws and for investigating the strength and purity of drugs and formaldehyde.

Was read the second time, and

Referred to the committee on corporations.

Senate Bill No. 32,

A bill for an act to provide for the appointment of a board of trustees of the soldiers' home and prescribing the qualification of the members thereof.

Was read the second time, and

Referred to the committee on state affairs.

Senate Bill No. 33,

A bill for an act to provide for the census of enumeration of the inhabitants of this state.

Was read the second time, and

Referred to the committee on state affairs.

Senate Bill No. 46,

A bill for an act to amend sections 370, 652, 653, 657, 695, 757 and 761 of the revised codes of 1899.

Was read the second time, and

Referred to the committee on state affairs.

Senate Bill No. 47,

A bill for an act to encourage elementary education.

Was read the second time, and

Referred to the committee on education.

Senate Bill No. 48,

A bill for an act to amend section 1270 of the revised codes of 1899, with reference to void tax sales, void taxes and repayment of the same.

Was read the second time, and

Referred to the committee on ways and means.

Senate Bill No. 49,

A bill for an act to prevent the adulteration of and deception in the sale of white lead and mixed paints.

Was read the second time, and

Referred to the committee on state affairs.

Senate Bill No. 50,

A bill for an act to amend chapter 206 of the session laws of 1901, amending section 7671 of the revised codes of 1899, relating to unlawful obligations.

Was read the second time, and

Referred to the committee on judiciary.

Senate Bill No. 51,

A bill for an act to amend section 8 and section 12 of chapter 108, session laws of 1903, entitled an act to establish an institution for the feeble minded and provide for its support and management.

Was read the second time, and

Referred to the committee on appropriations.

Senate Bill No. 52,

A bill for an act to amend section 1375 of the revised

codes, relating to additional duties of the adjutant general.

Was read the second time, and

Referred to the committee on military affairs.

THIRD READING OF SENATE BILLS.

Senate Bill No. 19,

A bill for an act to amend section 2071 of the revised codes of 1899, relating to reimbursing counties for salaries paid judges of 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 34, nays none, absent and not voting 6.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bacon	Johnson of Walsh	Sharpe
Benson	Kirkeide	Sifton
Cashel	Kraabel	Spoonheim
Crane	Little	Stade
Dyste	Main	Steele
Fox	McArthur	Talcott
Garnett	McLean	Taylor
Gulack	Movius	Thatcher
Hagen	Pierce	Voss
Hanna	Plain	Wagner
Herbrandson	Regan	Young
Johnson of McLean		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Brown	LaMoure	Simpson
Carroll	Macdonald	Swenson

Who were excused.

So the bill passed and the title was agreed to.

The president appointed, under the concurrent resolution relative to memorial exercises in honor of the late Judge John M. Cochrane, the following committee: Messrs. Crane and Bacon.

The president administered the oath of office to Robert Coats, as assistant enrolling and engrossing clerk, and to N. Chilson, mailing clerk.

Mr. Talcott moved

That the senate do now adjourn,

Which motion prevailed, and

The senate adjourned.

L. M. McGLASHAN,
Secretary.

EIGHTEENTH DAY

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
January 20, 1905.

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. Voss, who was excused.

The courtesies of the floor were extended to the following: Messrs. S. J. Hangeberg, John Kittleson, H. C. Olson, W. J. Rounney, J. P. Peterson, J. A. Hyland, O. B. Wing, Fred Hoover, all of Washburn, North Dakota; Ing-vold Rovig, Underwood, North Dakota.

UNFINISHED BUSINESS.

Mr. Simpson moved

That the senate concur in the house concurrent resolution relative to the federal tariff on farm products.

Mr. Cashel moved

That the resolution be amended by striking therefrom the following:

"Or the granting of special privileges favorable to special interests not in harmony with the spirit and letters of the Dingley tariff."

Roll call demanded.

The roll was called and there were ayes 7, nays 30, absent and not voting 3.

Those who voted in the affirmative were:

Messrs.—

Cashel
Crane
Hagen.

Messrs.—

Kraabel
McArthur
Plain

Messrs.—

Spoonheim

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Bacon	Johnson of Walsh	Sifton
Brown	Kirkeide	Simpson
Carroll	LaMoure	Stade
Dyste	Little	Steele
Fox	Macdonald	Swenson
Garnett	Main	Talcott
Gulack	McLean	Taylor
Hanna	Movius	Thatcher
Herbrandson	Pierce	Wagner
Johnson of McLean	Sharpe	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Benson	Regan	Voss

Messrs. Benson, Regan and Voss being excused.

So the motion to amend the resolution was lost.

The question being on the original motion for the adoption of the resolution.

The motion prevailed, and

The resolution was adopted.

PRESENTATION OF PETITIONS AND COMMUNICATIONS.

VALLEY CITY, N. D.
January 18, 1904.

To Hon. Hans O. Hagen,
Bismarek, N. D.

Dear Sir:

On the 17th inst. the following resolution was passed and adopted; "Resolved, That the members of the legislative assembly from this county be requested to work for the repeal of chapter 127, laws of 1903, or failing to secure the repeal of said law, to have the same amended so that counties shall not be liable for premiums on bonds of any county officers except the treasurer."

By order of Couny Commissioners,
T. M. GUNDERSON.

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. 3,

A bill for an act fixing the salaries and providing for the payment of the necessary expenses for the judges of the district courts of the state of North Dakota.

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

Section 1 of said bill to be amended so as to read as follows: Section 1. Personal expenses. Each judge of the district court shall, during his present term of office, receive the sum of two hundred and fifty dollars per quarter for the purpose of defraying the personal expenses of such judge when away from home in the discharge of the the duties pertaining to his office and for other necessary expenses.

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

A concurrent resolution introduced by Mr. Bacon on January 19, 1905, referring to irrigation and drainage.

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

By adding the words "and reservoir" between the word "drainage" and the word "system" in line 8 of the twpewritten resolution, and the words "and reservoir" between the word "irrigation" and the word "purposes" in line 16 of the type written resolution.

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 revision and correction of the journal made the following report:

Mr. President:

Your committee on revision and correction of the Journal of the seventeenth day, have carefully examined the same and recommend that the same be corrected as follows:

On page 9, strike out line 9, and insert in lieu thereof the following "That the resolution be adopted."

And when so amended recommend that the same be approved.

R. W. MAIN,
Chairman.

Mr. Main moved

That the report be adopted,

Mr. Johnson moved

That the roll be called upon the resolution introduced by him and lost upon roll call on the seventeenth day.

Mr. Little arose to a point of order, and

The president ruled the motion out of order.

The question being upon the original motion for the adoption of the report.

The motion prevailed, and

The report was adopted.

MOTIONS AND RESOLUTIONS.

Mr. Talcott offered the following:

CONCURRENT RESOLUTION.

Resolved by the Senate, the House of Representatives concurring:
That when the senate and house adjourn, they stand adjourned until Monday, January 23, 1905, at 2 p. m.

Mr. Talcott moved

The adoption of the resolution.

Which motion prevailed.

Mr. Bacon moved

That the concurrent resolution relating to an amendment of the national irrigation law, be adopted as amended.

Which motion prevailed.

Mr. Bacon moved

That the statements relative to the state's institutional public lands and the financial condition of the state which were heretofore directed to be printed in pamphlet form, after being verified by the state auditor, be made a part of the senate journal.

Which motion prevailed.

MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
January 20, 1905.

Mr. President:

I have the honor to inform you that the house has concurred in the senate concurrent resolution relating to grain inspection.

Also,

I have the honor to inform you that the house has concurred in the senate concurrent resolution that when the two houses adjourn today they stand adjourned until Monday, January 23, at 2 o'clock p. m.

Also,

I have the honor to inform you that the house has concurred in the senate concurrent resolution relating to the appointing of a joint committee to investigate as to clerk hire in the various state departments and the speaker has appointed as such committee on the part of the house Messrs. Stevens of Burleigh, Casey, and Belden.

Very respectfully,

OTTO SOUGSTAD,

Chief Clerk.

INTRODUCTION AND FIRST READING OF BILLS.

Mr. Pierce introduced

Senate Bill No. 61,

A bill for an act to provide for the care and disposition of estates of deceased inmates of the soldiers' home.

Which was read the first time.

Mr. Simpson introduced

Senate Bill No. 62,

A bill for an act creating and establishing an agricultural experiment station at or near Dickinson in Stark county, providing for its management and making an appropriation therefor.

Which was read the first time.

Mr Simpson introduced

Senate Bill No. 63,

A bill for an act providing for the appointment of a state oil inspector, fixing the salary for such officer, designating the fees for the inspection of illuminating oils and gasoline, and repealing conflicting laws.

Which was read the first time.

Mr. Hagen introduced

Senate Bill No. 64,

A bill for an act to amend and re-enact chapter 127, laws of 1903, relating to the bonding of certain officers.

Which was read the first time.

Mr. Spoonheim introduced

Senate Bill No. 65,

A bill for an act to provide for consolidation or re-insurance of risks of life insurance companies or associations with or by companies or associations authorized to transact business within the state, and providing a plan for such consolidation or re-insurance.

Which was read the first time.

Mr. Swenson introduced

Senate Bill No. 66,

A bill for an act to amend section 5845 of the revised codes of North Dakota, for 1899, relating to foreclosure of mortgages upon real estate by advertisement and manner of enjoining same.

Which was read the first time.

The president administered the oath of office to Miss Jessie Messersmith as assistant engrossing and enrolling clerk.

Mr. Ryan moved

That the senate do now adjourn.

Which motion prevailed, and

The senate adjourned until Monday, January 23, 1905, at 2 p. m.

L. M. McGLASHAN,
Secretary.

TWENTY-FIRST DAY

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
January 23, 1905.

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

The president presiding.

Prayer by the chaplain.

Roll call.

There not being a quorum present, the senate adjourned until January 25, 1905, at 2 p. m., in accordance with the report of a select committee adopted on the sixteenth day.

L. M. McGLASHAN,
Secretary.

FINANCIAL STATEMENT

OF THE STATE OF NORTH DAKOTA AND THE VARIOUS STATE INSTITUTIONS, JANUARY 1, 1905.

PUBLISHED IN PURSUANT TO SENATE RESOLUTION.

ASSESSED VALUATION

Valuation for 1903.....	\$146,537,444
Valuation for 1904.....	155,505,269
State tax levy, 1903.....	3.8 mills
State tax levy, 1904.....	3.6 mills

FINANCIAL STATEMENT

Cash on hand January 1, 1903.....	\$ 26,880
Taxes collected in 1903.....	502,373
Taxes collected in 1904.....	534,129
Other receipts, 1903.....	134,222
Other receipts, 1904.....	144,989
Total receipts.....	\$ 1,342,594
Paid out in 1903.....	\$643,990
Paid out in 1904.....	619,867
Cash on hand January 1, 1905.....	78,738
Balance.....	\$ 1,342,594

NOTE—Cents not taken into account.

Amount in state bond sinking fund January 1, 1905.....	\$ 45,460.83
Amount in wolf bounty fund (total two accounts).....	17,979.85
Amount in wolf bounty fund, old account, November 1, 1903.....	10,768.20

ITEMS OF MISCELLANEOUS RECEIPTS

	1903	1904
Oil Inspector.....	\$ 1,544	\$ 1,775
Insurance Commissioner.....	62,202	64,385
Secretary of State.....	15,086	15,659
Clerk Supreme Court.....	921	802
State Examiner.....	4,354	4,694
Commissioner of Agriculture and Labor.....	2,655	1,717
Hunting permits.....	2,271	1,905
Elevator licenses.....	3,035	3,014
Land department.....	12,211	7,489
Interest on public funds.....	12,636	17,715
Insane Hospital (two years).....		12,923
Penitentiary (two years).....		7,408
Soldiers' Home (two years).....		362
Valley City Normal (two years).....		1,629
Industrial School (two years).....		558
Feeble Minded (two years).....		2,654
Reform School (two years).....		7
School for the Deaf (two years).....		449
Miscellaneous.....		11,411

FIXED APPROPRIATIONS

SALARIES FOR TWO YEARS

Governor.....	\$	6,000
Lieutenant Governor		2,000
Secretary of State		4,000
Auditor		4,000
Treasurer		4,000
Commissioner of Insurance		4,000
Attorney General.....		4,000
Superintendent of Public Instruction		4,000
Commissioner of Agriculture and Labor		4,000
Adjutant General.....		2,000
Three Railroad Commissioners		7,200
Secretary Board Railroad Commissioners.....		2,000
Three Judges of the Supreme Court.....		32,400
Clerk of the Supreme Court.....		3,000
Reporter of the Supreme Court		3,000
Eight District Judges		56,000
State Examiner		4,000
State Examiner, deputy.....		3,600
State Examiner, second assistant.....		3,000
Assistant Dairy and Food Commissioner		1,200
State Law Librarian.....		2,000
Superintendent State Board of Health.....		2,400
Ten District Veterinarians		12,000
Total	\$	169,800

CLERK HIRE FOR TWO YEARS

Governor.....	\$	6,000
Secretary of State		5,600
Auditor		6,000
Treasurer		7,800
Commissioner of Insurance		6,000
Attorney General.....		4,200
Superintendent of Public Instruction		7,600
Commissioner of Agriculture and Labor		4,200
Adjutant General		1,000
Supreme Court		3,400
Total	\$	51,800

COST EIGHTH LEGISLATIVE ASSEMBLY

Mileage and per diem.....	\$	48,924
Officers and employes.....		28,796
Supplies, etc		25,803
Total	\$	103,523

UNLIMITED STANDING APPROPRIATIONS

AMOUNT EXPENDED 1903-4

Care of the blind	\$	5,114
Arrest of fugitives from justice.....		3,047
Conviction of horse thieves.....		1,800
Legal expenses office of Attorney General.....		963
Consultation of District Veterinarians.....		276
Marshal of Supreme Court.....		370

Traveling expenses of Public Examiners.....	\$	3,752
Burial of deceased convicts		183
Burial of deceased soldiers.....		350
Erecting headstones.....		45
Expense State Board of Equalization.....		300
Expense Supreme Court.....		2,660
Insurance public buildings.....		19,975
Lecturers of teachers' institutes		2,024
Conductors of teachers' institutes.....		3,617
Jurisdiction over unorganized counties.....		2,960
Rewards for violation of prohibition law.....		4,750
Judgments against the state.....		74
Flags on public buildings.....		185
Publishing constitutional amendments.....		624
Listing lands for taxation.....		1,417
Outbreak of contagious diseases.....		4,985
Total.....	\$	59,271

TRANSPORTATION

TWO YEARS

Patients to Hospital for Insane.....	\$	18,636
Blind to Asylum.....		334
Convicts to Penitentiary.....		7,886
Boys to Reform School.....		1,844
Total.....	\$	28,700

PAY OF TRUSTEES

TWO YEARS

Agricultural College.....	\$	1,621
Blind Asylum.....		65
Institutes for the Feeble Minded.....		699
Hospital for the Insane.....		938
Industrial Schol.....		875
School for the Deaf and Dumb.....		1,158
State Normal School Board.....		585
Mayville Normal School Board.....		756
Valley City Normal School.....		1,236
Penitentiary.....		2,322
Reform School.....		1,203
Scientific School.....		186
Soldiers' Home.....		918
University.....		816
Total.....	\$	13,372

STANDING APPROPRIATIONS FOR TWO YEARS

Assistant dairy commissioner.....	\$	800
Superintendent state board of health.....		3,000
Educational library.....		600
Superintendent of public instruction.....		2,000
Law library.....		2,000
Traveling library.....		1,500
Agricultural College Geological Survey.....		2,000
University Geological Survey.....		2,000
Board of Pardons.....		1,200

Farmers' Institutes	\$	8,000
Aid to North Dakota Firemen		2,500
State Fair at Mandan		2,500
Edgeley Sub-Station		10,000
Board of University and School Lands		10,000
Chief Veterinarian, expense account		1,000
Advertising, leasing and sale school lands		4,000
Appraising school lands		8,000
Fees for selecting school lands		1,000
Militia		38,000
Maintenance capitol		36,000
Traveling expenses of Railroad Commissioners		1,600
Printing		40,000
State aid to high schools		20,000
Wool market		400
Weather and crop service		1,000
Enforcement laws, prevention cruelty to animals		1,000
Governor's contingent fund		1,000
Enforcement pure food laws		3,000
Office expense Railroad Commissioners		1,000
Promote immigration		1,000
Total	\$	206,100

RECAPITULATION

Salaries	\$	169,800
Clerk hire		51,800
Cost Eighth Legislative Assembly		103,523
Standing appropriations		206,100
Unlimited standing appropriations		59,271
Transportation		28,700
Pay of trustees		13,372
Total	\$	632,566

STATEMENT OF INSTITUTIONS

AGRICULTURAL COLLEGE LANDS—(Sales and investments)

Acres granted	130,000
Acres selected	130,000
Acres sold to date	42,674.88
Total purchase price	\$473,041.05
Total first payments on contracts	94,606.21
Total deferred payments on contracts	378,424.84
Total invested in bonds netting 4 per cent.	69,917.43

INTEREST AND INCOME—(per year)

Interest on deferred payments of contracts	\$ 22,705.49
Interest on bonds now held at 4 per cent	2,796.70
Probable receipts from rentals of lands	2,500.00
Total	\$ 28,002.19

BLIND ASYLUM LANDS—(Sales and investments)

Acres granted	30,000
Acres selected	29,976
Acres sold to date	9,608.93
Total purchase price	\$106,683.25

Total first payments on contracts.....	\$ 21,336.65
Total deferred payments on contracts.....	85,346.60
Total invested in bonds netting 4 per cent.....	19,395.00

INTEREST AND INCOME—(per year)

Interest on deferred payments of contracts.....	\$ 5,120.79
Interest on bonds now held at 4 per cent.....	775.80
Probable receipts from rentals of lands.....	500.00
Total	\$ 6,396.59

CAPITOL BUILDING LANDS—(Sales and investments)

Acres granted.....	82,000
Acres selected.....	82,000
Acres sold to date.....	22,889.67
Total purchase price.....	\$257,864.30
Total first payments on contracts.....	51,572.86
Total deferred payments on contracts.....	206,291.44
Total invested in bonds netting 4 per cent.....	No investments

INTEREST AND INCOME—(per year)

Interest on deferred payments of contracts.....	\$ 12,377.48
Probable receipts from rentals of lands.....	1,600.00

SCHOOL FOR DEAF LANDS—(Sales and investments)

Acres granted.....	40,000
Acres selected.....	40,000
Acres sold to date.....	13,328.47
Total purchase price.....	\$146,983.75
Total first payments on contracts.....	29,396.75
Total deferred payments on contracts.....	117,587.00
Total invested in bonds netting 4 per cent.....	22,289.58

INTEREST AND INCOME—(per year)

Interest on deferred payments of contracts.....	\$ 7,055.22
Interest on bonds now held at 4 per cent.....	891.58
Probable receipts from rentals of lands.....	750.00

HOSPITAL FOR INSANE LANDS—(Sales and investments)

Acres granted.....	20,000
Acres selected.....	20,000
Acres sold to date.....	7,220.54
Total purchase price.....	\$ 76,997.10
Total first payments on contracts.....	15,399.42
Total deferred payments on contracts.....	61,597.68
Total invested in bonds netting 4 per cent.....	11,214.32

INTEREST AND INCOME—(per year)

Interest on deferred payments of contracts.....	\$ 3,695.86
Interest on bonds now held at 4 per cent.....	448.57
Probable receipts from rentals of lands.....	400.00

INDUSTRIAL SCHOOL LANDS—(Sales and investments)

Acres granted.....	40,000
Acres selected.....	40,000
Acres sold to date.....	12,913.83
Total purchase price.....	\$141,265.64

Total first payments on contracts.....	\$ 28,253.11
Total deferred payments on contracts	113,012.53
Total invested in bonds netting 4 per cent.....	20,083.19

INTEREST AND INCOME—(per year)

Interest on deferred payments of contracts.....	\$ 6,780.75
Interest on bonds now held at 4 per cent	803.32
Probable receipts from rentals of lands	800.00

NORMAL SCHOOLS LANDS—(Sales and investments)

Acres granted (Mayville).....	\$ 30,000
Acres granted (Valley City)	50,000

Practically all filled by selections; but not selected separately.

All receipts from normal school lands are apportioned in ratio of

$\frac{3}{8}$ to Mayville and $\frac{5}{8}$ to Valley City.

Acres sold to date	27,917.91
	MAYVILLE VALLEY CITY
Total purchase price	\$ 115,045.72 \$ 191,742.86
Total first payments on contracts	23,009.14 33,348.58
Total deferred payments on contracts	92,036.58 153,394.28
Total invested in bonds netting 4 per cent.....	16,011.10 26,921.90

INTEREST AND INCOME—(per year)

	MAYVILLE	VALLEY CITY
Interest on deferred payments of contracts.....	\$ 5,552.19	\$ 9,203.66
Interest on bonds now held at 4 per cent	640.44	1,076.87
Probable receipts from rentals of lands.....	600.00	1,000.00

REFORM SCHOOL LANDS—(Sales and investments)

Acres granted.....	40,000
Acres selected.....	40,000
Acres sold to date.....	12,489.40
Total purchase price	\$142,967.25
Total first payments on contracts.....	28,593.45
Total deferred payments on contracts.....	114,373.80
Total invested in bonds netting 4 per cent.....	21,016.13

INTEREST AND INCOME—(per year)

Interest on deferred payments of contracts.....	\$ 6,862.42
Interest on bonds now held at 4 per cent	840.64
Probable receipts from rentals of lands.....	800.00

SCIENTIFIC SCHOOL LANDS—(Sales and investments)

Acres granted.....	40,000
Acres selected.....	40,000
Acres sold to date.....	13,673.34
Total purchase price.....	\$146,810.40
Total first payments on contracts.....	29,162.12
Total deferred payments on contracts.....	116,648.48
Total invested in bonds netting 4 per cent.....	19,656.97

INTEREST AND INCOME—(per year)

Interest on deferred payments of contracts.....	\$ 6,998.90
Interest on bonds now held at 4 per cent.....	786.27
Probable receipts from rentals of lands.....	800.00

SCHOOL OF MINES LANDS—(Sales and investments)

Acres granted	40,000
Acres selected	40,000
Acres sold to date.....	13,326.77
Total purchase price.....	\$147,668.92
Total first payments on contracts.....	29,533.89
Total deferred payments on contracts	118,135.12
Total invested in bonds netting 4 per cent.....	20,326.44

INTEREST AND INCOME—(per year)

Interest on deferred payments of contracts.....	7,088.10
Interest on bonds now held at 4 per cent.....	813.05
Probable receipts from rentals of lands.....	750.00

SOLDIERS' HOME LANDS—(Sales and investments)

Acres granted.....	40,000
Acres selected.....	40,000
Acres sold to date.....	13,007.39
Total purchase price.....	\$141,839.89
Total first payments on contracts.....	28,367.98
Total deferred payments on contracts.....	113,471.91
Total invested in bonds netting 4 per cent.....	21,845.82

INTEREST AND INCOME—(per year)

Interest on deferred payments of contracts.....	\$ 6,808.31
Interest on bonds now held at 4 per cent.....	873.83
Probable receipts from rentals of lands.....	700.00

UNIVERSITY LANDS—(Sales and investments)

Acres granted.....	86,080
Acres selected.....	86,080
Acres sold to date.....	29,911.80
Total purchase price.....	\$331,669.70
Total first payments on contracts.....	66,333.94
Total deferred payments on contracts.....	265,335.76
Total invested in bonds netting 4 per cent.....	52,412.15

INTEREST AND INCOME—(per year)

Interest on deferred payments of contracts.....	\$ 15,920.14
Interest on bonds now held at 4 per cent.....	2,096.48
Probable receipts from rentals of lands.....	1,650.00

TWENTY-THIRD DAY

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
January 25, 1905.

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

The president presiding.

Prayer by the chaplain.

Mr. Little moved

That the rules be suspended and that the roll call be dispensed with.

Which motion prevailed.

The president administered the oath of office to George Egge, as assistant enrolling and engrossing clerk.

Mr. Taylor moved

That the senate do now adjourn,

Which motion prevailed, and

The senate adjourned.

L. M. McGLASHAN,
Secretary.

TWENTY-FOURTH DAY

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA
January 26, 1905.

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

The president presiding.

Prayer by the chaplain.

Roll call.

All members present.

The courtesies of the floor were extended to the following: Dr. J. W. Robinson, Coal Harbor; A. W. Carlblom, Sargent county; C. C. Gowran, Grand Forks; O. E. Lee, Pembina; James Grady, Valley City.

PETITIONS AND COMMUNICATIONS.

The presiding officer laid the following communication before the senate:

Whereas, The farmers of North Dakota, realizing the necessity and benefit of co-operation along various lines, such as co-operative creameries, elevators, stores, fire insurance companies, rural telephone companies, canning and pickling factories, etc., therefore be it,

Resolved, That the legislature of North Dakota, now in session, amend our present laws, whereby the fee paid the secretary of state for incorporation be fixed, for such corporations, at the sum of five dollars (\$5.00) which is at the present time, the minimum fee and that the convention now assembled, demand this amendment.

I, J. A. Johnson, secretary of the Tri-State Grain and Stock Growers association of the states of Minnesota, North Dakota and South Dakota; hereby certify that the foregoing is a true and correct copy of a resolution passed by the above association in convention assembled, at Fargo, North Dakota, on the 20th day of January, 1905.

J. A. JOHNSON,
Secretary.

Also the following:

Whereas, The state of North Dakota can no longer continue as an exclusive grain state, and

Whereas, It is apparent that diversified farming is the only proper method of successful farming today, and that live stock keeping is the main factor of this diversified farming; therefore be it

Resolved, That this convention urge upon the legislature of North Dakota, now in session, the necessity of giving the Agricultural College and Experimental Station, a liberal appropriation for the carrying out of its work and its live stock work in particular.

I, J. A. Johnson, secretary of the Tri-State Grain and Stock Growers association of the states of Minnesota, North Dakota and South Dakota hereby certify that the foregoing is a true and correct copy of a resolution passed by above association in convention assembled at Fargo, North Dakota, on the 20th day of January, 1905.

J. A. JOHNSON,
Secretary.

Mr. Kirkeide presented the following petition:

To the Legislative Assembly of the state of North Dakota:

The undersigned residents of Benson county, North Dakota, respectfully petition that a law be passed limiting the speed of all vehicles propelled by steam, gasoline or electricity and defining the rights of the same upon the public highways of this state and safeguarding the rights of others in the passage over said highways. .

Signed by Anton Hanson and 83 others.

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 of the eighteenth day, have carefully examined the same and recommend that the same be corrected as follows:

On page 3, line 38, strike out the first sentence.

On page 6, line 19, change the name "Ryan" to "Regan."

And when so amended recommend that the same be approved.

R. W. MAIN,
Chairman.

Mr. Main moved

That the report be adopted.

Which motion prevailed.

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. 21,

A bill for an act providing for the reconstruction of the capitol building of the state of North Dakota; and for that purpose, creating a board of capitol commissioners, defining its powers and duties, providing for and appropriating the proceeds of sales of the capitol building lands, and authorizing the issuance of interest bearing certificates against said fund.

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

That the title of said act be amended so as to read as follows:

A bill for an act providing for the reconstruction of the capitol building of the state of North Dakota and the erection of an executive mansion; and for that purpose, creating a board of capitol commissioners, defining its powers and duties, providing for and appropriating the proceeds of sales of the capitol building lands, and authorizing the issuance of interest-bearing certificates against said fund.

That section 1 of said act be amended by striking out the word "five" in line 2 of the printed bill and inserting in lieu thereof the word "three," and by inserting the words, "and erect a suitable residence for the governor on lots now owned by the state," in line 7 between the words "Bismarck" and "according."

That section 2 of said act be amended so as to read as follows:

Sec. 2. The chairman of said board shall receive an annual salary of (\$2,500.00) two thousand five hundred dollars, payable quarterly, and each other member of said board shall receive a salary of two thousand (\$2,000) dollars, payable quarterly, which sums shall be full payment for all salaries and expenses of the members of said board.

That section 3 of said act be amended by the insertion of the words "do solemnly swear that I will support the constitution of the United States and the constitution of the state of North Dakota," in line 12 of the printed section between the words "A. B" and "do"; and the insertion of the words "or construction of the residence for the governor" in line 18 of the printed section between the words "capitol" and "or."

That section 5 of said act be amended by inserting the words "or governor's residence" in line 5 of the printed section after the word "building" in said line, and in line 19 of said section after the word "building" in said line.

That section 6 of said act be amended by the insertion of the words, "and the erection of a suitable residence for the governor" in line 5 of the printed section after the word "Dakota" in said line.

That section 8 of said act be amended by the insertion of the words "or erection of said governor's residence" in line 3 of the printed bill between the words "building" and "shall."

That section 13 of said act be amended by the insertion of the words

"or erection of said governor's residence" in line 5 of the printed bill between the words "building" and "and."

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.

Also,

Mr. President:

Your committee on judiciary to whom was referred
Senate Bill No. 22,

A bill for an act to amend section 2365 of the revised codes of 1899 relating to the powers and duties of boards of trustees, and the levy and collection of taxes in villages.

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

C. B. LITTLE,
Chairman.

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

Also,

Mr. President:

Your committee on judiciary to whom was referred
Senate Bill No. 50,

A bill for an act to amend chapter 206 of the session laws of 1901, amending section 7671 of the revised codes of 1899, relating to unlawful obligations.

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

C. B. LITTLE,
Chairman.

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

The committee on state affairs made the following report:

Mr. President:

Your committee on state affairs to whom was referred
Senate Bill No. 26,

A bill for an act entitled an act to prohibit persons under

the age of eighteen years to be allowed to play in, or visit, any pool, billiard or card resorts.

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

After the word "by" in line 6, of section 1, strike out all following words in section 1 and insert in lieu thereof the words, "parent or guardian."

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.

The committee on judiciary made the following report:

Mr. President:

Your committee on state affairs to whom was referred Senate Bill No. 17,

A bill for an act to provide for the licensing of auctioneers.

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

After the words "aforesaid" in line 3 of section 6, insert the words "such fee shall be covered into the general fund of the county."

And when so amended recommend the same do pass..

J. B. SHARPE,
Chairman.

Mr. Sharpe moved
The adoption of the report.
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. 32,

A bill for an act to provide for the appointment of a board of trustees of the soldiers' home and prescribing the qualification of the members thereof.

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

J. B. SHARPE,
Chairman.

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

The committee on state affairs made the following report:

Mr. President:

Your committee on state affairs to whom was referred Senate Bill No. 29,

A concurrent resolution, amending the constitution of the state of North Dakota relating to the investment of school funds.

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

J. B. SHARPE,
Chairman.

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

MOTIONS AND RESOLUTIONS.

Mr. Regan introduced the following resolution:

RESOLUTION.

Whereas, The eighth legislative assembly passed, and the governor approved, a bill defining the rates to be charged by railroad companies for the transportation of lignite coal within the state of North Dakota, and,

Whereas, The railroad companies refuse to carry out the provisions of the bill, taking the position that the rates therein are unjust and unreasonable, and, whereas, this is a matter in which the people of North Dakota are particularly interested, therefore, be it

Resolved, That the railroad committee of this senate be made a special committee to inquire into the question of railroad rates on lignite coal within the state of North Dakota; that they have the power to summon witnesses and that they report to this body not later than the 10th of February, 1905.

Mr. Regan moved
That the resolution be adopted.

Mr. Simpson moved,
As substitute motion, that the resolution be referred to the committee on railroads.

Which motion prevailed, and
The resolution was so referred.

Mr. Little moved

That the rules be suspended and all bills introduced to-day receive their first and second reading and reference.

Which motion prevailed.

Mr. Voss offered the following concurrent resolution:

CONCURRENT RESOLUTION.

Resolved by the Senate of the Ninth Session of the State of North Dakota, the House of Representatives concurring,

That we urge our senators and members of congress to secure the passage of an act authorizing and permitting the taking of the waters of the Missouri river for irrigating purposes under the national irrigation act, approved June 17th, 1902.

Mr. Voss moved

The adoption of the resolution.

Which motion prevailed.

MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
January 26, 1905.

Mr. President:

I have the honor to transmit herewith the following concurrent resolution which the house has passed and the concurrence of the senate therein is respectfully requested.

CONCURRENT RESOLUTION.

Whereas, There is a demand for a cheap and more efficient fuel to be used in gas engines, threshing engines, and automobiles, for heating and lighting purposes, and

Whereas, it has been demonstrated in several European countries that alcohol when rendered unfit for use as a beverage is a most efficient source for such power, and

Whereas, many industries would be largely stimulated and built up in this country could alcohol be had at its actual cost for production, and

Whereas, the general production of alcohol for industrial purposes, as before mentioned, would afford a largely increased and open market for many farm products and in this way benefit the farmers of the United States and at the same time furnish them a cheap substitute fuel for use in place of gasoline in engines and automobiles and would render cheaper many products in the industries, thus benefiting all the people, therefore, be it,

Resolved, By the House of Representatives of North Dakota, the Senate concurring, That our senators and members of the house of representatives in congress be requested to put forth every effort and use all honorable means to secure the enactment of the Boutelle bill or of such a bill, for removing the tax from alcohol, denaturized and intended for use in the industries. And be it further

Resolved, That a copy of these resolutions be presented to each of the senators and representatives of the state in Washington.

Also,

I have the honor to inform you that the house has concurred in the following senate concurrent resolution relating to setting aside of monies for drainage out of the irrigation fund:

CONCURRENT RESOLUTION.

Whereas, Our national congress has by law provided that nearly all moneys received from the sale of public lands in Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Washington and Wyoming shall be used for irrigation purposes in the arid and semi-arid districts of said states, and

Whereas, There are portions of the state of North Dakota that would be greatly benefited by a proper drainage and reservoir system, and

Whereas, The expense of such a drainage system would be too burdensome under our state law as it now exists; now, therefore, be it

Resolved, By the Senate of the state of North Dakota, the House of Representatives concurring, That our senators and representatives in congress be requested to use all honorable means to secure an amendment to the national irrigation law to the effect that a portion of the money set aside for irrigation and reservoir purposes may be used for drainage purposes where necessary in said state; and be it further

Resolved, That a copy of these resolution be sent to each of our senators and representatives in congress.

Very respectfully,

OTTO SOUGSTAD,
Chief Clerk.

INTRODUCTION, FIRST AND SECOND READING OF
SENATE BILLS.

The Game and Fish Committee introduced

Senate Bill No. 67,

A bill for an act for the protection of fish, game, wild birds, and fur-bearing wild animals, and creating the offices of state district game and fish wardens and deputies, and defining their duties and jurisdiction.

Which was read the first and second times and

Referred to the committee on Game and Fish.

Mr. Voss introduced

Senate Bill No. 68,

A bill for an act authorizing the trustees of the state reform school to purchase six hundred acres of land contiguous to the present site of said reform school, and making an appropriation therefor.

Which was read the first and second times and

Referred to the committee on appropriations.

Mr. Kirkeide introduced

Senate Bill No. 69,

A bill for an act creating and establishing an agricultural experiment station at or near Leeds in Benson county, providing for its management and making an appropriation therefor.

Which was read the first and second times and

Referred to the committee on appropriations.

Mr. Simpson introduced

Senate Bill No. 70,

A bill for an act providing a contingent fund in each county of the state of North Dakota, for the use of the necessary and not otherwise provided for in the investigation, preparation for trial and trial of criminal cases, and providing for the auditing and payment of such expenditures.

Which was read the first and second times and

Referred to the committee on municipal corporations.

Mr. Taylor introduced

Senate Bill No. 71,

A bill for an act amending section 8497 of the revised codes of North Dakota, relating to criminal procedure.

Which was read the first and second times and

Referred to the committee on judiciary.

Mr. Taylor introduced

Senate Bill No. 72,

A bill for an act to promote anatomical knowledge and the science of medicine and surgery and to provide for anatomical material for such purposes, and penalties for neglecting to comply with the provisions of this act.

Which was read the first and second times and

Referred to the committee on public health.

Mr. Carroll introduced

Senate Bill No. 73,

A bill for an act to provide a record for perpetuating proceedings and instruments in applications for tax deeds, and for payment of services connected therewith.

Which was read the first and second times and

Referred to the committee on state affairs.

Mr. Talcott introduced

Senate Bill No. 74,

A bill for an act to amend sections 701, 703 and 706 of

the revised codes of North Dakota for 1899, relating to education.

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

Mr. Cashel introduced
Senate Bill No. 75,

A bill for an act amending section 5, of chapter 140, of the laws of of 1903, entitled an act to create the office of public administrator, provide for the election of an officer thereto, his compensations and qualifications, to define his powers, duties and liabilities in the administrations of estates of decedents, and as guardian of the person or persons and estates of minors and insane persons, and to define his relations to other civil officers and their relation to him.

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

Mr. Cashel introduced
Senate Bill No. 76,

A bill for an act to provide for the taxation of railroad companies.

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

Mr. La Moure introduced
Senate Bill No. 77,

A bill for an act making an appropriation to pay certain indebtedness incurred by the trustees of the state university, and school of mines at Grand Forks, the agricultural college at Fargo, and state normal school at Valley City, the deaf and dumb asylum at Devils Lake, and the industrial school and school for manual training at Ellendale.

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

Mr. LaMoure introduced
Senate Bill No. 78,

A bill for an act making an appropriation for the erection of a building for the blind asylum, located at Bathgate, Pembina county, and for the proper furnishing and equipment of the same, and to provide for its maintenance and operation.

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

Mr. LaMoure introduced

Senate Bill No. 79,

A bill for an act making an appropriation for the purchase of the law library of the late John M. Cochrane, of Grand Forks, North Dakota, for the use of the college of law of the university of North Dakota.

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

Mr. Stade introduced

Senate Bill No. 80,

A bill for an act to amend sections 6207, 6208 and 6210, of the revised codes, relating to the services of citations and other papers in the county court.

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

Mr. Spoonheim introduced

Senate Bill No. 81,

A bill for an act to regulate the employment of legislative lobby counsel, and agents, and to provide for the return of legislative expenses.

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

Mr. Bacon introduced

Senate Bill No. 82,

A bill for an act establishing the state fair, locating it at Grand Forks, and making appropriations therefor.

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

Mr. Benson introduced

Senate Bill No. 83,

A bill for an act to amend section 7460a of the revised codes, relating to reward for conviction of persons for stealing live stock.

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

Mr. Movius introduced

Senate Bill No. 84,

A bill for an act to amend and re-enact section 6644 of the revised codes of North Dakota for the year 1899, relating to appearance in justice courts.

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

Mr. Movius introduced
Senate Bill No. 85,

A bill for an act to amend and re-enact section 6213 of the revised codes of North Dakota for the year 1899, relating to appearance in county courts.

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

Mr. Voss introduced
Senate Bill No. 86,

A bill for an act to amend and re-enact section 2358, of the revised codes of 1899, relating to the election of village officers, and to amend and re-enact section 2385 of the revised codes of 1899, relating to the settlement of the village treasurer.

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

Mr. Kraabel introduced
Senate Bill No. 87,

A bill for an act to amend chapter 118 of the laws of 1901, being an amendment of section 4680 of the revised codes, relating to liens in general.

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

SECOND READING OF SENATE BILLS.

Senate Bill No. 34,

A bill for an act to provide for new buildings and for making needed permanent improvements for the school of deaf and dumb, located at Devils Lake, North Dakota, and making an appropriation therefor.

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

Senate Bill No. 35,

A bill for an act to amend section 2673, revised codes of North Dakota, relating to townhsip boards.

Was read the second time, and
Referred to the committee on municipal corporations.

Senate Bill No. 36,

A bill for an act providing for establishment of grades and highways in certain cases.

Was read the second time, and

Referred to the committee on municipal corporations.

Senate Bill No. 37,

A bill for an act to provide an appropriation for the current and contingent expenses of the institution for the feeble minded at Grafton, North Dakota.

Was read the second time, and

Referred to the committee on appropriations.

Senate Bill No. 38,

A bill for an act to amend section 6596 of the revised codes, relating to the issue of process in the county courts with increased jurisdiction.

Was read the second time, and

Referred to the committee on judiciary.

Senate Bill No. 39,

A bill for an act to amend section 6608 of the revised codes, relating to the issue of summons in county court with increased jurisdiction.

Was read the second time, and

Referred to the committee on judiciary.

Senate Bill No. 40,

A bill for an act to provide for reimbursing the several counties of the state for moneys paid for officers fees, care, transportation and sustenance of insane persons, prior to June 30, 1903.

Was read the second time, and

Referred to the committee on state affairs.

Senate Bill No. 41,

A bill for an act to provide an appropriation for the current and contingent expenses of the state hospital for the insane at Jamestown.

Was read the second time, and

Referred to the committee on appropriations.

Senate Bill No. 42,

A bill for an act to regulate the sale of binding twine manufactured at the state twine and cordage plant at Bismarck, North Dakota.

Was read the second time, and

Referred to the committee on state affairs.

Senate Bill No. 43,

A bill for an act regulating the fees to be charged and collected by the register of deeds.

Was read the second time, and

Referred to the committee on state affairs.

Senate Bill No. 44,

A bill for an act to amend section 2068 of the revised statutes of the state of North Dakota, 1899, relating to the salary of county judge.

Was read the second time, and

Referred to the committee on state affairs.

Senate Bill No. 45,

A bill for an act to amend sections 6341, 6342 and 6343 of article 6 of chapter 4 of the probate code of the revised codes of the state of North Dakota, 1899, relating to special proceedings for probate of heirship.

Was read the second time, and

Referred to the committee on judiciary.

Senate Bill No. 53,

A bill for an act providing for the redistricting of commissioner districts in organized counties which have enlarged their boundaries by the addition thereto of unorganized territory.

Was read the second time, and

Referred to the committee on municipal corporations.

Senate Bill No. 54,

A bill for an act to amend and re-enact section 5887, revised codes of 1897, providing for sale of personal property under foreclosure of mortgage.

Was read the second time, and

Referred to the committee on judiciary.

Senate Bill No. 55,

A bill for an act to re-enact section 2526 of the revised codes of 1897, relating to organization of townships.

Was read the second time, and

Referred to the committee on municipal corporations.

Senate Bill No. 56,

A concurrent resolution amending section 162 of the state constitution relating to investment of school funds.

Was read the second time, and

Referred to the committee on education.

Senate Bill No. 57,

A bill for an act for the destruction of all weeds on all graded or otherwise cultivated highways.

Was read the second time, and

Referred to the committee on highways and bridges.

Senate Bill No. 58,

A bill for an act to amend section 3104 of the revised codes of North Dakota of 1899 relating to the amount of insurance required to be subscribed before a policy may be issued by a mutual insurance company.

Was read the second time, and

Referred to the committee on insurance.

Senate Bill No. 59,

A bill for an act appropriating money for the purchase of live stock for breeding purposes and for feeding experiments and for enlarging the scope of investigation by the station staff of the agricultural experiment station at Fargo and for making needed improvements.

Was read the second time, and

Referred to the committee on appropriations.

Senate Bill No. 60,

A bill for an act to provide for the organization and regulation of domestic mutual insurance companies.

Was read the second time, and

Referred to the committee on insurance.

Senate Bill No. 61,

A bill for an act to provide for the care and disposition of estates of deceased inmates of the soldiers' home.

Was read the second time, and

Referred to the committee on judiciary.

Senate Bill No. 62,

A bill for an act creating and establishing an agricultural experiment station at or near Dickinson in Stark county, providing for its management and making an appropriation therefor.

Was read the second time, and

Referred to the committee on appropriations.

Senate Bill No. 63,

A bill for an act providing for the appointment of a state oil inspector, fixing the salary for such officer, desig-

nating the fees for the inspection of illuminating oils and gasoline, and repealing conflicting laws.

Was read the second time, and

Referred to the committee on state affairs.

Senate Bill No. 64,

A bill for an act to amend and re-enact chapter 127, laws of 1903, relating to the bonding of certain officers.

Was read the second time, and

Referred to the committee on state affairs.

Senate Bill No. 65,

A bill for an act to provide for consolidation or re-insurance of risks of life insurance companies or associations with or by companies or associations authorized to transact business within the state, and providing a plan for such consolidation or re-insurance.

Was read the second time, and

Referred to the committee on insurance.

Senate Bill No. 66,

A bill for an act to amend section 5845 of the revised codes of North Dakota, for 1899, relating to foreclosure of mortgages upon real estate by advertisement and manner of enjoining same.

Was read the second time, and

Referred to the committee on judiciary.

Mr. Little moved

That the senate do now adjourn,

Which motion prevailed, and

The senate adjourned.

L. M. McGLASHAN,
Secretary.

TWENTY-FIFTH DAY

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
January 27, 1905.

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. Hanna and Carroll, who were excused.

The courtesies of the floor were extended to T. H. Murphy, of Ward Co.

MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
January 27, 1905.

Mr. President:

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

CONCURRENT RESOLUTION.

Whereas, The navigable rivers are the heritage of all the people of our commonwealth, and

Whereas, It is necessary in order to carry out the provisions of the national irrigation act, for irrigation in the state of North Dakota, to take water from the Missouri river, and its tributaries for irrigation purposes, and

Whereas, The navigation laws of the United States may in some manner conflict with the appropriation and diversion of these water for the purpose of irrigation, therefore, be it,

Resolved, By the House of Representatives, the Senate concurring, That the United States senators and members of the house of representatives of the national congress be most respectfully petitioned to urge the passage of such measures as will permit the waters of the Missouri river, and its tributaries to be taken therefrom for irrigation purposes, under such rules and regulations as may be prescribed by the reclamation service of the United States, while continuing to preserve and improve our navigable rivers for the purposes of navigation; further, be it,

Resolved, That the United States senators and members of the house of representatives of the national congress be most respectfully petitioned to make adequate provision for the improvement of the Yellowstone river below the proposed dam near Glendive, and for the improvement of all other navigable rivers within our state.

Which the house has passed, and the concurrence of the senate therein is respectfully requested.

Also,

I have the honor to transmit herewith,
House Bill No. 7,

A bill for an act to fix the dates for holding terms of the district court in the counties of Emmons and McLean.

And

House Bill No. 13,

A bill for an act entitled an act amending section 7989 of the code of North Dakota of 1899, providing for the manner and the time of drawing and summoning of grand juries.

And

House Bill No. 25,

A bill for an act to provide for the cancellation of judgments against persons discharged under the United States bankruptcy law, and the mode of procedure to obtain such relief.

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

Also,

Senate Bill No. 11,

A bill for an act providing for specific performance by guardians of contracts for sale of real estate in certain cases.

Which the house has passed unchanged.

Also,

I have the honor to inform you that the house has concurred in the following senate concurrent resolution, relating to the use of the waters of the Missouri river for irrigation purposes.

CONCURRENT RESOLUTION.

Resolved, By the Senate of the Ninth Session of the State of North Dakota, the House of Representatives concurring,

That we urge our senators and members of congress to secure the passage of an act authorizing and permitting the taking of the waters of the Missouri river for irrigating purposes under the national irrigation act, approved June 17th, 1902.

Very respectfully,

OTTO SOUGSTAD,
Chief Clerk.

REPORT OF STANDING COMMITTEES.

The committee on judiciary made the following report:
Mr. President:

Your committee on judiciary to whom was referred
Senate Bill No. 61,

A bill for an act to provide for the care and disposition
of estates of deceased inmates of the soldiers' home.

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

C. B. LITTLE,
Chairman.

Mr. Little moved

That the report be adopted,

Which motion prevailed, and

The report of the committee was adopted.

The committee on judiciary made the following report:
Mr. President:

Your committee on judiciary to whom was referred
Senate Bill No. 38,

A bill for an act to amend section 6596 of the revised
codes, relating to the issue of process in the county courts
with increased jurisdiction.

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

Senate Bill No. 38 was indefinitely postponed.

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 to amend and re-enact section 5887, revised codes of 1897, providing for sale of personal property under foreclosure of mortgage.

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

By striking out the words, "on Monday," in line 5 of section 1 of the printed bill, and inserting in lieu thereof the words, "of the day specified in the notice."

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 of the committee was adopted.

The committee on education made the following report:

Mr. President:

Your committee on education to whom was referred
Senate Bill No. 30,

A bill for an act to amend section 717 of chapter 86 of the session laws of 1901, being same as section 717 of the revised codes of 1899, relating to education.

Have had the same under consideration and recommend that the same be indefinitely postponed.

F. S. TALCOTT,
Chairman.

Mr. Talcott moved

That the report be adopted,

Which motion prevailed, and

The report of the committee was adopted, and senate Bill No. 30 indefinitely postponed.

The committee on education made the following report:

Mr. President:

Your committee on education to whom was referred
Senate Bill No. 47,

A bill for an act to encourage elementary education.

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

Strike out the word "common" on page 1, line 2, of the printed bill.

And when so amended recommend that the same do pass.

F. S. TALCOTT,
Chairman.

Mr. Talcott moved

That the report be adopted,

Which motion prevailed, and

The report of the committee 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 concurrent resolution amending section 162 of the
state constitution relating to investment of school funds.

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

F. S. TALCOTT,
Chairman.

Mr. Talcott moved

That the report be adopted,

Which motion prevailed, and

The report of the committee 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. 21,

A bill for an act providing for the reconstruction of the
capitol building of the state of North Dakota; and for that
purpose, creating a board of capitol commissioners, defining
its powers and duties, providing for and appropriating
the proceeds of sales of the capitol building lands, and authorizing
the issuance of interest bearing certificates
against said fund.

And find the same correctly engrossed.

Also,
Senate Bill No. 13,

A bill for an act to amend subdivision 2 of section 5653 of the Revised Codes.

And find the same correctly engrossed.

GEO. M. YOUNG,
Chairman.

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

Mr. President:

Your committee on corporations other than municipal, to whom was referred

Senate Bill No. 6,

A bill for an act to amend section 2876 of the Revised Codes of North Dakota of the revision of 1899 relating to the issuance of certificates of stock of corporations and the transfer thereof.

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

MAYNARD CRANE,
Chairman.

Mr. Crane moved

That the report be adopted,

Which motion prevailed, and

The report of the committee was adopted.

MOTIONS AND RESOLUTIONS.

Mr. Crane moved

That the rules be suspended, and that all bills introduced to-day receive their first and second reading, and reference.

Which motion prevailed.

CONSIDERATION OF MESSAGE FROM THE HOUSE.

The following concurrent resolution was laid before the senate:

CONCURRENT RESOLUTION.

Whereas, There is a demand for a cheap and more efficient fuel to be used in gas engines, threshing engines and automobiles, for heating and lighting purposes, and

Whereas, It has been demonstrated in several European countries that alcohol when rendered unfit for use as a beverage is a most efficient source for such power, and

Whereas, Many industries would be largely stimulated and built up in this country could alcohol be had at its actual cost for production, and

Whereas, The general production of alcohol for industrial purposes, as before mentioned, would afford a largely increased and open market for many farm products and in this way benefit the farmers of the United States and at the same time furnish them a cheap substitute fuel for use in place of gasoline in engines and automobiles and would render cheaper many products in the industries, thus benefitting all the people. Therefore, be it

Resolved, By the House of Representatives of North Dakota, the Senate concurring, that our senators and members of the house of representatives in congress be requested to put forth every effort and use all honorable means to secure the enactment of the Bottle bill or of such a bill, for removing the tax from alcohol, denaturized and intended for use in the industries. And, be it further

Resolved, That a copy of these resolutions be presented to each of the senators and representatives of the state in Washington.

Mr. Regan moved

That the resolution be adopted.

Which motion prevailed, and

The resolution was adopted.

INTRODUCTION AND FIRST AND SECOND READING OF SENATE BILLS.

Mr. Sharpe introduced (by request):

Senate Bill No. 88,

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

Mr. Johnson, of McLean, introduced

Senate Bill No. 89,

A bill for an act to amend and re-enact section 2073, revised codes of 1899, relating to salary of county auditors.

Was read the first and second times and

Referred to the committee on elections.

Mr. Johnson, of McLean, introduced

Senate Bill No. 90,

A bill for an act fixing the jurisdiction of justice courts in cases of arrest and bail as provided in section 5304, revised codes of 1899.

Was read the first and second times and

Referred to the committee on municipal corporations.

Which was read the first and second times, and

Referred to the committee on judiciary.

THIRD READING OF SENATE BILLS.

Senate Bill No. 21,

A bill for an act providing for the reconstruction of the capitol building of the state of North Dakota; and for that

purpose, creating a board of capitol commissioners, defining its powers and duties, providing for and appropriating the proceeds of sales of the capitol building lands, and authorizing the issuance of interest bearing certificates against said fund.

Was read the third time.

Mr. LaMoure moved

That Senate Bill No. 21 be amended as follows:

By striking out of section 2 all that part of said section following the word "quarterly," in line 3, and inserting in lieu thereof the following: "And each other member of the board shall receive ten dollars per day while in the actual performance of his duties as a member of said board."

Which motion prevailed, and

The bill was so amended.

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

The roll was called and there were ayes 35, nays 3, absent and not voting 2.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bacon	Kraabel	Simpson
Brown	LaMoure	Spoonheim
Cashel	Little	Stade
Crane	Macdonald	Steele
Dyste	Main	Swenson
Fox	McLean	Talcott
Garnett	Movius	Taylor
Gulack	Pierce	Thatcher
Herbrandson	Plain	Voss
Johnson of McLean	Regan	Wagner
Johnson of Walsh	Sharpe	Young
Kirkeide	Sifton	

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Benson	Hagen	McArthur

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Carroll	Hanna	

Messrs. Carroll and Hanna being excused.

So the bill passed and the title was agreed to.

Mr. Little moved

That the vote by which Senate Bill No. 21 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Senate Bill No. 13,

A bill for an act to amend subdivision 2 of section 5653 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 38, nays none, absent and not voting 2.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bacon	Johnson of Walsh	Sharpe
Benson	Kirkeide	Sifton
Brown	Kraabel	Spoonheim
Carroll	LaMoure	Stade
Cashel	Little	Steele
Crane	Macdonald	Swenson
Dyste	Main	Talcott
Fox	McArthur	Taylor
Garnett	McLean	Thatcher
Gulack	Movius	Voss
Hagen	Pierce	Wagner
Herbrandson	Plain	Young
Johnson of McLean	Regan	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Hanna	Simpson	

Messrs. Hanna and Simpson being excused.

So the bill passed.

Mr. Pierce moved

That the title of Senate Bill No. 13 be amended by adding at the end thereof the following words: "Relating to witnesses and evidence."

Which motion prevailed, and

The title of Senate Bill No. 13, as so amended, was agreed to.

Mr. Little moved

That the senate do now adjourn.

Which motion prevailed, and

The senate adjourned.

L. M. McGLASHAN,
Secretary.

TWENTY-SIXTH DAY

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
January 28, 1905.

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

The president presiding.

Prayer by chaplain.

Roll call.

All members present except Messrs. Fox, Hanna, Plain, Sifton, Stade, and Voss being excused.

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. 21,

A bill for an act providing for the reconstruction of the capitol building of the state of North Dakota; and for that purpose, creating a board of capitol commissioners, defining its powers and duties, providing for and appropriating the proceeds of sales of the capitol building lands, and authorizing the issuance of interest bearing certificates against said fund.

Also,

Senate Bill No. 13.

A bill for an act to amend subdivision 2 of section 5653 of the Revised Codes.

Also,

Senate Bill No. 6,

A bill for an act to amend section 2876 of the Revised Codes of North Dakota of the revision of 1899, relating to the issuance of certificates of stock of corporations and the transfer thereof.

Also,

Senate Bill No. 17,

A bill for an act to provide for the licensing of auctioneers.

Also,

Senate Bill No. 26,

A bill for an act entitled an act to prohibit persons under the age of eighteen years to be allowed to play in, or visit, any pool, billiard or card resorts.

Also,

Senate Bill No. 32,

A bill for an act to provide for the appointment of a board of trustees of the soldiers' home and prescribing the qualification of the members thereof.

Also,

Senate Bill No. 47,

A bill for an act to encourage elementary education.

Also,

Senate Bill No. 50,

A bill for an act to amend chapter 206 of the session laws of 1901, amending section 7671 of the revised codes of 1899, relating to unlawful obligations.

Also,

Senate Bill No. 54,

A bill for an act to amend and re-enact section 5887, revised codes of 1897, providing for sale of personal property under foreclosure of mortgage.

Also,

Senate Bill No. 56,

A concurrent resolution amending section 162 of the state constitution relating to investment of school funds.

Also,

Senate Bill No. 61,

A bill for an act to provide for the care and disposition of estates of deceased inmates of the soldiers' home.

Also,
Senate Bill No. 3,

A bill for an act fixing the salaries and providing for the payment of the necessary expenses for the judges of the district court of the state of North Dakota.

And find that the same have been correctly engrossed.

GEORGE M. YOUNG,
Chairman.

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

Mr. President:

Your committee on enrolled and engrossed senate bills have examined

Senate Bill No. 22,

A bill for an act to amend section 2365 of the revised codes of 1899 relating to the powers and duties of boards of trustees, and the levy and collection of taxes in villages.

And find the same correctly engrossed.

GEORGE M. YOUNG,
Chairman.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred
Senate Bill No. 39,

A bill for an act to amend section 6608 of the revised codes, relating to the issue of summons in county court with increased jurisdiction.

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

By striking out the words "The summons' in line 3 of section 1 of the printed bill and inserting in lieu thereof the words "The summons may be issued by the judge or clerk of the county court, or by the plaintiff or his attorney. If the summons is not issued by the judge or clerk of the county court, it,"

And by inserting in line 7 of section 1 of the printed bill between the words "summons" and "exclusive" the words "if not issued by the judge or clerk of the county court,"

And by inserting in section 1, after line 17, the words, "In all cases where the summons is not issued by the judge or clerk of the county court, the complaint must be served at the same time as the summons."

And by adding to said act section 2, to read as follows:

Sec. 2.] All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

And when so amended recommend the same do pass.

C. B. LITTLE,
Chairman.

Mr. Little moved

That the report be adopted,

Which motion prevailed, and

The report of the committee 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. 8,

A bill for an act to provide police for towns and villages not organized, and provide revenue to support the same.

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

In line 1, section 1, substitute the word "sixty" for the word "fifty" and in line 10, change the word "fifty" to "sixty."

And when so amended recommend the same do pass.

J. D. BACON,
Chairman.

Mr. Bacon moved

That the report be adopted,

Which motion prevailed, and

The report of the committee was adopted.

MESSAGE FROM THE HOUSE.

The following message was received from the house.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
January 28, 1905.

Mr. President:

I have the honor to transmit herewith

House Bill No. 4,

A bill for an act to amend sections 6188, 6189, 6190 and 6191 of the revised codes of North Dakota, being article 3 of chapter 1, probate code, relating to the disqualification

of county judges and transfers of the administration of estates from one county to some other, or the calling in of the county judge of an adjoining county to hear the same, by the judge disqualified.

Also,

House Bill No. 35,

A bill for an act to prohibit the making within this state of any contract or pretended contract to buy or sell grain, pork, lard or mercantile or agricultural products on margins without any intention of future delivery, to prohibit the maintenance within this state of any store, office or other place wherein is conducted or permitted the pretended buying or selling of grain, pork, lard or any mercantile or agricultural products on margin, without any intention of future delivery and to provide a penalty for the violation thereof.

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

Respectfully,

OTTO SOUGSTAD,

Chief Clerk.

MOTIONS AND RESOLUTIONS.

Mr. Simpson moved

That Senate Bill No. 61 be re-referred to the judiciary committee.

Which motion prevailed, and

Senate Bill No. 61 was so referred.

Mr. Bacon moved

That Senate Bill No. 47 be re-referred to the committee on appropriations.

Which motion prevailed, and

The bill was so referred.

Mr. Hagen moved

That Senate Bill No. 26 be re-referred to the committee on state affairs.

Which motion prevailed, and

The bill was so referred.

Mr. Little moved

That all bills introduced today receive their first and second reading and reference.

Which motion prevailed.

CONSIDERATION OF MESSAGE FROM THE HOUSE.

CONCURRENT RESOLUTION.

Whereas, The navigable rivers are the heritage of all the people of our commonwealth, and

Whereas, It is necessary in order to carry out the provisions of the national irrigation act, for irrigation in the state of North Dakota, to take water from the Missouri river, and its tributaries for irrigation purposes, and

Whereas, The navigation laws of the United States may in some manner conflict with the appropriation and diversion of these water for the purpose of irrigation, therefore, be it,

Resolved, By the House of Representatives, the Senate concurring, That the United States senators and members of the house of representatives of the national congress be most respectfully petitioned to urge the passage of such measures as will permit the waters of the Missouri river, and its tributaries to be taken therefrom for irrigation purposes, under such rules and regulations as may be prescribed by the reclamation service of the United States, while continuing to preserve and improve our navigable rivers for the purposes of navigation; further, be it,

Resolved, That the United States senators and members of the house of representatives of the national congress be most respectfully petitioned to make adequate provision for the improvement of the Yellowstone river below the proposed dam near Glendive, and for the improvement of all other navigable rivers within our state.

Mr. Herbrandson moved

That the senate concur in the house concurrent resolution just read.

Which motion prevailed, and

The resolution was concurred in.

INTRODUCTION, FIRST AND SECOND READING OF SENATE BILLS.

Mr. Dyste introduced

Senate Bill No. 91,

A bill for an act to amend chapter 21 of the political code of North Dakota, relating to drains.

Which was read the first and second times, and

Referred to the committee on judiciary.

Mr. Steele introduced

Senate Bill No. 92,

A bill for an act to amend section 86 of the revised codes of North Dakota, 1899, relating to salary and expenses of governor.

Which was read the first and second times, and

Referred to the committee on appropriations.

Mr. Little introduced

Senate Bill No. 93,

A bill for an act to amend section 2264 of the revised

codes of the state of North Dakota, relating to power of city council to make contracts for water for fire protection.

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

Mr. Pierce introduced
Senate Bill No. 94,

A concurrent resolution to amend section 182 of the constitution of the state of North Dakota, relating to a public debt and public works.

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

Mr. Gulack introduced
Senate Bill No. 95,

A bill for an act to amend sections 1787, 1788, 1789 of the revised codes of North Dakota, 1899, relating to public warehouses.

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

THIRD READING OF SENATE BILLS.

Senate Bill No. 6,

A bill for an act to amend section 2876 of the Revised Codes of North Dakota of the revision of 1899, relating to the issuance of certificates of stock of corporations and the transfer thereof.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 33, nays none, absent and not voting 7.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bacon	Johnson of Walsh	Regan
Benson	Kirkeide	Sharpe
Brown	Kraabel	Simpson
Carroll	LaMoure	Spoonheim
Cashel	Little	Stade
Crane	Macdonald	Steele
Dyste	Main	Talcott
Garnett	McArthur	Taylor
Gulack	McLean	Thatcher
Hagen	Movius	Wagner
Johnson of McLean	Pierce	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Fox	Plain	Swenson
Hanna	Sifton	Voss
Herbrandson		

Messrs. Fox, Hanna, Herbrandson, Plain, Sifton, Swenson and Voss being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 17,

A bill for an act to provide for the licensing of auctioneers.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 33, nays none, absent and not voting 7.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bacon	Johnson of Walsh	Sharpe
Benson	Kraabel	Simpson
Brown	LaMoure	Spoonheim
Carroll	Little	Stade
Cashel	Macdonald	Steele
Crane	Main	Swenson
Dyste	McArthur	Talcott
Garnett	McLean	Taylor
Gulack	Movius	Thatcher
Hagen	Pierce	Wagner
Johnson of McLean	Regan	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Fox	Kirkeide	Sifton
Hanna	Plain	Voss
Herbrandson		

Messrs. Fox, Hanna, Herbrandson, Kirkeide, Plain and Voss being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 32,

A bill for an act to provide for the appointment of a board of trustees of the soldiers' home and prescribing the qualification of the members thereof.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 31, nays 3, absent and not voting 6.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bacon	Johnson of Walsh	Regan
Benson	Kirkeide	Sharpe
Brown	Kraabel	Simpson
Carroll	LaMoure	Spoonheim
Cashel	Little	Stade
Crane	Main	Steele
Dyste	McArthur	Swenson
Garnett	McLean	Taylor
Gulack	Movius	Thatcher
Hagen	Pierce	Wagner
Johnson of McLean		

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Macdonald	Talcott	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Fox	Herbrandson	Sifton
Hanna	Plain	Voss

Messrs. Fox, Hanna, Herbrandson, Plain, Sifton and Voss being excused.

Mr. Young explained his vote.

So the bill passed and the title was agreed to.

Senate Bill No. 50,

A bill for an act to amend chapter 206 of the session laws of 1901, amending 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 31, nays none, absent and not voting 9.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bacon	Kirkeide	Sharpe
Benson	Kraabel	Simpson
Brown	LaMoure	Spoonheim
Carroll	Little	Stade
Cashel	Macdonald	Steele
Crane	Main	Talcott
Dyste	McArthur	Taylor
Garnett	Movius	Thatcher
Gulack	Pierce	Wagner
Johnson of McLean	Regan	Young
Johnson of Walsh		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Fox	Herbrandson	Sifton
Hagen	McLean	Swenson
Hanna	Plain	Voss

Messrs. Fox, Hagen, Hanna, Herbrandson, McLean, Plain, Sifton, Swenson and Voss being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 54,

A bill for an act to amend and re-enact section 5887, revised codes of 1897, providing for sale of personal property under foreclosure of mortgage.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 34, nays none, absent and not voting 6.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bacon	Kirkeide	Sharpe
Benson	Kraabel	Simpson
Brown	LaMoure	Spoonheim
Carroll	Little	Stade
Cashel	Macdonald	Steele
Crane	Main	Swenson
Dyste	McArthur	Talcott
Garnett	McLean	Taylor
Gulack	Movius	Thatcher
Hagen	Pierce	Wagner
Johnson of McLean	Regan	Young
Johnson of Walsh		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Fox	Herbrandson	Sifton
Hanna	Plain	Voss

Messrs. Fox, Hanna, Herbrandson, Plain, Sifton and Voss being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 56,

A concurrent resolution amending section 162 of the state constitution relating to investment of school funds.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 32, nays none, absent and not voting 8.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bacon	Kirkeide	Sharpe
Benson	Kraabel	Simpson
Brown	LaMoure	Spoonheim
Cashel	Little	Stade

Messrs.—

Crane
Dyste
Garnett
Gulack
Hagen
Johnson of McLean
Johnson of Walsh

Absent and not voting:

Messrs.—

Carroll
Fox
Hanna

Messrs.—

Macdonald
Main
McArthur
McLean
Movius
Pierce
Regan

Messrs.—

Herbrandson
Plain
Sifton

Messrs.—

Steele
Talcott
Taylor
Thatcher
Wagner
Young

Messrs.—

Swenson.
Voss

Messrs. Carroll, Fox, Hanna, Herbrandson, Plain, Sifton, Swenson and Voss being excused.

So the bill passed and the title was agreed to.

FIRST READING OF HOUSE BILLS.

House Bill No. 7,

A bill for an act to fix the dates for holding terms of the district court in the counties of Emmons and McLean.

Was read the first time.

House Bill No. 13,

A bill for an act entitled an act amending section 7989 of the code of North Dakota of 1899, providing for the manner and the time of drawing and summoning of grand juries.

Was read the first time.

House Bill No. 25,

A bill for an act to provide for the cancellation of judgments against persons discharged under the United States bankruptcy law, and the mode of procedure to obtain such relief.

Was read the first time.

Mr. Talcott moved

That the senate do now adjourn.

Which motion prevailed, and

The senate adjourned.

L. M. McGLASHAN,
Secretary.

TWENTY-EIGHTH DAY

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
January 30, 1905.

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. Gulack, Hanna, Plain, Sifton, who were excused.

The courtesies of the floor were extended to the following: C. J. Lord and D. K. Brightbill, of Cando; C. S. Edwards, of Mayville, and G. H. Garnett, of Pembina.

PETITIONS AND COMMUNICATIONS.

The presiding officers laid the following communications before the senate:

Treasury Department,
Washington, January 23, 1905.

The President of the Senate,
Bismarck, North Dakota.

Sir: I am in receipt of a concurrent resolution introduced and passed in the North Dakota legislature relative to the application of certain millers for a drawback on wheat produced in part from Canadian and in part from American wheat.

Section 15 of the Dingley tariff act relates to manufactures in bond. Material used in bonded factories pays no duty whatever, and the question of drawback does not apply. Section 30 of the Dingley tariff act unequivocally permits a drawback on the exportation of articles produced wholly from imported material. This, of course, applies to flour as well as to other manufactures.

Thus far there is no conflict of opinion. The only ambiguity is in reference to a drawback on the exportation of articles produced in part

from domestic material when the amount of imported material does not so appear to the eye in the completed article that the quantity or measure thereof can be ascertained. You will see that it is important to understand the issue involved in order to understand either the argument in support of the request or the effect of granting the same.

It is conceded, of course, that the amount of imported wheat used in the manufacture of a barrel of flour does not appear to the eye. In an analogous case Attorney-General Olney held that the amount or quantity of imported material used must appear to the eye in the completed article to entitle it to a drawback. This opinion was overruled, however, by Attorney-General Griggs, who, in an analogous case, held that if the amount of imported material was ascertainable in any other way than by the exercise of the sense of sight, the drawback could be allowed. In his opinion the requirement was met if the amount of imported material used was made to appear to the knowledge and understanding of the person charged with the responsibility of deciding.

This opinion, I repeat, overruled the opinion of Attorney-General Olney, and is as binding upon the secretary of the treasury as though the Olney opinion had never been rendered. It does not leave the secretary of the treasury in the position of having two opinions with a discretion as to which one he shall follow.

But, antagonistic opinion having been rendered, and there being some opposition to the request, I have taken occasion again to submit the question to the attorney-general. I doubt not your body will approve this course. The treasury department, in the execution of the laws, is controlled by the opinion of the attorney-general, and his opinion is the department's court of last resort.

Having explained what has been done I would be authorized to dismiss the subject, but I notice in the resolution the expressed opinion that "the granting of the application will practically nullify paragraph 234 of the Dingley law." Evidently Mr. Dingley was not of this opinion, for the two provisions are in the same bill. But if you are correct, and if section 30 nullifies any portion of the act of which it is a part, then the remedy is with the congress and not with the administrative branch of the government.

The provisions of law under consideration first appear in the McKinley tariff act of 1890. In his speech explaining what was intended, after referring to the right of drawback previously granted on articles produced wholly of foreign material, Mr. McKinley uses this language:

"We have extended this provision and in every way possible liberalized it so that the domestic and foreign product can be combined and still allow the exporter ninety-nine per cent upon the duty he pays upon his foreign material intended for export, which is in effect what free traders and our political opponents are clamoring for, namely, free raw material for the foreign trade."

During the speech, Mr. Springer interrupted: "Will the gentleman permit me to ask if that applies also to wool?" To this Mr. McKinley answered, "Yes, it applies to anything they choose to import for purposes of manufacture."

It therefore occurs to me that possibly you may have slightly misunderstood the intent of the Dingley tariff act and the preceding McKinley tariff act. Tariff schedules were enacted for the purpose of protecting the American producer within the American market, and sections 15 and 30 of the same law were enacted to aid the American producer in his efforts to successfully compete in foreign markets. You will readily understand that congress could not protect the American producer in foreign markets, however it might try. Taking this view of the case, you will recognize that the two provisions—protection for the

encouragement of American producers for the American market, and drawbacks for the encouragement of American exporters—are consistent.

If I understand the Dingley law correctly it in effect says to the American producer, artisan, and farmer, you shall have protection within the American market. Whoever invades the American market must pay duty upon the articles with which he makes invasion. But the same law says to the American exporter, if you will employ American labor, pay American wages, you shall have every possible advantage in your effort to reach foreign markets. You shall have free iron, free lead, free wool, free hides, free wheat, free everything except labor. There must be neither contract labor nor coolie labor employed even in the manufacture of goods for export. American wages must be paid so that the American laborer shall be able to put a roof over his family, unpatched clothes upon his children, and have meat upon his table at least once each day. If I am correct, the Dingley law is consistent with itself, and does no violence to the principle of protection to and the encouragement of American industries.

From what I have already said it will appear that the real issue involved is quite unimportant. The American manufacturer of flour has the unquestioned right to grind imported wheat in bond, export his product, and pay no duty. He also has the unquestioned right to grind Canadian wheat out of bond, and, if he export all his product, get a drawback equal to ninety-nine per cent of the duty he has paid. He also has the unquestioned right to export a portion of his product, and get a proportionate share of the ninety-nine per cent of the duty he has paid, based upon the relative market value of the portion exported and the portion entering the American market for consumption. This has been passed upon and approved by the supreme court of the United States.

Worked out in an actual example we have this proposition: The American miller can import, say, four bushels of wheat, paying one dollar duty thereon, and when he exports a barrel of flour, the product of this wheat, get in drawback such portion of ninety-nine cents as the market value of the barrel of flour bears to the market value of the entire product of the imported wheat. The question submitted to the attorney-general is whether the American miller can import two bushels of Canadian wheat, paying fifty cents in duty, blend this with two bushels of American wheat, export a barrel of flour, and recover any portion of the duty he has paid. It has from the beginning seemed a little strange to me that there should be so much objection to the consumption of a moiety of American wheat.

Believing the question has not been fairly presented to your body, I have taken the liberty of replying somewhat in detail to your very courteous resolution. I have carefully avoided the legal questions involved. My aim has been rather to invite careful investigation of all phases of the question than to support a conclusion.

Yours very truly,

L. M. SHAW.

Tower City, N. D., Jan. 25th, 1905.

The following resolutions were adopted at the Annual Convention of the Retail Merchants Association of North Dakota:

BULK SALE OF GOODS.

Resolved, That this association is in favor of the passage by the state legislature now assembled, of a law regulating the sale of stocks of goods in bulk similar in form and substance to the law on that subject now in force in the state of Minnesota.

INSURANCE.

Resolved, That this association approve the bill introduced by Hon. Geo. M. Young having reference to mutual life insurance companies.

PURE FOODS.

Resolved, That this association heartily endorse the pure food bill now before the state legislature, introduced by Hon. L. B. Hanna, and recommend its adoption, and ask that the appropriation for the enforcement of same be made, and, be it further,

Resolved, That we consider the house bill No. 20, if adopted, would be an injustice to the people of the state and should be condemned, and ask our senators and representatives to vote it down.

Resolved, That this association ask the passage of our legislature of the bill now under consideration for an appropriation of \$1,500.00 to defend Prof. Ladd in suits brought against him by certain manufacturers in connection with the enforcement of the pure food law.

WEIGHTS AND MEASURES.

Resolved, That this association favor the repeal of the present law providing for inspection of weights and measures by sheriffs, or an amendment thereto providing for the payment of fees for such inspection from the general fund of the respective counties.

W. W. KING,

Secretary Retail Merchants Association of North Dakota.

MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
January 30, 1905.

Mr. President:

I have the honor to transmit herewith
House Bill No. 42,

A bill for an act to prevent fraud in the sale of Paris Green used as an insecticide, prescribing a penalty for the violation, providing for the inspection and analysis of same and charging North Dakota Government Agricultural Experiment station with the duty thereof, and charging the state's attorney with the enforcement hereof.

Also,

House Bill No. 61,

A bill for an act amending section 2097 of the political code, relating to the fees of witnesses.

Also,

House Bill No. 37,

A bill for an act granting the consent and permission of the state of North Dakota to the construction and maintenance of highway across, within, under and through the

water of Des Lac Lake, on township line between the townships 161 and 162 in Ward county, North Dakota.

Also,

House Bill No. 28,

A bill for an act to prevent fraud in the sale of formaldehyde used as a fungicide, prescribing a penalty for the violation, providing for the inspection and analysis of same, charging the North Dakota Government Agricultural Experiment station with the duty thereof, and charging the state's attorney with the enforcement thereof.

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

Very respectfully,

OTTO SOUGSTAD,

Chief Clerk.

REPORTS OF STANDING COMMITTEES.

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

Mr. President:

The committee on revision and correction of the journal of the twenty-fourth, twenty-fifth and twenty-sixth days, have carefully examined the same and recommend that the same be corrected as follows:

Of the twenty-fourth day:—By striking out line 30, on page 5.

Of the twenty-fifth day:—By changing the name "M. T. H. Murphy" in line 14, page 1, to "T. H. Murphy." On page 7, insert lines 31, 32 and 33 after line 28.

Of the twenty-sixth day:—On page 11, strike out the word "which" in lines 21, 27 and 33. On page 6, line 26, change the word "first" to "just."

And when so amended recommend that he same be approved.

R. W. MAIN,

Chairman.

Mr. Main moved

That the report be adopted,

Which motion prevailed, and

The report of the committee was adopted.

SENATE COMMITTEE REPORT.

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

Mr. President:

Your committee on enrolled and engrossed bills has examined

Senate Bill No. 8,

A bill for an act to provide police for towns and villages not organized, and provide revenue to support the same.

Also,

Senate Bill No. 29,

A concurrent resolution, amending the constitution of the state of North Dakota relating to the investment of school funds.

Also,

Senate Bill No. 39,

A bill for an act to amend section 6608 of the revised codes, relating to the issue of summons in county court with increased jurisdiction.

And find the same correctly engrossed.

GEORGE M. YOUNG,

Chairman.

The committee on irrigation made the following report:
Mr. President:

Your committee on irrigation, to whom was referred
Senate Bill No. 1,

A bill for an act prescribing regulations for the appropriation, distribution and use of water in the construction and maintaining of canals, ditches and storage reservoirs for the purpose of irrigation, evaporation and water power; for the diversion and confining, retention, storage and distribution of water; the condemnation of lands for the right of way of works for such purposes; providing for a state engineer and an assistant state engineer and the appointment of officers for the surveying and measurement, fixing their compensation and providing for the payment of the same and making an appropriation therefor, prescribing their duties, powers and qualifications, and the appropriation of the streams of the state and controlling the distribution of water throughout the state in the several water divisions thereof, prescribing water divisions, and the management of water regulations and adjudicating the rights and the priority of rights of those diverting, carrying or storing water for irrigation or other beneficial purposes in the water districts in the several water divisions, providing for the expense of such adjudication and for the apportionment and payment thereof, prescribing regulations and ascertaining the rights and priorities of those

entitled to water for use for the irrigation of lands, and to provide penalties and for punishing persons for interfering with it or maliciously trespassing upon the ditches, reservoirs or irrigation works for the storage and conveyance of water and to regulate the rights to the use of water for agricultural and manufacturing and other purposes, to provide for a board of water commissioners, prescribing their duties, pay, compensation, providing for water masters, their duties, compensation, providing for change of place or use of diversion, measuring devices, bridges over ditches or canals, providing for constructing works, the disposition of seepage water, and providing for the disposition of state lands and right of way over same.

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

Section 3 be amended to read as follows: Section 3. (Eminent Domain.) The United States, the state, or any person, corporation or association may exercise the right of eminent domain to acquire for a public use any property or rights now or hereafter existing when found necessary for the application of water to beneficial uses, including the right to enlarge existing structures and use the same in common with the former owner. Any canal right of way so acquired shall be so located as to do the least damage to private or public property, consistent with proper and economical engineering construction. Such property or rights may be acquired in the manner provided by law for the taking of private property for public use.

In section 4, in line 2 of the printed bill, after the words, "entitled to the use" add "of such water."

Add the following at the end of section 10: (1) In ascertaining actual cost of any work, as the term is used in this section, the salary of any salaried officer for the time employed shall be included,

In line 10 of section 15 of the printed bill, add after the words "have been" the word "begun."

In line 17 of section 20 of the printed bill strike out the word "the" at the beginning of said line and insert "any."

After the word "accordance" in line 14 of section 21 of the printed bill, add "With the rules and regulations applicable."

In line 11, section 23 of the printed bill, strike out the word "circuit" and insert "district."

In line 2 of section 32 of the printed bill, strike out the word "clerk" and insert "auditor."

In line 6 of section 34 of the printed bill, strike out the word "with" and insert "when."

In line 10 of section 35 of the printed bill, strike out the word "circuit" and insert "district."

Strike out all of section 38 of the original bill and insert in lieu thereof the following:

Section 38. (Water Commissioners.) The governor may nominate and by and with the advice and consent of the senate appoint a water commissioner for each water division as hereinbefore established to serve for the term of six years, or until his successor shall have qualified and shall be subject to removal by the governor. Provided the water commissioners first appointed after the passage of this act shall serve for the terms specified as follows:

Water division No. 1 six years.

Water division No. 2 four years.

Water division No. 3 two years.

Water division No. 4 six years.

Provided, further, that during any temporary or permanent vacancy in the office of water commissioner, the powers and duties of such water commissioner shall devolve on the state engineer.

In line 9 of section 55 of the printed bill after the words "if not built by" insert the word "the."

Amend line 3, section 60 of the printed bill to read as follows: "A right of way for ditches or canals, and for tunnels, tramways and telephone and electrical transmission lines, constructed by authority of the United States."

And when so amended recommend the same do pass.

H. G. VOSS,
Chairman.

Mr. Voss moved

That the report be adopted,

Which motion prevailed, and

The report of the committee was adopted.

Mr. Little moved

That Senate Bill No. 1 be referred to the committee on appropriations.

Which motion prevailed, and

The bill was so referred.

The committee on public health made the following report:

Mr. President:

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

A bill for an act providing for the creation of a state bacteriological and pathological laboratory, for the control of such laboratory, and duties of the director, for the appointment of a director of such laboratory, who shall be ex-officio state bacteriologist and for an appropriation for the support of such laboratory.

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

J. D. TAYLOR,
Chairman.

Mr. Taylor moved

That Senate Bill No. 12 be

Referred to the committee on appropriations.

Which motion prevailed, and

The bill was so referred.

Mr. President:

The committee on state affairs made the following report:

Your committee on state affairs to whom was referred
Senate Bill No. 40,

A bill for an act to provide for reimbursing the several
counties of the state for moneys paid for officers fees,
care, transportation and sustenance of insane persons,

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

Senate Bill No. 40 was indefinitely postponed.

The committee on state affairs made the following re-
port:

Mr. President:

Your committee on state affairs to whom was referred
Senate Bill No. 42,

A bill for an act to regulate the sale of binding twine
manufactured at the state twine and cordage plant at Bis-
marck, North Dakota.

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

Senate Bill No. 42 was indefinitely postponed.

The committee on state affairs made the following re-
port:

Mr. President:

Your committee on state affairs to whom was referred
Senate Bill No. 43,

A bill for an act regulating the fees to be charged and
collected by the register of deeds.

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

The committee on state affairs made the following re-
port:

Mr. President:

Your committee on state affairs to whom was referred

Senate Bill No. 64, .

A bill for an act to amend and re-enact chapter 127, laws of 1903, relating to the bonding of certain officers.

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

By changing the word "treasurer" in line 4 of the printed bill to the word "officer" and in line 11 strike out the word "shall" and in lieu thereof insert the following words: "may at their discretion."

And when so amended recommend the same do pass.

J. B. SHARPE,
Chairman.

Mr. Sharpe moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on appropriations made the following report:

Mr. President:

Your committee on appropriations to whom was referred Senate Bill No. 9,

A bill for an act making an appropriation of \$1,500 for the payment of the expenses of Prof. E. F. Ladd, state pure food commissioner in defending a suit brought against him by an association of food manufacturers.

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

Also,

Senate Bill No. 23,

A bill for an act making an appropriation for a deficiency in the appropriation for the institution for the feeble minded.

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

By striking out the words "seven thousand seven hundred and fifty dollars" in lines 7 and 8 of the preamble and the same words in lines 1 and 2 of section 1 of the printed bill and inserting in lieu thereof in both places the words: "eight thousand two hundred and fifty."

And when so amended recommend that the same do pass.

JUDSON LA MOURE,
Chairman.

Mr. LaMoure moved

That the report be adopted,

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

The committee on appropriations made the following report:

Mr. President:

Your committee on appropriations to whom was referred

Your committee on applications to whom was referred
Senate Bill No. 79,

A bill for an act making an appropriation for the purchase of the law library of the late John M. Cochrane, of Grand Forks, North Dakota, for the use of the college of law of the university of North Dakota.

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

JUDSON LA MOURE,
Chairman.

MOTIONS AND RESOLUTIONS.

Mr. Pierce offered the following

RESOLUTION

Whereas, The business of the senate has assumed such proportions that additional clerical assistance is necessary, Therefore be it

Resolved, That the president appoint three auxiliary engrossing clerks to be assigned to such duties as may be required of them; further

Resolved, That all clerks and other employees elected or appointed by or under the direction of the senate (except the desk force, stenographers, and committee clerks) be required to report to the sergeant at arms for duty at 9 o'clock a. m. on each day, or upon failure to do so, they shall be deemed to be absent, and unless excused their per diem shall cease.

Mr. Pierce moved

That the resolution be adopted.

Which motion prevailed, and

The resolution was adopted.

Mr. Young moved

That there be printed 1,000 extra copies of Senator Sharpe's bill relating to primary elections (S. B. 88) and 100 extra copies of senate bills 21, 22, 23, 24, 25, 26, 28, 32, 34, 35, 38, 39 and 67

Which motion prevailed.

Mr. Regan offered the following

RESOLUTION

Resolved, That the secretary shall furnish to each member of the senates before the opening of each day's session, a list giving the numbers of all bills to be placed on the third reading.

Mr. Regan moved
That the resolution be adopted.
Which motion prevailed, and
The resolution was adopted.
Mr. Regan offered the following

RESOLUTION

Resolved, That if the various employes of the senate do not satisfactorily perform the duties to which they are assigned, the president of the senate is given power to discharge them.

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

INTRODUCTION AND FIRST READING OF SENATE
BILLS.

Mr. Kraabel introduced
Senate Bill No. 96,

A bill for an act to create the office of state fire marshal; and providing for the appointment of state fire marshal; term, oath, bond, removal; deputy and his duties; vacancies; duties of marshal in connection with other officers to investigate fires; notification of fire to marshal; record of fires; testimony under oath; arrest of suspected persons; report to insurance commissioner; power of marshal and deputy to summon and enforce attendance of witnesses; false swearing; contempt; power to enter buildings; investigation may be in private; right of marshal and other officers upon complaint to enter buildings for purposes of investigation; may order removal of inflammable or explosive material; penalty for non-compliance; sheriff or constable or witnesses, how paid; state fire marshal authorized to employ stenographer, salary of; office help, salary of; state fire marshal to be state chief of fire departments; duty of commissioner of insurance, governor and auditor; withholding funds; penalty for neglect of official duty; salaries of marshal and deputy; tax on insurance companies to defray expenses of department; itemized statement of expenses; annual report; marshal not to engage in other business; compensation of various officers for reporting fires.

Which was read the first time.

Mr. Johnson, of McLean, introduced

Senate Bill No. 97,

A bill for an act authorizing county commissioners in counties having a regular organized live stock protective association to create a special fund and to appropriate and set aside moneys to be expended and used for the protection of live stock from theft.

Which was read the first time.

Mr. McDonald introduced

Senate Bill No. 98,

A bill for an act to prohibit the use of any free pass or frank or privilege, withheld from any person for the traveling, accommodation or transportation of any person or property, or the transmission of any message or communication.

Which was read the first time.

Mr. Pierce introduced

Senate Bill No. 99,

A bill for an act to legalize the execution and acknowledgment of certain deeds, mortgages and other instruments in writing, and the record thereof, and making the same or certified copies thereof admissible in evidence.

Which was read the first time.

Mr. Thatcher introduced

Senate Bill No. 100,

A bill for an act to provide for the maintenance of the industrial school and school for manual training, located at Ellendale, and for making necessary improvements, and making an appropriation therefor.

Which was read the first time.

Mr. Kirkeide introduced

Senate Bill No. 101,

A concurrent resolution amending section 158 of the constitution of the state of North Dakota, relating to the sale of university and school lands.

Which was read the first time.

Mr. Thatcher introduced

Senate Bill No. 102,

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

Which was read the first time.

THIRD READING OF SENATE BILLS.

Senate Bill No. 22,

A bill for an act to amend section 2365 of the revised codes of 1899 relating to the powers and duties of boards of trustees, and the levy and collection of taxes in villages.

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 16.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Cashel	LaMoure	Spoonheim
Dyste	Little	Stade
Gulack	Main	Steele
Hagen	McArthur	Swenson
Herbrandson	McLéan	Taylor
Johnson of McLean	Movius	Thatcher
Johnson of Walsh	Pierce	Voss
Kirkeide	Regan	Wagner

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Bacon	Garnett	Sifton
Benson	Hanna	Simpson
Brown	Kraabel	Talcott
Carroll	Macdonald	Young
Crane	Plain	
Fox	Sharpe	

Messrs. Bacon, Benson, Brown, Carrall, Crane, Fox, Gulack, Hanna, Kraabel, Macdonald, Plain, Sharp Sifton, Simpson, Talcott and Young being excused.

So the bill passed and the title was agreed to.

Mr. Movins moved

That the senate do now adjourn.

Which motion prevailed, and

The senate adjourned.

L. M. McGLASHAN,
Secretary.

TWENTY-NINTH DAY.

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
January 31, 1905.

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. Hanna and Johnson of McLean, who were excused.

The courtesies of the floor were extended to the following: Messrs. George Davis, W. L. Wilde, Chas. McManus, W. B. Wood, Kenneth Hunter, P. S. Houghton, Henry Bartz, E. N. Swiggum, Geo. W. Lynn, Arthur Wescott, and Charles Coventry.

PETITIONS AND COMMUNICATIONS.

Mr. Young presented the following petition:

Dazey, N. Dak., Jan. 28, 1905.

To Hon. G. M. Young, Senator,
Bismarck, N. D.

Dear Sir: We, the undersigned voters and tax-payers of Barnes county, hereby express our desire that our representatives in the legislature may do their duty in regard to the pure food law now pending. We wish the Senator Hanna bill supported; furthermore we ask for a law governing drugs and beverages in general, and declare it as our firm conviction that nothing better could be done than to make a good law protecting our families against food sharks. We are entitled to it and we will ever thank you and others that help to bring up and carry out good laws. We would also voice a liberal support for the enforcement of the law covering pure food, pure drugs and pure beverages used as medicine or sold as such. An appropriation of ten thousand dollars is none too much.

Respectfully,

CARL WIELAND
and ten others.

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 of the twenty-eighth day, have carefully examined the same and recommend that the same be corrected as follows:

By striking out line 36 on page 13,

And when so amended recommend that the same be approved.

R. W. MAIN,
Chairman.

Mr. Main moved

That the report be adopted,

Which motion prevailed, and

The report of the committee was adopted.

REPORTS OF STANDING COMMITTEES.

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

Mr. President:

Your committee on enrolled and engrossed bills have examined

Senate Bill No. 64,

A bill for an act to amend and re-enact chapter 127, laws of 1903, relating to the bonding of certain officers.

Also

Senate Bill No. 77,

A bill for an act making an appropriation to pay certain indebtedness incurred by the trustees of the state university, and school of mines at Grand Forks, the agricultural college at Fargo, and state normal school at Valley City, the deaf and dumb asylum at Devils Lake.

And find the same correctly engrossed.

GEO. M. YOUNG,
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 amend section 1375 of the revised codes, relating to additional duties of the adjutant general.

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

R. A. FOX,
Chairman.

The committee on appropriations made the following report:

Mr. President:

Your committee on appropriations to whom was referred

Senate Bill No. 77,

A bill for an act making an appropriation to pay certain indebtedness incurred by the trustees of the state university, and school of mines at Grand Forks, the agricultural college at Fargo, and state normal school at Valley City, the deaf and dumb asylum at Devils Lake, and the industrial school and school for manual training at Ellendale.

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:

An act making an appropriation to pay certain indebtedness incurred by the trustees of the state university and school of mines at Grand Forks, the agricultural college at Fargo, the state normal school at Valley City, and the school for the deaf and dumb of North Dakota at the city of Devils Lake.

That the figures in line 9 of section 1 of the printed bill be changed from "18,000" to "38,000"

That line 10 of section one of the printed bill be changed to read as follows: "School for the deaf and dumb of North Dakota, 18,000."

That line 11 of section 1 of the printed bill be stricken out.

That line 13 of section 1 of the printed bill be amended to read as follows: "Total \$154,400."

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 of the committee was adopted.

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 making an appropriation for the erection of a building for the blind asylum, located at Bathgate, Pembina county, and for the proper furnishing and equipment of the same, and to provide for its maintenance and operation.

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 Senate Bill No. 84,

A bill for an act to amend and re-enact section 6644 of the revised codes of North Dakota for the year 1899, relating to appearance in justice courts.

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

By striking out the emergency 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 of the committee was adopted.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred Senate Bill No. 75,

A bill for an act amending section 5, of chapter 140, of the laws of of 1903, entitled an act to create the office of public administrator, provide for the election of an officer thereto, his compensations and qualifications, to define his powers, duties and liabilities in the administration of estates of decedents, and as guardian of the person or persons and estates of minors and insane persons, and to define his relations to other civil officers and their relation to him.

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

C. B. LITTLE,
Chairman.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred
Senate Bill No. 93,

A bill for an act to amend section 2264 of the revised codes of the state of North Dakota, relating to power of city council to make contracts for water for fire protection.

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

That the title of said act be amended to read as follows: A bill for an act to amend section 2264 of the revised code of the state of North Dakota, relating to power of city councils to make contracts for water for fire protection, and provide appropriations for the same.

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 of the committee was adopted.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred
Senate Bill No. 94,

A concurrent resolution to amend section 182 of the constitution of the state of North Dakota, relating to a public debt and public works.

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

By inserting the words "of one half" in line 7 of section 2 of the printed bill between the words "sum" and "of" in said line.

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 of the committee was adopted.

The committee on insurance made the following report:
Mr. President:

Your committee on insurance to whom was referred
Senate Bill No. 58,

A bill for an act to amend section 3104 of the revised codes of North Dakota of 1899 relating to the amount of insurance required to be subscribed before a policy may be issued by a mutual insurance company.

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

That the word "eight" on line 6 of the printed bill be stricken out and the word "five" inserted therein; and that the words "four hundred" on line 7 of the printed bill be stricken out and the words "two hundred fifty" inserted in lieu thereof.

And when so amended recommend that the same do pass.

J. AUSTIN REGAN,
Chairman.

Mr. Regan moved

That the report be adopted,

Which motion prevailed, and

The report of the committee was adopted.

MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
January 31, 1905.

Mr. President:

I have the honor to transmit herewith

House Bill No. 30,

A bill for an act to amend section 441 of revised codes of North Dakota relating to jurors.

Also,

House Bill No. 45,

A bill for an act prohibiting the secreting of any stone, wood, iron, or other substance in any sheaf, shock, pile, load, or stack of grain, that might or could injure or destroy any threshing machine or cause the death or injury to any person, or any damage to personal property and prescribing the measure of damages that may be recovered and

prescribing punishment for the violation of the provisions hereof.

Also,

House Bill No. 82,

A bill for an act to amend chapter 4, of the session laws of 1903, being section 6633 of the revised codes of North Dakota, 1899, relating to procedure in civil actions in justice court.

Also,

House Bill No. 34,

A bill for an act to amend section 648 and 750 of the revised codes of 1899, relating to education.

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

Very respectfully,

OTTO SOUGSTAD,

Chief Clerk.

COMMUNICATION FROM THE GOVERNOR.

The following communication was received from the governor:

GOVERNOR'S OFFICE,
BISMARCK, NORTH DAKOTA,
January 31, 1905.

To the Senate:

Gentlemen:—I have the honor to transmit herewith estimate of the board of trustees of public property of the expenses necessary for keeping and maintaining the capitol building, executive mansion and public grounds for the ensuing two years.

I have the honor to be, very respectfully,

E. Y. SARLES,

Governor.

To the Senate and House of Representatives:

In compliance with the provisions of section 155, revised codes, we beg leave to submit the following:

We estimate the appropriation necessary to defray the expenses of keeping the capitol building, executive mansion and public grounds in repair, and for fuel and other

incidental expenses for keeping and maintaining the state offices for the ensuing two years to be forty-eight thousand dollars (\$48,000).

E. Y. SARLES,
E. F. PORTER,
H. L. HOLMES.

Board of Trustees of Public Property.

MOTIONS AND RESOLUTIONS.

Mr. Simpson moved

That Senate Bill No. 3 be re-referred to the committee on judiciary.

Which motion prevailed and Senate Bill No. 3 was so referred.

INTRODUCTION AND FIRST READING OF SENATE BILLS.

Mr. Thatcher introduced

Senate Bill No. 102,

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

Which was read the first time.

Mr. Sifton introduced

Senate Bill No. 103,

A bill for an act to amend and re-enact section 3134 of chapter 14 of the revised codes of 1899, relating to the organization of county mutual fire insurance companies.

Which was read the first time.

Mr. Sifton introduced

Senate Bill No. 104,

A bill for an act to provide for the erection of necessary additional buildings and other improvements at the state hospital for the insane at Jamestown, North Dakota.

Which was read the first time.

Mr. Steele introduced

Senate Bill No. 105,

A bill for an act to change county lines of Ward county, division of Ward county, North Dakota, and creating the counties of Bowbells, Kenmare, Black and Renville therefrom; defining the boundary lines thereof and providing

for submission of the provisions of this act to vote of the electors of the territory affected thereby.

Which was read the first time.

Mr. Voss introduced
Senate Bill No. 106,

A bill for an act to make an appropriation for the current and contingent expenses of the state reform school at Mandan, for additional buildings for said school and furnishing and equipping the same.

Which was read the first time.

Mr. Main introduced
Senate Bill No. 107,

A bill for an act relating to the expenditure of county funds.

Which was read the first time.

Mr. Macdonald introduced
Senate Bill No. 108,

A bill for an act to prevent monopoly and for the protection of traders.

Which was read the first time.

Mr. Stade introduced
Senate Bill No. 109,

A bill for an act to provide for the appraisal of animals suffering from glanders, and providing for payment of indemnity.

Which was read the first time.

Mr. Movius introduced
Senate Bill No. 110,

A bill for an act to limit the time within which an action may be commenced, or a defense or counterclaim interposed, founded upon a claim of right to a homestead heretofore or hereafter conveyed or incumbered, otherwise than as provided by the law in force at the time of the execution of the conveyance or incumbrance thereof.

Which was read the first time.

Mr. Simpson introduced
Senate Bill No. 111,

A bill for an act requiring the boards of county commissioners throughout the state of North Dakota to advertise for bids for publication of the auditor's notice of sale of real estate for delinquent taxes.

Which was read the first time.

SECOND READING OF SENATE BILLS.

Senate Bill No. 97,

A bill for an act authorizing county commissioners in counties having a regular organized live stock protective association to create a special fund and to appropriate and set aside moneys to be expended and used for the protection of live stock from theft.

Was read the second time, and

Referred to the committee on municipal corporations.

Senate Bill No. 98,

A bill for an act to prohibit the use of any free pass or frank or privilege, withheld from any person for the traveling, accommodation or transportation of any person or property, or the transmission of any message or communication.

Was read the second time, and

Referred to the committee on state affairs.

Senate Bill No. 99,

A bill for an act to legalize the execution and acknowledgment of certain deeds, mortgages and other instruments in writing, and the record thereof, and making the same or certified copies thereof admissible in evidence.

Was read the second time, and

Referred to the committee on judiciary.

Senate Bill No. 100,

A bill for an act to provide for the maintenance of the industrial school and school for manual training, located at Ellendale, and for making necessary improvements, and making an appropriation therefor.

Was read the second time, and

Referred to the committee on appropriations.

Senate Bill No. 101,

A concurrent resolution amending section 158 of the constitution of the state of North Dakota, relating to the sale of university and school lands.

Was read the second time, and

Referred to the committee on judiciary.

THIRD READING OF SENATE BILLS.

Senate Bill No. 8,

A bill for an act to provide police for towns and villages

not organized for civil government, and provide revenue to support 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, 38; nays, none; absent and not voting, 2.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bacon	Kirkeide	Sifton
Benson	Kraabel	Simpson
Brown	LaMoure	Spoonheim
Carroll	Little	Stade
Cashel	Macdonald	Steele
Crane	Main	Swenson
Dyste	McArthur	Talcott
Fox	McLean	Taylor
Garnett	Movius	Thatcher
Gulack	Pierce	Voss
Hagen	Plain	Wagner
Herbrandson	Regan	Young
Johnson of Walsh	Sharpe	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Hanna	Johnson of McLean	

Messrs. Hanna and Johnson of McLean, being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 9,

A bill for an act making an appropriation of \$1,500 for the payment of the expenses of Prof. E. F. Ladd, state pure food commissioner in defending a suit brought against him by an association of food manufacturers.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 37, nays none, absent and not voting, 3.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bacon	Kirkeide	Sifton
Benson	Kraabel	Simpson
Brown	LaMoure	Spoonheim
Carroll	Little	Stade
Cashel	Macdonald	Steele
Crane	Main	Swenson
Dyste	McArthur	Talcott
Fox	Movius	Taylor
Garnett	Pierce	Thatcher
Gulack	Plain	Voss
Hagen	Regan	Wagner
Herbrandson	Sharpe	Young
Johnson of Walsh		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Hanna	Johnson of McLean	McLean

Messrs. Hanna, Johnson of McLean and McLean, being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 29,

A concurrent resolution, amending the constitution of the state of North Dakota relating to the investment of school funds.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were: Ayes, 36; nays, none; absent and not voting, 4.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bacon	Kirkeide	Sifton
Benson	Kraabel	Simpson
Brown	LaMoure	Spoonheim
Carroll	Little	Stade
Cashel	Macdonald	Steele
Crane	Main	Swenson
Dyste	McArthur	Talcott
Fox	McLean	Taylor
Garnett	Movius	Thatcher
Hagen	Pierce	Voss
Herbrandson	Plain	Wagner
Johnson of Walsh	Regan	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Gulack	Johnson of McLean	Sharpe
Hanna		

Messrs. Gulack, Hanna, Johnson of McLean, and Sharpe, being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 39,

A bill for an act to amend section 6608 of the revised codes, relating to the issue of summons in county courts, with increased jurisdiction.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were: Ayes, 38, nays, none; absent and not voting, 2.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bacon	Kirkeide	Sifton
Benson	Kraabel	Simpson
Brown	LaMoure	Spoonheim
Carroll	Little	Stade
Cashel	Macdonald	Steele
Crane	Main	Swenson
Dyste	McArthur	Talcott
Fox	McLean	Taylor
Garnett	Moviüs	Thatcher
Gulack	Pierce	Voss
Hagen	Plain	Wagner
Herbrandson	Regan	Young
Johnson of Walsh	Sharpe	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Hanna	Johnson of McLean	

Messrs. Hanna and Johnson of McLean, being excused.
So the bill passed and the title was agreed to.

Senate Bill No. 43,

A bill for an act regulating the fees to be charged and collected by 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, 32; nays, 5; absent and not voting, 3.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bacon	Johnson of Walsh	Sifton
Benson	Kirkeide	Simpson
Brown	LaMoure	Spoonheim
Carroll	Little	Stade
Cashel	Macdonald	Steele
Dyste	McArthur	Swenson
Fox	McLean	Taylor
Garnett	Pierce	Thatcher
Gulack	Plain	Wagner
Hagen	Regan	Young
Herbrandson	Sharpe	

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Crane	Moviüs	Voss
Kraabel	Talcott	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Hanna	Johnson of McLean	Main

Messrs. Hanna, Johnson of McLean and Main, being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 77,

A bill for an act making an appropriation to pay certain indebtedness incurred by the trustees of the state university, and school of mines at Grand Forks, the agricultural college at Fargo, and state normal school at Valley City, the deaf and dumb asylum at Devils Lake.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were: Ayes, 37; nays, none; absent and not voting, 3.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bacon	Kirkeide	Sharpe
Benson	Kraabel	Simpson
Brown	LaMoure	Spoonheim
Carroll	Little	Stade
Cashel	Macdonald	Steele
Crane	Main	Swenson
Dyste	McArthur	Talcott
Fox	McLean	Taylor
Garnett	Movius	Thatcher
Gulack	Pierce	Voss
Hagen	Plain	Wagner
Herbrandson	Regan	Young
Johnson of Walsh		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Hanna	Johnson of McLean	Sifton

Messrs. Hanna, Johnson of McLean and Sifton, being excused.

So the bill passed and the title was agreed to.

Mr. Taylor moved

That the vote by which Senate Bill No. 77 was passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

Senate Bill No. 78,

A bill for an act making an appropriation for the erection of a building for the blind asylum, located at Bathgate, Pembina county, and for the proper furnishing and equipment of the same, and to provide for its maintenance and operation.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were: Ayes, 31; nays, 2; absent and not voting, 7.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bacon	LaMoure	Simpson
Benson	Little	Spoonheim
Brown	Macdonald	Stade
Carroll	McLean	Steele
Cashel	Movius	Swenson
Fox	Pierce	Talcott
Garnett	Plain	Taylor
Gulack	Regan	Voss
Herbrandson	Sharpe	Wagner
Johnson of Walsh	Sifton	Young
Kirkeide		

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Crane	McArthur	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Dyste	Johnson of McLean	Main
Hagen	Kraabel	Thatcher
Hanna		

Messrs. Dyste, Hagen, Hanna, Johnson of McLean, Kraabel, Main and Thatcher, being excused.

Mr. Crane explained his vote.

So the bill passed and the title was agreed to.

Senate Bill No. 79,

A bill for an act making an appropriation for the purchase of the law library of the late John M. Cochrane, of Grand Forks, North Dakota, for the use of the college of law of the university of North Dakota.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were: Ayes, 30; nays, 2; absent and not voting, 8.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Brown	LaMoure	Spoonheim
Cashel	Little	Stade
Crane	Main	Steele
Dyste	McLean	Swenson
Fox	Movius	Talcott
Garnett	Pierce	Taylor
Herbrandson	Regan	Thatcher
Johnson of Walsh	Sharpe	Voss
Kirkeide	Sifton	Wagner
Kraabel	Simpson	Young

Those who voted in the negative were :

Messrs.—	Messrs.—	Messrs.—
Carroll	Hagen	

Absent and not voting :

Messrs.—	Messrs.—	Messrs.—
Bacon	Hanna	McArthur
Benson	Johnson of McLean	Plain
Gulack	Macdonald	

Messrs. Bacon, Benson, Gulack, Hanna, Johnson of McLean, MacDonald, McArthur and Plain, being excused.

So the bill passed and the title was agreed to.

The president appointed under the resolution offered by Mr. Pierce, and adopted on the 28th day, Mrs. Luella M. Read, to be assigned to work as a stenographer; and Gottlieb Reichert and Moses Propper, as additional enrolling and engrossing clerks.

The president administered the oath of office to Gottlieb Reichert, as additional enrolling and engrossing clerk.

Mr. Sharpe moved

That the senate do now adjourn.

Which motion prevailed, and

The senate adjourned.

L. M. McGLASHAN,
Secretary.

THIRTIETH DAY

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
February 1, 1905.

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. Garnett, Johnson of McLean, and Sifton, who were excused.

The courtesies of the floor were extended to Hon. Joseph Roach of Minot.

COMMUNICATION FROM THE GOVERNOR.

The following communication was received from the governor:

GOVERNOR'S OFFICE,
BISMARCK, NORTH DAKOTA,
February 1, 1905.

To the President and Members of the Senate:

I have the honor to transmit herewith the report of the commission in charge of the exhibit of the state of North Dakota at the World's Fair, St. Louis, with a financial statement, and the report of the executive commissioner, for your consideration.

E. Y. SARLES,
Governor.

Mr. Crane moved
 That the report of the World's Fair commission be
 Referred to the committee on state affairs.
 Which motion prevailed, and
 The report was so referred.

REPORT OF STANDING COMMITTEES.

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

Mr. President:

Your committee on enrolled and engrossed bills has examined

Senate Bill No. 23,

A bill for an act making an appropriation for a deficiency in the appropriation for the institution for the feeble minded.

Also,

Senate Bill No. 64,

A bill for an act to amend and re-enact chapter 127, laws of 1903, relating to the bonding of certain officers.

Also,

Senate Bill No. 93,

A bill for an act to amend section 2264 of the revised codes of the state of North Dakota, relating to power of city council to make contracts for water for fire protection.

Also,

Senate Bill No. 94,

A concurrent resolution to amend section 182 of the constitution of the state of North Dakota, relating to a public debt and public works.

Also,

Senate Bill No. 84,

A bill for an act to amend and re-enact section 6644 of the revised codes of North Dakota for the year 1899, relating to appearance in justice courts.

Also,

Senate Bill No. 58,

A bill for an act to amend section 3104 of the revised codes of North Dakota of 1899 relating to the amount of insurance required to be subscribed before a policy may be issued by a mutual insurance company.

And find the same correctly engrossed.

GEORGE M. YOUNG,
 Chairman.

The committee on railroads made the following report:

Mr. President:

Your committee on railroads to whom was referred

A concurrent resolution, offered by Mr. Spoonheim, relating to the federal interstate commerce commission.

Have had the same under consideration and recommend that the attached resolution be offered as a substitute, and herewith report the substitute with a recommendation that it do pass.

L. A. SIMPSON,
Chairman.

Mr. Simpson moved

That the report be adopted,

Which motion prevailed, and

The report of the committee was adopted.

The committee on railroads made the following report:

Mr. President:

Your committee on railroads to whom was referred the attached concurrent resolution, offered by Mr. Regan, relating to transportation rates on lignite coal within the state of North Dakota.

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

L. A. SIMPSON,
Chairman.

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 to amend section 4788, revised codes of North Dakota, for 1899, relating to mechanics' liens.

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

That the title of said act be amended to read as follows:

A bill for an act to repeal section 4795 of the revised codes of North Dakota of 1899, and to amend section 4796 of the revised codes of North Dakota, of 1899, relating to mechanics' liens.

That all of said act after the enacting clause, being lines 1 to 21 inclusive of the printed bill, be stricken out and the following substituted:

Section 1. That section 4795 of the revised codes of 1899 be, and the same is hereby repealed.

Sec. 2. That section 4796 of the revised codes of 1899 be, and the same is hereby amended and reenacted so as to read as follows:

Section 4796. Action to Enforce.] Any person having a lien by virtue of this chapter may bring an action to enforce the same in the district court in the county or judicial subdivision in which the property is situated, and any number of persons claiming liens against the same property may join in the same action and when separate actions are commenced the court may consolidate them. Whenever in the sale of the property subject to the lien there is a deficiency of the proceeds, judgment may be entered for the deficiency in like manner and with like effect as in actions for the foreclosure of mortgages.

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 of the committee was adopted.

The committee on appropriations made the following report:

Mr. President:

Your committee on appropriations to whom was referred
Senate Bill No. 51,

A bill for an act to amend section 8 and section 12 of chapter 108, session laws of 1903, entitled an act to establish an institution for the feeble minded and provide for its support and management.

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

JUDSON LA MOURE,
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. 70,

A bill for an act providing a contingent fund in each county of the state of North Dakota, for the use of the state's attorney, for the payment of such expenses as are necessary and not otherwise provided for in the investigation, preparation for trial and trial of criminal cases, and providing for the auditing and payment of such expenditures.

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

In line 10 of section 1 change the word "purposes" to "causes."

And when so amended recommend that the same do pass.

J. D. BACON,
Chairman.

Mr. Bacon moved

That the report be adopted,

Which motion prevailed, and

The report of the committee was adopted.

The committee on municipal corporations made the following report:

Mr. President:

Your committee on municipal corporations to whom was referred

Senate Bill No. 10,

A bill for an act authorizing the construction or reconstruction and repairing of sidewalks in incorporated villages in this state and the manner of assessment and levy thereof and collection of the same.

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

J. D. BACON,
Chairman.

The committee on state affairs made the following report:

Mr. President:

Your committee on state affairs to whom was referred

Senate Bill No. 27,

A bill for an act to amend and re-enact sections 1, 2 and 3 of chapter 6 of the session laws of 1903, the same being: An act to prevent the adulteration, misbranding and selling of adulterated and unwholesome foods and beverages, prescribing a penalty for the violation, providing for the inspection and analysis of foods, charging the North Dakota government agricultural experiment station with the duty thereof, charging the state's attorney with the enforcement hereof, and making an appropriation therefor.

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

Also,
Senate Bill No. 26,

A bill for an act entitled an act to prohibit persons under the age of eighteen years to be allowed to play in, or visit, any pool, billiard or card resorts.

Have had the same under consideration and recommend that the title be changed so as to read as follows:

"For an act to prohibit persons under the age of 18 years to be allowed to play in, or visit, any pool, billiard or card resorts."

By inserting after the word "hall" in line 2 of section 1 of the printed bill the following: "Or any bowling alley," and by inserting the word "bowling" after the word "billiards," in line 3. And in line 5 after the word "mention," by inserting "or to be employed in said places," and after the word "unless" in line 6 by inserting the following: "By written consent of one or both parents or guardians or when." And also after the word "parents" in said line 6 insert the words "or guardian," and after the word "not" in line 2 of section 2 by striking out "to exceed one hundred" and lieu thereof insert the following: "Less than five dollars nor more than fifty."

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 of the committee was adopted.

The committee on elections made the following report:

Mr. President:

Your committee on elections to whom was referred
Senate Bill No. 88,

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

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

L. B. HANNA,
Chairman.

MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 1, 1905.

Mr. President:

I have the honor to transmit herewith

House Bill No. 55,

A bill for an act to amend section 5382 of the revised codes of North Dakota, 1899, relating to creditors may proceed by garnishment.

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

Very respectfully,

OTTO SOUGSTAD,
Chief Clerk.

MOTIONS AND RESOLUTIONS.

Mr. Movius offered the following resolution:

Resolved, That the secretary shall have printed and furnish to each member of the senate a list of the standing and joint committees, in a neat and compact form, printed on heavy, stiff paper or light cardboard, and folded so as to be easily carried in the pocket.

Mr. Movius moved

That the resolution be adopted.

Which motion prevailed.

Mr. Crane offered the following:

CONCURRENT RESOLUTION.

Whereas, The ninth legislative assembly has by joint resolution appointed a committee of five to arrange for a memorial meeting in honor of the late John M. Cochrane, and

Whereas, Such committee has made arrangements it deems fitting for the occasion; now, therefore, be it

Resolved, By the Senate, the House of Representatives concurring, That on Wednesday, February 15, 1905, the house and senate do meet in joint session at the hour of 1:30 p. m., for the purpose of observing "John M. Cochrane memorial day."

MAYNARD CRANE,

Chairman of the Joint Committee.

Mr. Crane moved

That the resolution be adopted.

Which motion prevailed, and

The resolution was concurred in.

INTRODUCTION AND FIRST READING OF SENATE BILLS.

The senate committee on appropriations introduced Senate Bill No. 112.

A bill for an act to amend section 338 of the revised codes of 1899, as amended by chapter 28 of the session laws of 1903, providing for an appropriation for supplies for the capitol building, executive mansion and the public

grounds and parks connected therewith and for necessary repairs upon the capitol building and executive mansion.

Which was read the first time.

Mr. Thatcher introduced
Senate Bill No. 113,

A bill for an act to provide for the care and improvement of the "White Stone Hills Battle Field," and making an appropriation to pay for the same.

Which was read the first time.

Mr. Wagner introduced
Senate Bill No. 114,

A bill for an act to amend chapter 73, section 4716, of the revised codes of North Dakota, 1899, relative to record of foreclosure, how operates, and what assignment of mortgage must contain.

Which was read the first time.

Mr. Wagner introduced
Senate Bill No. 115,

A bill for an act to amend chapter 125 of the session laws of 1901, to amend section 4719 of the revised codes of North Dakota, 1899, relative to discharge of real estate mortgages.

Which was read the first time.

Mr. Little introduced
Senate Bill No. 116,

A bill for an act to amend section 146 of the revised codes, relating to official bonds of state examiner and his deputies.

Which was read the first time.

Mr. Little introduced
Senate Bill No. 117,

A bill for an act to amend section 3 of chapter 170 of the laws of 1901, being an amendment of section 145 of the revised codes, relating to the salary of the state examiner, the appointment of deputies and for penalties for malfeasance in office.

Which was read the first time.

Mr. Hanna introduced
Senate Bill No. 118,

A bill for an act establishing the state fair, locating it at Fargo, and making appropriations therefor.

Which was read the first time.

Mr. Movius introduced
Senate Bill No. 119,

A bill for an act providing for procuring of official bonds of state officers and for acceptance of bids therefor, and the payment of premiums upon same.

Which was read the first time.

Mr. Movius introduced
Senate Bill No. 120,

A bill for an act providing for the procuring of official bonds of county officers, and for acceptance of bids therefor, and payment of premiums on same.

Which was read the first time.

Mr. Movius introduced
Senate Bill No. 121,

A bill for an act to repeal section 3924 of the revised codes, 1899.

Which was read the first time.

Mr. Swenson introduced
Senate Bill No. 122,

A bill for an act to amend section 3128 of the revised codes of 1899, relating to the revocation of authority of foreign and domestic insurance corporations to transact business in this state, and providing for the revocation of authority of foreign insurance corporations to transact business within the state of North Dakota, upon the removal by any such foreign insurance corporation, of certain cases from the state to the United States courts.

Which was read the first time.

Mr. Cashel introduced
Senate Bill No. 123,

A bill for an act to amend sections 870 and 871 of the revised codes of North Dakota for 1899, relating to the appropriation for aid to state high schools.

Which was read the first time.

Mr. Pierce, by request, introduced
Senate Bill No. 124,

A bill for an act declaring damage from weed-infested lands to be a cause of action.

Which was read the first time.

Mr. Talcott introduced
Senate Bill No. 125,

A bill for an act to amend sections 737, 738, 739, 741, 742 and 744 of the revised codes of North Dakota of 1899, relating to education.

Which was read the first time.

SECOND READING OF SENATE BILLS.

Senate Bill No. 96,

A bill for an act to create the office of state fire marshal; and providing for the appointment of state fire marshal; term, oath, bond, removal; deputy and his duties; vacancies; duties of marshal in connection with other officers to investigate fires; notification of fire to marshal; record of fires; testimony under oath; arrest of suspected persons; report to insurance commissioner; power of marshal and deputy to summon and enforce attendance of witnesses; false swearing; contempt; power to enter buildings; investigation may be in private; right of marshal and other officers upon complaint to enter buildings for purposes of investigation; may order removal of inflammable or explosive material; penalty for non-compliance; sheriff or constable or witnesses, how paid; state fire marshal authorized to employ stenographer, salary of; office help, salary of; state fire marshal to be state chief of fire departments; duty of commissioner of insurance, governor and auditor; withholding funds; penalty for neglect of official duty; salaries of marshal and deputy; tax on insurance companies to defray expenses of department; itemized statement of expenses; annual report; marshal not to engage in other business; compensation of various officers for reporting fires.

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

Senate Bill No. 103,

A bill for an act to amend and re-enact section 3134 of chapter 14 of the revised codes of 1899, relating to the organization of county mutual fire insurance companies.

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

Senate Bill No. 104,

A bill for an act to provide for the erection of necessary

additional buildings and other improvements at the state hospital for the insane at Jamestown, North Dakota.

Was read the second time, and

Referred to the committee on appropriations.

Senate Bill No. 106,

A bill for an act to make an appropriation for the current and contingent expenses of the state reform school at Mandan, for additional buildings for said school and furnishing and equipping the same.

Was read the second time, and

Referred to the committee on appropriations.

Senate Bill No. 107,

A bill for an act relating to the expenditure of county funds.

Was read the second time, and

Referred to the committee on judiciary.

Senate Bill No. 108,

A bill for an act to prevent monopoly and for the protection of traders.

Was read the second time, and

Referred to the committee on judiciary.

Senate Bill No. 109,

A bill for an act to provide for the appraisal of animals suffering from glanders, and providing for payment of indemnity.

Was read the second time, and

Referred to the committee on appropriations.

Senate Bill No. 110,

A bill for an act to limit the time within which an action may be commenced, or a defense or counterclaim interposed, founded upon a claim of right to a homestead heretofore or hereafter conveyed or incumbered, otherwise than as provided by the law in force at the time of the execution of the conveyance or incumbrance thereof.

Was read the second time, and

Referred to the committee on judiciary.

Senate Bill No. 111,

A bill for an act requiring the boards of county commissioners throughout the state of North Dakota to advertise for bids for publication of the auditor's notice of sale of real estate for delinquent taxes.

Was read the second time, and
Referred to the committee on municipal corporations.

Mr. Little moved

That the rules be suspended and that all house bills now receive their first and second reading, and reference.

Which motion prevailed.

FIRST AND SECOND READING OF HOUSE BILLS

House Bill No. 4,

A bill for an act to amend sections 6188, 6189, 6190 and 6191 of the revised codes of North Dakota, being article 3 of chapter 1, probate code, relating to the disqualification of county judges and transfers of the administration of estates from one county to some other, or the calling in of the county judge of an adjoining county to hear the same, by the judge disqualified.

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

House Bill No. 35,

A bill for an act to prohibit the making within this state of any contract or pretended contract to buy or sell grain, pork, lard or mercantile or agricultural products on margins without any intention of future delivery, to prohibit the maintenance within this state of any store, office or other place wherein is conducted or permitted the pretended buying or selling of grain, pork, lard or any mercantile or agricultural products on margin, without any intention of future delivery and to provide a penalty for the violation thereof.

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

House Bill No. 37,

A bill for an act granting the consent and permission of the state of North Dakota to the construction and maintenance of highway across, within, under and through the water of Des Lac Lake, on township line between the townships 161 and 162 in Ward county, North Dakota.

Was read the first and second times and
Referred to the committee on highways and bridges.

House Bill No. 42,

A bill for an act to prevent fraud in the sale of Paris

Green used as an insecticide, prescribing a penalty for the violation, providing for the inspection and analysis of same and charging North Dakota Government Agricultural Experiment station with the duty thereof, and charging the state's attorney with the enforcement hereof.

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

House Bill No. 61,

A bill for an act amending section 2097 of the political code, relating to the fees of witnesses.

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

House Bill No. 30,

A bill for an act to amend section 441 of revised codes of North Dakota relating to jurors.

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

House Bill No. 34,

A bill for an act to amend section 648 and 750 of the revised codes of 1899, relating to education.

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

House Bill No. 45,

A bill for an act prohibiting the secreting of any stone, wood, iron, or other substance in any sheaf, shock, pile, load, or stack of grain, that might or could injure or destroy any threshing machine or cause the death or injury to any person, or any damage to personal property and prescribing the measure of damages that may be recovered and prescribing punishment for the violation of the provisions hereof.

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

House Bill No. 82,

A bill for an act to amend chapter 4, of the session laws of 1903, being section 6633 of the revised codes of North Dakota, 1899, relating to procedure in civil actions in justice court.

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

House Bill No. 28,

A bill for an act to prevent fraud in the sale of formaldehyde used as a fungicide, prescribing a penalty for the violation, providing for the inspection and analysis of same, charging the North Dakota Government Agriculture experiment station with the duty thereof, and charging the state's attorney with the enforcement thereof.

Was read the first and second times and

Referred to the committee on public health.

SECOND READING OF HOUSE BILLS.

House Bill No. 7,

A bill for an act to fix the dates for holding terms of the district court in the counties of Emmons and McLean.

Was read the second time, and

Referred to the committee on judiciary.

House Bill No. 13,

A bill for an act entitled an act amending section 7989 of the code of North Dakota of 1899, providing for the manner and the time of drawing and summoning of grand juries.

Was read the second time, and

Referred to the committee on judiciary.

House Bill No. 25,

A bill for an act to provide for the cancellation of judgments against persons discharged under the United States bankruptcy law, and the mode of procedure to obtain such relief.

Was read the second time, and

Referred to the committee on judiciary.

The president administered the oath of office to Moses P. Propper, as an additional enrolling and engrossing clerk.

Mr. Simpson moved

That the senate do now adjourn.

Which motion prevailed, and

The senate adjourned.

L. M. McGLASHAN,
Secretary.

THIRTY-FIRST DAY

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
February 2, 1905.

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. Garnett, Johnson of McLean and Sifton, who were excused.

The courtesies of the floor were extended to the following: Hon. R. S. Adam, B. G. Tenneson, Hon. Addison Leech, Ben. Stoelting, S. H. Smith, F. W. Schlaberg, Alfred Zuger, D. F. Bangs, M. F. Falahay, L. A. Larson and N. D. Nelson.

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 Journals of the twenty-ninth and 30th days, have carefully examined the same and recommend that the same be corrected as follows:

Of the 2nd day; by striking out line 23 on page 16.

Of the 30th day; by striking out the words "state affairs" in line 30 of page 12, and inserting in line thereof the word "judiciary".

And when so amended recommend that the same be approved.

R. W. MAIN,
Chairman.

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

REPORTS OF STANDING COMMITTEES.

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

Mr. President:

Your committee on enrolled and engrossed bills have examined

Senate Bill No. 51,

A bill for an act to amend section 8 and section 12 of chapter 108, session laws of 1903, entitled an act to establish an institution for the feeble minded and provide for its support and management.

Also,

Senate Bill No. 70,

A bill for an act providing a contingent fund in each county of the state of North Dakota, for the use of the state's attorney, for the payment of such expenses as are necessary and not otherwise provided for in the investigation, preparation for trial and trial of criminal cases, and providing for the auditing and payment of such expenditures.

Also,

Senate Bill No. 88,

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

Also,

Senate Bill No. 10,

A bill for an act authorizing the construction or reconstruction and repairing of sidewalks in incorporated villages in this state and the manner of assessment and levy thereof and collection of the same.

Also,

Senate Bill No. 26,

A bill for an act entitled an act to prohibit persons under the age of eighteen years to be allowed to play in, or visit, any pool, billiard or card resorts.

Also,

Senate Bill No. 27,

A bill for an act to amend and re-enact sections 1, 2 and

3 of chapter 6 of the session laws of 1903, the same being: An act to prevent the adulteration, misbranding and selling of adulterated and unwholesome foods and beverages, prescribing a penalty for the violation, providing for the inspection and analysis of foods, charging the North Dakota government agricultural experiment station with the duty thereof, charging the state's attorney with the enforcement hereof, and making an appropriation therefor.

Also,

Senate Bill No. 24,

A bill for an act to amend section 4788, revised codes of North Dakota, for 1899, relating to mechanics' liens.

And find the same correctly engrossed.

Also,

Your committee on enrolled and engrossed bills have examined

Senate Bill No. 11,

A bill for an act providing for specific performance by guardians of contracts for sale of real estate in certain cases.

And find the same correctly enrolled.

GEO. M. YOUNG,
Chairman.

The committee on state affairs made the following report:

Mr. President:

Your committee on state affairs to whom was referred Senate Bill No. 63,

A bill for an act providing for the appointment of a state oil inspector, fixing the salary for such officer, designating the fees for the inspection of illuminating oils and gasoline, and repealing conflicting laws.

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

Also,

Senate Bill No. 49,

A bill for an act to prevent the adulteration of and deception in the sale of white lead and mixed paints.

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

After the word "such" beginning in line three of the printed bill, strike out the words "branded, labeled or marked as 'pure' or 'strictly pure' which

contain any ingredients other than carbonate of lead and pure linseed oil." and in lieu thereof insert the following: "Shall label the same in clear and distinct open gothic letters upon a white background and show the true per cent of each mineral constituent contained in said paint, or if other than linseed oil is used in its preparation, the names of such oils or substitutes shall be shown together with the percentage thereof." In line eight of the printed bill strike out the words "branded or marked as pure or strictly pure." In line seventeen of the printed bill strike out the words "marked as pure or strictly pure and." Strike out all of section three relating to fines.

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 of the committee 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. 73,

A bill for an act to provide a record for perpetuating proceedings and instruments in applications for tax deeds, and for payment of services connected therewith.

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

By striking out the emergency clause.

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 of the committee was adopted.

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 to provide for the care and disposition of estates of deceased inmates of the soldiers' home.

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

By inserting the word "state" in line seven of section one of the printed bill between the words "the" and "treasury" in said line, and by striking out the word "of" in said line seven, and inserting in lieu thereof the words "where it shall be credited to," and by striking out all of line eight of said section one of the printed bill after the word "home" in line 11, and by inserting the words "the state for the benefit of" in line ten of said section two, between the words "to" and "the" in said line, and by striking out all of section three of said act.

And when so amended recommend that the same do pass.

C. B. LITTLE.

Chairman.

Mr. Little moved

That the report be adopted,

Which motion prevailed, and

The report of the committee was adopted.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary, to whom was referred

Senate Bill No. 80,

A bill for an act to amend sections 6207, 6208 and 6210, of the revised codes, relating to the services of citations and other papers in the county court.

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

Also,

House Bill No. 45,

A bill for an act prohibiting the secreting of any stone, wood, iron, or other substance in any sheaf, shock, pile, load, or stack of grain, that might or could injure or destroy any threshing machine or cause the death or injury to any person, or any damage to personal property and prescribing the measure of damages that may be recovered and prescribing punishment for the violation of the provisions hereof.

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

Also,

House Bill No. 7,

A bill for an act to fix the dates for holding terms of the district court in the counties of Emmons and McLean.

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

Also,

House Bill No. 35,

A bill for an act to prohibit the making within this state of any contract or pretended contract to buy or sell grain, pork, lard or mercantile or agricultural products on margins without any intention of future delivery, to prohibit the maintenance within this state of any store, office or other place wherein is conducted or permitted the pretended buying or selling of grain, pork, lard or any mercantile or agricultural products on margin, without any intention of future delivery and to provide a penalty for the violation thereof.

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

By striking out the word "either" in line nineteen of section one of the printed bill and inserting in line thereof the word "both."

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 of the committee 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. 36,

A bill for an act providing for establishment of grades and highways in certain cases.

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

In line 2 of section 1, after the word "system" insert "in a township where land contiguous to, adjoining and outside of the limits of any city or village has been surveyed into a block or blocks and divided into city or village lots, the person to whom such contract is awarded shall comply strictly with the ordinances of such city or village as to roads, streets, grades, space for side-walks, berms and gutters."

In line 3, section 1, strike out the first two words, "or county."

Also strike out the emergency clause.

And when so amended recommend that the same do pass.

J. D. BACON,
Chairman.

Mr. Bacon moved

That the report be adopted,

Which motion prevailed, and

The report of the committee 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. 53,

A bill for an act providing for the redistricting of commissioner districts in organized counties which have enlarged their boundaries by the addition thereto of unorganized territory.

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

J. D. BACON,
Chairman.

MESSAGE FROM THE HOUSE.

The following message was received from the house.

HOUSE OF REPRESENTATIVES.

BISMARCK, NORTH DAKOTA,

February 2, 1905.

Mr. President:

I have the honor to transmit herewith

House Bill No. 73,

A bill for an act for the destruction of all weeds on all graded or cultivated highways.

Also,

House Bill No. 14,

A bill for an act entitled an act to amend subdivision 3 of section 3563 of the revised codes of North Dakota of 1899, relating to the recording of instruments in the office of the register of deeds.

Also,

House Bill No. 16,

A bill for an act entitled an act to amend sections 1, 2, 3, 4 and 6 of chapter 186 of the laws 1901, 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,

House Bill No. 24,

A bill for act to amend section 1267 of the revised codes relating to redemption from sale of real estate for taxes, time of payment of subsequent taxes, and rate of interest thereon.

Also,

House Bill No. 18,

A bill for an act to amend section 1 of chapter 96 of the laws of 1903 (being an amendment of section 1572 of the revised codes) relative to giving notice upon taking up estrays and providing penalty for failure to give such notice.

Also,

House Bill No. 99,

A bill for an act to amend section 1595 and 1596 of the code revised code as amended by chapter 207 of the session laws of 1901 and section 1600 of the revised code of 1899, relating to district veterinarians.

Also,

House Bill No. 40,

A bill for an act to repeal section 2531 of the revised codes, 1899, of North Dakota, relating to changing the names of certain townships.

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

Very respectfully,

OTTO SOUGSTAD,

Chief Clerk.

MOTIONS AND RESOLUTIONS.

The committee on railroads offered the following:

CONCURRENT RESOLUTION.

Whereas, The arbitrary power of the railroads to fix rates, subject to no modification by the shippers or the people, has by unjust discrimination built up huge monopolies that are antagonistic to public good, therefor, be it

Resolved, By the Senate of the Ninth Legislative Assembly of the State of North Dakota, the House of Representatives concurring, That we urge and earnestly request our senators and members in congress to assist in the enactment of a law giving increased power to interstate commerce commission in conformity with the recommendations contained in President Roosevelt's message to congress.

Resolved, That an engrossed copy of these resolutions be forwarded to each of our senators and members in congress.

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

Mr. Regan offered the following resolution:

Whereas, The eighth legislative assembly passed, and the governor approved, a bill defining the rates to be charged by railroad companies for the transportation of lignite coal within the state of North Dakota, and

Whereas, The railroad companies refuse to carry out the provisions of the bill, taking the position that the rates therein are unjust and unreasonable, and

Whereas, This is a matter in which the people of North Dakota are particularly interested, therefor, be it

Resolved, That the railroad committee of this senate be made a special committee to inquire into the question of railroad rates on lignite coal within the state of North Dakota; that they have the power to summon witnesses and that they report to this body not later than the tenth day of February, 1905.

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

Mr. Stade offered the following:

CONCURRENT RESOLUTION.

Resolved by the Senate, the House of Representatives concurring, That when the senate and house adjourn on Friday they stand adjourned until Wednesday, Feb. 8, 1905 at 2:30 p. m.

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

Mr. Fox moved
That Senate Bill No. 52 be re-referred to the committee on military affairs.

Which motion prevailed, and
The bill was so referred.

INTRODUCTION AND FIRST READING OF SENATE BILLS.

Mr. Taylor introduced
Senate Bill No. 126,

A bill for an act to amend section 904a, of article 1, chapter 10 of the political codes of 1899, as amended by chapter 14 of the session laws of 1893, relating to educational and

charitable institutions, and providing for an appropriation for the necessary expenses connected with the geological survey of the state of North Dakota.

Which was read the first time.

SECOND READING OF SENATE BILLS.

Senate Bill No. 102,

A bill for an act to provide 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. 105,

A bill for an act to change county lines of Ward county, division of Ward county, North Dakota, and creating the counties of Bowbells, Kenmare, Black and Renville therefrom; defining the boundary lines thereof and providing for submission of the provisions of this act to vote of the electors of the territory affected thereby.

Was read the second time, and

Referred to the committee on judiciary.

Senate Bill No. 112,

A bill for an act to amend section 338 of the revised codes of 1899, as amended by chapter 28 of the session laws of 1903, providing for an appropriation for supplies for the capitol building, executive mansion and the public grounds and parks connected therewith and for necessary repairs upon the capitol building and executive mansion.

Was read the second time, and

Referred to the committee on appropriations.

Senate Bill No. 113,

A bill for an act to provide for the care and improvement of the "White Stone Hills Battle Field," and making an appropriation to pay for the same.

Was read the second time, and

Referred to the committee on appropriations.

Senate Bill No. 114,

A bill for an act to amend chapter 73, section 4716, of the revised codes of North Dakota, 1899, relative to record of foreclosure, how operates, and what assignment of mortgage must contain.

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

Senate Bill No. 115,

A bill for an act to amend chapter 125 of the session laws of 1901, to amend section 4719 of the revised codes of North Dakota, 1899, relative to discharge of real estate mortgages.

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

Senate Bill No. 116,

A bill for an act to amend section 146 of the revised codes, relating to official bonds of state examiner and his deputies.

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

Senate Bill No. 117,

A bill for an act to amend section 3 of chapter 170 of the laws of 1901, being an amendment of section 145 of the revised codes, relating to the salary of the state examiner, the appointment of deputies and for penalties for malfeasance in office.

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

Senate Bill No. 118,

A bill for an act establishing the state fair, locating it at Fargo, and making appropriations therefor.

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

Senate Bill No. 119,

A bill for an act providing for procuring of official bonds of state officers and for acceptance of bids therefor, and the payment of premiums upon same.

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

Senate Bill No. 120,

A bill for an act providing for the procuring of official bonds of county officers, and for acceptance of bids therefor, and payment of premiums on same.

Was read the second time, and
Referred to the committee on municipal corporations.

Senate Bill No. 121,

A bill for an act to repeal section 3924 of the revised codes, 1899.

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

Senate Bill No. 122,

A bill for an act to amend section 3128 of the revised codes of 1899, relating to the revocation of authority of foreign and domestic insurance corporations to transact business in this state, and providing for the revocation of authority of foreign insurance corporations to transact business within the state of North Dakota, upon the removal by any such foreign insurance corporation, of certain cases from the state to the United States courts.

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

Senate Bill No. 123,

A bill for an act to amend sections 870 and 871 of the revised codes of North Dakota for 1899, relating to the appropriation for aid to state high schools.

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

Senate Bill No. 124,

A bill for an act declaring damage from weed-infested lands to be a cause of action.

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

Senate Bill No. 125,

A bill for an act to amend sections 737, 738, 739, 741, 742 and 744 of the revised codes of North Dakota of 1899, relating to education.

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

THIRD READING OF SENATE BILLS.

Mr. Regan moved

That the rules be suspended and that Senate Bill No. 88 be placed on its third reading and final passage.

Roll call demanded.

Mr. Young moved

That Senate Bill No. 88 be re-referred to the committee on elections.

Which motion was lost.

The question being on the original motion.

The roll was called and there were ayes 23, nays 14, absent and not voting 3.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bacon	Johnson of Walsh	Sharpe
Benson	Kirkeide	Spoonheim
Brown	Kraabel	Stade
Cashel	Macdonald	Steele
Crane	Main	Swenson
Dyste	McArthur	Taylor
Hagen	Plain	Wagner
Herbrandson	Regan	

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Fox	McLean	Talcott
Gulack	Movius	Thatcher
Hanna	Pierce	Voss
LaMoure	Sifton	Young
Little	Simpson	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Carroll	Garnett	Johnson of McLean

Messrs. Carroll, Garnett and Johnson of McLean, were excused.

So the motion prevailed, and

The rules were suspended and Senate Bill No. 88 placed on its third reading and final passage.

Mr. Young moved

That Senate Bill No. 88 be amended by so altering section 4 of the bill as to show the purpose for which the money collected is to be used, as is required by section 175 of the state constitution.

Mr. Crane arose to a point of order.

The president announced the point of order well taken.

Senate Bill No. 88,

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

Was read the third time.

Mr. Simpson moved

That the bill be referred to the committee of the whole, for further consideration.

Which motion was lost.

Mr. Crane presented and moved the adoption of the following amendment of Senate Bill No. 88:

After the letters "tion" in line six of section two of the printed bill insert the words "except as hereinafter provided."

Which motion prevailed, and
The bill was so amended.

Mr. Crane moved the adoption of the following amendment to Senate Bill No. 88:

After the word "required" in line eleven of section three of the printed bill insert the words "of the majority party and one-half as many of the minority party."

Which motion prevailed, and
The bill was so amended.

Mr. Crane presented and moved the adoption of the following amendment of Senate Bill No. 88:

After the word "senator" in line twenty-one of section three of the printed bill insert the words "and presidential elector."

Which motion prevailed, and
The bill was so amended.

Mr. Crane presented and moved the adoption of the following amendment of Senate Bill No. 88:

After the word "election" in line three of section nine of the printed bill insert the words "excepting United States senators."

Which motion prevailed, and
The bill was so amended.

Mr. Crane presented and moved the adoption of the following amendment to Senate Bill No. 88:

After the word "under" in line four of section fifteen insert the words "the provisions of," and strike out the words "whose term of" in line four of same section; also all of line five and all of line six of same section up to the word "also."

Which motion prevailed, and
The bill was so amended.

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

The roll was called and there were ayes 34, nays 4, absent and not voting 2.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bacon	Kirkeide	Sharpe
Benson	Kraabel	Sifton
Brown	LaMoure	Spoonheim
Carroll	Little	Stade
Cashel	Macdonald	Steele
Crane	Main	Swenson
Dyste	McArthur	Talcott
Fox	Movius	Taylor
Hagen	Pierce	Thatcher
Hanna	Plain	Wagner
Herbrandson	Regan	Young
Johnson of Walsh		

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Gulack	Simpson	Voss
McLean		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Garnett	Johnson of McLean	

Messrs. Garnett and Johnson of McLean being excused.

So the bill passed and the title was agreed to.

Mr. Crane moved

That the vote by which Senate Bill No. 88 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Senate Bill No. 23,

A bill for an act making an appropriation for a deficiency in the appropriation for the institution for the feeble minded.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 32, nays none, absent and not voting 8.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bacon	Kraabel	Simpson
Benson	LaMoure	Spoonheim
Brown	Little	Stade
Cashel	Macdonald	Swenson
Crane	Main	Talcott
Dyste	McArthur	Taylor
Hagen	McLean	Thatcher
Hanna	Movius	Voss
Herbrandson	Plain	Wagner
Johnson of Walsh	Regan	Young
Kirkeide	Sifton	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Carroll	Gulack	Sharpe
Fox	Johnson of McLean	Steele
Garnett	Pierce	

Messrs. Carroll, Garnett, Gulack, Johnson of McLean, Pierce, Sharpe and Steele being excused.

So the bill passed and the title was agreed to.

Mr. Cashel moved

That the vote by which Senate Bill No. 23 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Senate Bill No. 27,

A bill for an act to amend and re-enact sections 1, 2 and 3 of chapter 6 of the session laws of 1903, the same being: An act to prevent the adulteration, misbranding and selling of adulterated and unwholesome foods and beverages, prescribing a penalty for the violation, providing for the inspection and analysis of foods, charging the North Dakota government agricultural experiment station with the duty thereof, charging the state's attorney with the enforcement hereof, 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 36, nays none, absent and not voting 4.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bacon	Kirkeide	Sifton
Benson	Kraabel	Simpson
Brown	LaMoure	Spoonheim
Cashel	Little	Stade
Crane	Macdonald	Steele
Dyste	Main	Swenson
Fox	McArthur	Talcott
Gulack	McLean	Taylor
Hagen	Movius	Thatcher
Hanna	Plain	Voss
Herbrandson	Regan	Wagner
Johnson of Walsh	Sharpe	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Carroll	Johnson of McLean	Pierce
Garnett		

Messrs. Carroll, Garnett, Johnson of McLean and Pierce being excused.

Mr. Hanna moved

That Senate Bill No. 27 be amended by striking out the words, "and making an appropriation therefor", in the title of the bill.

Which motion prevailed.

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

Mr. Hanna moved

That the vote by which Senate Bill No. 27 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Senate Bill No. 58,

A bill for an act to amend section 3104 of the revised codes of North Dakota of 1899 relating to the amount of insurance required to be subscribed before a policy may be issued by a mutual insurance company.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 33, nays none, absent and not voting 7.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bacon	Johnson of Walsh	Regan
Benson	Kirkeide	Simpson
Brown	Kraabel	Spoonheim
Cashel	Little	Stade
Crane	Macdonald	Swenson
Dyste	Main	Talcott
Fox	McArthur	Taylor
Gulack	McLean	Thatcher
Hagen	Movius	Voss
Hanna	Pierce	Young
Herbrandson	Plain	Wagner

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Carroll	LaMoire	Sifton
Garnett	Sharpe	Steele
Johnson of McLean		

Messrs. Carroll, Garnett, Johnson of McLean, LaMoire, Sharpe, Sifton and Steele being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 64,

A bill for an act to amend and re-enact chapter 127, laws of 1903, relating to the bonding of certain officers.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 34, nays none, absent and not voting 6.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bacon	Kirkeide	Sifton
Benson	Kraabel	Simpson
Brown	Little	Spoonheim
Cashel	Macdonald	Stade
Crane	Main	Swenson
Dyste	McArthur	Talcott
Fox	McLean	Taylor
Gulack	Movius	Thatcher

Messrs.—	Messrs.—	Messrs.—
Hagen	Pierce	Voss
Hanna	Plain	Wagner
Herbrandson	Regan	Young
Johnson of Walsh		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Carroll	Johnson of McLean	Sharpe
Garnett	LaMoure	Steele

Messrs. Carroll, Garnett, Johnson of McLean, LaMoure, Sharpe and Steele 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 2, 1905.

Mr. President:

I have the honor to transmit herewith the following concurrent resolution which the house has passed and your concurrence therein is respectfully requested:

CONCURRENT RESOLUTION

Whereas, For many years the farmers and grain growers of North Dakota have been raising wheat and other grain and have been docked for the dirt and small seed and small grain contained therein, and

Whereas, The grain is shipped to Minneapolis and Duluth and there these seed screenings are sold to men who use them for the purpose of feeding sheep, and ground into feed and for other purposes, and

Whereas, There is a steady market for all of the screenings from wheat and flax and barley and oats for the purpose of feeding thousands of sheep and at prices running from eight to fourteen dollars per ton, and

Whereas, The farmers and grain growers of North Dakota have never received one cent for these screenings, but in fact have paid the freight and have delivered them in Minneapolis and Duluth, and

Whereas, It is believed that the farmers are as much entitled to receive pay for these screenings as they are for the grain itself; now therefore, be it

Resolved, By the house of Representatives, the Senate concurring, That we hereby petition the senate and house of representatives of Minnesota to pass such a law as will require the commission men, terminals, elevators and mills to make return for, and to pay for these wheat and other grain screenings the same as they do for the grain itself; further, be it

Resolved, That a copy of these concurrent resolutions be sent to the speaker of the house and to the president of the senate at St. Paul with request that action along these lines may be taken.

Respectfully,
OTTO SOUGSTAD,
Chief Clerk.

The president administered the oath of office to Mrs. Lucella M. Read as an additional enrolling and engrossing clerk.

Mr. Little moved

That the senate do now adjourn.

Which motion prevailed, and

The senate adjourned.

L. M. McGLASHAN,
Secretary.

THIRTY-SECOND DAY

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
February 3, 1905.

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

The president pro tem presiding.

Prayer by chaplain.

Roll call.

All members present except Messrs. Brown, Dyste, Gannett, Johnson of McLean, and Simpson, who were excused.

The courtesies of the floor were extended to the following: A. C. Wipen, S. S. Richerson, H. L. Lyons, R. B. Cox, J. L. Bickford, A. W. Gray, P. H. Stenerson, W. V. Robbins, John Hendrickson.

REFERENCE OF THE JOURNAL.

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

Mr. President:

The committee on revision and correction of the journal of the thirty-first day, have carefully examined the same and recommend that the same be corrected as follows:

Following line 1, on page 2, insert "That the report be adopted," and by striking out the name "Stade" in line 7, on page 1.

And when so amended recommend that he same be approved.

R. W. MAIN,
Chairman.

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

REPORTS OF STANDING COMMITTEES.

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

Mr. President:

Your committee on enrolled and engrossed bills has examined

Senate Bill No. 36,

A bill for an act providing for establishment of grades and highways in certain cases.

Also,

Senate Bill No. 53,

A bill for an act providing for the redistricting of commissioner districts in organized counties which have enlarged their boundaries by the addition thereto of unorganized territory.

Also,

Senate Bill No. 61,

A bill for an act to provide for the care and disposition of estates of deceased inmates of the soldiers' home.

Also,

Senate Bill No. 49,

A bill for an act to prevent the adulteration of and deception in the sale of white lead and mixed paints.

Also,

Senate Bill No. 63,

A bill for an act providing for the appointment of a state oil inspector, fixing the salary for such officer, designating the fees for the inspection of illuminating oils and gasoline, and repealing conflicting laws.

Also,

Senate Bill No. 73,

A bill for an act to provide a record for perpetuating proceedings and instruments in applications for tax deeds, and for payment of services connected therewith.

Also,

Senate Bill No. 80,

A bill for an act to amend sections 6207, 6208 and 6210,

of the revised codes, relating to the services of citations and other papers in the county court.

Also,

Senate Bill No. 88,

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

Also,

House Bill No. 35,

A bill for an act to prohibit the making within this state of any contract or pretended contract to buy or sell grain, pork, lard or mercantile or agricultural products on margins without any intention of future delivery, to prohibit the maintenance within this state of any store, office or other place wherein is conducted or permitted the pretended buying or selling of grain, pork, lard or any mercantile or agricultural products on margin, without any intention of future delivery and to provide a penalty for the violation thereof.

And find the same correctly engrossed.

GEORGE M. YOUNG,

Chairman.

The committee on public health made the following report:

Mr. President:

Your committee on public health to whom was referred Senate Bill No. 72,

A bill for an act to promote anatomical knowledge and the science of medicine and surgery and to provide for anatomical material for such purposes, and penalties for neglecting to comply with 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 judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred Senate Bill No. 117,

A bill for an act to amend section 3 of chapter 170 of the laws of 1901, being an amendment of section 145 of the re-

vised codes, relating to the salary of the state examiner, the appointment of deputies and for penalties for malfeasance in office.

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 146 of the revised codes, relating to official bonds of state examiner and his deputies.

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

C. B. LITTLE,

Chairman.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred

Senate Bill No. 18,

A bill for an act to amend section 407 of the revised codes of 1899 with reference to the boundaries and terms of court in the Fifth judicial district.

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

By striking out the word "third" in line 13 of section 1 of the printed bill and inserting in lieu thereof the word "first," and by striking out the word "May" in said line 13 and inserting in lieu thereof the word "February," and by striking out the word "December" in line 14 of said section and inserting in lieu thereof the word "September."

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 of the committee 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 to amend chapter 118 of the laws of 1901, being an amendment of section 4680 of the revised codes, relating to liens in general.

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

By striking out the word "ten" in line 17 of section 1 of the printed bill and inserting in lieu thereof the word "twenty-five."

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 of the committee was adopted.

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

Mr. President:

Your committee on engrossed and enrolled bills have examined

Senate Bill No. 21,

A bill for an act providing for the reconstruction of the capitol building of the state of North Dakota, and the erection of an executive mansion; and for that purpose, creating a board of capitol commissioners, defining its powers and duties, providing for and appropriating the proceeds of sales of the capitol building lands, and authorizing the issuance of interest-bearing certificates against said fund.

And find the same correctly enrolled.

GEORGE M. YOUNG,
Chairman.

MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 2, 1905.

Mr. President:

I have the honor to inform you that the house has concurred in the following senate concurrent resolution relating to adjournment:

Be It Resolved by the Senate, the House of Representatives concurring, That when the senate and house adjourn on Friday next they stand adjourned until Wednesday, February 8, 1905, at 2:30 p. m.

Also,

I have the honor to inform you that the house has con-

curred in the senate concurrent resolution relating to the interstate commerce commission.

CONCURRENT RESOLUTION

Whereas, the arbitrary power of the railroads to fix rates, subject to no modification by the shippers or the people, has by unjust discriminations built up huge monopolies that are antagonistic to public good, therefore be it

Resolved, by the Senate of the Ninth Legislative Assembly of the State of North Dakota, the House of Representatives concurring, That we urge and earnestly request our senators and members in congress to assist in the enactment of a law giving increased power to interstate commerce commission in conformity with the recommendations contained in President Roosevelt's message to congress.

Resolved, That an engrossed copy of these resolutions be forwarded to each of our senators and members in congress.

Also,

I have the honor to transmit herewith
Senate Bill No. 21,

A bill for an act providing for the reconstruction of the capitol building of the state of North Dakota, and the erection of an executive mansion; and for that purpose, creating a board of capitol commissioners, defining its powers and duties, providing for and appropriating the proceeds of sales of the capitol building lands, and authorizing the issuance of interest-bearing certificates against said fund.

Which the house has passed unchanged.

Also,

Senate Bill No. 32,

A bill for an act to provide for the appointment of a board of trustees of the soldiers' home and prescribing the qualification of the members thereof.

Which the house has indefinitely postponed.

Also,

House Bill No. 89,

A bill for an act to authorize the issuance of faithful servie medals to officers and enlisted men in the national guard of the State of North Dakota.

Also,

House Bill No. 78,

A bill for an act to amend and re-enact section 2041 of the revised codes of 1899, relating to election of township officers and their terms of office.

Also,

House Bill No. 22,

A bill for an act to promote forest tree culture.

Also,
House Bill No. 109,

A bill for an act providing that all appointments to the various departments of the national guard of the State of North Dakota, shall be made from officers of the field or line.

Also,
House Bill No. 118,

A bill for an act to enable military organizations to issue bonds to secure funds for armory purposes and making an appropriation for armory rent.

Also,
House Bill No. 91,

A bill for an act to appropriate money for the care and preservation of the state military encampment grounds, Rock Island, Ramsey Co., North Dakota.

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

Very respectfully,

OTTO SOUGSTAD,
Chief Clerk.

CONSIDERATION OF MESSAGE FROM THE HOUSE.

The following concurrent resolution was laid before the senate:

CONCURRENT RESOLUTION.

Whereas, For many years the farmers and grain growers of North Dakota have been raising wheat and other grain and have been docked for the dirt and small seed and small grain contained therein, and

Whereas, The grain is shipped to Minneapolis and Duluth and there these seed screenings are sold to men who use them for the purpose of feeding sheep, and ground into feed and for other purposes, and

Whereas, There is a steady market for all of the screenings from wheat and flax and barley and oats for the purpose of feeding thousands of sheep and at prices running from eight to fourteen dollars per ton, and

Whereas, The farmers and grain growers of North Dakota have never received one cent for these screenings, but in fact have paid the freight and have delivered them in Minneapolis and Duluth, and

Whereas, It is believed that the farmers are as much entitled to receive pay for these screenings as they are for the grain itself, now, therefore, be it

Resolved, by the House of Representatives, the Senate concurring, That we hereby petition the senate and house of representatives of Minnesota to pass such a law as will require the commission men, terminals, elevators and mills to make returns for, and to pay for these wheat and other grain screenings the same as they do for the grain itself. Further, be it

Resolved, That a copy of these concurrent resolutions be sent to the speaker of the house and to the president of the senate at St. Paul with request that action along these lines may be taken.

Mr. Young moved
That the resolution be referred to the committee on grain and grain grading.

Which motion prevailed, and
The resolution was so referred.

INTRODUCTION AND FIRST READING OF SENATE BILLS.

Mr. Harbrandson introduced
Senate Bill No. 127,
A bill for an act making it unlawful for township supervisors to permit the town hall to be used for dancing.

Which was read the first time.

Mr. Kraabel introduced
Senate Bill No. 128,
A bill for an act to amend section 1114 of the revised codes of North Dakota, 1899, relating to the duty of supervisors.

Which was read the first time.

Mr. Steele introduced
Senate Bill No. 129,
A bill for an act to amend chapter 29 of the session laws of North Dakota for the year 1901, relating to the capital of banks.

Which was read the first time.

Mr. Sifton introduced
Senate Bill No. 130,
A bill for an act to amend section 992 of the revised codes of North Dakota, 1899, relating to powers and duties of the board of trustees of the state hospital for the insane.

Which was read the first time.

Mr. Movious introduced
Senate Bill No. 131,
A bill for an act creating liens on crops of persons buying twine on credit.

Which was read the first time.

Mr. Little introduced
Senate Bill No. 132,
A bill for an act to amend section 2911 of the revised codes, relating to changing corporate headquarters.

Which was read the first time.

Mr. Hanna introduced
Senate Bill No. 133,

A bill for a concurrent resolution amending the constitution of the state of North Dakota, relating to the sale of university and school lands.

Which was read the first time.

Mr. Plain introduced
Senate Bill No. 134,

A bill for an act to allow township boards to perpetuate the government surveys, and to authorize the erection of permanent monuments on section corners.

Which was read the first time.

Mr. Kraabel introduced
Senate Bill No. 135,

A bill for an act to provide an appropriation for the repairing of and an addition to, and the erection of an additional building for the state normal school at Mayville, North Dakota.

Which was read the first time.

Mr. Kraabel introduced
Senate Bill No. 136,

A bill for an act to amend section 6771 of the revised codes of this state, relating to appeals in civil actions in justice's courts.

Which was read the first time.

Mr. Cashel introduced
Senate Bill No. 137,

A bill for an act defining the status, and providing for the duties of the State Historical Society of North Dakota, and making an appropriation therefor.

Which was read the first time.

Mr. Cashel introduced
Senate Bill No. 138,

A bill for an act to amend section 1804 of the revised codes of 1899, prescribing the qualifications of a legal newspaper, and defining certain duties.

Which was read the first time.

THIRD READING OF SENATE BILLS.

Senate Bill No. 84,

A bill for an act to amend and re-enact section 6644 of

the revised codes of North Dakota for the year 1899, relating to appearance in justice courts.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there yere ayes 26, nays none, absent and not voting 14.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Carroll	Macdonald	Spoonheim
Cashel	Main	Stade
Fox	McLean	Swenson
Gulack	Movius	Talcott
Hagen	Pierce	Taylor
Herbrandson	Plain	Thatcher
Johnson of Walsh	Regan	Wagner
Kirkeide	Sharpe	Young
Little	Sifton	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Bacon	Garnett	McArthur
Benson	Hanna	Simpson
Brown	Johnson of McLean	Steele
Crane	Kraabel	Voss
Dyste	LaMoure	

Messrs. Bacon, Benson, Brown, Crane, Dyste, Garnett, Hanna, Johnson of McLean, Kraabel, LaMoure, McArthur, Simpson, Steele and Voss being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 93,

A bill for an act to amend section 2264 of the revised codes of the state of North Dakota, relating to power of city council to make contracts for water for fire protection.

Was read the third time.

Mr. McArthur moved

That Senate Bill No. 93 be amended by adding at the end of the bill the following:

Provided, further, that no contract shall be made for a longer term than one year, as herein provided, unless same has first been sanctioned by a majority of the legal voters of such city at a general election or special election duly called for that purpose.

Which motion was lost.

The question being on the final passage of the bill.

The roll was called and there were ayes 28, nays 3, absent and not voting 9.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bacon	Kraabel	Sifton
Benson	LaMoure	Spoonheim
Carroll	Little	Stade
Cashel	McLean	Swenson
Fox	Movius	Talcott
Gulack	Pierce	Taylor
Hanna	Plain	Thatcher
Herbrandson	Regan	Wagner
Johnson of Walsh	Sharpe	Young
Kirkeide		

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Macdonald	Main	McArthur

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Brown	Garnett	Simpson
Crane	Hagen	Steele
Dyste	Johnson of McLean	Voss

Messrs. Brown, Crane, Dyste, Garnett, Hagen, Johnson of McLean, Simpson, Steele and Voss being excused.

So the bill passed and the title was agreed to.

Mr. Little moved

That the vote by which Senate bill No. 93 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Senate Bill No. 94,

A concurrent resolution to amend section 182 of the constitution of the state of North Dakota, relating to a public debt and public works.

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 4, absent and not voting 10.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bacon	LaMoure	Sifton
Carroll	Little	Stade
Cashel	Macdonald	Swenson
Fox	Main	Talcott
Gulack	McLean	Taylor
Hagen	Movius	Thatcher
Hanna	Pierce	Wagner
Johnson of Walsh	Plain	Young
Kirkeide	Sharpe	

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Benson	McArthur	Spoonheim
Herbrandson		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Brown	Johnson of McLean	Simpson
Crane	Kraabel	Steele
Dyste	Regan	Voss
Garnett		

Messrs. Brown, Crane, Dyste, Garnett, Johnson of McLean, Kraabel, Regan, Simpson, Steele and Voss being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 10,

A bill for an act authorizing the construction or reconstruction and repairing of sidewalks in incorporated villages in this state and the manner of assessment and levy thereof and 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 30, nays none, absent and not voting 10.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bacon	Johnson of Walsh	Sharpe
Benson	Kirkeide	Sifton
Carroll	LaMoure	Spoonheim
Cashel	Macdonald	Stade
Crane	McArthur	Swenson
Fox	McLean	Talcott
Gulack	Movius	Taylor
Hagen	Pierce	Thatcher
Hanna	Plain	Wagner
Herbrandson	Regan	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Brown	Kraabel	Steele
Dyste	Little	Voss
Garnett	Main	
Johnson of McLean	Simpson	

Messrs. Brown, Dyste, Garnett, Johnson of McLean, Kraabel, Regan, Simpson, Steele and Voss being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 24,

A bill for an act to amend section 4788, revised codes of North Dakota, for 1899, relating to mechanics' liens.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 31, nays none, absent and not voting 9.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bacon	Kirkeide	Sharpe
Benson	LaMoure	Sifton
Carroll	Little	Spoonheim
Cashel	Macdonald	Stade
Crane	Main	Swenson
Fox	McArthur	Talcott
Gulack	McLean	Taylor
Hagen	Pierce	Thatcher
Hanna	Plain	Wagner
Herbrandson	Regan	Young
Johnson of Walsh		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Brown	Johnson of McLean	Simpson
Dyste	Kraabel	Steele
Garnett	Movius	Voss

Messrs. Brown, Dyste, Garnett, Johnson of McLean, Kraabel, Movius, Simpson, Steele and Voss being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 26,

A bill for an act entitled an act to prohibit persons under the age of eighteen years to be allowed to play in, or visit, any pool, billiard or card resorts.

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 11.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bacon	Kraabel	Sifton
Benson	Macdonald	Spoonheim
Cashel	Main	Stade
Crane	McArthur	Swenson
Gulack	McLean	Talcott
Hagen	Movius	Taylor
Hanna	Pierce	Thatcher
Herbrandson	Plain	Wagner
Johnson of Walsh	Regan	Young
Kirkeide	Sharpe	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Brown	Garnett	Simpson
Carroll	Johnson of McLean	Steele
Dyste	LaMoure	Voss
Fox	Little	

Messrs. Brown, Carroll, Dyste, Fox, Garnett, Johnson of McLean, LaMoure, Little, Simpson, Steele and Voss being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 36,

A bill for an act providing for establishment of grades and highways in certain cases.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 30, nays none, absent and not voting 10.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bacon	Little	Sifton
Cashel	Macdonald	Spoonheim
Crane	Main	Stade
Gulack	McArthur	Steele
Hagen	McLean	Swenson
Hanna	Movius	Talcott
Herbrandson	Pierce	Taylor
Johnson of Walsh	Plain	Thatcher
Kraabel	Regan	Wagner
LaMoure	Sharpe	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Benson	Fox	Simpson
Brown	Garnett	Voss
Carroll	Johnson of McLean	
Dyste	Kirkeide	

Messrs. Benson, Brown, Carroll, Dyste, Fox, Garnett, Johnson of McLean, Kirkeide, Simpson and Voss being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 49,

A bill for an act to prevent the adulteration of and deception in the sale of white lead and mixed paints.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 31, nays none, absent and not voting 9.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bacon	LaMoure	Sharpe
Benson	Little	Sifton
Cashel	Macdonald	Spoonheim
Crane	Main	Stade
Gulack	McArthur	Swenson
Hagen	McLean	Talcott
Hanna	Movius	Taylor
Herbrandson	Pierce	Thatcher
Johnson of Walsh	Plain	Wagner
Kirkeide	Regan	Young
Kraabel		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Brown	Fox	Simpson
Carroll	Garnett	Steele
Dyste	Johnson of McLean	Voss

Messrs. Brown, Carroll, Dyste, Fox, Garnett, Johnson of McLean, Simpson, Steele and Voss being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 61,

A bill for an act to provide for the care and disposition of estates of deceased inmates of the soldiers' home.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 30, nays none, absent and not voting 10.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Benson	Kraabel	Sifton
Carroll	LaMoure	Spoonheim
Cashel	Main	Stade
Crane	McArthur	Steele
Gulack	McLean	Swenson
Hagen	Movius	Talcott
Hanna	Pierce	Taylor
Herbrandson	Plain	Thatcher
Johnson of Walsh	Regan	Wagner
Kirkeide	Sharpe	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Bacon	Garnett	Simpson
Brown	Johnson of McLean	Voss
Dyste	Little	
Fox	Macdonald	

Messrs. Bacon, Brown, Dyste, Fox, Garnett, Johnson of McLean, Little, MacDonald, Simpson and Voss being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 73,

A bill for an act to provide a record for perpetuating proceedings and instruments in applications for tax deeds, and for payment of services connected therewith.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 30, nays none, absent and not voting 10.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Benson	LaMoure	Sharpe
Carroll	Little	Sifton
Cashel	Macdonald	Spoonheim
Crane	Main	Stade
Gulack	McArthur	Steele
Hagen	McLean	Swenson
Hanna	Movius	Taylor
Herbrandson	Pierce	Thatcher
Johnson of Walsh	Plain	Wagner
Kraabel	Regan	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Bacon	Garnett	Talcott
Brown	Johnson of McLean	Voss
Dyste	Kirkeide	
Fox	Simpson	

Messrs. Bacon, Brown, Dyste, Fox, Garnett, Johnson of McLean, Kirkeide, Simpson, Talcott and Voss being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 80,

A bill for an act to amend sections 6207, 6208 and 6210, of the revised codes, relating to the services of citations and other papers in the county court.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 31, nays none, absent and not voting 9.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Benson	Kraabel	Sharpe
Carroll	LaMoure	Spoonheim
Cashel	Macdonald	Stade
Crane	Main	Steele
Fox	McArthur	Swenson

Messrs.—	Messrs.—	Messrs.—
Galack	McLean	Talcott
Hagen	Movius	Taylor
Hanna	Pierce	Thatcher
Herbrandson	Plain	Wagner
Johnson of Walsh	Regan	Young
Kirkeide		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Bacon	Garnett	Sifton
Brown	Johnson of McLean	Simpson
Dyste	Little	Voss

Messrs. Bacon, Brown, Dyste, Garnett, Johnson of McLean, Little, Sifton, Simpson and Voss 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 entitled an act to amend subdivision 3 of section 3563 of the revised codes of North Dakota of 1899, relating to the recording of instruments in the office of the register of deeds.

Was read the first time.

House Bill No. 16,

A bill for an act entitled an act to amend sections 1, 2, 3, 4 and 6 of chapter 186 of the laws 1901, 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 first time.

House Bill No. 24,

A bill for act to amend section 1267 of the revised codes relating to redemption from sale of real estate for taxes, time of payment of subsequent taxes, and rate of interest thereon.

Was read the first time.

Mr. Little moved

That the rules be suspended and House Bill No. 35 be placed on its third reading and final passage.

Which motion prevailed.

THIRD READING OF HOUSE BILLS.

House Bill No. 35,

A bill for an act to prohibit the making within this state of any contract or pretended contract to buy or sell grain, pork, lard or mercantile or agricultural products on margins without any intention of future delivery, to prohibit the maintenance within this state of any store, office or other place wherein is conducted or permitted the pretended buying or selling of grain, pork, lard or any mercantile or agricultural products on margin, without any intention of future delivery and to provide a penalty for the violation thereof.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 26, nays 2, absent and not voting 12.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bacon	Macdonald	Spoonheim
Carroll	McArthur	Stade
Cashel	McLean	Steele
Crane	Movius	Swenson
Hanna	Pierce	Talcott
Johnson of Walsh	Plain	Taylor
Kraabel	Regan	Thatcher
LaMoure	Sharpe	Wagner
Little	Sifton	

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Benson	Kirkeide	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Brown	Gulack	Main
Dyste	Hagen	Simpson
Fox	Herbrandson	Voss
Garnett	Johnson of McLean	Young

Messrs. Brown, Dyste, Fox, Garnett, Gulack, Hagen, Herbrandson, Johnson of McLean, Main, Simpson, Voss and Young being excused.

So the bill passed and the title was agreed to.

The secretary announced that the president pro tem was about to sign

Senate Bill No. 11,

A bill for an act providing for specific performance by

guardians, of contracts for sale of real estate in certain cases.

Also,

Senate Bill No. 21,

A bill for an act providing for the reconstruction of the capitol building of the state of North Dakota, and the erection of an executive mansion; and for that purpose, creating a board of capitol commissioners, defining its powers and duties, providing for and appropriating the proceeds of sales of the capitol building lands, and authorizing the issuance of interest-bearing certificates against said fund.

And the president pro tem signed the same in the presence of the senate.

Mr. Sharpe moved

That the senate adjourn until February 8, 1905, at 2:30 p. m.

The motion prevailed, and

The senate adjourned.

L. M. McGLASHAN,
Secretary.

THIRTY-SEVENTH DAY

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
February 8, 1905.

The senate met at 2:30 o'clock p. m., pursuant to adjournment.

The president presiding.

Prayer by the chaplain.

Roll call.

All members present except Messrs. Carroll, Crane, Dyste, Fox, Hagen, Johnson of Walsh, Kraabel, Main, McArthur, Movius, Plain, Sifton, Talcott, Thatcher and Wagner, who were excused.

The courtesies of the floor were extended to the following: W. J. Westergaard, John O. Hanchett, W. S. Williamson, Geo. E. Duis, F. A. Brown, D. V. Moore, Andrew Vietch, Dr. Fitzmaurice, C. H. Rudd, Geo. S. Ryerson, S. H. Sleeper, Geo. Gilmore, Geo. Juergen, R. M. Hamilton, E. A. Tyler, H. A. Longhie, L. N. Miller, J. M. Bathrick and James Kennedy.

MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 8, 1905.

Mr. President:

I have the honor to transmit herewith

House Bill No. 75,

A bill for an act requiring each county officer who re-

ceives from any county a stated salary for his services to keep a record of the fees received by him, as such officer, and to pay such fees into the county treasury, and making it a misdemeanor for any such officer to neglect or omit to fail to turn over or pay the same in to the county treasury.

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

Very respectfully,
 OTTO SOUGSTAD,
 Chief Clerk.

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

Mr. President:

Your committee on enrolled and engrossed bills respectfully report that

Senate Bill No. 21

A bill for an act providing for the reconstruction of the capitol building of the state of North Dakota and the erection of an executive mansion; and for that purpose, creating a board of capitol commissioners, defining its powers and duties, providing for and appropriating the proceeds of sales of the capitol building lands, and authorizing the issuance of interest-bearing certificates against said fund.

Was delivered to the governor for his approval at the hour of 7:30 p. m., Friday, Feb. 3, 1905.

GEO. M. YOUNG,
 Chairman.

COMMUNICATION FROM THE GOVERNOR.

The following communication was received from the governor:

GOVERNOR'S OFFICE,
 BISMARCK, NORTH DAKOTA,
 February 8, 1905.

To the Senate:

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

Senate Bill No. 21,

An act providing for the reconstruction of the capitol building of the state of North Dakota, and the erection of

an executive mansion; and for that purpose creating a board of capitol commissioners, defining its powers and duties, providing for and appropriating the proceeds of sales of the capitol building lands and authorizing the issuance of interest-bearing certificates against said fund.

E. Y. SARLES,
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 of the thirty-second day, have carefully examined the same, and recommend that the same be corrected as follows:

By striking out in line 11, on page 5, the word "that," and
By striking out in line 15, on page 5, the words "to whom was referred," and insert "has examined," and
By changing the word "engrossed" to "enrolled" in line 25, on page 5.

And when so amended recommend that the same be approved.

GEO. D. BROWN,
Acting Chairman.

Mr. Brown moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

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. 1,

A bill for an act prescribing regulations for the appropriation, distribution and use of water in the construction and maintaining of canals, ditches and storage reservoirs for the purpose of irrigation; evaporation and water power; for the diversion and confining, retention, storage and distribution of water; the condemnation of lands for

the right of way of works for such purposes; providing for a state engineer and an assistant state engineer and the appointment of officers for the surveying and measurement, fixing their compensation and providing for the payment of the same and making an appropriation therefor, prescribing their duties, powers and qualifications, and the appropriation of the streams of the state and controlling the distribution of water throughout the state in the several water divisions thereof, prescribing water divisions, and the management of water regulations and adjudicating the rights and the priority of rights of those diverting, carrying or storing water for irrigation or other beneficial purposes in the water districts in the several water divisions, providing for the expense of such adjudication and for the apportionment and payment thereof, prescribing regulations and ascertaining the rights and priorities of those entitled to water for use for the irrigation of lands, and to provide penalties and for punishing persons for interfering with it or maliciously trespassing upon the ditches, reservoirs or irrigation works for the storage and conveyance of water and to regulate the rights to the use of water for agricultural and manufacturing and other purposes, to provide for a board of water commissioners, prescribing their duties, pay, compensation, providing for water masters, their duties, compensation, providing for change of place or use of diversion, measuring devices, bridges over ditches or canals, providing for constructing works, the disposition of seepage water, and providing for the disposition of state lands and right of way over same.

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

That line seven of the title of the printed bill be amended so as to read as follows: "Providing for a state engineer and one or more assistant state engineers."

That at the end of the title of said bill, after the word "same," add the following: "And that the state engineer assist county commissioners in establishing and constructing drains."

That the word "six," in line five of section five of the printed bill be stricken out and the word "four," inserted.

That the figures "\$3,000," in line nine of section five of the printed bill be stricken out and the figures "\$2,500," inserted in place thereof.

That lines two and three of section six of the printed bill be stricken out and the following inserted in lieu thereof: "The state engineer shall have power to appoint, from time to time, during the season of the year when field work is practicable, one or more assistant state engineers, at a salary not to exceed at the rate of \$1,500 per."

That section sixty-two of the bill be amended so as to read as follows:

"Section 62. Appropriations. There is hereby appropriated out of any moneys in the general fund of the state treasury not otherwise appropriated the sum of \$6,000 annually, or so much thereof as may be necessary, for the payment of the salaries and expenses of the state engineer, and assistant state engineers, and the services of assistants and expenses of the office and department of the state engineer, as provided by this act. All claims for services rendered and expenses incurred and materials and supplies furnished under the provisions of this act shall be audited by the state auditor for payment by the state treasurer in accordance with the provisions of the general statutes relating to the auditing of claims against the state."

That following section sixty-two there be inserted the following:

"Section 63. Whenever requested so to do by any of the boards of commissioners of any of the counties of this state, it is hereby made the duty of the state engineer, either by himself, or any authorized assistant engineer, to co-operate with said county commissioners, in the engineering work required to lay out, establish and construct any drain to be used by any county or counties or portions of the same for the purpose of diverting flood waters, lakes, water-courses, and in general to aid and assist the counties of this state in making preliminary surveys and establishing systems of drainage."

That sections sixty-three and sixty-four of said bill be re-numbered sections sixty-four and sixty-five respectively.

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 of the committee was adopted.

MOTIONS AND RESOLUTIONS.

Mr. Cashel moved that
Senate Bill No. 51,

A bill for an act to amend section 8 and section 12 of chapter 108, session laws of 1903, entitled an act to establish an institution for the feeble minded and provide for its support and management.

Be re-referred to the committee on judiciary.

Which motion prevailed, and

Senate Bill No. 51 was referred to the committee on judiciary.

Mr. Hanna moved that
Senate Bill No. 87,

A bill for an act to amend chapter 118 of the laws of 1901, being an amendment of section 4680 of the revised codes, relating to liens in general.

Be re-referred to the committee on judiciary,

Which motion prevailed, and Senate Bill No. 87 was referred to the committee on judiciary.

INTRODUCTION AND FIRST READING OF SENATE BILLS.

Mr. La Moure introduced
Senate Bill No. 139,

A bill for an act authorizing the board of capital commissioners created for the re-construction of the capitol building, and the erection of an executive mansion for the state of North Dakota, and to utilize such labor of the convicts in the state penitentiary as can be used profitably in erecting said capitol and executive mansion, or in the manufacture of material to be used therein.

Which was read the first time.

Mr. Sharpe introduced
Senate Bill No. 140,

A bill for an act amending section 1313 of the revised codes of North Dakota, providing for the assessment of railroad property in this state, and prescribing the manner of levying and collecting the tax on the same.

Which was read the first time.

Mr. Hanna introduced
Senate Bill No. 141,

A bill for an act in relation to transfers of real property made to one person where the consideration therefor is paid by or for another, and to repeal section 3386 of the revised codes of North Dakota of the revision of 1899.

Which was read the first time.

Mr. Hanna introduced
Senate Bill No. 142,

A bill for an act to provide for paving, curbing or macadamizing the highways in civil townships adjoining incorporated cities of not less than 6,000 inhabitants, and for the construction of sewers and water mains therein, connecting with such city sewers and water mains.

Which was read the first time.

Mr. Hanna introduced
Senate Bill No. 143,

A bill for an act to amend section 1925 of chapter 26 of

the revised codes of 1899, relating to contracts for county buildings and improvements.

Which was read the first time.

Mr. Hanna introduced

Senate Bill No. 144,

A bill for an act to amend sections 1, 2, 4, 5, 8, 13 and 16, of chapter 130, of the session laws of North Dakota of 1903, regulating practice of optometry.

Which was read the first time.

Mr. Hanna introduced

Senate Bill No. 145,

A bill for an act providing that a system of humane treatment of animals shall be taught in the public schools of North Dakota.

Which was read the first time.

Mr. Hanna introduced

Senate Bill No. 146,

A bill for an act governing the method of proof of the execution of a written instrument or contract to which there are one or more subscribing witnesses.

Which was read the first time.

Mr. Pierce introduced

Senate Bill No. 147,

A resolution to transfer certain funds apportioned to the school of forestry at Bottineau to the industrial school and school for manual training at Ellendale.

Which was read the first time.

Mr. Macdonald introduced

Senate Bill No. 148,

A bill for an act creating and establishing an agricultural experiment station at or near Linton, in Emmons county, providing for its management and making an appropriation therefor.

Which was read the first time.

SECOND READING OF SENATE BILLS.

Senate Bill No. 126,

A bill for an act to amend section 904a, of article 1, chapter 10 of the political codes of 1899, as amended by chapter 14 of the session laws of 1893, relating to educational and charitable institutions, and providing for an appropriation

for the necessary expenses connected with the geological survey of the state of North Dakota.

Was read the second time, and

Referred to the committee on appropriations.

Senate Bill No. 127,

A bill for an act making it unlawful for township supervisors to permit the town hall to be used for dancing.

Was read the second time, and

Referred to the committee on municipal corporations.

Senate Bill No. 128,

A bill for an act to amend section 1114 of the revised codes of North Dakota, 1899, relating to the duty of supervisors.

Was read the second time, and

Referred to the committee on municipal corporations.

Senate Bill No. 129,

A bill for an act to amend chapter 29 of the session laws of North Dakota for the year 1901, relating to the capital of banks.

Was read the second time, and

Referred to the committee on banks and banking.

Senate Bill No. 130,

A bill for an act to amend section 992 of the revised codes of North Dakota, 1899, relating to powers and duties of the board of trustees of the state hospital for the insane.

Was read the second time, and

Referred to the committee on state affairs.

Senate Bill No. 133,

A bill for a concurrent resolution amending the constitution of the state of North Dakota, relating to the sale of university and school lands.

Was read the second time, and

Referred to the committee on state affairs.

Senate Bill No. 134,

A bill for an act to allow township boards to perpetuate the government surveys, and to authorize the erection of permanent monuments on section corners.

Was read the second time, and

Referred to the committee on public lands.

Senate Bill No. 135,

A bill for an act to provide an appropriation for the re-

pairing of and an addition to, and the erection of an additional building for the state normal school at Mayville, North Dakota.

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

Senate Bill No. 136,

A bill for an act to amend section 6771 of the revised codes of this state, relating to appeals in civil actions in justice's courts.

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

Senate Bill No. 137,

A bill for an act defining the status, and providing for the duties of the State Historical Society of North Dakota, and making an appropriation therefor.

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

Senate Bill No. 138,

A bill for an act to amend section 1804 of the revised codes of 1899, prescribing the qualifications of a legal newspaper, and defining certain duties.

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

THIRD READING OF SENATE BILLS.

Senate Bill No. 70,

A bill for an act providing a contingent fund in each county of the state of North Dakota, for the use of the state's attorney, for the payment of such expenses as are necessary and not otherwise provided for in the investigation, preparation for trial and trial of criminal cases, and providing for the auditing and payment of such expenditures.

Was read the third time.

Mr. Simpson moved

That Senate Bill No. 70 be amended as follows: By striking out the words "and directed" in line two, of section one, of the printed bill.

Which motion prevailed, and
The bill was so amended.

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

The roll was called and there were: Ayes, 24; nays, none; absent and not voting, 16.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bacon	Johnson of McLean	Sharpe
Brown	Kirkeide	Simpson
Carroll	LaMoure	Spoonheim
Cashel	Little	Stade
Garnett	Macdonald	Swenson
Gulack	McLean	Taylor
Hanna	Pierce	Voss
Herbrandson	Regan	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Benson	Kraabel	Sifton
Crane	Main	Steele
Dyste	McArthur	Talcott
Fox	Movius	Thatcher
Hagen	Plain	Wagner
Johnson of Walsh		

Messrs. Benson, Crane, Dyste, Fox, Hagen, Johnson of Walsh, Kraabel, Main, McArthur, Movius, Plain, Sifton, Steele, Talcott, Thatcher and Wagner, being excused.

So the bill passed and the title was agreed to.

Mr. Simpson moved

That the vote by which Senate Bill No. 70 was passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

Senate Bill No. 53,

A bill for an act providing for the redistricting of commissioner districts in organized counties which have enlarged their boundaries by the addition thereto of unorganized territory.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were: Ayes, 22; nays, none; absent and not voting, 18.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bacon	Kirkeide	Sharpe
Brown	LaMoure	Simpson
Carroll	Little	Spoonheim
Cashel	Macdonald	Stade
Garnett	McLean	Swenson

Messrs.—	Messrs.—	Messrs.—
Hanna	Pierce	Taylor
Herbrandson	Regan	Young
Johnson of McLean		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Benson	Johnson of Walsh	Sifton
Crane	Kraabel	Steele
Dyste	Main	Talcott
Fox	McArthur	Thatcher
Gulack	Movius	Voss
Hagen	Plain	Wagner

Messrs. Benson, Crane, Dyste, Fox, Gulack, Hagen, Johnson of Walsh, Kraabel, Main, McArthur, Movius, Plain, Sifton, Steele, Talcott, Thatcher, Voss and Wagner, being excused.

So the bill passed and the title was agreed to.

Mr. Simpson moved

That the vote by which Senate Bill No. 53 was passed, be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

FIRST READING OF HOUSE BILLS.

House Bill No. 89,

A bill for an act to authorize the issuance of faithful service medals to officers and enlisted men in the national guard of the State of North Dakota.

Was read the first time.

House Bill No. 78,

A bill for an act to amend and re-enact section 2041 of the revised codes of 1899, relating to election of township officers and their terms of office.

Was read the first time.

House Bill No. 22,

A bill for an act to promote forest tree culture.

Was read the first time.

House Bill No. 109,

A bill for an act providing that all appointments to the various departments of the national guard of the State of North Dakota, shall be made from officers of the field or line.

Was read the first time.

House Bill No. 118,

A bill for an act to enable military organizations to issue

bonds to secure funds for armory purposes and making an appropriation for armory rent.

Was read the first time.

House Bill No. 91,

A bill for an act to appropriate money for the care and preservation of the state military encampment grounds, Rock Island, Ramsey Co., North Dakota.

Was read the first time.

House Bill No. 18,

A bill for an act to amend section 1 of chapter 96 of the laws of 1903 (being an amendment of section 1572 of the revised codes) relative to giving notice upon taking up estrays and providing penalty for failure to give such notice.

Was read the first time.

House Bill No. 40,

A bill for an act to repeal section 2531 of the revised codes, 1899, of North Dakota, relating to changing the names of certain townships.

Was read the first time.

House Bill No. 73,

A bill for an act for the destruction of all weeds on all grades or cultivated highways.

Was read the first time.

House Bill No. 99,

A bill for an act to amend section 1595 and 1596 of the revised code as amended by chapter 207 of the session laws of 1901 and section 1600 of the revised code of 1899, relating to district veterinarians.

Was read the first time.

House Bill No. 55,

A bill for an act to amend section 5382 of the revised codes of North Dakota, 1899, relating to creditors may proceed by garnishment.

Was read the first time.

House Bill No. 75,

A bill for an act requiring each county officer who re-keep a record of the fees received by him, as such officer, and to pay such fees into the county treasury, and making charge or collect the fees which he is by law allowed to

charge or collect, or to fail to keep a record of the same, or to fail to turn over or pay the same in to the county treasury.

Was read the first time.

SECOND READING OF HOUSE BILLS.

House Bill No. 16,

A bill for an act entitled an act to amend sections 1, 2, 3, 4 and 6 of chapter 186 of the laws 1901, 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 second time, and

Referred to the committee on judiciary.

House Bill No. 14,

A bill for an act entitled an act to amend subdivision 3 of section 3563 of the revised codes of North Dakota of 1899, relating to the recording of instruments in the office of the register of deeds.

Was read the second time, and

Referred to the committee on judiciary.

House Bill No. 24,

A bill for act to amend section 1267 of the revised codes relating to redemption from sale of real estate for taxes, time of payment of subsequent taxes, and rate of interest thereon.

Was read the second time, and

Referred to the committee on judiciary.

THIRD READING OF HOUSE BILLS.

House Bill No. 7,

A bill for an act to fix the dates for holding terms of the district court in the counties of Emmons and McLean.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were: Ayes, 23; nays, none; absent and not voting, 17.

Those who voted in the affirmative were:

Messrs.—
Brown
Cashel

Messrs.—
LaMoure
Little

Messrs.—
Spoonheim
Stade

Messrs.—	Messrs.—	Messrs.—
Garnett	Macdonald	Steele
Gulack	McLean	Swenson
Hanna	Pierce	Taylor
Herbrandson	Regan	Voss
Johnson of McLean	Sharpe	Young
Kirkeide	Simpson	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Bacon	Hagen	Plain
Benson	Johnson of Walsh	Sifton
Carroll	Kraabel	Talcott
Crane	Main	Thatcher
Dyste	McArthur	Wagner
Fox	Movius	

Messrs. Bacon, Benson, Carroll, Crane, Dyste, Fox, Hagen, Johnson of Walsh, Kraabel, Main, McArthur, Movius, Plain, Sifton, Talcott, Thatcher and Wagner, being excused.

So the bill passed and the title was agreed to.

House Bill No. 45,

A bill for an act prohibiting the secreting of any stone, wood, iron, or other substance in any sheaf, shock, pile, load, or stack of grain, that might or could injure or destroy any threshing machine or cause the death or injury to any person, or any damage to personal property and prescribing the measure of damages that may be recovered and prescribing punishment for the violation of the provisions hereof.

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, 18.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Brown	Little	Spoonheim
Cashel	Macdonald	Stade
Garnett	McLean	Steele
Gulack	Pierce	Swenson
Hanna	Regan	Taylor
Herbrandson	Sharpe	Voss
Johnson of McLean	Simpson	Young
LaMoure		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Bacon	Hagen	Movius
Benson	Johnson of Walsh	Plain
Carroll	Kirkeide	Sifton

Messrs.—
Crane
Dyste
Fox

Messrs.—
Kraabel
Main
McArthur

Messrs.—
Talcott
Thatcher
Wagner

Messrs. Bacon, Benson, Carroll, Crane, Dyste, Fox, Hagen, Johnson of Walsh, Kraabel, Main, McArthur, Movius, Plain, Sifton, Talcott, Thatcher, and Wagner, excused.

So the bill passed and the title was agreed to.

Mr. Little moved

That the senate do now adjourn.

Which motion prevailed, and

The senate adjourned.

L. M. McGLASHAN,
Secretary.

THIRTY-EIGHTH DAY

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
February 9, 1905.

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

The president presiding.

Prayer by chaplain.

Roll call.

All members present except Messrs. Carroll, Crane, Fox, Gulack, Johnson of Walsh, Kraabel, Main, McArthur, Plain, Steele, Talcott and Wagner.

The courtesies of the floor were extended to the following: E. H. Dyste, J. W. Christian, D. J. McKenzie, James Hackny, Thomas E. Engelhorn, A. H. Naltimer, A. E. Paulson, F. J. Murphy and Thos. Kahellek.

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 of the thirty-seventh day, have carefully examined the same, and recommend that the same be corrected as follows:

By changing the word "health" in line 39, page 8, to "lands."

By inserting the words: "Which motion prevailed," after line 30, page 10.

By inserting the words: "Which motion prevailed," after line 21 on page 11.

By striking out lines 26, 27, 28, 29 and 30 on page 5.

And when so amended recommend that he same be approved.

GEO. D. BROWN,
Acting Chairman.

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

REPORTS OF STANDING COMMITTEES.

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

Mr. President:

Your committee on enrolled and engrossed bills has examined

Senate Bill No. 70,

A bill for an act providing a contingent fund in each county of the state of North Dakota, for the use of the state's attorney, for the payment of such expenses as are necessary and not otherwise provided for in the investigation, preparation for trial and trial of criminal cases, and providing for the auditing and payment of such expenditures.

Also

Senate Bill No. 116,

A bill for an act to amend section 146 of the revised codes, relating to official bonds of state examiner and his deputies.

Also,

Senate Bill No. 117,

A bill for an act to amend section 3 of chapter 170 of the laws of 1901, being an amendment of section 145 of the revised codes, relating to the salary of the state examiner, the appointment of deputies and for penalties for malfeasance in office.

Also,

Senate Bill No. 18,

A bill for an act to amend section 407 of the revised codes of 1899 with reference to the boundaries and terms of court in the Fifth judicial district.

Also,

Senate Bill No. 72,

A bill for an act to promote anatomical knowledge and the science of medicine and surgery and to provide for anatomical material for such purposes, and penalties for neglecting to comply with the provisions of this act.

Also,
Senate Bill No. 87,

A bill for an act to amend chapter 118 of the laws of 1901, being an amendment of section 4680 of the revised codes, relating to liens in general.

And find the same correctly engrossed.

GEORGE M. YOUNG,
Chairman.

The committee on state affairs made the following report:

Mr. President:

Your committee on state affairs to whom was referred
Senate Bill No. 33,

A bill for an act to provide for the census of enumeration of the inhabitants of this state.

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

J. B. SHARPE,
Chairman.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred
Senate Bill No. 51,

A bill for an act to amend section 8 and section 12 of chapter 108, session laws of 1903, entitled an act to establish an institution for the feeble minded and provide for its support and management.

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

That lines 4 to 27 inclusive of the printed bill be stricken out and the following substituted:

Sec. 8. Superintendent to furnish clothing.] When the pupils of such institution are not otherwise provided or supplied with suitable clothing, or the necessary transportation they shall be furnished therewith by the superintendent, who shall make out an account thereof in each case against the county from which the pupil shall have come, which account shall state the name of the pupil for whom the same is furnished and shall be certified to be correct by the superintendent and when so certified shall be presumed to be correct in all the courts. The superintendent shall thereupon transmit such account by mail to the auditor of the proper county, and the auditor of such county shall present the same to the county commissioners of said county at their next meeting after its receipt by him, who shall thereupon audit and allow the same, and charge it to the general fund of the county, and thereupon there shall arise in favor of said county a right of action for the amount so paid as against the parent or guardian, if the pupil be a minor, and against the pupil if he or she has no parent or guardian or has attained the age of

majority which may be enforced by civil action at the election of the board of county commissioners. The superintendent shall render to the board of trustees biennially, or oftener if required, an itemized statement of such funds.

And that the word "the" in line 31, of section 1, of the printed bill be stricken out and the words "five cents per mile for every" inserted in lieu thereof, and that the word "expenses" in line 32 of said section be stricken out and the words "mile traveled" be inserted in lieu thereof.

And when so amended recommend that the same do pass.

C. B. LITTLE,
Chairman.

Mr. Little moved

That the report be adopted,

Which motion prevailed, and

The report of the committee was adopted.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred
Senate Bill No. 110,

A bill for an act to limit the time within which an action may be commenced, or a defense or counterclaim interposed, founded upon a claim of right to a homestead heretofore or hereafter conveyed or incumbered, otherwise than as provided by the law in force at the time of the execution of the conveyance or incumbrance thereof.

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

Also,

Senate Bill No. 108,

A bill for an act to prevent monopoly and for the protection of traders.

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. 103,

A bill for an act to amend and re-enact section 3134 of chapter 14 of the revised codes of 1899, relating to the organization of county mutual fire insurance companies.

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

On line 2 of the printed bill strike out the word "any" and insert in lieu thereof the words "not more than."

On line 4 of the printed bill strike out the word "fifty" and insert the words "one hundred" in lieu thereof.

J. AUSTIN REGAN,
Chairman.

Mr. Regan moved

That the report be adopted,

Which motion prevailed, and

The report of the committee was adopted.

The committee on insurance made the following report:

Mr. President:

Your committee on insurance to whom was referred

Senate Bill No. 65,

A bill for an act to provide for consolidation or re-insurance of risks of life insurance companies or associations with or by companies or associations authorized to transact business within the state, and providing a plan for such consolidation or re-insurance.

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

J. AUSTIN REGAN,
Chairman.

MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 9, 1905.

Mr. President:

I have the honor to transmit herewith

House Bill No. 122,

A bill for an act to prevent the abandonment and neglect of wife or children by persons charged by law with the maintenance thereof; to make such abandonment and neglect a felony; and to prescribe the punishment therefor.

Also,

House Bill No. 124,

A bill for an act to amend section 2865 of the revised codes of 1899.

Also,

House Bill No. 6,

A bill for an act for the relief of Clarence M. Cole, a member of Battery A, North Dakota National Guard.

Also,

House Bill No. 70,

A bill for an act creating a state board of bar examiners and providing for their appointment, compensation and duties.

Also,

House Bill No. 9,

A bill for an act regulating the operation of automobiles on the public roads, highways and streets within the state of North Dakota, and providing penalties for the violation thereof.

Also,

House Bill No. 88,

A bill for an act providing for the retirement of officers in the national guard of the State of North Dakota, who have rendered faithful service therein for a period of ten years or more.

Also,

House Bill No. 44,

A bill for an act to amend section 8295 of the revised codes of 1899, relating to imprisonment to satisfy fine and cost.

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

Very respectfully,

OTTO SOUGSTAD,
Chief Clerk.

MOTIONS AND RESOLUTIONS.

Mr. LaMoure moved

That all senate and house bills for first reading today, receive their first and second reading, and reference.

Which motion prevailed.

INTRODUCTION, FIRST AND SECOND READING OF SENATE BILLS.

Mr. Pierce introduced

Senate Bill No. 149,

A bill for an act to amend sections 5908 and 5909, of the revised codes of 1899, as amended by section 1, of chapter 5, of the laws of 1901, relating to unknown persons defend-

ant in certain actions and service of summons upon the same.

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

Mr. Taylor introduced
Senate Bill No. 150,

A bill for an act to ratify and confirm the conveyance of the family homestead in any case in which the same has been heretofore deeded by both husband and wife in separate instruments, neither having joined in the deed with the other, where the respective deeds purport to convey to the same persons or their grantees, and validating such deeds.

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

Mr. Taylor introduced
Senate Bill No. 151,

A bill for an act to repeal chapter 82, of the session laws of the state of North Dakota, for the year 1903, and to amend and re-enact section 7594 and section 7596 of the revised codes of North Dakota, 1899, relating to the method of obtaining druggist's permits to sell liquor, regulating sales of liquor under such permit and prescribing a penalty for the violation thereof.

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

Mr. Taylor introduced
Senate Bill No. 152,

A bill for an act to amend section 7280 and section 7285 of the revised codes of North Dakota, 1899, relating to violations of the pharmacy law, and prescribing penalties therefor.

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

Mr. Taylor introduced
Senate Bill No. 153,

A bill for an act appropriating money for the building and equipping of an administration and gymnasium building for the state university and school of mines at Grand Forks.

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

Mr. Simpson introduced

Senate Bill No. 154,

A bill for an act appropriating to James G. Campbell, state's attorney for Stark county, \$600 attorney's fees for services rendered in the unorganized territory attached to Stark county for judicial purposes during the years 1903 and 1904.

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

Mr. Simpson introduced

Senate Bill No. 155,

A bill for an act appropriating to James G. Saunders, clerk of the district court of Stark county, North Dakota, \$400 clerk's fees for services rendered in the unorganized territory attached to Stark county for judicial purposes during the years 1903 and 1904.

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

Mr. La Moure introduced

Senate Bill No. 156,

A bill for an act authorizing the secretary of state to secure copyright of session laws.

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

Mr. Hanna introduced

Senate Bill No. 157,

A bill for an act appropriating money for the building and equipping of an administration and gymnasium building for the North Dakota agricultural college and experiment station at Fargo.

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

Mr. Stade introduced

Senate Bill No. 158,

A bill for an act to amend section 1, of chapter 162, of the session laws of 1901, being an act to empower the board of county commissioners to offset due or delinquent taxes due from any person, corporation or society in whose behalf the indebtedness has accrued against such county.

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

Mr. McLean introduced

Senate Bill No. 159,

A bill for an act to amend section 3094 of the revised codes of North Dakota for 1899, relating to investments of funds of domestic insurance corporations.

Which was read the first and second times and

Referred to the committee on state affairs.

Mr. Cashel introduced (as a substitute to Senate Bill No. 75)

Senate Bill No. 160,

A bill for an act amending section 6315 of the revised codes of 1899, making a provision as to whom letters of administration shall be granted.

Which was read the first and second times and

Referred to the committee on judiciary.

Mr. Pierce (by request of the committee on banking) introduced

Senate Bill No. 161,

A bill for an act relating to banks and banking, providing for the organization, management, control, regulation and supervision of banking corporations, providing penalties for the violation of the provisions of the same, and repealing laws inconsistent therewith.

Which was read the first and second times and

Referred to the committee on banks and banking.

Mr. Young introduced

Senate Bill No. 162,

A bill for an act to provide for new buildings and for making needed and permanent improvements for the state normal school at Valley City, North Dakota, and making an appropriation therefor.

Which was read the first and second times and

Referred to the committee on appropriations.

Mr. Young introduced

Senate Bill No. 163,

A bill for an act to provide for the making of tests of wheat and flour to determine the comparative milling values of the different grades of wheat.

Which was read the first and second times and

Referred to the committee on appropriations.

Mr. Regan introduced

Senate Bill No. 164,

A bill for an act making an appropriation for carrying into effect provisions of law relating to the duties of the commissioner of agriculture and labor.

Which was read the first and second times, and

Referred to the committee on appropriations.

The Committee on State Affairs introduced

Senate Bill. No. 165,

A bill for an act to create and organize the county of McKenzie, to fix the county seat of said county, to provide for the appointment of county officers in said county for transcribing a portion of the records of Stark and Williams counties and for terms of the district court therein.

Which was read the first and second times, and

Referred to the committee on judiciary.

Mr. Little introduced

Senate Bill No. 166,

A concurrent resolution amending the state constitution.

Which was read the first and second times, and

Referred to the committee on state affairs.

SECOND READING OF SENATE BILLS.

Senate Bill No. 139,

A bill for an act authorizing the board of capital commissioners created for the re-construction of the capitol building, and the erection of an executive mansion for the state of North Dakota, and to utilize such labor of the convicts in the state penitentiary as can be used profitably in erecting said capitol and executive mansion, or in the manufacture of material to be used therein.

Was read the second time, and

Referred to the committee on state affairs.

Senate Bill No. 140,

A bill for an act amending section 1313 of the revised codes of North Dakota, providing for the assessment of railroad property in this state, and prescribing the manner of levying and collecting the tax on the same.

Was read the second time, and

Referred to the committee on ways and means.

Senate Bill No. 141,

A bill for an act in relation to transfers of real property

made to one person where the consideration therefor is paid by or for another, and to repeal section 3386 of the revised codes of North Dakota of the revision of 1899.

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

Senate Bill No. 142,

A bill for an act to provide for paving, curbing or macadamizing the highways in civil townships adjoining incorporated cities of not less than 6,000 inhabitants, and for the construction of sewers and water mains therein, connecting with such city sewers and water mains.

Was read the second time, and
Referred to the committee on municipal corporations.

Senate Bill No. 143,

A bill for an act to amend section 1925 of chapter 26 of the revised codes of 1899, relating to contracts for county buildings and improvements.

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

Senate Bill No. 144,

A bill for an act to amend sections 1, 2, 4, 5, 8, 13 and 16, of chapter 130, of the session laws of North Dakota of 1903, regulating practice of optometry.

Was read the second time, and
Referred to the committee on public health.

Senate Bill No. 145,

A bill for an act providing that a system of humane treatment of animals shall be taught in the public schools of North Dakota.

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

Senate Bill No. 146,

A bill for an act governing the method of proof of the execution of a written instrument or contract to which there are one or more subscribing witnesses.

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

Senate Bill No. 147,

A resolution to transfer certain funds apportioned to the school of forestry at Bottineau to the industrial school and school for manual training at Ellendale.

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

Senate Bill No. 148,

A bill for an act creating and establishing an agricultural experiment station at or near Linton, in Emmons county, providing for its management and making an appropriation therefor.

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

FIRST AND SECOND READING OF HOUSE BILLS

House Bill No. 122,

A bill for an act to prevent the abandonment and neglect of wife or children by persons charged by law with the maintenance thereof; to make such abandonment and neglect a felony; and to prescribe the punishment therefor.

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

House Bill No. 124,

A bill for an act to amend section 2865 of the revised codes of 1899.

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

House Bill No. 6,

A bill for an act for the relief of Clarence M. Cole, a member of Battery A, North Dakota National Guard.

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

House Bill No. 70,

A bill for an act creating a state board of bar examiners and providing for their appointment, compensation and duties.

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

House Bill No. 9,

A bill for an act regulating the operation of automobiles on the public roads, highways and streets within the state of North Dakota, and providing penalties for the violation thereof.

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

House Bill No. 88,

A bill for an act providing for the retirement of officers in the national guard of the State of North Dakota, who have rendered faithful service therein for a period of ten years or more.

Was read the first and second times and

Referred to the committee on military affairs.

House Bill No. 44,

A bill for an act to amend section 8295 of the revised codes of 1899, relating to imprisonment to satisfy fine and cost.

Was read the first and second times, and

Referred to the committee on judiciary.

SECOND READING OF HOUSE BILLS.

House Bill No. 18,

A bill for an act to amend section 1 of chapter 96 of the laws of 1903 (being an amendment of section 1572 of the revised codes) relative to giving notice upon taking up estrays and providing penalty for failure to give such notice.

Was read the second time, and

Referred to the committee on judiciary.

House Bill No. 22,

A bill for an act to promote forest tree culture.

Was read the second time, and

Referred to the committee on agriculture.

House Bill No. 40,

A bill for an act to repeal section 2531 of the revised codes, 1899, of North Dakota, relating to changing the names of certain townships.

Was read the second time, and

Referred to the committee on municipal corporations.

House Bill No. 55,

A bill for an act to amend section 5382 of the revised codes of North Dakota, 1899, relating to creditors may proceed by garnishment.

Was read the second time, and

Referred to the committee on judiciary.

House Bill No. 73,

A bill for an act for the destruction of all weeds on all graded or cultivated highways.

Was read the second time, and
Referred to the committee on highways and bridges.

House Bill No. 75,

A bill for an act requiring each county officer who receives from any county a stated salary for his services, to keep a record of the fees received by him, as such officer, and to pay such fees into the county treasury, and making it a misdemeanor for any such officer to neglect or omit to charge or collect the fees which he is by law allowed to charge or collect, or to fail to keep a record of the same, or to fail to turn over or pay the same into the treasury.

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

House Bill No. 78,

A bill for an act to amend and re-enact section 2041 of the revised codes of 1899, relating to election of township officers and their terms of office.

Was read the second time, and
Referred to the committee on municipal corporations.

House Bill No. 89,

A bill for an act to authorize the issuance of faithful servic medals to officers and enlisted men in the national guard of the State of North Dakota.

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

House Bill No. 91,

A bill for an act to appropriate money for the care and preservation of the state military encampment grounds, Rock Island, Ramsey county, North Dakota.

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

House Bill No. 99,

A bill for an act to amend section 1595 and 1596 of the code revised code as amended by chapter 207 of the session laws of 1901 and section 1600 of the revised code of 1899, relating to district veterinarians.

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

House Bill No. 109,

A bill for an act providing that all appointments to the various departments of the national guard of the State of

North Dakota, shall be made from officers of the field or line.

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

House Bill No. 118,

A bill for an act to enable military organizations to issue bonds to secure funds for armory purposes and making an appropriation for armory rent.

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

THIRD READING OF SENATE BILLS.

Senate Bill No. 18,

A bill for an act to amend section 407 of the revised codes of 1899 with reference to the boundaries and terms of court in the Fifth judicial district.

Was read the third time.

Mr. Regan moved

That Senate Bill No. 18 be amended as follows: By striking out in line 20 of the printed bill section 1, the word "September," and inserting in lieu thereof the word "November."

Which motion prevailed, and

Senate Bill No. 18 was so amended.

The question being on the final passage of the bill, as amended,

The roll was called and there were: Ayes, 24; nays, none; absent and not voting, 16.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Brown	Kirkeide	Simpson
Carroll	Little	Spoonheim
Cashel	Macdonald	Stade
Dyste	McLean	Steele
Gulack	Pierce	Swenson
Hagen	Regan	Taylor
Hanna	Sharpe	Voss
Johnson of McLean	Sifton	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Bacon	Johnson of Walsh	Movius
Benson	Kraabel	Plain
Crane	LaMoure	Talcott
Fox	Main	Thatcher
Garnett	McArthur	Wagner
Herbrandson		

Messrs. Bacon, Benson, Crane, Fox, Garnett, Herbrandson, Johnson of Walsh, Kraabel, La Moure, Main, McArthur, Movious, Plain, Talcott, Thatcher and Wagner, being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 72,

A bill for an act to promote anatomical knowledge and the science of medicine and surgery and to provide for anatomical material for such purposes, and penalties for neglecting to comply with 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, 27; nays, 1; absent and not voting, 12.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Benson	Johnson of McLean	Simpson
Brown	Kirkeide	Spoonheim
Carroll	LaMoure	Stade
Cashel	Little	Steele
Dyste	Macdonald	Swenson
Garnett	McLean	Taylor
Gulack	Pierce	Thatcher
Hagen	Regan	Voss
Herbrandson	Sifton	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Bacon	Kraabel	Plain
Crane	Main	Sharpe
Fox	McArthur	Talcott
Johnson of Walsh	Movius	Wagner

Messrs. Bacon, Crane, Fox, Johnson of Walsh, Kraabel, Main, McArthur, Movius, Plain, Sharpe, Talcott and Wagner, being excused.

Mr. Hanna voting in the negative.

So the bill passed and the title was agreed to.

Senate Bill No. 116,

A bill for an act to amend section 146 of the revised codes, relating to official bonds of state examiner and his deputies.

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, 12.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Benson	Johnson of McLean	Simpson
Brown	Kirkeide	Spoonheim
Carroll	LaMoure	Stade
Cashel	Little	Steele
Dyste	Macdonald	Swenson
Garnett	McLean	Taylor
Gulack	Pierce	Thatcher
Hagen	Regan	Voss
Hanna	Sifton	Young
Herbrandson		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Bacon	Kraabel	Plain
Crane	Main	Sharpe
Fox	McArthur	Talcott
Johnson of Walsh	Movius	Wagner

Messrs. Bacon, Crane, Fox, Johnson of Walsh, Kraabel, Main, McArthur, Movius, Plain, Sharpe, Talcott and Wagner, being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 117,

A bill for an act to amend section 3 of chapter 170 of the laws of 1901, being an amendment of section 145 of the revised codes, relating to the salary of the state examiner, the appointment of deputies and for penalties for malfeasance in office.

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, 12.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bacon	Johnson of McLean	Simpson
Benson	Kirkeide	Spoonheim
Brown	Little	Stade
Carroll	Macdonald	Steele
Cashel	McLean	Swenson
Dyste	Pierce	Taylor
Garnett	Regan	Thatcher
Gulack	Sharpe	Voss
Hagen	Sifton	Young
Hanna		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Crane	Kraabel	Movius
Fox	LaMoure	Plain
Herbrandson	Main	Talcott
Johnson of Walsh	McArthur	Wagner

Messrs. Crane, Fox, Herbrandson, Johnson of Walsh, Kraabel, La Moure, Main, McArthur, Movious, Plain, Talcott and Wagner, 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. 35,

A bill for an act to prohibit the making within this state of any contract or pretended contract to buy or sell grain, pork, lard or mercantile or agricultural products on margins without any intention of future delivery, to prohibit the maintenance within this state of any store, office or other place wherein is conducted or permitted the pretended buying or selling of grain, pork, lard or any mercantile or agricultural products on margin, without any intention of future delivery and to provide a penalty for the violation thereof.

And the president signed the same in the presence of the senate.

Mr. Regan moved

That the senate do now adjourn.

Which motion prevailed, and

The senate adjourned.

L. M. McGLASHAN,
Secretary.

THIRTY-NINTH DAY

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
February 10, 1905.

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. Benson, Crane, Kraabel, and McArthur, who were excused.

PRESENTATION OF PETITIONS AND COMMUNICATIONS.

Mr. Young presented the following petition:

Valley City, N. D., February 4, 1905.

Hon. George M. Young, Bismarck, N. D.

Dear Sir: I wish to call your attention to certain features of the Sharpe or Davis primary election law which, it seems to me, would be well to change if it is possible to do so without endangering the final passage of the bill. The bill has a great many admirable features and I hope that it passes.

Section 14 provides for printing the tickets. As a practical printer I doubt whether the method suggested can be carried out. Changing the names and assembling the ballots afterwards in the method proposed would take a good deal of time. It seems to me that it would be fair to arrange the names alphabetically and let it go at that.

I like the Wisconsin system of providing a separate ticket for each party organization better than the blanket ballot system. In the Davis bill if the voter wanders from one column to another his ballot is void and he loses his vote. Under the Wisconsin plan he is given a bunch of tickets and is told that he can vote but one. By this method I do not see how the voter can lose his vote.

Section 39 provides that the state central committee shall make the party platform sixty days prior to the caucuses. This would mean that the platform was made by the outgoing committee. Sixty days prior to

the Tuesday following the third Monday in July (the date for the caucuses) would mean some years that the state platform was promulgated before the national convention was held, and would be an unusual procedure. Here, again, I think the Wisconsin system is better, which is for the party nominees to meet in September and make their own platform. It gives them a chance to tell the people what they stand for and what they propose to do. Some years ago, if this law had been in effect, the state committee might have declared in favor of free silver, while the national convention would have endorsed the gold standard, which would have created some confusion, to say the least.

I suppose some changes are likely to be made in the bill before it comes up for final passage, and if what I have suggested meets with your approval there might be a chance to work them in, although I would rather have the bill as originally introduced than have it amended to death.

Yours truly,

S. A. NYE.

MESSAGE FROM THE HOUSE.

The following message was received from the house.

HOUSE OF REPRESENTATIVES.

BISMARCK, NORTH DAKOTA,

February 10, 1905.

Mr. President:

I have the honor to transmit herewith
Senate Bill No. 8.

A bill for an act to provide police for towns and villages not organized, and provide revenue to support the same.

Which the house has passed unchanged

Very respectfully,

OTTO SOUGSTAD,

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 of the thirty-eighth day, have carefully examined the same, find no corrections to make therein and recommend that the same be approved.

R. W. MAIN,

Chairman.

Mr. Main moved

That the report be adopted,

Which motion prevailed, and

The report of the committee was adopted.

REPORT OF STANDING COMMITTEES.

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

Mr. President:

Your committee on enrolled and engrossed bills have examined

Senate Bill No. 1,

A bill for an act prescribing regulations for the appropriation, distribution and use of water in the construction and maintaining of canals, ditches and storage reservoirs for the purpose of irrigation, evaporation and water power; for the diversion and confining, retention, storage and distribution of water; the condemnation of lands for the right of way of works for such purposes; providing for a state engineer and one or more assistant state engineers, and the appointment of officers for the surveying and measurement, fixing their compensation and providing for the payment of the same and making an appropriation therefor, prescribing their duties, powers and qualifications, and the appropriation of the streams of the state and controlling the distribution of water throughout the state in the several water divisions thereof, prescribing water divisions, and the management of water regulations and adjudicating the rights and the priority of rights of those diverting, carrying or storing water for irrigation or other beneficial purposes in the water districts in the several water divisions. providing for the expense of such adjudication and for the apportionment and payment thereof, prescribing regulations and ascertaining the rights and priorities of those entitled to water for use for the irrigation of lands, and to provide penalties and for punishing persons for interfering with it or maliciously trespassing upon the ditches, reservoirs or irrigation works for the storage and conveyance of water and to regulate the rights to the use of water for agricultural and manufacturing and other purposes, to provide for a board of water commissioners, prescribing their duties, pay, compensation, providing for water masters, their duties, compensation, providing for change of place or use of diversion, measuring devices, bridges over ditches or canals, providing for constructing works, the disposition of seepage water, and providing for the disposition of state lands and right of way over same, and that the

state engineer assist county commissioners in establishing and constructing drains.

Also,

Senate Bill No. 33,

A bill for an act to provide for the census or enumeration of the inhabitants of this state.
fication of the members thereof.

Also,

Senate Bill No. 51,

A bill for an act to amend section 8 and section 12 of chapter 108, session laws of 1903, entitled an act to establish an institution for the feeble minded and provide for its support and management.

Also,

Senate Bill No. 65,

A bill for an act to provide for consolidation or re-insurance of risks of life insurance companies or associations with or by companies or associations authorized to transact business within the state, and providing a plan for such consolidation or re-insurance.

Also,

Senate Bill No. 103,

A bill for an act to amend and re-enact section 3134 of chapter 14 of the revised codes of 1899, relating to the organization of county mutual fire insurance companies.

Also,

Senate Bill No. 108,

A bill for an act to prevent monopoly and for the protection of traders.

Also,

Senate Bill No. 110,

A bill for an act to limit the time within which an action may be commenced, or a defense or counterclaim interposed, founded upon a claim of right to a homestead heretofore or hereafter conveyed or incumbered, otherwise than as provided by the law in force at the time of the execution of the conveyance or incumbrance thereof.

Also,

Senate Bill No. 18,

A bill for an act to amend section 407 of the revised

codes of 1899 with reference to the boundaries and terms of court in the Fifth judicial district.

And find the same correctly engrossed.

GEO. M. YOUNG,
Chairman.

The committee on state affairs made the following report:

Mr. President:

Your committee on state affairs to whom was referred Senate Bill No. 133,

A bill for a concurrent resolution amending the constitution of the state of North Dakota, relating to the sale of university and school lands.

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

J. B. SHARPE,
Chairman.

The committee on state affairs made the following report:

Mr. President:

Your committee on state affairs to whom was referred Senate Bill No. 46,

A bill for an act to amend sections 370, 652, 653, 657, 695, 757 and 761 of the revised codes of 1899.

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

Amend the title by inserting after section "757" section "759."

Strike out after the word "for" in line 34, page 3 of the printed bill the words "clerical assistance" and insert the word "deputy."

In line 54 page 4 of the printed bill insert the words "In counties having 50 or more schools" before "the county superintendent."

On page 4 of printed bill strike out lines 57, 58, 59, 60, 61 and 62.

On page 6 of the printed bill in line 12 after the word "school" insert the following: "It shall grade the salaries of teachers for the district in accordance with the grades of certificate and no teacher holding a certificate of a lower grade shall receive a salary equal to or in excess of that paid to a teacher holding a certificate of a higher grade in the same district."

On page 7 of the printed bill, line 30, beginning with the word "as" after the word "county," strike out the remainder of the sentence and insert in lieu thereof the words, "In which school has been taught at least four months during the preceding school year."

On page 8 of the printed bill after line 36 insert the following section:

Section 6½. That section 759 of the revised codes of 1899 be amended to read as follows:

Sec. 759: School Age; Who Exempt from Compulsory Attendance.] Every parent, guardian or other person who resides in any school district or city who has control of any child or children of or between the ages of eight and four-

teen years shall send such child or children to a public school in each year during the entire time the public schools of such district or city are in session; and every parent, guardian or other person, having control of any deaf or feeble minded child or youth between seven and twenty-one years of age shall be required to send such deaf child to the school for the deaf at the city of Devils Lake, and any feeble minded child to the institution for the feeble minded at Grafton, for at least eight months in each school year; provided, that such parent, guardian or other person having control of any child shall be excused from such duty by the school board of the district, or the board of education of the city or vilage, whenever it shall be shown to their satisfaction, subject to appeal, as provided by law, that one of the following reasons therefor exists:

1. That such child is taught for the same length of time in a parochial or private school, approved by such board; that no school shall be approved by such board unless the branches usually taught in the public schools are taught in said schools.

2. That such child is actually necessary to the support of the family.

3. That such child has already acquired the branches of learning taught in the public schools.

4. That such child is in such a physical or mental condition (as declared by the county physician, if required by the board), as to render such attendance inexpedient or impracticable. If a school is taught the requisite length of time within two and a half miles of the residence of such child by the nearest route, such attendance will not be enforced, except in cases of consolidated schools or where transportation may be arranged for by the school board. In districts having consolidated schools where transportation is arranged for by the school board, or in other districts providing transportation, attendance shall be required of pupils residing within four miles of such school or schools, but this provision shall not apply to deaf or feeble minded children in this state. The common schools provided for in this chapter, shall be at all times equally free, open and accessible to all children over six and under twenty years of age, residents of the school districts where they are held or entitled to attend school, under any special provision of this chapter, subject to the regulations herein made, and to such regulations as the several school boards and boards of education may prescribe, equally and justly and not in conflict with the provisions of law.

5. Provided, that this section shall not be construed to apply to parents, guardians or other persons having control of any child or children between the ages of eight and fourteen who desire to send such child or children for a period not exceeding four (4) months in any year to any parochial school for the purpose of preparing such child or children for certain religious duties.

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 of the committee was adopted.

The committee on appropriations made the following report:

Mr. President:

Your committee on appropriations to whom was referred Senate Bill No. 147,

A resolution to transfer certain funds apportioned to the

school of forestry at Bottineau to the industrial school and school for manual training at Ellendale.

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

JUDSON LA MOURE,
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. 48,

A bill for an act to amend section 1270 of the revised codes of 1899, with reference to void tax sales, void taxes and repayment of the same.

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

A. GARNETT,
Chairman.

The committee on public health made the following report:

Mr. President:

Your committee on public health to whom was referred
House Bill No. 28,

A bill for an act to prevent fraud in the sale of formaldehyde used as a fungicide, prescribing a penalty for the violation, providing for the inspection and analysis of same, charging the North Dakota Government Agriculture experiment station with the duty thereof, and charging the state's attorney with the enforcement thereof.

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

Also,

House Bill No. 42,

A bill for an act to prevent fraud in the sale of Paris Green used as an insecticide, prescribing a penalty for the violation, providing for the inspection and analysis of same and charging North Dakota Government Agricultural Experiment station with the duty thereof, and charging the state's attorney with the enforcement hereof.

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

J. D. TAYLOR,
Chairman.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred
Senate Bill No. 138,

A bill for an act to amend section 1804 of the revised codes of 1899, prescribing the qualifications of a legal newspaper, and defining certain duties.

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

Also,

Senate Bill No. 107,

A bill for an act relating to the expenditure of county funds.

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

By adding to section 1 of said act, after the word "county" in line 4 of the printed section 1 the following clause "either directly or indirectly, and all liabilities thus incurred shall be void." And by adding to section 2 after the word "misdemeanor" the following clause, "and the county commissioner guilty thereof shall be subject to removal from his office."

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 of the committee was adopted.

Also,

Senate Bill No. 87,

A bill for an act to amend chapter 118 of the laws of 1901, being an amendment of section 4680 of the revised codes, relating to liens in general.

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

And the further consideration of the bill was indefinitely postponed.

Also,
Senate Bill No. 143,

A bill for an act to amend section 1925 of chapter 26 of the revised codes of 1899, relating to contracts for county buildings and improvements.

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

Also,
House Bill No. 70,

A bill for an act creating a state board of bar examiners and providing for their appointment, compensation and duties.

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

Also,
House Bill No. 61,

A bill for an act amending section 2097 of the political code, relating to the fees of witnesses.

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

By inserting the words "on the part of the state" in line 6 of section 1 of the printed bill after the word "fees."

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 of the committee was adopted.

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 fixing the salaries and providing for the payment of the necessary expenses for the judges of the district court of the state of North Dakota.

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

By striking out the word "one" in line 2 of section 1 of the printed bill and inserting in line thereof the word "five," and by striking out the word "month" in line 3 of said section, and inserting in lieu thereof the word

"annum," and by striking out the word "five" in line 2 and the word "hundred" in line 3 of section 2 of the printed bill.

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 of the committee was adopted.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred
House Bill No. 30,

A bill for an act to amend section 441 of revised codes of North Dakota relating to jurors.

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

C. B. LITTLE,
Chairman.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred
Senate Bill No. 85,

A bill for an act to amend and re-enact section 6213 of the revised codes of North Dakota for the year 1899, relating to appearance in county courts.

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

By striking out section 2, the emergency 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 of the committee was adopted.

The committee on bridges, highways and ferries made the following report:

Mr. President:

Your committee on bridges, highways and ferries to whom was referred

House Bill No. 37,

A bill for an act granting the consent and permission of the state of North Dakota to the construction and maintenance of highway across, within, under and through the water of Des Lac Lake, on township line between the townships 161 and 162 in Ward county, North Dakota.

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

Also,

House Bill No. 73,

A bill for an act for the destruction of all weeds on all graded or cultivated highways.

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

A. MACDONALD,
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. 97,

A bill for an act authorizing county commissioners in counties having a regular organized live stock protective association to create a special fund and to appropriate and set aside moneys to be expended and used for the protection of live stock from theft.

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

Insert the words "personal property" between the words "the" and "tax" in line 4, section 1.

And when so amended recommend that the same do pass.

J. D. BACON,
Chairman.

Mr. Bacon moved

That the report be adopted,

Which motion prevailed, and

The report of the committee 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. 55,

A bill for an act to re-enact section 2526 of the revised codes of 1897, relating to organization of townships.

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

In line 2 of the heading thereof strike out "1897" and write in lieu thereof "1899."

And when so amended recommend that the same do pass.

J. D. BACON,
Chairman.

Mr. Bacon moved

That the report be adopted,

Which motion prevailed, and

The report of the committee was adopted.

The committee on municipal corporations made the following report:

Mr. President:

Your committee on municipal corporations to whom was referred

Senate Bill No. 120,

A bill for an act providing for the procuring of official bonds of county officers, and for acceptance of bids therefor, and payment of premiums on same.

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

Also,

Senate Bill No. 142,

A bill for an act to provide for paving, curbing or macadamizing the highways in civil townships adjoining incorporated cities of not less than 6,000 inhabitants, and for the construction of sewers and water mains therein, connecting with such city sewers and water mains.

that the same do pass.

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

Also,

Senate Bill No. 111,

A bill for an act requiring the boards of county commis-

sioners throughout the state of North Dakota to advertise for bids for publication of the auditor's notice of sale of real estate for delinquent taxes.

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

J. D. BACON,
Chairman.

COMMUNICATION FROM THE GOVERNOR.

The following communication was received from the governer:

GOVERNOR'S OFFICE,
BISMARCK, NORTH DAKOTA,
February 10, 1905.

To the Senate:

Mr. President: I have the honor to inform you that I have this day approved and filed with the secretary of state:

Senate Bill No. 11,

A bill for an act providing for specific performance by guardians of contracts for sale of real estate in certain cases.

E. Y. SARLES,
Governor.

MOTIONS AND RESOLUTIONS.

Mr. Young moved

That all senate bills for first reading today, receive also their second reading and reference.

Which motion prevailed.

Mr. Fox moved

That Senate Bill No. 52 be referred to the committee on appropriations.

Which motion prevailed, and

Senate Bill No. 52 was so referred.

Mr. Simpson moved,

That the time within which the committee on railroads was directed to report under Mr. Regan's resolution relating to railroad rates on lignite coal, be extended one week.

Which motion prevailed, and

The time was so extended.

Mr. Brown offered the following:

CONCURRENT RESOLUTION

WHEREAS, General dissatisfaction exists among the grain growers of the State of North Dakota, with the Minnesota inspection and grading of grain—frequently grain grown on the same quarter section of land, with conditions alike, shipped in different cars, received grades and dockage widely apart, thus proving the inefficiency of the law or the incompetency of those chosen to administer it; and

WHEREAS, It is to the interest of the farmers of this state to have competing markets for their grain; and

WHEREAS, There is now pending in the senate of the state of Wisconsin a bill—being Senate Bill No. 105—creating a grain and warehouse commission for the state of Wisconsin, and providing for licensing and regulating warehouses and elevators, and for the storage, weighing and inspection of grain in the city of Superior and conditionally at other terminal points in said state; and

WHEREAS, Said bill provides that a commission of three shall be appointed by the governor of the state of Wisconsin, one of such by the request of the governor of the state of North Dakota, a second by the governor of the state of New York and the third by the board of trade of the city of Superior, Wis.; and

WHEREAS, The state of Wisconsin, particularly the city of Superior, has in the past labored diligently to give this state a competing market; therefore be it

Resolved, By the Senate, the House of Representatives concurring, that we are in full accord with said Senate Bill No. 105 and earnestly request and urge its passage, thereby creating a grain and warehouse commission at the city of Superior, Wis., thus giving to the farmers of this state a strong competing market in which to dispose of their grains; and be it further

Resolved, That copies of this concurrent resolution be sent to the secretary of state and the president of the senate of the state of Wisconsin.

Mr. Brown moved

That the resolution be adopted.

Mr. Little moved

That the resolution be referred to the committee on grain and grain grading.

Which motion prevailed, and

The resolution was so referred.

Mr. Young sent to the secretary's desk Senate Bill No. 105 of the state of Wisconsin, and moved that there be printed 1,500 copies of Senate Bill No. 105 of the state of Wisconsin, a bill creating a grain and warehouse commission for the state of Wisconsin and providing for licensing and regulating warehouses and elevators and for the storage, weighing and inspection of grain in the city of Superior and other terminal points; and that the same be distributed in the same manner as bills of the senate and house.

Which motion prevailed.

EXECUTIVE COMMUNICATION

A sealed communication was received from the governor.

Mr. Little moved

That the senate do now go into executive session to consider the message from the governor.

Which motion prevailed, and

The senate went into executive session.

OPEN SESSION.

INTRODUCTION, FIRST AND SECOND READING OF SENATE BILLS.

Mr. La Moure introduced

Senate Bill No. 167,

A bill for an act to appropriate the sum of \$6,997.59 to pay expenses incurred by the chief state veterinarian and the state board of auditors in connection with the erection, equipment and maintaining of state dipping tanks for dipping live stock in the prevention of the spread of scabbies.

Which was read the first and second times and

Referred to the committee on appropriations.

Mr. Movious introduced

Senate Bill No. 168,

A bill for an act making an appropriation for erecting a building, furnishing and equipping the same, for the use of North Dakota academy of science, located at Wahpeton, North Dakota, and to provide funds for the maintenance of said school.

Which was read the first and second times and

Referred to the committee on appropriations.

Mr. Young introduced
Senate Bill No. 169,

A bill for an act to provide the maintenance of summer school, and for new buildings and for making needed and permanent improvements for the state normal school at Valley City, North Dakota, and making an appropriation therefor.

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

Mr. Voss introduced
Senate Bill No. 170,

A bill for an act to amend and re-enact section 2865 of the revised codes of 1899.

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

Mr. Main introduced
Senate Bill No. 171,

A bill for an act to amend section 118 of the revised codes of North Dakota, 1899, relating to the official bond of the state treasurer.

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

Mr. Bacon introduced
Senate Bill No. 172,

A bill for an act to foster the development of mineral and allied industries by providing for experimentation, encouragement and mine inspection, and by making an appropriation therefor.

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

Mr. McLean (by request) introduced
Senate Bill No. 173.

A bill for an act to amend section 4844, of the revised codes of 1899, providing for a lien for repairs of personalty.

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

SECOND READING OF SENATE BILLS.

Senate Bill No. 131,

A bill for an act creating liens on crops of persons buying twine on credit.

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

Senate Bill No. 132,

A bill for an act to amend section 2911 of the revised codes, relating to changing corporate headquarters.

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

THIRD READING OF SENATE BILLS.

Senate Bill No. 1,

A bill for an act prescribing regulations for the appropriation, distribution and use of water in the construction and maintaining of canals, ditches and storage reservoirs for the purpose of irrigation, evaporation and water power; for the diversion and confining, retention, storage and distribution of water; the condemnation of lands for the right of way of works for such purposes; providing for a state engineer and one or more assistant state engineers and the appointment of officers for the surveying and measurement, fixing their compensation and providing for the payment of the same and making an appropriation therefor, prescribing their duties, powers and qualifications, and the appropriation of the streams of the state and controlling the distribution of water throughout the state in the several water divisions thereof, prescribing water divisions, and the management of water regulations and adjudicating the rights and the priority of rights of those diverting, carrying or storing water for irrigation or other beneficial purposes in the water districts in the several water divisions, providing for the expense of such adjudication and for the apportionment and payment thereof, prescribing regulations and ascertaining the rights and priorities of those entitled to water for use for the irrigation of lands, and to provide penalties and for punishing persons for interfering with it or maliciously trespassing upon the ditches, reservoirs or irrigation works for the storage and conveyance of water and to regulate the rights to the use of water for agricultural and manufacturing and other purposes, to provide for a board of water commissioners, prescribing their duties, pay, compensation, providing for water masters, their duties, compensation, providing for change of place or use of diversion, measuring devices, bridges over ditches or canals, providing for constructing works, the disposition of seepage water, and

providing for the disposition of state lands and right of way over same, and that the state engineer, assist county commissioners in establishing and constructing drains.

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 12.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bacon	LaMoure	Spoonheim
Carroll	Little	Stade
Cashel	Main	Steele
Dyste	McLean	Talcott
Fox	Movius	Taylor
Garnett	Plain	Thatcher
Gulack	Sharpe	Voss
Hanna	Sifton	Wagner
Johnson of McLean	Simpson	Young
Kirkeide		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Benson	Herbrandson	McArthur
Brown	Johnson of Walsh	Pierce
Crane	Kraabel	Regan
Hagen	Macdonald	Swenson

Messrs. Benson, Brown, Crane, Hagen, Herbrandson, Johnson of Walsh, Kraabel, MacDonald, McArthur, Pierce, Regan and Swenson being excused.

So the bill passed and the title was agreed to.

Mr. Little moved

That the senate do now adjourn.

Which motion prevailed, and

The senate adjourned.

L. M. McGLASHAN,
Secretary.

FORTIETH DAY

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
February 11, 1905.

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

The president presiding.

Prayer by chaplain.

Roll call.

All members present except Messrs. MacDonald and Voss, who were excused.

The courtesies of the floor were extended to the following: Leslie Stinson, T. S. Henry, Hon. Clifford Sifton, W. E. Clark, F. E. Sargent, John Martin, and John Ditmer.

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 of the thirty-ninth day, have carefully examined the same and recommend that the same be corrected as follows:

By striking out in line 28, on page 2, the words "and your favorable consideration thereof is requested," and by inserting at the end of line 7, on page 7 the word "report."

And when so amended recommend that he same be approved.

R. W. MAIN,
Chairman.

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

REPORTS OF STANDING COMMITTEES.

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

Mr. President:

Your committee on enrolled and engrossed bills has examined

Senate Bill No. 8,

A bill for an act to provide police for towns and villages not organized, and provide revenue to support the same.

And find the same correctly enrolled.

GEORGE M. YOUNG,

Chairman.

The committee on public lands made the following report:

Mr. President:

Your committee on public lands to whom was referred

Senate Bill No. 134,

A bill for an act to allow township boards to perpetuate the government surveys, and to authorize the erection of permanent monuments on section corners.

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

After the word "corner" in line three of the title thereof insert the following: "And providing penalties for the destruction of, damage to, or removing said monuments when so erected."

After the body of section 3 insert the following: "Section 4. Any person who shall destroy, remove, deface, or in any way injure or damage such monuments when so erected shall be deemed guilty of a misdemeanor."

Strike out after the word "section" in the second last line thereof the figure "4" and insert in lieu thereof the figure "5."

And when so amended recommend that the same do pass.

J. W. SIFTON,

Chairman.

Mr. Sifton moved

That the report be adopted.

Which motion prevailed, and

The report of the committee 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. 144,

A bill for an act to amend sections 1, 2, 4, 5, 8, 13 and 16, of chapter 130, of the session laws of North Dakota of 1903, regulating practice of optometry.

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. 9,

A bill for an act regulating the operation of automobiles on the public roads, highways and streets within the state of North Dakota, and providing penalties for the violation thereof.

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

Also,

House Bill No. 75,

A bill for an act requiring each county officer who receives from any county a stated salary for his services, to keep a record of the fees received by him, as such officer, and to pay such fees into the county treasury, and making it a misdemeanor for any such officer to neglect or omit to charge or collect the fees which he is by law allowed to charge or collect, or to fail to keep a record of the same, or to fail to turn over or pay the same into the county treasury.

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

Also,

House Bill No. 124,

A bill for an act to amend section 2865 of the revised codes of 1899.

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

Also,

Senate Bill No. 139,

A bill for an act authorizing the board of capital commissioners created for the re-construction of the capitol building, and the erection of an executive mansion for the state of North Dakota, and to utilize such labor of the convicts in the state penitentiary as can be used profitably in erecting said capitol and executive mansion, or in the manufacture of material to be used therein.

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

J. B. SHARPE,

Chairman.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred
House Bill No. 4,

A bill for an act to amend sections 6188, 6189, 6190 and 6191 of the revised codes of North Dakota, being article 3 of chapter 1, probate code, relating to the disqualification of county judges and transfers of the administration of estates from one county to some other, or the calling in of the county judge of an adjoining county to hear the same, by the judge disqualified.

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

C. B. LITTLE,

Chairman.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred
House Bill No. 25,

A bill for an act to provide for the cancellation of judgments against persons discharged under the United States bankruptcy law, and the mode of procedure to obtain such relief.

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

By inserting the word "or" between the words "administrators" and "assigns" in line 18 of section 1 of the printed bill, and between the words "administrators" and "assigns" in line 21 of said section, and by striking out the words "or attorney of record" in lines 19 and 21 of said section, and by striking out the word "eight (8)" in line 16 of said section and inserting in lieu thereof the word "thirty (30)."

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 of the committee 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 change county lines of Ward county, division of Ward county, North Dakota, and creating the counties of Bowbells, Kenmare, Black and Renville therefrom; defining the boundary lines thereof and providing for submission of the provisions of this act to vote of the electors of the territory affected thereby.

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

That the title of said act be amended so as to read as follows:

A bill for an act to change county lines of Ward and Bottineau counties, division of Ward and Bottineau counties, North Dakota, and creating the counties of Des Laes and Renville therefrom; defining the boundary lines thereof, and providing for submission of the provisions of this act to vote of the electors of the territories affected thereby.

That all of said bill after the enacting clause be stricken out and the following attached bill substituted.

Section 1. That the counties of Ward and Bottineau be divided as hereinafter set forth, and the counties of Des Laes and Renville be created and established therefrom, and the boundary lines thereof be defined as follows:

Sec. 2. Ward County. The county of Ward shall be bounded as follows, to-wit: Commencing at the southeast corner of township 151 north, of range 81 west of the 5th

principal meridian; thence running north and along the 11th guide meridian, and between 80 and 81 west, to the northeast corner of township 158 north, of range 81 west; thence running west along the line between townships 158 and 159 north, to the northwest corner of township 158 north of range 85 west; thence running south and along the line between the ranges 85 and 86 west, to the township line between the townships 157 and 158 north; thence running due west to the northwest corner of township 157 north of range 94 west; thence running south along the range line between ranges 94 and 95 west to the center of the main channel of the Missouri river; thence down and along the center of the main channel of the Missouri river to a point of intersection with the line between ranges 91 and 92 west; thence north to the northwest corner of township 150 north, of range 91 west; thence east along the line between townships 150 and 151 north, to the northeast corner of townships 150 north of range 81 west and to the place of beginning, and comprising the following townships, to-wit: Townships 151 and 152 north of ranges 81, 82, 83, 84, 85, 86 and 87 west; townships 153, 154, 155, 156, 157, north of ranges 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, west; township 158 north of ranges 81, 82, 83, 84 and 85, and that territory described and known as the Fort Berthold Indian reservation and excepting that part south and west of the Missouri river.

Sec. 3. Des Laes County. The county of Des Laes shall be comprised of the following townships, to-wit: Beginning at the northeast corner of township 157 north of range 86 west; thence running north along the range line between ranges 85 and 86 west to the northeast corner of township 159 north of range 86 west; thence running west along the township line between townships 159 and 160 north to the northeast corner of township 159 north of range 87 west; thence running north along the range line between ranges 86 and 87 west to the northeast corner of township 162 north of range 87 west; thence running west on the township line between townships 162 and 163 north to the northeast corner of township 162 north of range 88 west; thence running north along the range line between ranges 87 and 88 west to the international boundary line; thence running west along said international boundary line to the range line between ranges

94 and 95 west; thence running south along the range line between said ranges 94 and 95 west to the southwest corner of township 158 north of range 94 west; thence running east along the township line between townships 157 and 158 north to the northeast corner of township 157 north of range 86 west, and to the place of beginning, and comprising the following townships, towit: Townships 158 and 159 of range 86 west; and townships 158, 159, 160, 191 and 192, north of range 87, and townships 158, 159, 160, 161, 162, 163 and 164 north of ranges 88, 89, 90, 91, 92, 93 and 94, west of the 5th principal meridian.

Sec. 4. Renville County. The county of Renville shall be comprised of the following townships, towit: Beginning at the southwest corner of township 159 north of range 85 west; thence running north along the range line between ranges 85 and 86 west to the northeast corner of township 159 north of range 86 west; thence running west along the township line between townships 159 and 160 north to the southwest corner of township 160 north of range 86 west; thence running north along the range line between ranges 86 and 87 west to the northwest corner of township 162 north of range 86 west; thence running west along the township line between townships 162 and 163 north to the southwest corner of township 163 north of range 87 west; thence running north along range line between ranges 87 and 88 west to the international boundary line; thence running east on the international boundary line to the range line between ranges 81 and 82 west; thence running south along the said range line between ranges 81 and 82 west to the township line between townships 160 and 161 north; thence running east along the township line between townships 160 and 161 north to the northeast corner of township 160 north of range 81 west; thence running south along the range line between ranges 80 and 81 west to the southeast corner of township 159 north of range 81 west; thence running west along the township line between townships 158 and 159 north to the southwest corner of township 159 north of range 85 west and to the place of beginning, and comprising the following townships to-wit: Township 159 north of ranges 81, 82, 83, 84 and 85 west; township 160 north of ranges 81, 82, 83, 84, 85 and 86; townships 161 and 162 north of ranges 82, 83, 84, 85 and 86; townships 163 and 164 north of ranges 82, 83, 84, 85, 86 and 87.

Sec. 5. Bottineau County. County of Bottineau shall be comprised of the following townships to-wit: Beginning at the southwest corner of township 160 north of range 80 west; thence running north along the range line between ranges 80 and 81 west to the northwest corner of township 160 north of range 80 west; thence running west along the township line between townships 160 and 161 north to the southwest corner of township 161 north of range 81 west; thence running north along the range line between ranges 81 and 82 west to the international boundary line; thence running east on the international boundary line to the northeast corner of township 164 north of range 74 west; thence running south along the range line between ranges 73 and 74 west to the southeast corner of township 159 north of range 74 west; thence running west along the range line between townships 158 and 159 north to the southwest corner of township 159 north of range 75 west; thence running north along the range line between ranges 75 and 76 west to the northwest corner of township 159 north of range 75 west; thence running west along township line between townships 159 and 160 to the southwest corner of township 160 north of range 80 west and to the place of beginning, and comprising the following townships, to-wit: Township 159 north of ranges 74 and 75 west; township 160 north of ranges 74, 75, 76, 77, 78, 79 and 80; townships 161, 162, 163 and 164 north of ranges 74, 75, 76, 77, 78, 79, 80 and 81 west.

Sec. 6. At the general election to occur in the year 1906, in case the petition provided for in section 7 of this act shall then have been filed as therein required, there shall be submitted to the legal voters of the counties of Ward and Bottineau in the state of North Dakota, the question of changing and defining the boundary lines of Ward and Bottineau counties and creating from a part of the territory within the county of Ward, as it now exists, a county to be known and named as Des Laes county and out of the counties of Ward and Bottineau as they now exist a county to be known and named as Renville county, the boundary lines of each of the said counties to be as hereinbefore defined; and if a majority of all the votes cast at said election shall be in favor of changing the boundary lines of the counties of Ward and Bottineau and the creation of the counties of Des Laes and Renville then the counties of Ward and Bottineau

shall be thereafter composed of the territory and be bounded by the lines hereinbefore specified, and the counties of Des Lacs and Renville shall be thereby created as such with boundaries as hereinbefore defined. Provided, that the question of changing the boundary lines of Ward county as they now exist and the creation of Des Lacs county as defined in this act shall be determined by a majority of the votes cast at such election in the county of Ward alone and independent of the question of changing the boundary lines of the county of Bottineau and the formation of the county of Renville.

Sec. 7. The board of county commissioners of Ward and Bottineau upon receiving a petition signed by a majority of all the legal voters residing within the territory to be stricken from the counties of Ward and Bottineau and formed into the counties of Des Lacs and Renville praying for the change in the boundary lines of Ward and Bottineau counties and the creation of Des Lacs and Renville counties in conformity with the boundary lines hereinbefore specified, which petition shall be filed at least sixty days before the general election in the year 1906, shall direct the county auditors of their respective counties to give notice at the time of giving of notice of the general election to be holden in the year 1906, as follows:

In the county of Ward the question of changing the boundary lines of Ward county and the formation and creation of the county of Des Lacs and also the question of the changing of the boundary line of the counties of Ward and Bottineau and of the formation of the counties of Des Lacs and Renville in conformity with the boundary line hereinbefore defined.

In the county of Bottineau the question of changing the boundary line of the counties of Ward and Bottineau and the creation of the county of Renville as hereinbefore defined.

And thereafter the said board of county commissioners and county auditors shall proceed to submit the questions hereinbefore specified to the voters at said election and make all arrangements for the submission to the voters of said question and the canvassing of the vote cast on said questions in the same manner as is now provided by law for the submission of like questions to the voters at general elections and in the event that the questions so submitted,

or either of them, shall carry by an affirmative vote as provided for in this act, then the governor shall appoint county commissioners as provided for in section 1855 of the revised code of the state of North Dakota and article 3 of chapter 26 of the revised code of North Dakota not inconsistent with the provisions of this act shall be applicable to the counties affected by this act.

Sec. 8. That all acts or parts of acts in conflict or inconsistent with this act shall not be operative so as to conflict with the provisions of this act.

And when so amended recommend the same do pass.

C. B. LITTLE,
Chairman.

Mr. Little moved

That the report be adopted,

Which motion prevailed, and

The report of the committee 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. 161,

A bill for an act relating to banks and banking, providing for the organization, management, control, regulation and supervision of banking corporations, providing penalties for the violation of the provisions of the same, and repealing laws inconsistent therewith.

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

ED. PIERCE,
Chairman.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred

Senate Bill No. 7,

A bill for an act to amend chapter 4 of the laws of 1903, relating to procedure in civil actions in justice court.

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

By inserting the words "in a county contiguous to that of his residence" in line 16 of section 1 of the printed bill after the word "summons" in said line.

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 of the committee 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. 128,

A bill for an act to amend section 1114 of the revised codes of North Dakota, 1899, relating to the duty of supervisors.

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

In line 30 of section 1, after the word "or," strike out the word "type."

And when so amended recommend that the same do pass.

J. D. BACON,
Chairman.

Mr. Bacon moved

That the report be adopted,
Which motion prevailed, and

The report of the committee was adopted.

The committee on warehouse, grain and grain grading made the following report:

Mr. President:

Your committee on warehouse, grain and grain grading to whom was referred

Senate concurrent resolution relating to grain inspection,

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

A. J. KIRKEIDE,
Chairman.

Also,

House concurrent resolution relating to grain screenings,

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

After the words "gram screenings" in line 26, insert the words "according to market value."

And when so amended recommend that the same do pass.

A. J. KIRKEIDE,
Chairman.

Mr. Kirkeide moved

That the report be adopted,

Which motion prevailed, and

The report of the committee 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 to amend section 6771 of the revised codes of this state, relating to appeals in civil actions in justice's courts.

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

By inserting the words "and such fact appears by the return of the sheriff filed with the justice" in line 14 of section 1 of the printed bill between the words "found" and "and"

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 of the committee 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 concurrent resolution amending section 158 of the constitution of the state of North Dakota, relating to the sale of university and school lands.

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
 And the further consideration of the bill was indefinitely postponed.

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 providing for procuring of official bonds of state officers and for acceptance of bids therefor, and the payment of premiums upon same.

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

By adding between line 15 and line 16 of section 1 of the printed bill the words "Deputy State Auditor" in the same form as the preceding officers, and between lines 16 and 17 the words "Deputy commissioner of Insurance" in the same form, and between lines 21 and 22 the words "Deputy Land Commissioner" and between lines 24 and 25 the words "Deputy Superintendent of Public Instruction."

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 of the committee was adopted.

The committee on warehouse, grain and grain grading made the following report:

Mr. President:

Your committee on warehouse, grain and grain grading to whom was referred

Senate Bill No. 95,

A bill for an act to amend sections 1787, 1788, 1789 of the revised codes of North Dakota, 1899, relating to public warehouses.

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

A. J. KIRKEIDE,
 Chairman.

REPORT OF SELECT COMMITTEE.

The senate select committee on the observation of a John M. Cochrane memorial day, made the following report:

Mr. President:

Your committee on the observation of a "John M. Cochrane memorial day" begs leave to report as follows:

That Wednesday, February 15th, has been selected as the date for the observing of the memorial; that the legislature will meet in joint session at the hour of 1:30 p. m., for that purpose; that addresses will be delivered by the Rev. Father Conaty and the Hon. Tracy R. Bangs of Grand Forks; the Hons. R. N. Stevens of Burleigh, and Leslie A. Simpson of Stark and Mr. S. G. Skulason, a former law student of the University of North Dakota.

MAYNARD CRANE,

Chairman.

Mr. Crane moved

That the report be adopted,

Which motion prevailed, and

That the report of the committee be adopted

MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,

BISMARCK, NORTH DAKOTA,

February 11, 1905.

Mr. President:

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

CONCURRENT RESOLUTION.

Whereas, It is represented to this legislative assembly that there is a vacancy in one of the federal judicial districts of Alaska, and

Whereas, The state of North Dakota has in the person of the Honorable Ormsby McHarg, of Jamestown, N. D., a young man of integrity, of excellent character and education, and possessing fine legal attainments, thoroughly qualified and able to fill this important position, with honor to himself and distinction to his state and country; and,

Whereas, He has always been found faithful to any trust imposed in him, and an ardent supporter of his political creed, that of the republican party; and,

Whereas, He has in his official capacity been active and of valuable assistance to the old soldiers of the state and nation, whose cause he has labored for intelligently and assiduously; therefore, be it

Resolved, by the House of Representatives of the Ninth Legislative Assembly, the Senate concurring, That the senators and representatives of this

state are hereby requested to use their earnest endeavors to secure the appointment of the Honorable Ormsby McHarg as judge of the said judicial district of Alaska. And that we further commend him to His Excellency Theodore Roosevelt, president of the United States, as a person, eminently qualified to accept this important position.

Resolved further, That the secretary of state be, and hereby is requested to forward to His Excellency, President Theodore Roosevelt, and to the Honorable H. C. Hansbrough, Honorable Porter J. McCumber, Honorable Thomas F. Marshall, and Honorable Burleigh F. Spalding, duly certified copies of this resolution.

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

Very respectfully,
 OTTO SOUGSTAD,
 Chief Clerk.

MOTIONS AND RESOLUTIONS.

Mr Crane offered the following:

CONCURRENT RESOLUTION.

Resolved by the Senate, the house of Representatives concurring, That their respective presiding officers unite in extending to the Hon. Wm. Jennings Bryan—twice the candidate for the presidency of the great minority party of this republic—an invitation to address in joint session the ninth legislative assembly of North Dakota on the occasion of his visit to our capitol city about February 17, 1905.

Mr. Crane moved

That the resolution be adopted.

Which motion prevailed, and

The resolution was adopted.

Mr. Bacon moved

That the vote by which the report of the committee on cities and municipal corporations on

Senate Bill No. 111,

A bill for an act requiring the boards of county commissioners throughout the state of North Dakota to advertise for bids for publication of the auditor's notice of sale of real estate for delinquent taxes.

Was adopted, be reconsidered and the bill be re-referred to the committee on municipal corporations.

Which motion prevailed, and

The bill was so referred.

Mr. Brown moved

That the senate concurrent resolution relating to grain inspection and the creation of a grain and warehouse commission at the city of Superior, Wisconsin, be adopted.

Which motion prevailed, and
The resolution was adopted.

Mr. Cashel moved

That the vote by which the report of the committee on
judiciary on

Senate Bill No. 87,

A bill for an act to amend chapter 118 of the laws of 1901,
being an amendment of section 4680 of the revised codes, re-
lating to liens in general.

Was adopted, be reconsidered and the bill be re-referred
to the committee on judiciary.

Which motion prevailed, and

Senate Bill No. 87 was so referred.

Mr. Little moved

That all bills for first reading today receive their first and
second reading and reference.

Which motion prevailed.

Mr. Little moved

That the senate concur in the house concurrent resolution
referring to Hon. Ormsby McHarg.

Which motion prevailed, and

The resolution was concurred in.

EXECUTIVE SESSION.

Mr. Sharpe moved

That the senate do now go into executive session to con-
sider the sealed message from the governor.

Which motion prevailed, and

The senate went into executive session.

In open session announcement of the confirmation of the
following nomination, by the governor, was announced:

STATE EXAMINER.

As state examiner for the unexpired term of Evan S.
Tyler, resigned, and for the term of two years from the
21st day of March, 1905: D. K. Brightbill, of Towner
county.

OPEN SESSION.

The secretary announced that the president was about to
sign

House Bill No. 7,

A bill for an act to fix the dates for holding terms of the district court in the counties of Emmons and McLean.

Also,

House Bill No. 45,

A bill for an act prohibiting the secreting of any stone, wood, iron, or other substance in any sheaf, shock, pile, load, or stack of grain, that might or could injure or destroy any threshing machine or cause the death or injury to any person, or any damage to personal property and prescribing the measure of damages that may be recovered and prescribing punishment for the violation of the provisions hereof.

Also,

Senate Bill No. 8,

A bill for an act to provide police for towns and villages not organized, and provide revenue to support the same.

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,
February 11, 1905.

Mr. President:

I have the honor to transmit herewith

House Bill No. 80,

A bill for an act to amend sections 3003, 3006 and 3008 of the revised codes of 1899, relating to powers and duties of the commissioners of railroads.

Also,

House Bill No. 81,

A bill for an act to provide for copies of the assessment rolls to be furnished township clerks by the county auditor.

Also,

House Bill No. 67,

A bill for an act taxing grain in elevators, warehouses and granaries at a fixed rate.

Also,

House Bill No. 77,

A bill for an act to correct errors in town, village or city plats.

Also,

House Bill No. 66,

A bill for an act to amend section 1191 of the revised codes, relating to the assessment of personal property.

Also,

House Bill No. 69,

A bill for an act to provide for the organization of mutual insurance companies for the purpose of insuring against loss to pure bred registered live stock, by reason of the death of the property insured.

Also,

House Bill No. 113,

A bill for an act to cure defective acknowledgments.

Also,

House Bill No. 115,

A bill for an act to amend section 1 of chapter 162 of the laws of 1903, relating to the expenditure of money by contract for road improvements in counties organized into civil townships, and in counties not so organized, and prescribing the duties of supervisors of townships and boards of county commissioners with reference thereto; also to repeal sections 2 and 3 of said chapter.

Also,

House Bill No. 47,

A bill for an act to amend chapter 21 of the political code of North Dakota, relating to drains.

Also,

House Bill No. 153,

A bill for an act to repeal chapter 122 of the laws of 1903, and section 4795 of the revised codes, relating to sales of buildings upon foreclosure of mechanics liens thereon.

Also,

House Bill No. 159,

A bill for an act to amend section 1030 of the revised codes of 1899, relating to public institutions.

Also,

House Bill No. 163,

A bill for an act fixing the time of holding the term of the district court in the county of McIntosh.

Also,

House Bill No. 120,

A bill for an act to fix dates for holding term of district court in the county of Billings.

Also,

House Bill No. 160,

A bill for an act to amend section 1791 of the revised codes of 1899, relating to public warehouses.

Also,

House Bill No. 162,

A bill for an act to amend section 286 of the revised codes of North Dakota of 1899, relating to the registration of pharmacists.

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

Also,

Senate Bill No. 84,

A bill for an act to amend and re-enact section 6644 of the revised codes of North Dakota for the year 1899, relating to appearance in justice courts.

Also,

Senate Bill No. 64,

A bill for an act to amend and re-enact chapter 127, laws of 1903, relating to the bonding of certain officers.

Also,

Senate Bill No. 43,

A bill for an act regulating the fees to be charged and collected by the register of deeds.

Which the house has indefinitely postponed.

Very respectfully,

OTTO SOUGSTAD,

Chief Clerk.

INTRODUCTION, FIRST AND SECOND READING OF SENATE BILLS.

Mr. Taylor introduced

Senate Bill No. 174,

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.

Mr Herbrandson introduced

Senate Bill No. 175,

A bill for an act to amend section 704 of chapter 83 of the session laws of the state of North Dakota for the year 1903, relating to education.

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

The Senate Joint Special Committee introduced
Senate Bill No. 176,

A bill for an act providing for the amount of clerk hire to be allowed various state offices, and making an appropriation therefor.

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

Mr. Young introduced
Senate Bill No. 177,

A bill for an act providing for the recommendation by the governor of North Dakota of a member of the grain and warehouse commission for the city of Superior, Wisconsin, and providing for his compensation for the period of two years.

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

Mr. Swenson introduced
Senate Bill No. 178,

A bill for an act to amend section 4064 of the revised codes of North Dakota, 1899, relating to usury.

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

Mr. Fox introduced
Senate Bill No. 179,

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 Lewis and Clark Centennial and Pacific Exposition and Oriental Fair to be held at Portland, Oregon, in 1905, and providing for a board of commissioners therefor, and making an appropriation for that purpose.

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

Mr. Bacon introduced
Senate Bill No. 180,

A bill for an act creating park districts, and for the government thereof, creating a board of park commissioners,

conferring power and authority upon such board and district, and providing rules for the government thereof.

Which was read the first and second times and

Referred to the committee on cities and municipal corporations.

Mr. Crane introduced

Senate Bill No. 181,

A bill for an act to regulate the transportation of persons by common carriers operating railroads within or through the state of North Dakota, and the furnishing and use of free transportation.

Which was read the first and second times and

Referred to the committee on railroads.

Joint Senate Special Committee introduced

Senate Bill No. 182,

A bill for an act to amend and re-enact section 181 of the revised codes of North Dakota for the year 1899, relating to deputy land commissioner and fixing the salary of such officer.

Which was read the first and second times and

Referred to the committee on appropriations.

Mr. Little introduced

Senate Bill No. 183,

A bill for an act to amend section 185 of the revised codes of North Dakota for 1899, relating to the publication of notices of sale of school and state lands.

Which was read the first and second times and

Referred to the committee on judiciary.

THIRD READING OF SENATE BILLS.

Senate Bill No. 33,

A bill for an act to provide for the census of enumeration of the inhabitants 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 32, nays none, absent and not voting 8.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bacon	Johnson of Walsh	Sharpe
Brown	Kirkeide	Sifton
Carroll	Kraabel	Stade
Cashel	Little	Steele

Messrs.—	Messrs.—	Messrs.—
Crane	Main	Swenson
Dyste	McArthur	Talcott
Garnett	McLean	Taylor
Hagen	Movius	Thatcher
Hanna	Pierce	Young
Herbrandson	Plain	Wagner
Johnson of McLean	Regan	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Benson	LaMoure	Spoonheim
Fox	Macdonald	Voss
Gulack	Simpson	

Messrs. Benson, Fox, Gulack, LaMoure, MacDonald, Simpson, Spoonheim and Voss being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 51,

A bill for an act to amend section 8 and section 12 of chapter 108, session laws of 1903, entitled an act to establish an institution for the feeble minded and provide for its support and management.

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 11.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bacon	Johnson of Walsh	Spoonheim
Brown	Kirkeide	Stade
Carroll	Kraabel	Steele
Cashel	Little	Swenson
Crane	McArthur	Talcott
Dyste	McLean	Taylor
Hagen	Movius	Thatcher
Hanna	Pierce	Wagner
Herbrandson	Plain	Young
Johnson of McLean	Regan	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Benson	LaMoure	Sifton
Fox	Macdonald	Simpson
Garnett	Main	Voss
Gulack	Sharpe	

Messrs. Benson, Fox, Garnett, Gulack, LaMoure, MacDonald, Main, Sharpe, Sifton, Simpson and Voss being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 65,

A bill for an act to provide for consolidation or re-insurance of risks of life insurance companies or associations with or by companies or associations authorized to transact business within the state, and providing a plan for such consolidation or re-insurance.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 30, nays none, absent and not voting 10.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bacon	Kraabel	Simpson
Brown	Little	Spoonheim
Carroll	Main	Stade
Cashel	McArthur	Steele
Crane	McLean	Swenson
Dyste	Movius	Talcott
Hanna	Pierce	Taylor
Herbrandson	Plain	Thatcher
Johnson of Walsh	Regan	Wagner
Kirkeide	Sifton	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Benson	Hagen	Macdonald
Fox	Johnson of McLean	Sharpe
Garnett	LaMoure	Voss
Gulack		

Messrs. Benson, Fox, Garnett, Gulack, Hagen, Johnson of McLean, LaMoure, MacDonald, Sharpe and Voss being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 103,

A bill for an act to amend and re-enact section 3134 of chapter 14 of the revised codes of 1899, relating to the organization of county mutual fire insurance companies.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 31, nays none, absent and not voting 9.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bacon	Kirkeide	Sifton
Brown	Kraabel	Spoonheim
Carroll	Little	Stade
Cashel	Main	Steele
Crane	McArthur	Swenson

Messrs.—	Messrs.—	Messrs.—
Dyste	McLean	Talcott
Garnett	Movius	Taylor
Hagen	Pierce	Thatcher
Hanna	Plain	Wagner
Herbrandson	Regan	Young
Johnson of Walsh	Sharpe	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Benson	Johnson of McLean	Simpson
Fox	LaMoure	Voss
Gulack	Macdonald	

Messrs. Benson, Fox, Gulack, Johnson of McLean, LaMoure, MacDonald, Simpson, Steele and Voss being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 108,

A bill for an act to prevent monopoly and for the protection of traders.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 32, nays none, absent and not voting 8.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bacon	Johnson of Walsh	Sharpe
Benson	Kirkeide	Sifton
Brown	Kraabel	Spoonheim
Carroll	Little	Stade
Cashel	Main	Swenson
Crane	McArthur	Talcott
Dyste	McLean	Taylor
Garnett	Movius	Thatcher
Hagen	Pierce	Wagner
Hanna	Plain	Young
Herbrandson	Regan	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Fox	LaMoure	Steele
Gulack	Macdonald	Voss
Johnson of McLean	Simpson	

Messrs. Fox, Gulack, Johnson of McLean, LaMoure, MacDonald, Simpson, Steele and Voss being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 110,

A bill for an act to limit the time within which an action may be commenced, or a defense or counterclaim interposed, founded upon a claim of right to a homestead heretofore or hereafter conveyed or incumbered, otherwise than

as provided by the law in force at the time of the execution of the conveyance or incumbrance thereof.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 31, nays none, absent and not voting 9.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bacon	Kirkeide	Sharpe
Brown	Kraabel	Sifton
Cashel	Little	Spoonheim
Crane	Main	Stade
Dyste	McArthur	Swenson
Fox	McLean	Talcott
Garnett	Movius	Taylor
Hagen	Pierce	Thatcher
Hanna	Plain	Wagner
Herbrandson	Regan	Young
Johnson of Walsh		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Benson	Johnson of McLean	Simpson
Carroll	LaMoure	Steele
Gulack	Macdonald	Voss

Messrs. Benson, Carroll, Gulack, Johnson of McLean, LaMoure, MacDonald, Simpson, Steele and Voss being excused.

So the bill passed and the title was agreed to.

FIRST AND SECOND READING OF HOUSE BILLS

House Bill No. 80,

A bill for an act to amend sections 3003, 3006 and 3008 of the revised codes of 1899, relating to powers and duties of the commisioners of railroads.

Was read the first and second times and

Referred to the committee on railroads.

House Bill No. 81,

A bill for an act to provide for copies of the assessment rolls to be furnished township clerks by the county auditor.

Was read the first and second times, and

Referred to the committee on ways and means.

House Bill No. 67,

A bill for an act taxing grain in elevators, warehouses and granaries at a fixed rate.

Was read the first and second times, and

Referred to the committee on ways and means.

House Bill No. 77,

A bill for an act to correct errors in town, village or city plats.

Was read the first and second times, and

Referred to the committee on judiciary.

House Bill No. 66,

A bill for an act to amend section 1191 of the revised codes, relating to the assessment of personal property.

Was read the first and second time, and

Referred to the committee on ways and means.

House Bill No. 120,

A bill for an act to fix dates for holding term of district court in the county of Billings.

Was read the first and second time, and

Referred to the committee on judiciary.

House Bill No. 69,

A bill for an act to provide for the organization of mutual insurance companies for the purpose of insuring against loss to pure bred registered live stock, by reason of

Was read the first and second times and

Referred to the committee on insurance.

House Bill No. 47,

A bill for an act to amend chapter 21 of the political code of North Dakota, relating to drains.

Was read the first and second time, and

Referred to the committee on highways and bridges.

House Bill No. 160,

A bill for an act to amend section 1791 of the revised codes of 1899, relating to public warehouses.

Was read the first and second times and

Referred to the committee on grain and grain grading.

House Bill No. 113,

A bill for an act to cure defective acknowledgments.

Was read the first and second time, and

Referred to the committee on judiciary.

House Bill No. 163,

A bill for an act fixing the time of holding the term of the district court in the county of McIntosh.

Was read the first and second times, and

Referred to the committee on judiciary.

House Bill No. 162,

A bill for an act to amend section 286 of the revised codes of North Dakota of 1899, relating to the registration of pharmacists.

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

House Bill No. 153,

A bill for an act to repeal chapter 122 of the laws of 1903, and section 4795 of the revised codes, relating to sales of buildings upon foreclosure of mechanics liens thereon.

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

House Bill No. 115,

A bill for an act to amend section 1 of chapter 162 of the laws of 1903, relating to the expenditure of money by contract for road improvements in counties organized into civil townships, and in counties not so organized, and prescribing the duties of supervisors of townships and boards of county commissioners with reference thereto; also to repeal sections 2 and 3 of said chapter.

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

House Bill No. 159,

A bill for an act to amend section 1030 of the revised codes of 1899, relating to public institutions.

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

THIRD READING OF HOUSE BILLS.

House Bill No. 28,

A bill for an act to prevent fraud in the sale of formaldehyde used as a fungicide, prescribing a penalty for the violation, providing for the inspection and analysis of same, charging the North Dakota Government Agriculture experiment station with the duty thereof, and charging the state's attorney with the enforcement thereof.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 33, nays none, absent and not voting 7.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bacon	Johnson of McLean	Regan
Benson	Johnson of Walsh	Sharpe
Brown	Kirkeide	Sifton
Cashel	Kraabel	Simpson
Crane	Little	Stade
Dyste	Main	Swenson
Fox	McArthur	Talcott
Garnett	McLean	Taylor
Hagen	Movius	Thatcher
Hanna	Pierce	Wagner
Herbrandson	Plain	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Carroll	Macdonald	Voss
Gulack	Spoonheim	
LaMoure	Steele	

Messrs. Carroll, Gulack, LaMoure, MacDonald, Spoonheim, Steele and Voss being excused.

So the bill passed and the title was agreed to.

House Bill No. 30,

A bill for an act to amend section 441 of 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 34, nays none, absent and not voting 6.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bacon	Johnson of McLean	Regan
Benson	Johnson of Walsh	Sharpe
Brown	Kirkeide	Sifton
Cashel	Kraabel	Simpson
Crane	Little	Stade
Dyste	Main	Swenson
Fox	McArthur	Talcott
Garnett	McLean	Taylor
Gulack	Movius	Thatcher
Hagen	Pierce	Wagner
Hanna	Plain	Young
Herbrandson		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Carroll	Macdonald	Steele
LaMoure	Spoonheim	Voss

Messrs. Carroll, LaMoure, MacDonald, Spoonheim, Steele and Voss being excused.

So the bill passed and the title was agreed to.

House Bill No. 37,

A bill for an act granting the consent and permission of the state of North Dakota to the construction and maintenance of highway across, within, under and through the water of Des Lac Lake, on township line between the townships 161 and 162 in Ward county, North Dakota.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 32, nays none, absent and not voting 8.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bacon	Johnson of Walsh	Sharpe
Brown	Kirkeide	Sifton
Cashel	Kraabel	Simpson
Crane	Little	Stade
Dyste	Main	Swenson
Fox	McArthur	Talcott
Garnett	McLean	Taylor
Hagen	Movius	Thatcher
Hanna	Pierce	Wagner
Herbrandson	Plain	Young
Johnson of McLean	Regan	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Benson	LaMoure	Steele
Carroll	Macdonald	Voss
Gulack	Spoonheim	

Messrs. Benson, Carroll, Gulack, LaMoure, MacDonald, Spoonheim, Steele and Voss being excused.

So the bill passed and the title was agreed to.

Mr. Simpson moved

That the senate do now adjourn until Tuesday, February 14, 1905, at 2 o'clock p. m.

Which motion prevailed, and

The senate adjourned.

L. M. McGLASHAN,
Secretary.

FORTY-THIRD DAY.

SENATE CHAMBER.

BISMARCK, NORTH DAKOTA,

February 14, 1905.

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. Gulack, Johnson of McLean, Macdonald and Simpson, who were excused.

The courtesies of the floor were extended to the following: A. L. Wall, Morton Page, L. R. Carroll, John Morgan, M. L. Rude, A. L. Peart, T. R. Peart, W. L. Gill, Walter Phillips, A. T. Burgum, and G. L. Elken.

Mr. Stade presented the following petition.

To the Honorable Senators and Representatives of the Legislature of the State of North Dakota:

The undersigned respectfully urge the defeat of House Bill No. 119, providing for creating normal schools into normal colleges with degree granting powers and making the heads of normal schools members of the state high school board.

We would respectfully represent that the effect of this bill will be to reduce the state university to the condition of a normal school, preventing the growth of our state university, rendering it incapable of competing with the great universities of the land.

We are of the opinion that anything that goes to lessen the influence of the university, or detract from it, will act as a detriment to the higher educational interests of the state instead of securing the degree of good that other states do through the liberality of the citizens and the intelligence of its legislators where no effort has been spared to build up the state university.

We think it is evident that a bill which tends to create three state universities instead of one must necessarily result in rendering them all inferior to what we might expect from one grand state university. The result of this legislation would be a detriment to all educational interests throughout the state and would, without increasing the effectiveness, greatly increase the public expense. We, therefore, urge the defeat of House Bill No. 119.

HENRY HALE
and 49 others.

Mr. Swenson presented the following petition:

Honored Sir:—We, the undersigned, freeholders and taxpayers of Nelson county, North Dakota, having been informed that the Torren's land title system, similar in form as that adopted by the state of Illinois, will be brought up for passage before this session of the legislature, we beg to inform you that we fully believe that it would be to the best interest of all property owners in the state to have this bill become a law and go into effect as soon as possible. Any effort on your part to bring this about will be appreciated by the undersigned.

M. T. SCARFF
And 43 others.

REPORT OF STANDING COMMITTEES.

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

Mr. President:

Your committee on engrossed and enrolled bills have examined

Senate Bill No. 143,

A bill for an act to amend section 1925 of chapter 26 of the revised codes of 1899, relating to contracts for county buildings and improvements.

Also,

Senate Bill No. 48,

A bill for an act to amend section 1270 of the revised codes of 1899, with reference to void tax sales, void taxes and repayment of the same.

Also,

Senate Bill No. 147,

A resolution to transfer certain funds apportioned to the school of forestry at Bottineau to the industrial school and school for manual training at Ellendale.

Also,

Senate Bill No. 46,

A bill for an act to amend sections 370, 652, 653, 657, 695, 757 and 761 of the revised codes of 1899.

Also,

Senate Bill No. 85,

A bill for an act to amend and re-enact section 6213 of the revised codes of North Dakota for the year 1899, relating to appearance in county courts.

Also,

Senate Bill No. 55,

A bill for an act to re-enact section 2526 of the revised codes of 1897, relating to organization of townships.

Also,

Senate Bill No. 97,

A bill for an act authorizing county commissioners in counties having a regular organized live stock protective association to create a special fund and to appropriate and set aside moneys to be expended and used for the protection of live stock from theft.

Also,

Senate Bill No. 120,

A bill for an act providing for the procuring of official bonds of county officers, and for acceptance of bids therefor, and payment of premiums on same.

Also,

Senate Bill No. 138,

A bill for an act to amend section 1804 of the revised codes of 1899, prescribing the qualifications of a legal newspaper, and defining certain duties.

Also,

Senate Bill No. 142,

A bill for an act to provide for paving, curbing or macadamizing the highways in civil townships adjoining incorporated cities of not less than 6,000 inhabitants, and for the construction of sewers and water mains therein, connecting with such city sewers and water mains.

Also,

Senate Bill No. 133,

A bill for a concurrent resolution amending the constitution of the state of North Dakota, relating to the sale of university and school lands.

Also,

Senate Bill No. 61,

A bill for an act to provide for the care and disposition of estates of deceased inmates of the soldiers' home.

Also,

Senate Bill No. 3,

A bill for an act fixing the salaries and providing for the payment of the necessary expenses for the judges of the district court of the state of North Dakota.

Also,

Senate Bill No. 107,

A bill for an act relating to the expenditure of county funds.

And find the same correctly engrossed.

GEO. M. YOUNG,
Chairman.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred
Senate Bill No. 183,

A bill for an act to amend section 185 of the revised codes of North Dakota for 1899, relating to the publication of notices of sale of school and state lands.

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

Also,

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred
Senate Bill No. 149,

A bill for an act to amend sections 5908 and 5909, of the revised codes of 1899, as amended by section 1, of chapter 5, of the laws of 1901, relating to unknown persons defendant in certain actions and service of summons upon the same.

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

Also,

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred
Senate Bill No. 131,

A bill for an act creating liens on crops of persons buying twine on credit.

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 of the committee was adopted.

And further consideration of the bill was indefinitely postponed.

Also,

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred
Senate Bill No. 158,

A bill for an act to amend section 1, of chapter 162, of the session laws of 1901, being an act to empower the board of county commissioners to offset due or delinquent taxes due from any person, corporation or society in whose behalf the indebtedness has accrued against such county.

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

Also,

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred
Senate Bill No. 99,

A bill for an act to legalize the execution and acknowledgment of certain deeds, mortgages and other instruments in writing, and the record thereof, and making the same or certified copies thereof admissible in evidence.

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

By striking out the words "or personal" in line 4 of section 1 of the printed bill, and by striking out all of section 4 of the act.

And when so amended recommend that the same do pass.

C. B. LITTLE,
Chairman.

Mr. Little moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred
Senate Bill No. 150,

A bill for an act to ratify and confirm the conveyance of

the family homestead in any case in which the same has been heretofore deeded by both husband and wife in separate instruments, neither having joined in the deed with the other, where the respective deeds purport to convey to the same persons or their grantees, and validating such deeds.

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

Also,

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred
Senate Bill No. 83,

A bill for an act to amend section 7460a of the revised codes, relating to reward for conviction of persons for stealing live stock.

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 of the committee was adopted.

And further consideration of the bill was indefinitely postponed.

The committee on appropriations made the following report:

Mr. President:

Your committee on appropriations to whom was referred

Senate Bill No. 132,

A bill for an act to amend section 2911 of the revised codes, relating to changing corporate headquarters.

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

JUDSON LAMOURE,
Chairman.

The committee on insurance made the following report:

Mr. President:

Your committee on insurance to whom was referred

Senate Bill No. 60,

A bill for an act to provide for the organization and regulation of domestic mutual insurance companies.

Have had the same under consideration and recommend that the same be indefinitely postponed.

J. AUSTIN REGAN,
Chairman.

Mr. Regan moved

That the report be adopted,

Which motion prevailed, and

The report of the committee was adopted.

And further consideration of the bill was indefinitely postponed.

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. 105,

A bill for an act to change county lines of Ward county, division of Ward county, North Dakota, and creating the counties of Bowbells, Kenmare, Black and Renville therefrom; defining the boundary lines thereof and providing for submission of the provisions of this act to vote of the electors of the territory affected thereby.

Also,

Senate Bill No. 128,

A bill for an act to amend section 1114 of the revised codes of North Dakota, 1899, relating to the duty of supervisors.

Also,

Senate Bill No. 134,

A bill for an act to allow township boards to perpetuate the government surveys, and to authorize the erection of permanent monuments on section corners, and providing penalties for the destruction of, damage to, or removing of monuments when so erected.

Also,

Senate Bill No. 136,

A bill for an act to amend section 6771 of the revised

codes of this state, relating to appeals in civil actions in justice's courts.

And find the same correctly engrossed.

GEO. M. YOUNG,
Chairman.

MOTIONS AND RESOLUTIONS.

Mr. Hagen moved

That House Bill No. 73 be recommitted to the committee on highways and bridges.

The motion prevailed, and

The bill was so referred.

Mr. Cashel moved

That all senate bills introduced today receive their first and second reading and reference.

Which motion prevailed.

Mr. Crane moved

That Senate Bill No. 63 be referred to the committee on judiciary.

The motion prevailed, and

The bill was so referred.

Mr. Hanna offered the following:

CONCURRENT RESOLUTION

Be it resolved by the Senate of the state of North Dakota, the House concurring:

That the legislature of the state of North Dakota, having enacted laws for the protection of the people against adulterated, misbranded and deleterious foods, drugs and medicines, realizing the necessity for adequate legislation by congress to protect the states against interstate commerce which is beyond the control of the state, in such prohibited articles, does hereby memorialize the senate of the United States to speedily enact efficient legislation prohibiting interstate commerce in adulterated, misbranded and deleterious foods, drugs and medicines to the end that the laws of our state relative thereto may be more effective.

And further, that copies of this resolution shall be forwarded by the secretary of state to the members of the United States senate and the members of congress representing this state of North Dakota.

Mr. Hanna moved

That the resolution be adopted.

Which motion prevailed, and

The resolution was adopted.

CONSIDERATION OF MESSAGE FROM THE HOUSE.

The following house concurrent resolution transmitted from the house on the 31st day, was laid before the senate:

Whereas, For many years the farmers and grain growers of North Dakota have been raising wheat and other grain and have been docked for the dirt and small seed and small grain contained therein, and

Whereas, The grain is shipped to Minneapolis and Duluth and there these seed screenings are sold to men who use them for the purpose of feeding sheep, and ground into feed and for other purposes, and

Whereas, There is a steady market for all of the screenings from wheat and flax and barley and oats for the purpose of feeding thousands of sheep and at prices running from eight to fourteen dollars per ton, and

Whereas, The farmers and grain growers of North Dakota have never received one cent for these screenings, but in fact have paid the freight and have delivered them in Minneapolis and Duluth, and

Whereas, It is believed that the farmers are as much entitled to receive pay for these screenings as they are for the grain itself, now, therefore, be it

Resolved, by the House of Representatives, the Senate concurring, That we hereby petition the senate and house of representatives of Minnesota to pass such a law as will require the commission men, terminals, elevators and mills to make returns for, and to pay for these wheat and other grain screenings according to market value, the same as they do for the grain itself. Further, be it

Resolved, That a copy of these concurrent resolutions be sent to the speaker of the house and to the president of the senate at St. Paul with request that action along these lines may be taken.

Mr. Hanna moved

That the senate concur in the resolution.

The motion prevailed, and

The resolution was concurred in.

MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 14, 1905.

Mr. President:

I have the honor to inform the senate that the house has concurred in the following senate concurrent resolution relating to Senate Bill No. 105 of the Wisconsin legislature.

CONCURRENT RESOLUTION

WHEREAS, General dissatisfaction exists among the grain growers of the State of North Dakota, with the Minnesota inspection and grading of grain—frequently grain grown on the same quarter section of land, with conditions alike, shipped in different cars, received grades and dockage widely apart, thus proving the inefficiency of the law or the incompetency of those chosen to administer it; and

WHEREAS, It is to the interest of the farmers of this state to have competing markets for their grain; and

WHEREAS, There is now pending in the senate of the state of Wisconsin a bill—being Senate Bill No. 105—creating a

grain and warehouse commission for the state of Wisconsin, and providing for licensing and regulating warehouses and elevators, and for the storage, weighing and inspection of grain in the city of Superior and conditionally at other terminal points in said state; and

WHEREAS, Said bill provides that a commission of three shall be appointed by the governor of the state of Wisconsin, one of such by the request of the governor of the state of North Dakota, a second by the governor of the state of New York and the third by the board of trade of the city of Superior, Wis.; and

WHEREAS, The state of Wisconsin, particularly the city of Superior, has in the past labored diligently to give this state a competing market; therefore be it

Resolved, By the Senate, the House of Representatives concurring, that we are in full accord with said Senate Bill No. 105 and earnestly request and urge its passage, thereby creating a grain and warehouse commission at the city of Superior, Wis., thus giving to the farmers of this state a strong competing market in which to dispose of their grains; and be it further

Resolved, That copies of this concurrent resolution be sent to the secretary of state and the president of the senate of the state of Wisconsin.

Also,

That the house has concurred in the following senate concurrent resolution relating to an invitation to Hon. W. J. Bryan to address the ninth legislative assembly:

CONCURRENT RESOLUTION.

Resolved by the Senate, the House of Representatives concurring, That their respective presiding officers unite in extending to the Hon. Wm. Jennings Bryan—twice the candidate for the presidency of the great minority party of this republic—an invitation to address in joint session the ninth legislative assembly of North Dakota on the occasion of his visit to our capitol city about February 17, 1905.

Very respectfully,

OTTO SOUGSTAD,

Chief Clerk.

INTRODUCTION, FIRST AND SECOND READING OF SENATE BILLS.

Mr. Bacon introduced

Senate Bill No. 184,

A bill for an act to amend sections 3532, 3533, 3534, 3535 and 3584, paragraph 2, of the revised codes of North Dakota,

1899, relating to the execution by corporations of instruments affecting titles to real estate, prescribing the manner of execution, and the form of acknowledgment, validating instruments heretofore executed and enacting other provisions relating thereto.

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

Mr. Steele introduced
Senate Bill No. 185,

A bill for an act to amend section 3574 of article III of chapter 37 of the civil code of the state of North Dakota, relating to proof and acknowledgement of instruments.

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

Mr. Sifton introduced
Senate Bill No. 186,

A bill for an act to amend section 1774 of the revised codes of the state of North Dakota for 1899, relating to abstractors.

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

Mr. LaMoure introduced
Senate Bill No. 187,

A bill for an act providing for the payment by the county of a portion of the expense whenever a person is sent to the hospital for the insane, to the institution for the feeble minded, the school for the deaf and dumb and to the blind asylum, and to provide for reimbursing said county.

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

Mr. Stade introduced
Senate Bill No. 188,

A bill for an act to amend and re-enact section 7068 of the revised codes of 1899, relating to punishment for murder in the first degree.

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

Mr. Stade introduced
Senate Bill No. 189,

A bill for an act to repeal sections 966b, 966c, 966d and 966e, and to amend and re-enact section 962 of the revised

codes of North Dakota, 1899, relating to the deaf and dumb asylum.

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

Mr. McArthur introduced
Senate Bill No. 190,

A bill for an act prohibiting corporations from making political contributions.

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

Mr. McArthur introduced
Senate Bill No. 191,

A bill for an act to amend and re-enact section 1146, revised codes of 1899, relating to roads in incorporated towns, villages and cities.

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

Mr. Hanna introduced
Senate Bill No. 192,

A bill for an act establishing and naming a state flower for the state of North Dakota.

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

Mr. Crane introduced
Senate Bill No. 193,

A bill for an act to amend section 1 of chapter 53 of session laws of 1901, relating to compensation of county commissioners and fixing the hours of meeting.

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

Mr. Regan introduced
Senate Bill No. 194,

A bill for an act to apportion the state into congressional districts.

Which was read the first and second times, and
And referred to the committee on apportionment.

THIRD READING OF SENATE BILLS.

Senate Bill No. 142,

A bill for an act to provide for paving, curbing or macadamizing the highways in civil townships adjoining incorpo-

rated cities of not less than 6,000 inhabitants, and for the construction of sewers and water mains therein, connecting with such city sewers and water mains.

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 1, absent and not voting 9.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Carroll	Kraabel	Spoonheim
Cashel	Little	Stade
Crane	Main	Steele
Dyste	McArthur	Swenson
Garnett	McLean	Talcott
Hagen	Pierce	Taylor
Hanna	Plain	Thatcher
Herbrandson	Regan	Voss
Johnson of Walsh	Sharpe	Wagner
Kirkeide	Sifton	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Bacon	Fox	Macdonald
Benson	Gulack	Movius
Brown	Johnson of McLean	Simpson

Messrs. Bacon, Benson, Brown, Fox, Gulack, Johnson of McLean, Macdonald, Movius and Simpson being excused.

Mr. LaMoure voting in the negative.

So the bill passed and the title was agreed to.

Senate Bill No. 46,

A bill for an act to amend sections 370, 652, 653, 657, 695, 757 and 761 of the revised codes of 1899.

Was read the third time.

Mr. Bacon moved

That the bill be amended by striking out the word "ten" in line 30, section 2, of the engrossed bill, and inserting in lieu thereof the word "five."

Which motion prevailed, and

The bill was so amended.

The question being on the final passage of the bill as amended;

The roll was called and there were ayes 35, nays none, absent and not voting 5.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bacon	Kirkeide	Sifton
Benson	Kraabel	Spoonheim

Messrs.—	Messrs.—	Messrs.—
Carroll	LaMoure	Stade
Cashel	Little	Steele
Crane	Main	Swenson
Dyste	McArthur	Talcott
Fox	McLean	Taylor
Garnett	Movius	Thatcher
Hagen	Pierce	Voss
Hanna	Plain	Wagner
Herbrandson	Regan	Young
Johnson of Walsh	Sharpe	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Brown	Johnson of McLean	Simpson
Gulack	Macdonald	

Messrs. Brown, Gulack, Johnson of McLean, Macdonald and Simpson being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 48,

A bill for an act to amend section 1270 of the revised codes of 1899, with reference to void tax sales, void taxes and repayment of the same.

Was read the third time.

Mr. Young moved

That the bill be amended by inserting after the word "refunded" in line 15 of section 1 of the engrossed bill, the words "with interest at six per cent per annum from the date of payment."

Which motion prevailed, and

The bill was so amended.

The question being on the final passage of the bill, as amended,

The roll was called and there were ayes 33, nays 1, absent and not voting 6.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Benson	Kirkeide	Sifton
Brown	Kraabel	Spoonheim
Carroll	LaMoure	Stade
Cashel	Little	Steele
Crane	Main	Swenson
Dyste	McArthur	Talcott
Fox	McLean	Taylor
Garnett	Movius	Thatcher
Hagen	Pierce	Voss
Hanna	Plain	Wagner
Johnson of Walsh	Sharpe	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Bacon	Johnson of McLean	Regan
Gulack	Macdonald	Simpson

Messrs. Bacon, Gulack, Johnson of McLean, Macdonald, Regan and Simpson being excused.

Mr. Herbrandson voting in the negative.

So the bill passed and the title was agreed to.

Senate Bill No. 85,

A bill for an act to amend and re-enact section 6213 of the revised codes of North Dakota for the year 1899, relating to appearance in 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 33, nays 1, absent and not voting 6.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Benson	Johnson of Walsh	Sifton
Brown	Kraabel	Spoonheim
Carroll	LaMoure	Stade
Cashel	Little	Steele
Crane	Main	Swenson
Dyste	McArthur	Talcott
Fox	McLean	Taylor
Garnett	Movius	Thatcher
Hagen	Pierce	Voss
Hanna	Plain	Wagner
Herbrandson	Sharpe	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Bacon	Johnson of McLean	Regan
Gulack	Macdonald	Simpson

Messrs. Bacon, Gulack, Johnson of McLean, Macdonald, Regan and Simpson being excused.

Mr. Kirkeide voting in the negative.

So the bill passed and the title was agreed to.

Senate Bill No. 107,

A bill for an act relating to the expenditure 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 31, nays none, absent and not voting 9.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Brown	Kirkeide	Sharpe
Carroll	Kraabel	Spoonheim
Cashel	LaMoure	Steele
Crane	Little	Swenson
Dyste	Main	Talcott
Fox	McArthur	Taylor
Garnett	McLean	Thatcher
Hagen	Movius	Voss
Hanna	Pierce	Wagner
Herbrandson	Plain	Young
Johnson of Walsh		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Bacon	Johnson of McLean	Sifton
Benson	Macdonald	Simpson
Gulack	Regan	Stade

Messrs. Bacon, Benson, Gulack, Johnson of McLean, Macdonald, Regan, Sifton, Simpson and Stade being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 120,

A bill for an act providing for the procuring of official bonds of county officers, and for acceptance of bids therefor, and payment of premiums on same.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 32, nays none, absent and not voting 8.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Benson	Kirkeide	Sifton
Brown	Kraabel	Stade
Cashel	Main	Steele
Crane	Little	Swenson
Dyste	McArthur	Talcott
Fox	McLean	Taylor
Garnett	Movius	Thatcher
Hagen	Pierce	Voss
Hanna	Plain	Wagner
Herbrandson	Regan	Young
Johnson of Walsh	Sharpe	Simpson

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Bacon	Johnson of McLean	Simpson
Carroll	LaMoure	Spoonheim
Gulack	Macdonald	

Messrs. Bacon, Carroll, Gulack, Johnson of McLean, La-

Moure, Macdonald, Simpson and Spoonheim being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 133,

A bill for a concurrent resolution amending the constitution of the state of North Dakota, relating to the sale of university and school lands.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 30, nays none, absent and not voting 10.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bacon	Herbrandson	Sharpe
Benson	Johnson of Walsh	Sifton
Brown	Kirkeide	Spoonheim
Cashel	Kraabel	Steele
Crane	Little	Talcott
Dyste	Main	Taylor
Fox	McArthur	Thatcher
Garnett	Movius	Voss
Hagen	Plain	Wagner
Hanna	Regan	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Carroll	Macdonald	Simpson
Gulack	McLean	Stade
Johnson of McLean	Pierce	Swenson
LaMoure		

Messrs. Carroll, Gulack, Johnson of McLean, LaMoure, Macdonald, McLean, Pierce, Simpson, Stade and Swenson being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 138,

A bill for an act to amend section 1804 of the revised codes of 1899, prescribing the qualifications of a legal newspaper, and defining certain duties.

Was read the third time

Mr. Cashel moved

That the bill be amended as follows:

By striking out the words "official paper" in line 3 of section 1 of the printed bill, and inserting in lieu thereof the words "newspaper qualified to do legal printing," and by striking out the word "entitled" in line 4 of section 1 of the printed bill and inserting in lieu thereof the word "qualified."

Which motion prevailed and

The bill was so amended.

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

The roll was called and there were ayes 33, nays none, absent and not voting 7.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Benson	Kirkeide	Sifton
Brown	Kraabel	Spoonheim
Cashel	LaMoure	Stade
Crane	Little	Steele
Dyste	Main	Swenson
Fox	McArthur	Talcott
Garnett	McLean	Taylor
Hagen	Movius	Thatcher
Hanna	Plain	Wagner
Herbrandson	Regan	Voss
Johnson of Walsh	Sharpe	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Bacon	Johnson of McLean	Pierce
Carroll	Macdonald	Simpson
Gulack		

Messrs. Bacon, Carroll, Gulack, Johnson of McLean, Macdonald, Pierce and Simpson being excused.

So the bill passed and the title was agreed to.

Mr. Crane moved

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

Which motion prevailed, and

The senate took a recess until 1 o'clock p. m. tomorrow.

L. M. McGLASHAN,
Secretary.

FORTY-FOURTH DAY—AFTER RECESS

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
February 15, 1905.

The senate met at 1 o'clock p. m. pursuant to recess taken.

The president presiding.

Mr. Young moved

That the senate return to the sixth order of business.

Which motion prevailed.

REPORTS OF STANDING COMMITTEES.

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

Mr. President:

Your committee on enrolled and engrossed bills have examined:

Senate Bill No. 48,

A bill for an act to amend section 1270 of the revised codes of 1899, with reference to void tax sales, void taxes and repayment of the same.

Also,

Senate Bill No. 138,

A bill for an act to amend section 1804 of the revised codes of 1899, prescribing the qualifications of a legal newspaper, and defining certain duties.

And find the same correctly engrossed.

GEORGE M. YOUNG,
Chairman.

Mr. Cashel moved

That the senate return to the eighth order of business.

Which motion prevailed.

MOTIONS AND RESOLUTIONS.

Mr. Cashel moved

That the vote by which Senate Bill No. 46 was passed, be reconsidered.

Which motion prevailed.

Mr. Cashel moved

That the vote by which Mr. Bacon's amendment to Senate Bill No. 46, prevailed, be reconsidered.

Which motion prevailed.

Mr. Cashel moved

That Senate Bill No. 46 be amended by inserting after the word "statement" in line 41, of section 2, of the printed bill, the words "subscribed and sworn to."

Which motion prevailed, and

Senate Bill No. 46 was so amended.

Senate Bill No. 46,

A bill for an act to amend sections 370, 652, 653, 657, 695, 757 and 761 of the revised codes of 1899.

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, 1; absent and not voting, 10.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bacon	Johnson of Walsh	Regan
Cashel	Kraabel	Sharpe
Crane	LaMoure	Sifton
Dyste	Little	Spoonheim
Fox	Main	Stade
Garnett	McArthur	Swenson
Hagen	McLean	Talcott
Hanna	Movius	Taylor
Herbrandson	Pierce	Young
Johnson of McLean	Plain	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Benson	Macdonald	Voss
Carroll	Simpson	Wagner
Gulack	Steele	
Kirkeide	Thatcher	

Messrs. Benson, Carroll, Gulack, Kirkeide, MacDonald, Simpson, Steele, Thatcher, Voss and Wagner, being excused.

Mr. Brown voting in the negative.

So the bill passed and the title was agreed to.

Mr. Johnson moved

That the senate concur in the house amendment to Senate Bill No. 54,

A bill for an act to amend and re-enact section 5887, revised codes of 1897, providing for sale of personal property under foreclosure of mortgage.

Which motion prevailed.

The question being on the concurrence in the house amendment to the bill.

The roll was called and there were: Ayes, 32; nays, none; absent and not voting, 8.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bacon	Kirkeide	Spoonheim
Benson	Little	Stade
Brown	Main	Steele
Cashel	McArthur	Swenson
Fox	McLean	Talcott
Garnett	Movius	Taylor
Hagen	Pierce	Thatcher
Hanna	Plain	Voss
Herbrandsor	Regan	Wagner
Johnson of McLean	Sharpe	Young
Johnson of Walsh	Sifton	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Carroll	Gulack	Macdonald
Crane	Kraabel	Simpson
Dyste	LaMoure	

Messrs. Carroll, Crane, Dyste, Gulack, Kraabel, La Moure, MacDonald and Simpson, being excused.

So the house amendment to the bill was concurred in.

Mr. Sharpe offered the following

CONCURRENT RESOLUTION

Whereas, The federal act for the establishment and support of experiment stations requires a report to be made to the governor on the first day of February, annually, which report shall set forth in detail the results of investigations and experiments made for the preceding year, and the purpose for which the federal appropriation was expended; and

Whereas, The expenditure of twenty thousand dollars (\$20,000) annually for field experiments and research work upon broad lines affecting every branch of agriculture, represents valuable information that should be widely disseminated among the farmers of the state; therefore, be it

Resolved, by the Senate, the House concurring, That the printing commission be empowered, and it is hereby directed to authorize the publication of not less than 3,000 copies of said annual report, not less than 2,500 of said

copies to be delivered to the director of the North Dakota experiment station for gratuitous distribution among the farmers of the state and for other purposes provided for in said act.

Resolved, further, That 1,000 copies of the report of the Edgeley sub experiment station be printed separately for the same purpose.

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

MESSAGE FROM THE HOUSE.

The following message was received from the house.

HOUSE OF REPRESENTATIVES.

BISMARCK, NORTH DAKOTA,

February 15, 1905.

Mr. President:

I have the honor to transmit herewith
House Bill No. 136,
Concurrent resolution to amend section 176 of the constitution.

Also,
House Bill No. 10,
A bill for an act to amend section 1419 of chapter 19, political code, entitled "Militia."

Also,
House Bill No. 27,
A bill for an act to prevent the adulteration, misbranding and selling of adulterated and insufficiently labeled drugs or medicines, prescribing a penalty of the violation hereof, providing for the inspection, testing and analyzing of said drugs and medicines, charging the North Dakota Experiment Station with the duty thereof, and charging the state's attorney with the enforcement hereof.

Also,
House Bill No. 41,
A bill for an act to amend section 1230, revised codes of 1899, North Dakota, relating to tax list to be made out by county auditors.

Also,
House Bill No. 166,
A bill for an act to amend section 1257 of the revised codes of 1899, and to repeal section 1245 of the revised codes of 1899, relating to the lien of taxes.

Also,

House Bill No. 102,

A bill for an act making it unlawful for any person to solicit orders for intoxicating liquors in the State of North Dakota.

Also,

House Bill No. 94,

A bill for an act to amend section 3218 of the revised codes of 1899 as amended by chapter 46 of the session laws of 1901.

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

Also.

Senate Bill No. 93,

A bill for an act to amend section 2264 of the revised codes of the state of North Dakota, relating to power of city council to make contracts for water for fire protection.

Which the house has passed unchanged

Also,

Senate Bill No. 54,

A bill for an act to amend and re-enact section 5887, revised codes of 1897, providing for sale of personal property under foreclosure of mortgage.

Which the house has amended by striking out in the title, and in section one the year "1897" wherein it appears, and inserting in lieu thereof "1899," and passed as amended.

Very respectfully,

OTTO SOUGSTAD,

Chief Clerk.

The secretary announced that the president was about to sign

House Bill No. 30,

A bill for an act to amend section 441 of revised codes of North Dakota relating to jurors.

Also,

House Bill No. 37,

A bill for an act granting the consent and permission of the state of North Dakota to the construction and maintenance of highway across, within, under and through the water of Des Lac Lake, on township line between the townships 161 and 162 in Ward county, North Dakota.

And the president signed the same in the presence of the senate.

Mr. Little moved

That the senate return to the eleventh order of business.
Which motion prevailed.

INTRODUCTION AND FIRST READING OF SENATE BILLS.

Mr. Bacon introduced

Senate Bill No. 195,

A bill for an act to amend section 5848, revised codes, 1899, relating to notice of foreclosure of mortgages by advertisement.

Which was read the first time.

Mr. Crane introduced

Senate Bill No. 196,

A bill for an act to amend section 1269 of the revised codes of the state of North Dakota, relating to the rights of purchaser of land at sale for the non-payment of taxes.

Which was read the first time.

Mr. Steele (by request) introduced

Senate Bill No. 197,

A bill for an act to amend section 460 of the political code of the revised codes of the state of North Dakota, 1899, relating to administration of oaths.

Which was read the first time.

Mr. McArthur introduced

Senate Bill No. 198,

A bill for an act to amend section 8622 of the revised codes; relating to the employment of persons confined in any jail at hard labor.

Which was read the first time.

Mr. McArthur introduced

Senate Bill No. 199,

A bill for an act to amend section 8624 of the revised codes, relating to the employment of persons confined in jail for violation of any ordinance, by-laws or other regulation of an incorporated city or village.

Which was read the first time.

Mr. Stade introduced

Senate Bill No. 200,

A bill for an act to amend section 1849 of the revised

codes of North Dakota, relating to a change of county lines.
Which was read the first time.

Mr. Little moved

That all house bills for first reading today be read the second time and referred.

Which motion prevailed.

FIRST AND SECOND READING OF HOUSE BILLS

House Bill No. 136,

Concurrent resolution to amend section 176 of the constitution.

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

House Bill No. 10,

A bill for an act to amend section 1419 of chapter 19, political code, entitled "Militia."

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

House Bill No. 27,

A bill for an act to prevent the adulteration, misbranding and selling of adulterated and insufficiently abeled drugs or medicines, prescribing a penalty of the violation hereof, providing for the inspection, testing and analyzing of said drugs and medicines, charging the North Dakota Experiment Station with the duty thereof, and charging the state's attorney with the enforcement hereof.

Was read the first and second time, and
Referred to the committee on public health.

House Bill No. 41,

A bill for an act to amend section 1230, revised codes of 1899, North Dakota, relating to tax list to be made out by county auditors.

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

House Bill No. 166,

A bill for an act to amend section 1257 of the revised codes of 1899, and to repeal section 1245 of the revised codes of 1899, relating to the lien of taxes.

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

House Bill No. 102,

A bill for an act making it unlawful for any person to so-

licit orders for intoxicating liquors in the state of North Dakota.

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

House Bill No. 94,

A bill for an act to amend section 3218 of the revised codes of 1899 as amended by chapter 46 of the session laws of 1901.

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

THIRD READING OF HOUSE BILLS.

House Bill No. 61,

A bill for an act amending section 2097 of the political code, relating to the fees of witnesses.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 33, nays none, absent and not voting 7.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Benson	Kirkeide	Sifton
Brown	LaMoure	Spoonheim
Cashel	Little	Stade
Dyste	Main	Steele
Fox	McArthur	Swenson
Garnett	McLean	Talcott
Hagen	Movius	Taylor
Hanna	Pierce	Thatcher
Herbrandson	Plain	Voss
Johnson of McLean	Regan	Wagner
Johnson of Walsh	Sharpe	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Bacon	Gulack	Simpson
Carroll	Kraabel	
Crane	Macdonald	

Messrs. Bacon, Carroll, Crane, Gulack, Kraabel, Macdonald and Simpson being excused.

So the bill passed and the title was agreed to.

House Bill No. 42,

A bill for an act to prevent fraud in the sale of Paris Green used as an insecticide, prescribing a penalty for the violation, providing for the inspection and analysis of same and charging North Dakota Government Agricultural Ex-

periment station with the duty thereof, and charging the state's attorney with the enforcement hereof.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 34, nays none, absent and not voting 6.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Benson	LaMoure	Simpson
Brown	Little	Spoonheim
Cashel	Main	Stade
Dyste	McArthur	Steele
Fox	McLean	Swenson
Garnett	Movius	Talcott
Hagen	Pierce	Taylor
Hanna	Plain	Thatcher
Herbrandson	Regan	Voss
Johnson of McLean	Sharpe	Wagner
Johnson of Walsh	Sifton	Young
Kirkeide		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Bacon	Crane	Kraabel
Carroll	Gulack	Macdonald

Messrs Bacon, Carroll, Crane, Gulack, Kraabel and Macdonald 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 15, 1905.

Mr. President:

I have the honor to inform you that the house is now ready to meet the senate in joint session for the purpose of observing the John M. Cochrane memorial day, and that seats have been reserved for the senators in the center of the house.

Very respectfully,
OTTO SOUGSTAD,
Chief Clerk.

Mr. Little moved

That the senate take a recess until 3 p. m., for the purpose of meeting with the house in joint session.

Which motion prevailed, and

The senate proceeded to the house of representatives.

AFTER RECESS

The senate convened at 3 p. m.

Mr. Little moved

That the senate do now adjourn.

The motion prevailed, and

The senate adjourned.

L. M. McGLASHAN,
Secretary.

FORTY-FIFTH DAY .

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
February 16, 1905.

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

The president presiding.

Prayer by chaplain.

Roll call.

All members present except Mr. Gulack, who was excused.

The courtesies of the floor were extended to the following: Messrs. R. F. Rinker, Wm. Plath, S. G. More, Andrew Jensen, G. S. Hager, A. F. Turner, Henry Hancock, E. M. Suell, W. B. Wood, E. Fretz, John H. Movious, Thos. Gardner, D. Williamson, T. Gardner, E. W. Bowen, A. N. Carlblom, W. Kaldor, Ole Amegard, B. C. Boyd, O. B. Wing and W. L. Neussle.

PRESENTATION OF PETITIONS AND COMMUNICATIONS.

Mr. Sifton presented the following petition:

Jamestown, N. Dak., Feb. 10, 1905.

To the Legislative Assembly, Bismarck, N. D.

Gentlemen: The high school council, which includes all the superintendents, principals and teachers of the high schools of North Dakota, has appointed the undersigned to represent its interests before your honorable body, and we most respectfully ask you to give consideration to the following:

1. That our organization voted unanimously in favor of the provisions contained in Senate Bill No. 123. By passing this bill you would give needed aid to nearly forty high schools scattered over all parts of the state. No money appropriated for education is so widely distributed, and so universally helpful to all classes of our people, as that which is given to our high schools.

2. We are strongly opposed to all the provisions of House Bill No. 119 that affect high schools,—namely those that make it the duty of the normal schools to prepare teachers for the secondary schools, and that which makes the normal school presidents members of the high school board. High school teachers should be college graduates, and for this purpose the state is already supporting the university. As to the composition of the high school board,—if that is enlarged as proposed the conflicting interests would make proper harmony and a stable policy impossible, and disaster to the high schools would be the result.

Respectfully submitted,

C. C. SCHMIDT, Superintendent Schools, Jamestown.

W. E. HOOVER, Superintendent Schools, Park River.

W. C. MACDONALD, Supt. Schools, Lidgerwood

P. S. BERG, Superintendent Schools, Larimore.

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 of the fortieth day, have carefully examined the same, find no corrections to make therein and recommend that the same be approved.

R. W. MAIN,
Chairman.

Mr. Main moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on revision and correction of the Journal of the forty-third day, have carefully examined the same, and recommend that the same be corrected as follows:

By inserting after line 17, page 1, the words: "Presentation of petitions and communications."

And when so amended recommend that the same be approved.

R. W. MAIN,
Chairman.

Mr. Main moved

That the report be adopted,

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on revision and correction of the Jour-

nal of the forty-fourth day, have carefully examined the same, find no corrections to make therein and recommend that the same be approved.

R. W. MAIN,
Chairman.

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

REPORT OF STANDING COMMITTEES.

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

Mr. President:

Your committee on enrolled and engrossed bills has examined

Senate Bill No. 46,

A bill for an act to amend sections 370, 652, 653, 657, 695, 757 and 761 of the revised codes of 1899.

Also,

Senate Bill No. 139,

A bill for an act authorizing the board of capital commissioners created for the re-construction of the capitol building, and the erection of an executive mansion for the state of North Dakota, and to utilize such labor of the convicts in the state penitentiary as can be used profitably in erecting said capitol and executive mansion, or in the manufacture of material to be used therein.

Also,

Senate Bill No. 132,

A bill for an act to amend section 2911 of the revised codes, relating to changing corporate headquarters.

And find the same correctly engrossed.

GEORGE M. YOUNG,
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. 35,

A bill for an act to amend section 2673, revised codes of North Dakota, relating to township boards.

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

J. D. BACON,
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. 127,

A bill for an act making it unlawful for township supervisors to permit the town hall to be used for dancing.

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

By inserting the following words after the word "dancing" in the title, also after the word "dancing" in line 3 of the original bill, "In townships wherein said town hall is located within sixty feet of any church building or other house dedicated to religious worship."

And when so amended recommend that the same do pass.

J. D. BACON,
Chairman.

Mr. Bacon moved

That the report be adopted,

Which motion prevailed, and

The report of the committee 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

Senate Bill No. 132,

A bill for an act to amend section 2911 of the revised codes, relating to changing corporate headquarters.

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

MAYNARD CRANE,
Chairman.

MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 16, 1905.

Mr. President:

I have the honor to transmit herewith
House Bill No. 178,

A bill for an act defining trusts and conspiracy against trade; declaring contracts in violation of the provisions of this act void, and making certain acts in violation thereof misdemeanors, and prescribing the punishment therefor and matters connected therewith.

Also,

House Bill No. 194,

A bill for an act to amend sections 3532, 3533, 3534, 3535 and 3584, paragraph 2, of the revised codes of North Dakota, 1899, relating to the execution by corporations of instruments affecting titles to real estate, prescribing the manner of execution and the form of acknowledgment, validating instruments heretofore executed, and enacting other provisions relating thereto.

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

Also,

Senate Bill No. 58,

A bill for an act to amend section 3104 of the revised codes of North Dakota of 1899, relating to the amount of insurance required to be subscribed before a policy may be issued by a mutual insurance company.

Which the house has indefinitely postponed.

Also,

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

Resolved that the house of representatives, the senate concurring, send congratulations to the Hon. H. C. Hansbrough at Washington on his success in securing unanimous agreement of the United States senate to his amendment to agricultural bill construing tariff law so as to prevent free importations of wheat.

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

Very respectfully,
OTTO SOUGSTAD,
Chief Clerk.

REPORT OF STANDING COMMITTEES.

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. 140,

A bill for an act amending section 1313 of the revised codes of North Dakota, providing for the assessment of railroad property in this state, and prescribing the manner of levying and collecting the tax on the same.

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

By adding the words and figures "of 1899," after the word "Dakota" in the first line of the title to said bill and in the first line of section 1 of the same.

And when so amended recommend that the same do pass.

A. GARNETT,
Chairman.

Mr. Garnett moved

That the report be adopted,

Which motion prevailed, and

The report of the committee was adopted.

The committee on military affairs, made the following report:

Mr. President:

Your committee on military affairs to whom was referred

House Bill No. 109,

A bill for an act providing that all appointments to the various departments of the national guard of the State of North Dakota, shall be made from officers of the field or line.

Also,

House Bill No. 88,

A bill for an act providing for the retirement of officers in the national guard of the State of North Dakota, who have rendered faithful service therein for a period of ten years or more.

Also,

House Bill No. 89,

A bill for an act to authorize the issuance of faithful

servic medals to officers and enlisted men in the national guard of the State of North Dakota.

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

R. A. FOX,
Chairman.

The committee on judiciary made the following report:
Mr. President:

Your committee on judiciary to whom was referred
House Bill No. 120,

A bill for an act to fix dates for holding term of district court in the county of Billings.

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

Also,

Senate Bill No. 160,

A bill for an act amending section 6315 of the revised codes of 1899, making a provision as to whom letters of administration shall be granted.

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

Also,

House Bill No. 13,

A bill for an act entitled an act amending section 7989 of the code of North Dakota of 1899, providing for the manner and the time of drawing and summoning of grand juries.

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

Also,

Senate Bill No. 71,

A bill for an act amending section 8497 of the revised codes of North Dakota, relating to criminal procedure.

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

Also,

Senate Bill No. 121,

A bill for an act to repeal section 3924 of the revised codes, 1899.

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

Also,

House Bill No. 14,

A bill for an act entitled an act to amend subdivision 3 of section 3563 of the revised codes of North Dakota of 1899, relating to the recording of instruments in the office of the register of deeds.

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

By inserting the clause "when such assignments have been approved by the board of university and school lands" in line 13, of said act after the word "contracts" in said line.

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 of the committee 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 chapter 125 of the session laws of 1901, to amend section 4719 of the revised codes of North Dakota, 1899, relative to discharge of real estate mortgages.

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

By striking out the words "or by power of attorney when" in lines 8 and 9 of section 1 of the printed bill; and by striking out the words "when dated and recorded, a description of the property to be released" in line 13 of said section; and by adding to section 1 of said act after line 18 the following:

"A certificate of the satisfaction of a mortgage may be made in substantially the following form:

"This certifies that a certain mortgage executed by of mortgagor to of mortgagee dated the day of A. D. upon the (here describe the property covered by the mortgage).... and recorded in the office of the register of deeds in and for the county of and state of North Dakota, in book of mortgages on page, is paid and satisfied; and hereby authorize and require said register of deeds to discharge the same of record in his office.

Witness hand this day of A. D.

(Acknowledgement.)"

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 of the committee was adopted.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred
Senate Bill No. 114,

A bill for an act to amend chapter 73, section 4716, of the revised codes of North Dakota, 1899, relative to record of foreclosure, how operates, and what assignment of mortgage must contain.

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

That the title of said bill be amended to read as follows:

A bill for an act to amend chapter 73, section 4716, of the revised codes of North Dakota, 1899, relative to record of assignment, how operates, and form of assignment of mortgage.

And that section 1 of said act be amended by striking out the word "foreclosure" in line 3 of the printed bill and inserting in lieu thereof the word "assignment"; and by striking out the word "what" in said line and inserting in lieu thereof the words "form of"; and by striking out the words "must contain" in line 4 of said section; and by striking out the words "when dated and recorded, a description of the property to be assigned" in lines 6 and 7 of said section; and by adding to section 1 after line 8 the following:

"Such assignment may be made in substantially the following form:

"I, A. B., for value received, hereby assign to C. D. a certain mortgage dated the day of A. D., executed by mortgagor to mortgagee for \$., upon (here insert description of property covered by mortgage)..... and recorded in the office of the register of deeds in and for the county of and state of North Dakota, in book of mortgages on page

In witness whereof hereunto set my hand this day of A. D.

Witnesses.

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.....
.....

(Acknowledgement.)"

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 of the committee 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. 187,

A bill for an act providing for the payment by the county of a portion of the expense whenever a person is sent to the hospital for the insane, to the institution for the feeble minded, the school for the deaf and dumb and to the blind asylum, and to provide for reimbursing said county.

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

Also,

The committee on state affairs made the following report:

Mr. President:

Your committee on state affairs to whom was referred House Bill No. 99,

A bill for an act to amend section 1595 and 1596 of the code revised code as amended by chapter 207 of the session laws of 1901 and section 1600 of the revised code of 1899, relating to district veterinarians.

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

By adding after the word "veterinarian" in line 7, of section 1, of the printed bill the words: "who shall be a graduate of a reputable veterinary college."

And by adding after the word "state" in line 14, of section 1, of the printed bill the words: "provided that if there is no veterinary residing in any district then any competent veterinary may be appointed."

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 of the committee was adopted.

Also,

House Bill No. 162,

A bill for an act to amend section 286 of the revised codes of North Dakota of 1899, relating to the registration of pharmacists.

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

Also,

Senate Bill No. 156,

A bill for an act authorizing the secretary of state to secure copyright of session laws.

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

Also,

Senate Bill No. 166,

A concurrent resolution amending the state constitution.

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 section 118 of the revised codes of North Dakota, 1899, relating to the official bond of the state treasurer.

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

J. B. SHARPE,

Chairman.

The committee on education made the following report:
Mr. President:

Your committee on education to whom was referred

Senate Bill No. 125,

A bill for an act to amend sections 737, 738, 739, 741, 742 and 744 of the revised codes of North Dakota of 1899, relating to education.

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

On page 4, line 9, of the printed bill insert the word "and" after the word "circles."

On page 6, strike out lines 28, 29 and 30 and insert in lieu thereof the following "Subsequent permits may be granted by the county superintendent with consent and approval of the superintendent of public instruction."

And when so amended recommend that the same do pass.

F. S. TALCOTT,

Chairman.

Mr. Talcott moved

That the report be adopted.

Which motion prevailed, and

The report of the committee 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 to amend sections 701, 703 and 706 of
the revised codes of North Dakota for 1899, relating to edu-
cation.

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

That paragraph 2, section 701, beginning line 32 page 2 of the printed
bill be amended to read as follows:

The county superintendent of health, the chairman of the board of
county commissioners and the county superintendent of schools of each
county are hereby constituted a board for the purpose of inspecting school
houses and outbuildings with reference to their sanitary condition, and
whenever the county superintendent of schools in his regular work of
supervision, shall report to this board that any school house or outbuild-
ing is in an unsanitary or unsafe condition, then said board shall inspect
such school houses or outbuildings as may be reported by the county
superintendent and shall have power to condemn such building or buildings
and order such changes or repairs to be made as will render such build-
ing or buildings sanitary, safe, and fit for school purposes; and, whenever
the chairman of the board of county commissioners and the county super-
intendent of health shall be employed in such inspection they shall be
entitled to such mileage and per diem as is usually allowed such officers
in the discharge of their other official duties; provided, that whenever any
school board shall refuse or fail, after proper notice, to make such
changes or repairs as may be ordered by the said board of inspection,
then it shall be the duty of the county superintendent of schools to with-
hold the state and county tuition fund until such time as the school board
shall comply with such order.

And when so amended recommend that the same do pass.

F. S. TALCOTT,
Chairman.

Mr. Talcott moved

That the report be adopted,

Which motion prevailed, and

The report of the committee 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. 54,

A bill for an act to amend and re-enact section 5887, re-
vised codes of 1897, providing for sale of personal prop-
erty under foreclosure of mortgage.

Also,

Senate Bill No. 93,

A bill for an act to amend section 2264 of the revised codes of the state of North Dakota, relating to power of city council to make contracts for water for fire protection.

And find the same correctly enrolled.

GEORGE M. YOUNG,

Chairman.

COMMUNICATION FROM THE GOVERNOR.

The following communication was received from the governor:

GOVERNOR'S OFFICE,
BISMARCK, NORTH DAKOTA,
February 16, 1905.

To the Senate:

Mr. President: I have the honor to inform you that I have this day approved and filed with the secretary of state:

Senate Bill No. 8,

A bill for an act to provide police for towns and villages not organized, and provide revenue to support the same.

I have the honor to be,

E. Y. SARLES,

Governor.

MOTIONS AND RESOLUTIONS.

Mr. Pierce moved that

Senate Bill No. 161,

A bill for an act relating to banks and banking, providing for the organization, management, control, regulation and supervision of banking corporations, providing penalties for the violation of the provisions of the same, and repealing laws inconsistent therewith.

Be re-referred to the committee on banks and banking.

Which motion prevailed, and

Senate Bill No. 161 was so referred.

Mr. LaMoure moved

The the rules be suspended and all bills receive their first and second reading, and reference.

Which motion prevailed.

Mr. Regan moved that
Senate Bill No. 3,

A bill for an act fixing the salaries and providing for the payment of the necessary expenses for the judges of the district court of the state of North Dakota.

Be referred to the committee on appropriations.

Roll call demanded.

The roll was called and there were: Ayes, 25; nays, 14; absent and not voting 1.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Benson	Kraabel	Sifton
Brown	LaMoure	Spoonheim
Crane	Macdonald	Steele
Dyste	Main	Swenson
Hagen	McArthur	Thatcher
Herbrandson	Movius	Wagner
Johnson of McLean	Plain	Young
Johnson of Walsh	Regan	
Kirkeide	Sharpe	

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Bacon	Hanna	Simpson
Carroll	Little	Stade
Cashel	McLean	Talcott
Fox	Pierce	Taylor
Garnett		Voss

Absent and not voting, Mr. Gulack.

Mr. Gulack being excused.

Messrs. Bacon and Crane explained their votes.

So the motion prevailed, and

Senate Bill No. 3 was referred to the committee on appropriations.

INTRODUCTION, FIRST AND SECOND READING OF SENATE BILLS.

Mr. Steele introduced
Senate Bill No. 201,

A bill for an act to amend section 3491a, of the revised codes of the state of North Dakota for 1899, relating to titles to real property.

Which was read the first and second times and

Referred to the committee on judiciary.

Mr. Sifton introduced

Senate Bill No. 202,

A bill for an act to amend section 5847 of the revised

codes of North Dakota, 1899, relating to foreclosure of mortgages on real property.

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

Mr. Main introduced
Senate Bill No. 203,

A bill for an act prohibiting the manufacture and sale of cannon fire crackers.

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

Mr. Main introduced
Senate Bill No. 204,

A bill for a concurrent resolution amending the state constitution.

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

Mr. Kirkeide introduced
Senate Bill No. 205,

A bill for an act amending section 180 of the revised codes of 1899, relating to salary of commissioners of university and school lands.

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

Mr. Young introduced
Senate Bill No. 206,

A bill for an act to amend section 137 of the revised codes of 1899, relating to the examination of the accounts of public officers by the state examiner.

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

Mr. Little introduced
Senate Bill No. 207,

A bill for an act to amend sections 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525 of chapter 30, article 19, entitled "townsites located on public lands," as published in the revised codes of 1895.

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

Mr. Little moved

That the rules be suspended and House Bill No. 70 placed upon its third reading and final passage.

Which motion prevailed.

THIRD READING OF HOUSE BILLS.

House Bill No. 70,

A bill for an act creating a state board of bar examiners and providing for their appointment, compensation and duties.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were: Ayes, 37; nays, none; absent and not voting, 3.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bacon	Johnson of Walsh	Sharpe
Benson	Kirkeide	Sifton
Brown	Kraabel	Simpson
Carroll	LaMoure	Spoonheim
Cashel	Little	Stade
Crane	Macdonald	Steele
Dyste	Main	Swenson
Fox	McLean	Talcott
Garnett	Movius	Taylor
Hagen	Pierce	Thatcher
Hanna	Plain	Voss
Herbrandson	Regan	Wagner
Johnson of McLean		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Gulack	McArthur	Young

Messrs. Gulack, McArthur and Young, being excused.

So the bill passed and the title was agreed to.

THIRD READING OF SENATE BILLS.

Senate Bill No. 55,

A bill for an act to re-enact section 2526 of the revised codes of 1897, relating to organization of townships.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were: Ayes, 35; nays, none; absent and not voting, 5.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bacon	Johnson of Walsh	Sharpe
Benson	Kirkeide	Sifton
Carroll	Kraabel	Simpson
Cashel	LaMoure	Spoonheim
Crane	Little	Steele
Dyste	Macdonald	Swenson

Messrs.—	Messrs.—	Messrs.—
Fox	Main	Talcott
Garnett	McLean	Taylor
Hagen	Movius	Thatcher
Hanna	Pierce	Voss
Herbrandson	Plain	Young
Johnson of McLean	Regan	

Absent and not voting :

Messrs.—	Messrs.—	Messrs.—
Brown	McArthur	Stade
Gulack	Wagner	

Messrs. Brown, Gulack, McArthur, Stade and Wagner, being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 97,

A bill for an act authorizing county commissioners in counties having a regular organized live stock protective association to create a special fund and to appropriate and set aside moneys to be expended and used for the protection of live stock from theft.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 36, nays none, absent and not voting 4.

Those who voted in the affirmative were :

Messrs.—	Messrs.—	Messrs.—
Benson	Johnson of Walsh	Sharpe
Brown	Kirkeide	Sifton
Carroll	Kraabel	Simpson
Cashel	Little	Spoonheim
Crane	Macdonald	Stade
Dyste	Main	Steele
Fox	McArthur	Talcott
Garnett	McLean	Taylor
Hagen	Movius	Thatcher
Hanna	Pierce	Voss
Herbrandson	Plain	Wagner
Johnson of McLean	Regan	Young

Absent and not voting :

Messrs.—	Messrs.—	Messrs.—
Bacon	LaMoure	Swenson
Gulack		

Messrs. Bacon, Gulack, LaMoure and Swenson being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 105,

A bill for an act to change county lines of Ward county,

division of Ward county, North Dakota, and creating the counties of Bowbells, Kenmare, Black and Renville therefrom; defining the boundary lines thereof and providing for submission of the provisions of this act to vote of the electors of the territory affected thereby.

Was read the third time.

Mr. Steele moved that
Senate Bill No. 105,

A bill for an act to change county lines of Ward county, division of Ward county, North Dakota, and creating the counties of Bowbells, Kenmare, Black and Renville therefrom; defining the boundary lines thereof and providing for submission of the provisions of this act to vote of the electors of the territory affected thereby.

Be amended as follows:

By striking out all of sections 2 and 3 of the engrossed bill and inserting in lieu thereof the following:

Section 2. Ward county. The county of Ward shall be bounded as follows, to-wit: Commencing at the southeast corner of township 151 north, of range 81, west, of the fifth principle meridian; thence running north and along the 11th guide meridian, and between 80 and 81 west, to the northeast corner of township 158 north of range 81 west; thence running west along the line between townships 158 and 159 north to the northwest corner of township 158 north of range 94 west; thence running south along the range line between ranges 94 and 95 west; to the center of the main channel of the Missouri river; thence down and along the center of the main channel of the Missouri river to a point of intersection with the line between the ranges 91 and 92 west; thence north to the northwest corner of township 150 north, of range 91 west; thence east along the line between townships 150 and 151 north to the northeast corner of township 150 north of range 81 west and to the place of beginning, and comprising the following townships, to-wit: Townships 151 and 152 north of ranges 81, 82, 83, 84, 85, 86, and 87 west; townships 153, 154, 155, 156, 157, 158, north of ranges 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, west; and that territory described and known as the Fort Berthold Indian reservation and excepting that part south and west of the Missouri river.

Section 3. Des Lacs county. The county of Des Lacs shall be comprised of the following townships to-wit: Beginning at the northeast corner of township 158 north of range 86 west; thence running north along the range line between ranges 85 and 86 west to the northeast corner of township 159 north of range 86 west; thence running west along the township line between townships 159 and 160 north to the northwest corner of township 159 north of range 87 west; thence running north along the range line between range 86 and 87 west to the northeast corner of township 160 north of range 87 west; thence running west on the township line between townships 162 and 163 north to the northeast corner of township 162 north of range 88 west to the international boundary line; thence running west along said international boundary line to the range line between ranges 94 and 95 west; thence running south along the range

line between said ranges 94 and 95 west to the southwest corner of township 159 north of range 94 west; thence running east along the township line between said ranges 94 and 95 west to the southwest corner of township 158 north of range 86 west, and to the place of beginning, and comprising the following townships, to-wit: Townships 159 of range 86 west; and townships 159, 160, 161, and 162, north of range 87, and townships 159, 160, 161, 162, 163, 164, north of ranges 88, 89, 90, 91, 92, 93, and 94, west of the fifth principle meridian.

Which motion prevailed, and
The bill was so amended.

The question being on the final passage of the bill, as amended

The roll was called and there were ayes 33, nays 1, absent and not voting 6.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Benson	Johnson of McLean	Simpson
Brown	Johnson of Walsh	Spoonheim
Carroll	Kirkeide	Stade
Cashel	Little	Steele
Crane	Macdonald	Swenson
Dyste	Main	Talcott
Fox	McLean	Taylor
Garnett	Movius	Thatcher
Hanna	Plain	Voss
Hagen	Regan	Wagner
Herbrandson	Sharpe	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Bacon	Kraabel	Pierce
Gulack	LaMoure	Sifton

Messrs. Bacon, Gulack, Kraabel, LaMoure, Pierce and Sifton being excused.

Mr. McArthur voting in the negative.

So the bill passed and the title was agreed to.

Senate Bill No. 128,

A bill for an act to amend section 1114 of the revised codes of North Dakota, 1899, relating to the duty of supervisors.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 30, nays none, absent and not voting 10.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bacon	Johnson of Walsh	Plain
Benson	Kirkeide	Sharpe

Messrs.—	Messrs.—	Messrs.—
Cashel	Kraabel	Sifton
Crane	LaMoure	Simpson
Dyste	Little	Spoonheim
Fox	Macdonald	Stade
Garnett	Main	Steele
Hagen	McArthur	Swenson
Hanna	Movius	Taylor
Herbrandson	Pierce	Thatcher

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Brown	McLean	Voss
Carroll	Regan	Wagner
Gulack	Talcott	Young
Johnson of McLean		

Messrs. Brown, Carroll, Gulack, Johnson of McLean, McLean, Regan, Talcott, Voss, Wagner and Young being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 132,

A bill for an act to amend section 2911 of the revised codes, relating to changing corporate headquarters.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 32, nays none, absent and not voting 8.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bacon	Kirkeide	Sharpe
Carroll	Kraabel	Sifton
Cashel	LaMoure	Simpson
Crane	Little	Spoonheim
Dyste	Macdonald	Stade
Fox	Main	Steele
Garnett	McArthur	Swenson
Hagen	Movius	Taylor
Hanna	Pierce	Thatcher
Herbrandson	Plain	Wagner
Johnson of Walsh	Regan	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Benson	Johnson of McLean	Voss
Brown	McLean	Young
Gulack	Talcott	

Messrs. Benson, Brown, Gulack, Johnson of McLean, McLean, Talcott, Voss and Young being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 134,

A bill for an act to allow township boards to perpetuate

the government surveys, and to authorize the erection of permanent monuments on section corners.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 36, nays none, absent and not voting 4.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bacon	Kirkeide	Sharpe
Benson	Kraabel	Sifton
Cashel	LaMoure	Simpson
Crane	Little	Spoonheim
Dyste	Macdonald	Stade
Fcx	Main	Steele
Garnett	McArthur	Swenson
Hagen	McLean	Talcott
Hanna	Movius	Taylor
Herbrandson	Pierce	Thatcher
Johnson of McLean	Plain	Wagner
Johnson of Walsh	Regan	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Brown	Gulack	Voss
Carroll		

Messrs. Brown, Carroll, Gulack and Voss being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 136,

A bill for an act to amend section 6771 of the revised codes of this state, relating to appeals in civil actions in justice's courts.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 34, nays none, absent and not voting 6.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Benson	Kraabel	Sifton
Cashel	Little	Spoonheim
Crane	Macdonald	Stade
Dyste	Main	Steele
Fox	McArthur	Swenson
Garnett	McLean	Talcott
Hagen	Movius	Taylor
Hanna	Pierce	Thatcher
Herbrandson	Plain	Voss
Johnson of McLean	Regan	Wagner
Johnson of Walsh	Sharpe	Young
Kirkeide		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Bacon	Carroll	LaMoure
Brown	Gulack	Simpson

Messrs. Bacon, Brown, Carroll, Gulack, LaMoure and Simpson being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 139,

A bill for an act authorizing the board of capital commissioners created for the re-construction of the capitol building, and the erection of an executive mansion for the state of North Dakota, and to utilize such labor of the convicts in the state penitentiary as can be used profitably in erecting said capitol and executive mansion, or in the manufacture of material to be used therein.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 32, nays none, absent and not voting 8.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Benson	LaMoure	Spoonheim
Cashel	Little	Stade
Crane	Main	Steele
Fox	McArthur	Swenson
Garnett	McLean	Talcott
Hagen	Movius	Taylor
Hanna	Pierce	Thatcher
Herbrandson	Plain	Voss
Johnson of McLean	Regan	Wagner
Johnson of Walsh	Sharpe	Young
Kirkeide	Sifton	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Bacon	Dyste	Macdonald
Brown	Gulack	Simpson
Carroll	Kraabel	

Messrs. Bacon, Brown, Carroll, Dyste, Gulack, Kraabel, Macdonald and Simpson being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 143,

A bill for an act to amend section 1925 of chapter 26 of the revised codes of 1899, relating to contracts for county buildings and improvements.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 33, nays none, absent and not voting 7.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Benson	Kraabel	Sifton
Cashel	LaMoure	Spoonheim
Crane	Little	Stade
Dyste	Main	Steele
Garnett	McArthur	Swenson
Hagen	McLean	Talcott
Hanna	Movius	Taylor
Herbrandson	Pierce	Thatcher
Johnson of McLean	Plain	Voss
Johnson of Walsh	Regan	Wagner
Kirkeide	Sharpe	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Bacon	Fox	Macdonald
Brown	Gulack	Simpson
Carroll		

Messrs. Bacon, Brown, Carroll, Fox, Gulack, Macdonald and Simpson being excused.

So the bill passed and the title was agreed to.

Mr. Regan moved

That the senate take a recess for thirty minutes,
Which motion prevailed.

AFTER RECESS.

The senate reconvened.

FIRST AND SECOND READING OF HOUSE BILLS

House Bill No. 178,

A bill for an act defining trusts and conspiracy against trade, declaring contracts in violation of the provisions of this act void, and making certain acts in violation thereof misdemeanors, and prescribing the punishment therefor and matters connected therewith.

Was read the first and second times, and

Referred to the committee on judiciary.

House Bill No. 194,

A bill for an act to amend sections 3532, 3533, 3534, 3535 and 3584, paragraph 2, of the revised codes of North Dakota, 1899, relating to the execution by corporations of instruments affecting titles to real estate, prescribing the manner of execution and the form of acknowledgment, vali-

dating instruments heretofore executed, and enacting other provisions relating thereto.

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

The secretary announced that the president was about to sign

House Bill No. 28,

A bill for an act to prevent fraud in the sale of formaldehyde used as a fungicide, prescribing a penalty for the violation, providing for the inspection and analysis of same, charging the North Dakota Government Agriculture experiment station with the duty thereof, and charging the state's attorney with the enforcement thereof.

Also,

Senate Bill No. 54,

A bill for an act to amend and re-enact section 5887, revised codes of 1897, providing for sale of personal property under foreclosure of mortgage.

Also,

Senate Bill No. 93,

A bill for an act to amend section 2264 of the revised codes of the state of North Dakota, relating to power of city council to make contracts for water for fire protection.

And the president signed the same in the presence of the senate.

Mr. Sharpe moved

That the senate do now adjourn.

Which motion prevailed, and

The senate adjourned.

L. M. McGLASHAN,
Secretary.

FORTY-SIXTH DAY.

SENATE CHAMBER.

BISMARCK, NORTH DAKOTA,

February 17, 1905.

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. Gulack, who was excused.

The courtesies of the floor were extended to the following: John McGauvran, Patrick McGauvran, Joseph Gackle, John Grosz, Daniel Grosz, A. B. Malin and Carl Nelson.

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 of the forty-fifth day, have carefully examined the same, find no corrections to make therein, and recommend that the same be approved.

R. W. MAIN,
Chairman.

Mr. Main moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

REPORTS OF STANDING COMMITTEES.

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

Mr. President:

Your committee on enrolled and engrossed bills have examined:

Senate Bill No. 158,

A bill for an act to amend section 1, of chapter 162, of the session laws of 1901, being an act to empower the board of county commissioners to offset due or delinquent taxes due from any person, corporation or society in whose behalf the indebtedness has accrued against such county.

Also,

Senate Bill No. 183,

A bill for an act to amend section 185 of the revised codes of North Dakota for 1899, relating to the publication of notices of sale of school and state lands.

Also,

Senate Bill No. 99,

A bill for an act to legalize the execution and acknowledgment of certain deeds, mortgages and other instruments in writing, and the record thereof, and making the same or certified copies thereof admissible in evidence.

Also,

Senate Bill No. 149,

A bill for an act to amend sections 5908 and 5909, of the revised codes of 1899, as amended by section 1, of chapter 5, of the laws of 1901, relating to unknown persons defendant in certain actions and service of summons upon the same.

Also,

Senate Bill No. 150,

A bill for an act to ratify and confirm the conveyance of the family homestead in any case in which the same has been heretofore deeded by both husband and wife in separate instruments, neither having joined in the deed with the other, where the respective deeds purport to convey to the same persons or their grantees, and validating such deeds.

Also,

Senate Bill No. 119,

A bill for an act providing for procuring of official bonds

of state officers and for acceptance of bids therefor, and the payment of premiums upon same.

And find the same correctly engrossed.

GEO. M. YOUNG,
Chairman.

The committee on agriculture made the following report:

Mr. President:

Your committee on agriculture to whom was referred
House Bill No. 22,

A bill for an act to promote forest tree culture.

Have had the same under consideration and recommend that the same be indefinitely postponed.

IVER SWENSON,
Chairman.

Mr. Swenson moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

And further consideration of the bill was indefinitely postponed.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred

Senate Bill No. 91,

A bill for an act to amend chapter 21 of the political code of North Dakota, relating to drains.

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

That the title of said act be amended by adding after the word "drains" the words "by inserting section 1461a."

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 of the committee was adopted.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred

Senate Bill No. 185,

A bill for an act to amend section 3574 of article III of

chapter 37 of the civil code of the state of North Dakota, relating to proof and acknowledgement of instruments.

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

Also,

Senate Bill No. 186,

A bill for an act to amend section 1774 of the revised codes of the state of North Dakota for 1899, relating to

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

Also,

Senate Bill No. 188,

A bill for an act to amend and re-enact section 7068 of the revised codes of 1899, relating to punishment for murder in the first degree.

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 of the committee was adopted.

And further consideration of the bill was indefinitely postponed.

The committee on public health made the following report:

Mr. President:

Your committee on public health to whom was referred Senate Bill No. 152,

A bill for an act to amend section 7280 and section 7285 of the revised codes of North Dakota, 1899, relating to violations of the pharmacy law, and prescribing penalties therefor.

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

J. D. TAYLOR,

Chairman.

The committee on education made the following report:

Mr. President:

Your committee on education to whom was referred

House Bill No. 34,

A bill for an act to amend section 648 and 750 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 the words "the second year of" in line 13, page 2, of the printed bill.

And when so amended recommend that the same do pass.

F. S. TALCOTT,
Chairman.

Mr. Talcott moved

That the report be adopted,

Which motion prevailed, and

The report of the committee was adopted.

The Committee on Appropriations made the following report:

Mr. President:

Your committee on appropriations to whom was referred

Senate Bill No. 163,

A bill for an act to provide for the making of tests of wheat and flour to determine the comparative milling values of the different grades of wheat.

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

By striking out all of section 1 and the following words as they appear in lines 1 and 2 of section 2 of the printed bill: "Section 2. It shall be the duty of the said North Dakota government experimental station to keep a record," and insert in lieu thereof the following: "Section 1. It shall be the duty of the North Dakota government agricultural experiment station to conduct experiments and determine the comparative milling values of the different grades of wheat by making chemical analysis of the different grades of wheat and baking tests of the flours made therefrom. A record shall be kept and published."

By striking out the figure "3" where it appears in line 1 of section 3 of printed bill and inserting in lieu thereof the figure "2."

And when so amended recommend that the same do pass.

JUDSON LA MOURE,
Chairman.

Mr. LaMoure moved

That the report be adopted,

Which motion prevailed, and

The report of the committee was adopted.

The committee on appropriations made the following report:

Mr. President:

Your committee on appropriations to whom was referred Senate Bill No. 130,

A bill for an act to amend section 992 of the revised codes of North Dakota, 1899, relating to powers and duties of the board of trustees of the state hospital for the insane.

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

That lines 17, 18, 19, 20, 21 and 22 of the printed bill be stricken out and the following inserted in place thereof: "Two thousand five hundred dollars; steward, not to exceed fifteen hundred dollars; first assistant physician, not to exceed sixteen hundred dollars; assistant physician, not to exceed twelve hundred dollars per annum for each, according to length and quality of service, which said salaries shall be fixed by the board of trustees; matron, five hundred dollars."

And when so amended recommend that the same do pass.

JUDSON LA MOURE,
Chairman.

Mr. LaMoure moved

That the report be adopted,

Which motion prevailed, and

The report of the committee was adopted.

The committee on appropriations made the following report:

Mr. President:

Your committee on appropriations to whom was referred Senate Bill No. 154,

A bill for an act appropriating to James G. Campbell, state's attorney for Stark county, \$600 attorney's fees for services rendered in the unorganized territory attached to Stark county for judicial purposes during the years 1903 and 1904.

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

By striking out of the title to said bill and also in line 2 of the printed bill the figures "\$600" and inserting in lieu thereof the figures "\$300."

And when so amended recommend that the same do pass.

JUDSON LA MOURE,
Chairman.

Mr. LaMoure moved

That the report be adopted,

Which motion prevailed, and

The report of the committee was adopted.

The committee on appropriations made the following report:

Mr. President:

Your committee on appropriations to whom was referred Senate Bill No. 155,

A bill for an act appropriating to James G. Saunders, clerk of the district court of Stark county, North Dakota, \$400 clerk's fees for services rendered in the unorganized territory attached to Stark county for judicial purposes during the years 1903 and 1904.

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

By striking out from the title and also from section 1 of said bill the figures "\$400" and inserting in lieu thereof the figures "\$200" in each place

And when so amended recommend that the same do pass.

JUDSON LA MOURE,

Chairman.

Mr. La Moure moved

That the report be adopted,

Which motion prevailed, and

The report of the committee was adopted.

The committee on appropriations made the following report:

Mr. President:

Your committee on appropriations to whom was referred House Bill No. 118,

A bill for an act to enable military organizations to issue bonds to secure funds for armory purposes and making an appropriation for armory rent.

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

That after the word "appropriated" in line one of section 3 of the printed bill there be inserted the words, "out of the militia fund."

And when so amended recommend that the same do pass.

JUDSON LA MOURE,

Chairman.

Mr. LaMoure moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 17, 1905.

Mr. President:

I have the honor to transmit herewith

House Bill No. 177,

A bill for an act to amend section 6315 of the revised codes of 1899, relating to letters of administration, and who entitled to the same.

Also,

House Bill No. 133,

A bill for an act to repeal sections 2209 to 2247, both inclusive, of the revised codes of 1899, relating to municipal courts.

Also,

House Bill No. 179,

A bill for an act to amend section 4797 of the revised codes of 1899 of the state of North Dakota.

Also,

House Bill No. 149,

A bill for an act making it a misdemeanor to move personal property from the state or dispose of the same, with the intention of avoiding the payment of personal property taxes.

Also,

House Bill No. 193:

An act providing that whenever any court in passing sentence upon any person convicted of a misdemeanor, sentences such person to confinement in the court jail, the court shall, if in his opinion, such person is capable of performing manual labor, sentence such person to confinement in the county jail at hard labor.

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

Also,

I have the honor to transmit herewith

Senate Bill No. 88,

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

Which the house has amended by striking out all after the word "a bill" in the heading and substituting in lieu thereof the following:

SUBSTITUTE FOR SENATE BILL NO. 88.

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

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

Section 1. It is the intention of this act to purify and reform the methods by which organized political parties shall make nominations of candidates for the several public offices, to perpetuate and strengthen political parties by eliminating therefrom the evils hereby sought to be corrected, and to secure to each individual member and delegate of such party an absolute freedom and independence in the expression of his preferences relating to nominations by such parties, and to prevent and prohibit the use and influence of the methods similar to that known as the unit rule, and this statute shall be so construed as to give force and effect to this expressed intention.

Section 2. On the Tuesday following the third Monday of June of each year during which occurs a general election, there shall be held in lieu of caucuses and conventions, a primary election in the various voting precincts of this state for the nomination of candidates for the following offices, to be voted for at the ensuing general election, viz.: County officers, members of the legislative assembly, county commissioners, and city officers; and also for the election of delegates to the state and judicial district conventions as herein provided.

For special elections for the officers enumerated herein, the nomination shall be made as otherwise provided by law.

Section 3. Every candidate for a member of the legislative assembly shall, not more than thirty nor less than fifteen days prior to said primary election, present to the county auditor of the county in which such legislative district shall be situated, and if such legislative district shall be composed of two or more counties, then in that event to the county auditor of each of said counties, a petition giving his name, post office address, the title of the office to which he aspires and the party which he represents, containing the names of ten per cent of the total vote cast for the candidate of the party with which he affiliates, receiving the greatest number of votes for the same position at the last general election; provided, however, that in no case shall more than 100 names be required. Each name on the petition shall be that of a legal voter and be subscribed under a certified party heading.

Upon receipt by the county auditor of such petition, and when accompanied by the following affidavit he shall place the applicant's name upon the primary election ballot of his party as hereinafter provided.

Said affidavit may be substantially as follows:

STATE OF NORTH DAKOTA,
County of—ss.

I,, being duly sworn, depose and say that I reside in the county of, and state of North Dakota; that I am a qualified voter therein and a; that I am a candidate for nomination to the office of, to be chosen at the primary election to be held on, 19...., and I do hereby request that my name be printed on the primary election ballot as provided by law as a candidate of the party for said office.

.....

Subscribed and sworn to before me this day
 of 19..... ,

Section 4. Every candidate for a county or district office, shall, not more than thirty days, nor less than twenty days prior to any primary election, present to the county auditor a petition giving his name, post office address, the title of the office to which he aspires and the party which he represents, containing the names of five per cent of the total vote cast for the candidate of the party with which he affiliates for the same position at the last general election; provided, however, that in no case shall more than three hundred names be required.

Each name on the petition shall be that of a qualified voter and be subscribed under a certified party heading.

Each signer of a nomination paper shall sign but one paper for the same office; he shall add his residence, with the street number, if any, and the date of the signing.

Upon the receipt of such petition by the county auditor and the payment to him of an amount equal to two per cent of the annual salary of the office to which he aspires, (excepting candidates for state senator who shall pay thirty dollars, and candidates for legislative representative who shall pay ten dollars), and in no case less than five dollars, excepting candidates for county commissioners, surveyor, and coroner, who shall pay three dollars, and the candidates for county constables and county justices of the peace who shall pay one dollar, as provided in this act, and when accompanied by an affidavit as provided in section 3 of this act, he shall place the name of such applicant upon the primary election ballot of his party as hereinafter provided.

For the purpose of this act, candidates for the office of sheriff shall pay the same fee as candidates for the office of county auditor.

The money so received by the county auditor shall be turned over by him to the county treasurer to be covered into the general fund.

Section 5. The petitions required in sections 3 and 4 of this act may be one continuous list of names under the proper political title or principle or there may be a number of such petitions using the same title, giving the aggregate of names required.

Section 6. A candidate may be nominated by having his name written on, or by printed stickers placed in a blank line left for that purpose underneath the group in each official position.

Section 7. It shall be the duty of the chairman of the state central committee of each party or principle entitled to make nominations as such under the provisions hereof, to certify to the county auditor of each county on or before the first day of May of each year during which state officers may be elected the number of delegates which have been apportioned to such county as the representation to which such county is entitled in the succeeding state convention of such party or principle, and such county auditor shall thereafter include in the notice of the primary election to be held under the provision of this act a notice of the election at such primary election of the number of delegates apportioned to said county as aforesaid, and thereafter the same proceedings shall be had relating to the election of delegates to state conventions as is provided herein for the nomination of candidates for county offices. Provided, that candidates for the office of delegates to the state convention shall not be required to pay any fee to become candidates as such delegates; and provided, further, that a petition for the nomination of candidates for the office of delegate to the state convention shall contain at least ten per cent of the vote cast at the last general election for the candidate of such party or principle for the office of governor in such county;

and provided, further, that such petition may contain the names of one or more candidates for office of delegate to the state convention.

Section 8. The delegates for the state convention chosen by each party or principle in the manner provided in the preceding section shall meet at a time and place designated by the state central committee of each of said parties or principles, respectively, and shall nominate by majority vote the candidates of said party or principle for the respective state offices to be filled at the succeeding general election held in this state, including members of congress and presidential electors.

The state central committee shall provide the manner of filling vacancies occurring at the time of holding the convention in the delegations of the several counties, but no person shall be chosen except a resident of the county in which such vacancy occurs.

All nominations by such convention shall be made by secret ballot and not otherwise. The use or observance or enforcement of the practice commonly known as the unit rule is hereby strictly forbidden and any person who shall cast or receive or cause to be cast or received or counted any vote whatever in violation of the provisions of this section shall be guilty of a misdemeanor and shall upon conviction thereof be punished as provided by law for misdemeanors.

In case of any vacancy by death, resignation or otherwise, in any of the nominations made by such state convention the state central committee of such party shall have power to fill such vacancy.

Amended by inserting after the word "vacancy" at the end of section 8 in printed bill:

"No promise of appointment of or preference to or for any position in the federal or state service shall be given to any delegate to the state or district convention to be holden under this act, and no inducement direct or indirect shall be offered to any such delegate for his vote or influence as such in connection with the nomination of any person, by such convention; and any person violating this provision shall be deemed guilty of a misdemeanor and upon conviction thereof be fined in any sum not less than \$50, or more than \$500, and imprisonment in the county jail not less than ten days or more than one year.

Section 9. All persons nominated in accordance with the provisions of this act shall be eligible and qualified as candidates to be voted for at the ensuing general election.

Section 10. The primary election and primary election ballot shall be provided for, arranged and conducted and all expenses paid as now provided by law for general elections, except as otherwise provided for in this act.

There shall be separate ballots for each party or principle and they shall all be of the same size, texture and color.

The ballot shall be entitled "primary election ballot."

The names of all aspirants for nomination of each political party or principle for the different offices shall be arranged in separate groups in their order, on separate ballots under a proper political designation, leaving one or more blank lines or spaces below each group of names on which may be written or placed a name or a printed sticker attached for the nomination of the candidate. No squares shall be left at the head of the ballot.

At the head of each ballot shall be placed the title of the political party or principle that it represents.

At the left of each group shall be placed the title of the office followed by a bracket indicating the number of names in such group. Above each group there shall be a space in which shall be printed the number of names in that group to be voted for as follows: "Vote for name (or names) only."

The voter shall place his cross (X) in the square following the name to the right of every candidate he desires to vote for.

The judges and inspectors of election when handing a ballot to a voter shall inform him that he must vote for the candidates of the political party such ballot represents only and the voter shall call for the ballot representing the party or principle with which he affiliates and he shall receive such ballot and no other.

Section 11. Any citizen otherwise eligible by law affiliating or representing the principles enumerated in the national platform of the following parties are eligible to nomination under this act: The republican party, the democratic party, or any party designation that cast five per cent of the votes cast for governor at the last general election and it shall be unlawful for any person to call for or vote a ballot at the primary election herein provided for except a ballot representing the party, or principle, with which he affiliates and any person who has reason to believe that the ballot called for by the voter does not represent the party or principle with which said voter affiliates may challenge such vote, and he shall not be entitled to cast his ballot unless he makes and files with the inspector of such primary election an affidavit to the effect that such ballot represents the political party with which he affiliates.

Section 12. Should vacancy occur by resignation, death or otherwise where there is only one aspirant for such office, in any office for which candidates are to be nominated in this act, or should there be no applicant for such office before printing the primary election ballots such vacancy may be filled by the regularly constituted committee of the party in which such vacancy occurs, and no petition or fee shall be required therefor.

Section 13. The primary election ballots of each party or principle shall be prepared, unless otherwise provided in this act, as prescribed in section 491 of the revised codes of 1899.

Section 14. The names of candidates for each office upon the sample and official ballot shall be arranged alphabetically according to surnames.

The names of candidates under headings designating each official position shall be alternated on the ballot in printing in the following manner, viz:

First, the forms shall be sent up with the names in the order in which they were placed upon the sample ballot as prepared by the county auditor.

Second. In printing each set of ballots for the various election precincts, the position of the names shall be changed in each official division as many times as there are candidates in the office, division or group in which there are most names.

As nearly as possible an equal number of ballots shall be printed after each change.

In making the changes of position the printer shall take the line of type at the head of each office division and place it at the bottom of that division shoving up the columns so that the name that was second before the change shall be first after the change.

After the ballots are printed, before being cut, they shall be kept in separate piles for each change or position and shall then be piled by taking one from each pile and placing it upon the other pile to be cut, the intention being that every other ballot in the pile of printed sheets shall have names in different positions.

After the piles are made in this manner they shall be cut and placed in blocks as provided by the general election law.

Section 15. Between the first day of May and the first day of June of each year during which an election shall be held for the purpose of electing, among other officers, judges of the district court in the several districts of this state it shall be the duty of the state central committee of each party or principle entitled to make nominations under the provisions

hereof to designate a time and place at which a convention shall be held for the purpose of nominating candidates of such party or principle for the office of judge of the district court of each judicial district. Notice of the time and place so designated shall be given in such manner as the state central committee shall determine and at the time and place so designated the persons elected as delegates to the state convention of such party or principle in such year, from the several counties composing each judicial district, shall meet in convention and nominate by majority vote the candidate of such party or principle for the office of the judge of the district court. The vote by which such nominations shall be made shall be by secret ballot. The chairman and secretary of such convention shall immediately issue a certificate of the nomination showing the name and residence of the person so nominated, and forthwith transmit the same to the secretary of state. Such convention shall have power to provide the method by which any vacancy shall be filled by reason of the death, resignation or failure of the person so nominated to accept, or otherwise.

Section 16. The secretary of state shall between the first day of April and the fifteenth day of May in such year, direct and cause to be delivered to the county auditor of each county a notice specifying the officers to be nominated under this act, specifying the several officers to be nominated in such county at the next primary election.

The auditor to whom such notice is delivered, shall cause notice of the same to be given as provided in section 512 of the revised codes of 1899.

Section 17. Except as herein otherwise provided the following sections of chapter 8 of the political code of 1899 entitled "elections" are hereby made applicable to primary elections and primary election ballots under this act, to wit: Sections 480, 481, 483, 484, 485, 486, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 505, 510, 513, 514, 515, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 529, 531, 533, 535, 536, 537, 545, 547, 548, 549, 556, 557, 558, 559, 560, 561 and 562.

Section 18. Two tally books or two sets of tally sheets shall be provided for each political party or principle, having candidates to be voted for at each voting precinct the same to be furnished by the county auditor, at the same time and in the same manner that the poll books and ballots are furnished. The names of the candidates shall be placed on the tally sheets in the order in which they appear on the official sample ballots and in each case shall have the proper party designation at the head thereof.

Section 19. The polls shall be opened at nine o'clock a. m. and shall remain open continuously until four o'clock p. m.

When the polls are closed the judges and inspectors of such primary election shall open the ballot boxes, count the votes and compare the same with the clerk's list and should any irregularities appear they shall proceed as now provided by law.

When the ballots compare with the clerk's lists they shall proceed to canvass and place those of each political party in separate piles.

The tally of the votes shall be separate for each political designation or principle and so returned by the judges and inspectors of election, giving the full vote for each candidate.

The men's and the women's vote shall be kept separately and so returned by the judges.

The county canvassing board shall aggregate those for each of the candidates voted for.

Section 20. The judges of such primary election in each precinct shall make a statement on blanks to be provided for that purpose which shall be subscribed to by them and filed in the office of the county auditor with the returns as follows: They shall contain the names of all persons

voted for at the primary election with the number of votes cast for each candidate and for what office.

A separate statement shall be made for each political party or principle.

Section 21. The clerks of primary election shall keep a list of names of all persons voting at such primary election, and shall return one list as now required and one tally sheet that shall be a part of the records, and deliver the other list to the board of registration within thirty days following any primary election.

No registration of votes shall be required under this act to vote at any primary election

The poll lists so kept at the primary election and delivered to the boards of registration shall take the place of the first registration of the voters now required, and notice only shall be given of the second day of registration which shall be held and conducted as now provided and no other shall be required to vote at the general election following.

Section 22. The county canvassing board shall be composed of the clerk of the district court, county auditor, chairman of the board of county commissioners and the chairman of the county committee of the two political parties that cast the highest vote for governor at the preceding general election.

The members of said board shall meet in the county auditor's office in the court house, at ten o'clock, a. m., on the eighth day after any primary election, and shall proceed after taking the usual oath of office, to open and publicly canvass the primary election returns made to the county auditor.

Any three members of said board shall constitute a quorum and are authorized to make the canvass herein provided and to certify to the results thereof.

Section 23. The canvassing board shall make and prepare a statement the same to be signed by said board and filed in the office of the county auditor as follows:

First. A statement containing the names of all the candidates voted for at the primary election, with the number of votes received by each and for what office or position, said statement to be made as to each political party or principle separately.

Second. A statement of the names of the persons or candidates of each political party who are nominated, to-wit: Those persons or candidates of such political party or principle who received the highest number of votes for the respective office, and where there is more than one person to be elected to a given office at the ensuing general election there shall be included in said statement of nomination the names of so many candidates of such party receiving the next highest number of votes for that office as there are persons to be elected to such office at said ensuing general election, including delegates to the state convention.

Said statement shall in like manner be made separately as to each political party.

Third. A statement of the whole number of electors registered and the number of ballots cast, men's and women's separately, at such primary election.

Fourth. It shall be the duty of the county auditor upon the completion of the canvass to mail or deliver in person, to each candidate so nominated for any county or district office, including delegates elected to the state convention, a notice of such fact except as to delegates, and that his name will be put upon the official ballot except as otherwise provided. He shall, also, cause a copy of the findings of said board to be published in a newspaper at the county seat, if such there be.

Section 24. It shall be the duty of the county auditor of each county under his official seal, except as provided in section 26 of this act, immediately upon

the completion of the canvass as provided by section 23 hereof, to issue certificates of nomination for the persons of each political party or principle having the highest number of votes, for the members of the legislative assembly, which certificate of nomination shall be forwarded without delay to the secretary of state by registered mail.

Section 25. When two or more counties are embraced in one legislative district, the respective county auditors shall attend at the office of the county auditor of the senior county of such district, within fifteen days after primary election, and in conjunction with the auditor of the senior county shall compare the votes cast in the several counties comprising such district; and such auditor shall immediately make out certificates of nomination for the persons of each political party or principle having the highest number of votes in such district for the members of the legislative assembly as provided in section 24 of this act, which certificate of nomination shall be forwarded without delay to the secretary of state by registered mail, by the county auditor of the senior county who shall give notice in writing to all the members of the legislative assembly nominated in such district.

Section 26. When a vacancy occurs by death or resignation of any aspirant for nomination before the primary election ballots are printed in legislative districts containing more than one county, the members of the county central committees of the party in which such vacancy occurs, of the counties of which such district is composed, shall meet and by majority vote may fill such vacancy, and by a certificate of nomination, notify the county auditors of the several counties of which such district is composed. Should a nomination be so made the auditors of such counties shall place the name on the primary election ballots where the vacancy exists.

Should a vacancy occur in a legislative office in a county composed of more than one district, or in a commissioners district, then the county central committee of the party in which such vacancy occurs shall meet and fill such vacancy. On receipt of a certificate of nomination from such committee, the county auditor shall place the name of each nominee upon the primary election ballot where such vacancy exists.

Section 27. The provisions of this act shall apply to cities in this state containing a population of five thousand or more according to last government census.

Section 28. Primary elections for the nominations of all municipal officers shall be held on the first Tuesday of March of each year and conducted the same as city elections.

Nominations shall then be made of all officers, city and ward, where the terms of office expire at the municipal election following.

Section 29. Thirty days prior to such election it shall be the duty of the city auditor or recorder to give public notice thereof by two publications following in the official paper of the city, and by posting three notices in each ward, in conspicuous places specifying the officers to be nominated at the primary election following, giving the date of such election and the title and term of such office.

Section 30. All aspirants for nomination shall, not more than twenty nor less than ten days prior to such primary election, present or have presented to the city auditor or recorder a petition and affidavit as required in sections 3 and 4 of this act, provided that the fee required to be paid shall be five dollars for nominations at large and two dollars for nominations in wards, which shall be paid to the city treasurer and a receipt taken therefor; provided, further that the petition required shall contain the names of at least five per cent of the votes cast for mayor at the preceding election for officers at large, and five per cent of such vote cast in each ward shall be required to place a name on the primary election ballot for nominations in such ward.

Section 31. It shall be the duty of the city auditor or recorder to prepare the primary election ballots as provided in this act and deliver the same as now provided by law.

Section 32. The city council shall compose the canvassing board, and shall meet within five days after any primary election and canvass the votes as

required in subdivisions first and second of section 23 of this act and make returns of same as herein provided.

Section 33. When the result of such election is announced it shall be the duty of the city auditor or recorder to notify the candidates declared nominated by written notice thereof and by publishing the same in the official paper of the city, one week prior to the municipal election.

Section 34. All the provisions of chapter 5 of the penal code, in so far as the same relates to crimes against the elective franchise, are hereby made applicable to elections held pursuant to the provisions of this act.

Section 35. Every state, county and city committee of each political party now eligible under the provisions of this act, shall remain the regularly constituted committee of the respective parties until succeeded as provided for in this act.

Section 36. Between the first day and tenth day of August of each year following a primary election for the election of delegates to a state convention, it shall be the duty of the persons elected as delegates to the state convention of each party or principle in such year, to meet at the county seats in each county, respectively, at a time and place to be designated by the chairman of the county central committee (ten days notice whereof shall be given by mail to each of said delegates by such chairman of the county central committee) and elect a county central committee representing such party or principle which committee shall be composed of such number as said delegates to the state convention shall at said time and place determine, and the members of such committee shall be so elected as to give as nearly as practicable equal representation to each portion of the county containing an equal number of electors who shall be members of said party or principle.

No candidate shall be a member of such committee.

Each member shall retain such position until his successor is chosen.

Every member so elected shall be a legal voter.

Such members shall meet within five days after their election and organize by selecting a chairman, a secretary and a treasurer from among their members and shall adopt rules and modes of procedure.

Vacancies shall be filled by a majority of the committee, by appointment from the district in which such vacancy exists.

Section 37. It is not the intention hereof to destroy or impair the organization of any party or principle now existing or hereafter to exist, therefore, each of such parties or principles, and each and all of the state, county, and other committees thereof, all possess all of the ordinary powers and authority heretofore established by the usage and customs of such parties not inconsistent with any of the provisions hereof.

Section 38. All acts or parts of acts in conflict with the provisions of this act are hereby repealed.

And passed as amended.

Very respectfully,

OTTO SOUGSTAD,

Chief Clerk.

REPORTS OF STANDING COMMITTEES.

The committee on appropriations made the following report:

Mr. President:

Your committee on appropriations to whom was referred

House Bill No. 6,

A bill for an act for the relief of Clarence M. Cole, a member of Battery A, North Dakota National Guard.

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

JUDSON LA MOURE,
Chairman.

The committee on appropriations made the following report:

Mr. President:

Your committee on appropriations to whom was referred House Bill No. 91,

A bill for an act to appropriate money for the care and preservation of the state military encampment grounds, Rock Island, Ramsey Co., North Dakota.

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

That the figures "\$5,000" in line three of the printed bill be stricken out and the figures "\$2,500" be inserted in lieu thereof.

And when so amended recommend that the same do pass.

JUDSON LA MOURE,
Chairman.

Mr. LaMoure moved

That the report be adopted,

Which motion prevailed, and

The report of the committee was adopted.

The committee on appropriations made the following report:

Mr. President:

Your committee on appropriations to whom was referred Senate Bill No. 157,

A bill for an act appropriating money for the building and equipping of an administration and gymnasium building for the North Dakota agricultural college and experiment station at Fargo.

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

By striking out the words "from and" in line 3 of section 2 of the printed bill and inserting in lieu thereof the words "April 1, 1906."

And when so amended recommend that the same do pass.

JUDSON LA MOURE,
Chairman.

Mr. La Moure moved
That the report be adopted.

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

The committee on appropriations made the following report:

Mr. President:

Your committee on appropriations to whom was referred
Senate Bill No. 112,

A bill for an act to amend section 338 of the revised codes of 1899, as amended by chapter 28 of the session laws of 1903, providing for an appropriation for supplies for the capitol building, executive mansion and the public grounds and parks connected therewith and for necessary repairs upon the capitol building and executive mansion.

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

Also,
Senate Bill No. 4,

A bill for an act appropriating money for the building and equipping of a chemical laboratory and green house for the North Dakota Agricultural College and Experiment Station at Fargo.

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

Also,
Senate Bill No. 12,

A bill for an act providing for the creation of a state bacteriological and pathological laboratory, for the control of such laboratory, and duties of the director, for the appointment of a director of such laboratory, who shall be ex-officio state bacteriologist and for an appropriation for the support of such laboratory.

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

Also,
Senate Bill No. 153,

A bill for an act appropriating money for the building and equipping of an administration and gymnasium building for the state university and school of mines at Grand Forks.

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

By striking out the words "from and" in line 3 of section 2, of the printed bill and inserting in lieu thereof the words "April 1, 1906."

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

JUDSON LA MOURE,
Chairman.

Mr. La Moure moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on appropriations made the following report:

Mr. President:

Your committee on appropriations to whom was referred Senate Bill No. 52,

A bill for an act to amend section 1375 of the revised codes, relating to additional duties of the adjutant general.

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

After the word "dollars," in line 13 of the printed bill, insert the words "eight hundred dollars of which salary and expenses shall be paid from the militia fund and the balance."

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

JUDSON LA MOURE,
Chairman.

Mr. La Moure moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on appropriations made the following report:

Mr. President:

Your committee on appropriations to whom was referred Senate Bill No. 123,

A bill for an act to amend sections 870 and 871 of the revised codes of North Dakota for 1899, relating to the appropriation for aid to state high schools.

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

By striking out from lines 21, 22 and 23 of the printed bill, the words: "The sum of four hundred (\$400.00) dollars each year to each school

having a two years' high school course and doing two years' high school work."

By changing the words and figures "thirty thousand (\$30,000)" in lines 26 and 28 of section 1 and line 8 of section 2 of the printed bill to read: "Twenty-five thousand (\$25,000)."

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

JUDSON LA MOURE,
Chairman.

Mr. La Moure moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on appropriations made the following report:

Mr. President:

Your committee on appropriations to whom was referred Senate Bill No. 167,

A bill for an act to appropriate the sum of \$6,997.59 to pay expenses incurred by the chief state veterinarian and the state board of auditors in connection with the erection, equipment and maintaining of state dipping tanks for dipping live stock in the prevention of the spread of scabbies.

Have had the same under consideration and 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

Senate Bill No. 135,

A bill for an act to provide an appropriation for the repairing of and an addition to, and the erection of an additional building for the state normal school at Mayville, North Dakota.

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

That the title of said bill be amended to read as follows:

A bill for an act to provide an appropriation for the repairing of and the building of an addition to the present building and heating plant and for the erection and equip-

ment of a dormitory building for the state normal school at Mayville.

That section 1 of said bill be amended so as to read as follows:

Section 1. Appropriation.) There is hereby appropriated for the state normal school at Mayville, out of any money in the state treasury, not otherwise appropriated, for the purpose of paying for the repairing of and for the building of an addition to the present building and heating plant the sum of twenty-five thousand dollars, and for the erection and equipment of a dormitory building, the sum of twenty thousand dollars, or so much thereof as may be necessary.

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 of the committee was adopted.

The committee on appropriations made the following report:

Mr. President:

Your committee on appropriations to whom was referred Senate Bill No. 168,

A bill for an act making an appropriation for erecting a building, furnishing and equipping the same, for the use of North Dakota academy of science, located at Wahpeton, North Dakota, and to provide funds for the maintenance of said school.

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

That the title of said bill be amended by inserting the words "purchasing or" after the word "for" in the first line of said title.

That line 9 of the printed bill be amended to read as follows: "For the purchase or erection of a building, \$30,000."

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

JUDSON LA MOURE,
Chairman.

Mr. La Moure moved

That the report be adopted.

Which motion prevailed, and

The committee on appropriations made the following report:

Mr. President:

Your committee on appropriations to whom was referred Senate Bill No. 106,

A bill for an act to make an appropriation for the current and contingent expenses of the state reform school at Mandan, for additional buildings for said school and furnishing and equipping the same.

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 make an appropriation for the current and contingent expenses of the state reform school at Mandan, and authorizing the trustees of said reform school to purchase six hundred acres of land contiguous to the present site of said reform school.

That in lines 4 and 5 of the printed bill the words "and for additional buildings for said school, and furnishing and equipping the same" be stricken out.

That lines 6 and 7 of the printed bill be amended to read as follows:

For maintenance, and salaries of officers and employees, \$5,040.

That lines 14, 15, 16 and 17 of the printed bill be stricken out.

That the figures in line nineteen of the printed bill be amended to read "\$15,540."

That the following be added to said bill as section 2 thereof:

Section 2. The trustees of the said state reform school located at Mandan are hereby authorized and empowered to purchase not more than six hundred acres of land adjoining said reform school at a price not to exceed \$15 per acre, and there is hereby appropriated out of any moneys in the state treasury not otherwise appropriated the sum of nine thousand dollars for the purchase of said lands, or so much thereof as may be necessary; provided, that before any of the money hereby appropriated for the purchase of said lands is available, the governor of this state shall give his assent thereto.

That section 2 of the bill be renumbered section 3.

And when so amended recommend that the same do pass.
 JUDSON LA MOURE,
 Chairman.

Mr. LaMoure moved

That the report be adopted,

Which motion prevailed, and

That the report of the committee be adopted

The committee on appropriations made the following report:

Mr. President:

Your committee on appropriations to whom was referred Senate Bill No. 31,

A bill for an act appropriating money for the enforcement of the pure food and other health and sanitary laws and for investigating the strength and purity of drugs and formaldehyde.

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

By striking from the title the words, "and other health and sanitary."

By striking from line 1 of the printed bill, the word "annually."

By changing the figures "\$5,000" in line 3 of the printed bill to the figures "\$6,000."

By striking from lines 5 and 6 of the printed bill the words "and such other sanitary and health laws."

By following section 1 of the bill with the following:

"Section 2. All acts and parts of acts and especially section 11, of chapter 6 of the session laws of 1903, are hereby expressly repealed."

By renumbering section 2 of the bill as section 3.

And when so amended, recommend that the same do pass.
 JUDSON LA MOURE,
 Chairman.

Mr. La Moure moved

That the report be adopted.

Which motion prevailed, and

The report of the committee 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 defining the status, and providing for the duties of the State Historical Society 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 figures "\$2,500" in line four of section 3 of the printed bill be stricken out and the figures "\$1,250" be inserted in lieu thereof.

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

JUDSON LA MOURE,
Chairman.

Mr. La Moure moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on appropriations made the following report:

Mr. President:

Your committee on appropriations to whom was referred Senate Bill No. 104,

A bill for an act to provide for the erection of necessary additional buildings and other improvements at the state hospital for the insane at Jamestown, North Dakota.

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

By striking out the words "one hundred nine thousand dollars (\$109,000)" in lines 5 and 6 of the printed bill, and inserting, "ninety thousand (\$90,000)"

By amending line 9 of the printed bill to read: "A new ward building, \$30,000."

By amending line 10 of the printed bill to read: "A hospital building, \$55,000."

By striking out lines 11, 12 and 14 of the printed bill.

By amending line 15 of the printed bill to read: "Total, \$90,000."

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

JUDSON LA MOURE,
Chairman.

Mr. La Moure moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on appropriations made the following report:

Mr. President:

Your committee on appropriations to whom was referred Senate Bill No. 37,

A bill for an act to provide an appropriation for the current and contingent expenses of the institution for the feeble minded at Grafton, North Dakota.

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

By striking out the words "sixty-one thousand and eight hundred and twenty-five" in line 6 of the printed bill and inserting in place thereof the words: "Sixty-four thousand three hundred and twenty-five."

By amending line 10 of the printed bill to read: "Fuel and lights, \$6,500."

By amending line 36 of the printed bill to read: "Total, \$64,325."

By adding the following at the end of section 1: "Provided, that before any of the money hereby appropriated for the purchase of land is available, the governor of this state shall give his assent thereto."

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

JUDSON LA MOURE,

Chairman.

Mr. La Moure moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on appropriations made the following report:

Mr. President:

Your committee on appropriations to whom was referred Senate Bill No. 41,

A bill for an act to provide an appropriation for the current and contingent expenses of the state hospital for the insane at Jamestown.

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

By striking out the words and figures in lines 5 and 6 of the printed bill as follows: "One hundred eighty-four thousand two hundred ninety dollars (\$184,290)" and inserting in place of the same the following: "One hundred forty-five thousand eight hundred and ninety (\$145,890)."

By amending line 8 of the printed bill to read: "Maintenance, \$41,000."

By amending line 10 of the printed bill to read: "Employes' wages and mechanical labor, \$40,000."

By amending line 18 of the printed bill to read: "Additional land, \$2,000."

By amending line 28 of the printed bill to read: "Total, \$145,890."

By adding the following at the end of section 1: "Provided, that before any of the money hereby appropriated for the purchase of land is available, the governor of this state shall give his assent thereto."

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

JUDSON LA MOURE,

Chairman.

Mr. La Moure moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on appropriations made the following report:

Mr. President:

Your committee on appropriations to whom was referred Senate Bill No. 34,

A bill for an act to provide for new buildings and for making needed permanent improvements for the school of deaf and dumb, located at Devils Lake, North Dakota, and making an appropriation therefor.

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

By striking from line three of the printed bill the words "sixty-three thousand, one hundred" and inserting in place of the same the words "forty-two thousand, two hundred and fifty-seven."

By changing the figures in line 6 of the printed bill to read "\$22,266."

By changing the figures in line 11 of the printed bill to read "\$2,000.00."

By changing the figures in line 12 of the printed bill to read "331.00."

By changing the figures in line 14 of the printed bill to read "\$42,257.00."

By adding the following at the end of section 1: "Provided, that before any of the money hereby appropriated for the purchase of land is available, the governor of this state shall give his assent thereto."

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

JUDSON LA MOURE,
Chairman.

Mr. LaMoure moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on appropriations made the following report:

Mr. President:

Your committee on appropriations to whom was referred Senate Bill No. 113,

A bill for an act to provide for the care and improvement of the "White Stone Hills Battle Field," and making an appropriation to pay for the same.

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

That section 1 be amended to read as follows:

"Section 1. That the grant of said land, to-wit: The southeast quarter of section seven, the southwest quarter of section eight, the northeast quarter of section eighteen, and the northwest quarter of section seventeen, all in township one hundred and thirty-one, north, of range sixty-five west, in Dickey county, made by the United States to the state of North Dakota, is with all the emoluments and obligations, connected therewith, hereby in all things accepted."

That section 4 of said bill be amended to read as follows:

"Section 4. That the members of said commission shall not be entitled to any salary or compensation for services rendered or time expended by them or either or them."

That the words "one thousand" in line three of section 7 of the printed bill be amended to read "one hundred."

And when so amended recommend that the same do pass.

JUDSON LAMOURE,

Mr. LaMoure moved

Chairman.

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on appropriations made the following report:

Mr. President:

Your committee on appropriations to whom was referred Senate Bill No. 16,

A bill for an act making appropriations for current and contingent expenses of the state penitentiary, and for making permanent improvements thereto.

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

By striking out the figures "20,000" in line 11 of the printed bill and inserting the figures "22,000."

By striking out the figures "\$80,000" in line 24 of the printed bill and inserting the figures "\$82,000."

And when so amended recommend that the same do pass.

JUDSON LAMOURE,

Mr. LaMoure moved

Chairman.

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on appropriations made the following report:

Mr. President:

Your committee on appropriations to whom was referred Senate Bill No. 100,

A bill for an act to provide for the maintenance of the industrial school and school for manual training, located at Ellendale, 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 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 industrial school and school for manual training, located at Ellendale, for making necessary improvements, providing

for the payment of interest on certificates of indebtedness, and making an appropriation therefor.

That the figures "fifty-three thousand" in line 5 of the printed bill be stricken out and the figures "fifty-three thousand nine hundred" be inserted in lieu thereof.

That the figures "3,000" in line 7 of the printed bill be stricken out and the figures "2,300" be inserted in lieu thereof.

That the figures "3,500" in line 11 of the printed bill be stricken out and the figures "2,500" be inserted in lieu thereof.

That line 21 of the printed bill be stricken out.

That the figures "3,400" in line 23 of the printed bill be stricken out and the figures "5,000" be inserted in lieu thereof.

That following line 23 of the printed bill there be inserted the following:

Interest on certificates of indebtedness, \$2,800."

That the figures in line 24 be amended to read "\$53,900."

And when so amended recommend that the same do pass.

JUDSON LA MOURE,

Chairman.

Mr. LaMoure moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on appropriations made the following report:

Mr. President:

Your committee on appropriations to whom was referred Senate Bill No. 179,

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 Lewis and Clark Centennial and Pacific Exposition and Oriental Fair to be held at Portland, Oregon, in 1905, and providing for a board of commissioners therefor, and making an appropriation for that purpose.

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

That in lines 7 and 8 of section 1 of the printed bill the words "one citizen of this state to be named by the governor" be stricken out and the words "Warren N. Steele, of Rolette county" be inserted in lieu thereof.

That at the end of section 5 there be inserted the following:

"Provided, that the sum herein appropriated shall not become available nor be used by the commission herein named unless the management of the said Lewis and Clark Centennial and Pacific Exposition and Oriental Fair company shall assign to North Dakota such space for exhibition purposes as shall, in the opinion of the commission herein named, enable them to make an adequate exhibit and utilize the exhibit used at the St. Louis World's Fair and other exhibits to the best advantage."

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 of the committee was adopted.

The committee on appropriations made the following report:

Mr. President:

Your committee on appropriations to whom was referred Senate Bill No. 176,

A bill for an act providing for the amount of clerk hire to be allowed various state offices, and making an appropriation therefor.

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

By inserting the words "commencing January 1, 1905," after the word "sums" in line 3 of section 1 of the printed bill.

By inserting after line 21 of the printed bill the following:

"Deputy commission of university and school lands, \$1,800 per annum."

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 of the committee was adopted.

The committee on appropriations made the following report:

Mr. President:

Your committee on appropriations to whom was referred Senate Bill No. 69,

A bill for an act creating and establishing an agricultural experiment station at or near Leeds in Benson county, providing for its management and making an appropriation therefor.

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

By striking out the word "ten" and the figures "(10)" in lines 11 and 12 respectively of the printed bill, and inserting the word "five" and the figure "(5)" respectively.

By adding to the end of section 1 the following: "Provided, however, that said member's authority on said board shall be limited to the consideration of matters affecting the substation provided for in this act."

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 of the committee was adopted.

The committee on appropriations made the following report:

Mr. President:

Your committee on appropriations to whom was referred Senate Bill No. 62,

A bill for an act creating and establishing an agricultural experiment station at or near Dickinson in Stark county, providing for its management and making an appropriation therefor.

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

By striking out the word "ten" and the figures "(10)" in lines 11 and 12 of the printed bill and inserting the word "five" and "(5)" respectively.

By adding to the end of section 1 the following: "Provided, however, that said member's authority on said board shall be limited to the consideration of matters affecting the substation provided for in this act."

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 of the committee was adopted.

The committee on appropriations made the following report:

Mr. LaMoure moved

Your committee on appropriations to whom was referred Senate Bill No. 169,

A bill for an act to provide the maintenance of summer

school, and for new buildings and for making needed and permanent improvements for the state normal school at Valley City, North Dakota, and making an appropriation therefor.

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

That section 2 be amended to read as follows:

Section 2. There is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, the sum of forty-six thousand one hundred and ninety-five dollars for buildings, improvements, and repairs of the state normal school at Valley City, North Dakota, as follows:

For construction of sewer and making necessary connections	\$ 945.00
For installation of closets and plumbing	1,000.00
For artesian well	1,250.00
For new floors in main building	1,000.00
Other repairs to main building and present dormitory and painting	2,500.00
For the purchase of real estate	2,000.00
For furniture for new model school	2,500.00
For building a model school	35,000.00
<hr/>	
Total	\$46,195.00

Provided, that before any of the money hereby appropriated for the purchase of land is available, the governor of this state shall give his assent thereto.

That section 3 of said bill be stricken out.

That section 4 of said bill be re-numbered "section 3."

And when so amended recommend that the same do pass.

JUDSON LA MOURE,
Chairman.

Mr. LaMoure moved

That the report be adopted,

Which motion prevailed, and

The report of the committee was adopted.

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

Mr. President:

Your committee on enrolled and engrossed bills have examined:

Senate Bill No. 35,

A bill for an act to amend section 2673, revised codes of North Dakota, relating to township boards.

And find the same correctly engrossed.

GEORGE M. YOUNG,
Chairman.

COMMUNICATION FROM THE GOVERNOR.

The following communication was received from the governor:

GOVERNOR'S OFFICE,
BISMARCK, NORTH DAKOTA,
February 17, 1905.

To the Senate:

Mr. President: I have the honor to inform you that I have this day approved and filed with the secretary of state,

Senate Bill No. 54,

A bill for an act to amend and re-enact section 5887, revised codes of 1897, providing for sale of personal property under foreclosure of mortgage.

Also,

Senate Bill No. 93,

A bill for an act to amend section 2264 of the revised codes of the state of North Dakota, relating to power of city council to make contracts for water for fire protection.

I have the honor to be
E. Y. SARLES,
Governor.

MOTIONS AND RESOLUTIONS.

The committee on rules offered the following rule:

Resolved, That on Monday, February 20, the president appoint a steering committee of seven, and that said committee shall receive all bills and report order for the day.

JUDSON LAMOURE,
Chairman.

Mr. LaMoure moved

That the rule be adopted.

Which motion prevailed, and

The rule was adopted.

Mr. Pierce offered the following resolution:

Whereas, Geo. Weatherhead, of the enrolling and engrossing force has acted as assistant secretary of the senate since the election of L. M. McGlashan as secretary on January 23rd, 1905, be it,

Resolved that his salary be fixed at \$5 per day from said date to the end of the session.

Mr. Pierce moved

That the resolution be adopted.

Which motion prevailed, and

The resolution was adopted.

Mr. Little moved

That the senate now concur in the house amendment of Senate Bill No. 88,

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

The question being on the concurrence in the house amendment to the bill.

The roll was called and there were ayes 22, nays 16, absent and not voting 2.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bacon	Little	Swenson
Carroll	McLean	Talcott
Fox	Movius	Taylor
Garnett	Pierce	Thatcher
Hanna	Sifton	Voss
Johnson of McLean	Simpson	Wagner
Kirkeide	Steele	Young
LaMoure		

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Benson	Johnson of Walsh	Plain
Cashel	Kraabel	Regan
Crane	Macdonald	Sharpe
Dyste	Main	Spoonheim
Hagen	McArthur	Stade
Herbrandson		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Brown	Gulack	

Messrs. Brown and Gulack being excused.

So the house amendment to the bill was concurred in.

Senate Bill No. 88,

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

Was read the third time.

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

The roll was called and there were ayes 23, nays 15, absent and not voting 2.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bacon	Little	Swenson
Carroll	Macdonald	Talcott
Fox	McLean	Taylor
Garnett	Movius	Thatcher
Hanna	Pierce	Voss
Johnson of McLean	Sifton	Wagner
Kirkeide	Simpson	Young
LaMoure	Steele	

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Benson	Herbrandson	Plain
Cashel	Johnson of Walsh	Regan
Crane	Kraabel	Sharpe
Dyste	Main	Spoonheim
Hagen	McArthur	Stade

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Brown	Gulack	

Messrs. Brown and Gulack being excused.

So the bill passed and the title was agreed to.

Mr. Little moved

That the vote by which Senate Bill No. 88 was passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

Mr. Regan moved

That the secretary of state be instructed to send to each newspaper in the state of North Dakota a copy of the roll call upon the motion to concur in the house amendment to Senate Bill No. 88.

Which motion prevailed.

Mr. LaMoure moved

That senate bills for first reading today receive also their second reading and reference.

Which motion prevailed.

INTRODUCTION, FIRST AND SECOND READING OF SENATE BILLS.

Mr. Young introduced

Senate Bill No. 208,

A bill for an act to amend section 3104 of the revised codes of North Dakota, of 1899, relating to the amount of

insurance required to be subscribed before a policy may be issued by a mutual insurance company.

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

Mr. Pierce introduced
Senate Bill No. 209,

A bill for an act directing the state auditor to pay over funds belonging to the soldiers' home at Lisbon to the institution treasurer, and providing for the application of such funds.

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

Mr. Macdonald introduced
Senate Bill No. 210,

A concurrent resolution for an amendment to the constitution, providing for direct legislation by the electors, shall be referred to the next legislative assembly, and with the approval of said legislative assembly be submitted to the qualified electors for adoption or rejection.

Which was read the first and second times.

Mr. Macdonald moved

That Senate Bill No. 210 be referred to the committee on judiciary.

Roll call demended.

The roll was called and there were ayes 25, nays 11, absent and not voting 4.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Benson	Johnson of Walsh	Simpson
Brown	Kirkeide	Spoonheim
Cashel	Little	Stade
Crane	Macdonald	Steele
Dyste	McArthur	Thatcher
Hagen	Movius	Voss
Hanna	Plain	Wagner
Herbrandsor	Regan	Young
Johnson of McLean		

Those who voted in the negative were:

Carroll	McLean	Swenson
Garnett	Pierce	Talcott
Kraabel	Sharpe	Taylor
LaMoure	Sifton	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Bacon	Gulack	Main
Fox		

Messrs. Bacon, Fox, Gulack and Main being excused.
Mr. Steele explained his vote.
So the motion prevailed, and
Senate Bill No. 210 was referred to the committee on
judiciary.

SECOND READING OF SENATE BILLS.

Senate Bill No. 195,
A bill for an act to amend section 5848, revised codes, 1899, relating to notice of foreclosure of mortgages by advertisement.
Was read the second time, and
Referred to the committee on judiciary.
Senate Bill No. 196,
A bill for an act to amend section 1269 of the revised codes of the state of North Dakota, relating to the rights of purchaser of land at sale for the non-payment of taxes.
Was read the second time, and
Referred to the committee on judiciary.
Senate Bill No. 197,
A bill for an act to amend section 460 of the political code of the revised codes of the state of North Dakota, 1899, relating to administration of oaths.
Was read the second time, and
Referred to the committee on judiciary.
Senate Bill No. 198,
A bill for an act to amend section 8622 of the revised codes, relating to the employment of persons confined in any jail at hard labor.
Was read the second time, and
Referred to the committee on state affairs.
Senate Bill No. 199,
A bill for an act to amend section 8624 of the revised codes, relating to the employment of persons confined in jail for violation of any ordinance, by-laws or other regulation of an incorporated city or village.
Was read the second time, and
Referred to the committee on state affairs.
Senate Bill No. 200,
A bill for an act to amend section 1849 of the revised codes of North Dakota, relating to a change of county lines.
Was read the second time, and
Referred to the committee on counties.

THIRD READING OF SENATE BILLS.

Senate Bill No. 99,

A bill for an act to legalize the execution and acknowledgment of certain deeds, mortgages and other instruments in writing, and the record thereof, and making the same or certified copies thereof admissible in evidence.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 32, nays 1, absent and not voting 7.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Baco	Kirkeide	Simpson
Benson	Kraabel	Spoonheim
Brown	LaMoure	Stade
Cashel	Little	Swenson
Crane	Macdonald	Talcott
Dyste	McLean	Taylor
Garnett	Movius	Thatcher
Hagen	Pierce	Voss
Hanna	Plain	Wagner
Herbrandson	Sharpe	Young
Johnson of Walsh	Sifton	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Carroll	Johnson of McLean	Steele
Fox	Main	
Gulack	McArthur	

Messrs. Carroll, Fox, Gulack, Johnson of McLean, Main, McArthur and Steele being excused.

Mr. Regan voting in the negative.

So the bill passed and the title was agreed to.

Senate Bill No. 183,

A bill for an act to amend section 185 of the revised codes of North Dakota for 1899, relating to the publication of notices of sale of school and state lands.

Was read the third time.

Mr. Regan moved

That the bill be amended by striking out the words "and also publish notices of all sales for the same length of time in one newspaper published at the seat of government," in lines 19, 20 and 21 of the engrossed bill.

Which motion was lost.

The question being on the final passage of the bill.

The roll was called and there were ayes 26, nays 8, absent and not voting 6.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bacon	Johnson of McLean	Plain
Brown	Johnson of Walsh	Sharpe
Cashel	Kirkeide	Stade
Crane	Kraabel	Talcott
Dyste	Little	Taylor
Garnett	Macdonald	Thatcher
Hagen	McArthur	Voss
Hanna	McLean	Young
Herbrandson	Pierce	

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
LaMoure	Sifton	Swenson
Movius	Spoonheim	Wagner
Regan	Steele	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Benson	Fox	Main
Carroll	Gulack	Simpson

Messrs. Benson, Carroll, Fox, Gulack, Main and Simpson being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 150,

A bill for an act to ratify and confirm the conveyance of the family homestead in any case in which the same has been heretofore deeded by both husband and wife in separate instruments, neither having joined in the deed with the other, where the respective deeds purport to convey to the same persons or their grantees, and validating such deeds.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 32, nays none, absent and no voting 8.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bacon	Kirkeide	Spoonheim
Brown	Kraabel	Stade
Cashel	Little	Steele
Crane	Macdonald	Swenson
Dyste	McArthur	Talcott
Garnett	McLean	Taylor
Hagen	Movius	Thatcher
Hanna	Pierce	Voss
Herbrandson	Plain	Wagner
Johnson of McLean	Regan	Young
Johnson of Walsh	Sharpe	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Benson	Gulack	Sifton
Carroll	LaMoure	Simpson
Fox	Main	

Messrs. Benson, Carroll Fox, Gulack, LaMoure, Main, Sifton and Simpson being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 119,

A bill for an act providing for procuring of official bonds of state officers and for acceptance of bids therefor, and the payment of premiums upon same.

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 10.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bacon	Little	Spoonheim
Brown	Macdonald	Stade
Cashel	McArthur	Steele
Crane	McLean	Swenson
Dyste	Movius	Talcott
Garnett	Pierce	Taylor
Hagen	Plain	Thatcher
Hanna	Sharpe	Voss
Herbrandson	Sifton	Wagner
Johnson of Walsh	Simpson	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Benson	Johnson of McLean	Main
Carroll	Kirkeide	Regan
Fox	Kraabel	
Gulack	LaMoure	

Messrs. Benson, Carroll, Fox, Gulack, Johnson of McLean, Kirkeide, Kraabel, LaMoure, Main and Regan being excused.

So the bill passed and the title was agreed to.

The president laid before the senate the following report:

REPORT OF CAPITOL COMMISSION.

The capitol commission presented the following report:
To the Ninth Legislative Assembly:

The board of capitol commissioners have the honor to submit the following report of their actions under the provisions of chapters twenty-seven and twenty-nine of the

session laws of 1903, authorizing the erection of a north wing to the capitol, and the construction of an electric railway, and an electric light and heating plant.

The commission consisting of Gov. White, State Auditor Holmes and Secretary of State Porter, held its first meeting under the provisions of the above acts, on the 14th day of March, 1903, and organized by electing Gov. White president and Secretary of State Porter, secretary.

On April 9th Mr. M. E. Beebe of Fargo, was selected to prepare plans and specifications for the north wing and to supervise the construction thereof.

Mr. Chas. Foster of Bismarck, was employed to survey the line for the electric railway and prepare plans and specifications for the electric railway and the electric light and heating plant. A greater part of the work has been done under contracts awarded upon competitive bids. Butler Bros. of St. Paul, were the lowest bidders and were given the main contract for the erection of north wing and the alterations of the old building.

Grambs & Wolbert of Bismarck, were awarded the contract for heating and ventilating of the north wing. H. C. Rhud of Bismarck, the contract for the state library and the supreme court chambers, and N. H. Lavine of Bismarck, the contract for the power house. Penitentiary brick were used for the interior work and Dickinson brick for facing and for piers and bearing courses.

Upon entering upon the work the board found many things necessary to be done in order to give completeness to the work, particularly in the old building, that were not specified in the act. The arches in the tower were found to be unsafe and were replaced by steel beams, it was necessary to reinforce the north wall in order to insure its carrying the roof trusses; supreme court chambers, and a law library had to be provided, and the amount appropriated for the electric railway and electric light and heating plant was less than half the amount needed for those purposes. It was also deemed wise to change the original plan somewhat and substitute fireproof construction in the new wing, in order that it be made permanent and enduring.

All payments were made out of the capitol building fund, the money in that fund being derived from the sale of \$100,000.00 of capitol building bonds authorized by said chapter

27, laws 1903, and from the interest and income and sale of the capitol lands.

In order to show just what has been done and where the expenditures have been made, we have separated the items as near as possible and present them under the following heads:

- “Expenditures for north wing.”
- “Alteration of old building.”
- “Electric light and heating plant.”
- “Electric Railway.”

“NORTH WING.”

Excavating and grading	\$ 1,622.40
Foundation	1,344.52
Rock	293.00
Butler contracts	69,400.38
Brick, (Dickinson)	3,588.08
Brick, (Penitentiary)	3,483.49
Heating and ventilating	3,406.00
Light fixtures.....	2,996.12
Advertising, printing bonds and legal advice....	448.60
Architect	2,872.94
Supervising	1,010.07
Total	<u>\$90,465.60</u>

“ALTERATION OF OLD BUILDING.”

Supreme court and library	\$ 7,085.83
Changing heating system	6,530.25
Electric wiring	1,126.01
Light fixtures	724.06
Replacing arches by steel beams	5,800.00
Butler contract	13,600.00
Butler extras	352.07
Elevator	7,267.86
Architect	1,193.70
Painting and kalsomining ..	540.34
Total	<u>\$44,220.12</u>

“ELECTRIC RAILWAY.”

Labor on grade and laying track ..	\$ 4,286.11
Ties and poles	3,015.37

Rails, plates, spikes, etc.	5,557.10
Car and equipment	5,771.92
Wire	969.20
Lumber	794.79
Electric supplies	228.13
Tools	311.57
Right of way (3 lots)	125.00
Car barn	1,550.25
	<hr/>
Total	\$22,609.44

“ELECTRIC LIGHT, POWER AND HEATING
PLANT.”

House	\$ 4,819.89
Boilers	3,950.00
Engines	3,288.00
Foundations	656.80
Heater, pumps, etc.	1,933.16
Stokers	1,678.77
Generators	2,837.20
Electric fittings	310.58
Freight and drayage	1,295.45
Installation of machinery	1,653.80
Butler, extras	212.55
	<hr/>
Total	\$22,636.20

TOTAL EXPENDITURES.

North Wing	\$ 90,465.60
Alteration of old building	44,220.12
Electric light, power and heating plant	22,636.20
Electric railway	22,609.44
	<hr/>
Total	\$179,931.36

In the above totals the amount due Butler Brothers on final settlement has been estimated. The figures may vary a little from said estimate included in above figures when final settlement is had.

Respectfully submitted,
FRANK WHITE,
H. L. HOLMES,
E. F. PORTER.

The secretary announced that the president was about to sign

House Bill No. 42,

A bill for an act to prevent fraud in the sale of Paris Green used as an insecticide, prescribing a penalty for the violation, providing for the inspection and analysis of same and charging North Dakota Government Agricultural Experiment station with the duty thereof, and charging the state's attorney with the enforcement hereof.

Also,

House Bill No. 70,

A bill for an act creating a state board of bar examiners and providing for their appointment, compensation and duties.

And the president signed the same in the presence of the senate.

Mr. Young moved

That the senate do now adjourn.

Which motion prevailed, and

The senate adjourned.

L. M. McGLASHAN,
Secretary.

FORTY-SEVENTH DAY

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
February 18, 1905.

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

The president presiding.

Prayer by chaplain.

Roll call.

All members present except Messrs Carroll and Gulack, who were excused.

The courtesies of the floor were extended to the following: F. C. Brandt, A. B. Malyon, J. H. Peterson, H. H. Perry, Joe Drey, A. J. Nathan, Mark Johnson, F. E. Farrell, Dr. J. W. Farrell, H. H. Roberts, Wellington Irysh, Martin Iverson, H. P. Knappen, Col. E. Smith-Peterson, C. C. Doty, Wm. Baxter, R. M. Farrington, D. Campbell, H. W. Allen, H. A. Armstrong, W. P. Thurston, Frank Sprague, C. W. Conroy, J. W. Gordell, J. W. Fallis, R. Falkone, Jorgen Howard, J. Ames Austin, Mr. and Mrs. W. H. Stevens, Mr. and Mrs. S. A. Nye, R. H. McKeon, D. T. Siegfried, Nicholas Flaglet, Martin Iverson, J. W. Schmitzler, Andrew Windon, Narve Narveson, ex-Senator J. S. Green, L. R. Taylor, Chas. McDonald, Francis McDonald.

PRESENTATION OF PETITIONS AND COMMUNICATIONS.

The president laid the following communication before the senate:

HOUSE CONCURRENT RESOLUTION NO. 10

Resolved, By the House of Representatives of the Twenty-third Legislative Assembly of the Territory of Arizona, the Council concurring:

That we appeal to the justness and fairness of the members of the various state legislatures now in session and call upon them to request and urge their respective representatives in the senate of the United States to give careful and just consideration to the protests and objections advanced by the citizens of the territory of Arizona against the passage of the measure now pending before the senate of the United States designed and seeking to make one state of the territories of Arizona and New Mexico.

Resolved, That the speaker of the house and the president of the council be instructed and they are hereby directed to send a copy of this resolution to the various state legislatures that are now in session.

Passed the house by unanimous vote.

WILFRED T. WEBB, Speaker of the house. J. P. DILLON, Chief clerk of the house.

Passed the council by unanimous vote.

GEO. W. P. HENET, President of the council. R. S. MACLAY, Chief clerk of the council.

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 of the forty-sixth day, have carefully examined the same and recommend that the same be corrected as follows:

By inserting between lines 22 and 23 on page 26, the words "Mr. Lamoure moved that the report be adopted, which motion prevailed, and the report of the committee was adopted," and by striking out the word "resolution" in line 30 on page 32 and inserting word "rule" in lieu thereof, and by striking out the word "resolution" in line 37 on page 32, and inserting the word "rule" in lieu thereof, and by striking out the word "resolution" in line 39 on page 32, and inserting the word "rule" in lieu thereof, and by striking out the name "Lillie" in line 7 on page 33, and inserting the name "Little" in lieu thereof, and by striking out the words "pro tem" in lines 1 and 15 on page 43.

And when so amended recommend that the same be approved.

R. W. MAIN,
Chairman.

Mr. Main moved

That the report be adopted,

Which motion prevailed, and

The report of the committee was adopted.

REPORT OF STANDING COMMITTEES.

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

Mr. President:

Your committee on enrolled and engrossed bills have examined

Senate Bill No. 121,

A bill for an act to repeal section 3924 of the revised codes, 1899.

Also,

Senate Bill No. 127,

A bill for an act making it unlawful for township supervisors to permit the town hall to be used for dancing.

Also,

Senate Bill No. 140,

A bill for an act amending section 1313 of the revised codes of North Dakota of 1899, providing for the assessment of railroad property in this state, and prescribing the manner of levying and collecting the tax on the same.

Also,

Senate Bill No. 7.

A bill for an act to amend chapter 4 of the laws of 1903, relating to procedure in civil actions in justice court.

Also,

Senate Bill No. 95,

A bill for an act to amend sections 1787, 1788, 1789 of the revised codes of North Dakota, 1899, relating to public warehouses.

Also,

Senate Bill No. 105,

A bill for an act to change county lines of Ward county, division of Ward county, North Dakota, and creating the counties of Bowbells, Kenmare, Black and Renville therefrom; defining the boundary lines thereof and providing for submission of the provisions of this act to vote of the electors of the territory affected thereby.

Also

Senate Bill No. 156,

A bill for an act authorizing the secretary of state to secure copyright of session laws.

Also,

Senate Bill No. 160,

A bill for an act amending section 6315 of the revised codes of 1899, making a provision as to whom letters of administration shall be granted.

Also,

Senate Bill No. 166,

A concurrent resolution amending the state constitution.

Also,

Senate Bill No. 187,

A bill for an act providing for the payment by the county of a portion of the expense whenever a person is sent to the hospital for the insane, to the institution for the feeble minded, the school for the deaf and dumb and to the blind asylum, and to provide for reimbursing said county.

Also,

Senate Bill No. 114,

A bill for an act to amend chapter 73, section 4716, of the revised codes of North Dakota, 1899, relative to record of foreclosure, how operates, and what assignment of mortgage must contain.

Also,

Senate Bill No. 115,

A bill for an act to amend chapter 125 of the session laws of 1901, to amend section 4719 of the revised codes of North Dakota, 1899, relative to discharge of real estate mortgages.

Also,

Senate Bill No. 144,

A bill for an act to amend sections 1, 2, 4, 5, 8, 13 and 16, of chapter 130, of the session laws of North Dakota of 1903, regulating practice of optometry.

And find the same correctly engrossed.

GEORGE M. YOUNG,

Chairman.

MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 18, 1905.

Mr. President:

I have the honor to transmit therewith
House Bill No. 23,

A bill for an act to fix the salary of deputies in county offices.

Also,

House Bill No. 157

A bill for an act to amend section 1114 of the revised codes of North Dakota, 1899, relating to the duty of supervisors.

Also,

House Bill No. 26,

A bill for an act to amend sections 1243 and 1244 of the revised codes of North Dakota, 1899, relating to delinquent personal taxes, and amending chapter 134 of the session laws of 1903.

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

Also,

Senate Bill No. 50,

A bill for an act to amend chapter 206 of the session laws of 1901, amending section 7671 of the revised codes of 1899, relating to unlawful obligations.

Also,

Senate Bill No. 61,

A bill for an act to provide for the care and disposition of estates of deceased inmates of the soldiers' home.

Also,

Senate Bill No. 26,

A bill for an act entitled an act to prohibit persons under the age of eighteen years to be allowed to play in, or visit, any pool, billiard or card resorts.

Also,

Senate Bill No. 39,

A bill for an act to amend section 6608 of the revised

codes, relating to the issue of summons in county court with increased jurisdiction.

Also,

Senate Bill No. 9,

A bill for an act making an appropriation of \$1,500 for the payment of the expenses of Prof. E. F. Ladd, state pure food commissioner in defending a suit brought against him by an association of food manufacturers.

Also,

Senate Bill No. 36,

A bill for an act providing for establishment of grades and highways in certain cases.

Also,

Senate Bill No. 80,

A bill for an act to amend sections 6207, 6208 and 6210, of the revised codes, relating to the services of citations and other papers in the county court.

Also,

Senate Bill No. 27,

A bill for an act to amend and re-enact sections 1, 2 and 3 of chapter 6 of the session laws of 1903, the same being: An act to prevent the adulteration, misbranding and selling of adulterated and unwholesome foods and beverages, prescribing a penalty for the violation, providing for the inspection and analysis of foods, charging the North Dakota government agricultural experiment station with the duty thereof, charging the state's attorney with the enforcement hereof, and making an appropriation therefor.

Also,

Senate Bill No. 56,

A concurrent resolution amending section 162 of the state constitution relating to investment of school funds.

Which the house has passed unchanged.

Also,

Senate Bill No. 22,

A bill for an act to amend section 2365 of the revised codes of 1899 relating to the powers and duties of boards of trustees, and the levy and collection of taxes in villages.

Which the house has amended as follows:

In line 17 in the printed bill after the word "seizure" change the word "and" to the word "or."

In line 30 in the printed bill change the word "matter" to "manner."

In line 41½ in the printed bill after the word "limits" add the word "and."
 In line 62 of the printed bill insert between the words "and authorized" the word "to."

In line 65 in the printed bill strike out the word "other" and insert the word "outer" in lieu thereof.

In line 83 of the printed bill after the word "throwing" and before the word "depositing" strike out the word "and" and insert in lieu thereof the word "or."

In line 87 of the printed bill to the word "street" add the letter "s."

In line 109 strike out the word "an" before the word "annual," and to the word "tax" add the letters "es."

In line 120 of the printed bill strike out the word "the" between the words "of state" and in lieu thereof insert the word "this."

And passed as amended.

Also,

I have the honor to inform you that the house has concurred in the senate concurrent resolution relating to the regulation of interstate commerce in adulterated food products:

CONCURRENT RESOLUTION

Be it resolved by the Senate of the state of North Dakota, the House concurring:

That the legislature of the state of North Dakota, having enacted laws for the protection of the people against adulterated, misbranded and deleterious foods, drugs and medicines, realizing the necessity for adequate legislation by congress to protect the states against interstate commerce which is beyond the control of the state, in such prohibited articles, does hereby memorialize the senate of the United States to speedily enact efficient legislation prohibiting interstate commerce in adulterated, misbranded and deleterious foods, drugs and medicines to the end that the laws of our state relative thereto may be more effective.

And further, that copies of this resolution shall be forwarded by the secretary of state to the members of the United States senate and the members of congress representing this state of North Dakota.

Also,

In the senate concurrent resolution relating to the publication of the report of the North Dakota experiment station.

CONCURRENT RESOLUTION

Whereas, The federal act for the establishment and support of experiment stations requires a report to be made to the governor on the first day of February, annually, which report shall set forth in detail the results of investigations and experiments made for the preceding year, and the purpose for which the federal appropriation was expended; and

Whereas, The expenditure of twenty thousand dollars (\$20,000) annually for field experiments and research work upon broad lines affecting every branch of agriculture, represents valuable information that should be widely disseminated among the farmers of the state; therefore, be it

Resolved, by the Senate, the House concurring, That the printing commission be empowered, and it is hereby directed to authorize the publication of not less than 3,000 copies of said annual report, not less than 2,500 of said copies to be delivered to the director of the North Dakota experiment station for gratuitous distribution among the farmers of the state and for other purposes provided for in said act.

Resolved, further, That 1,000 copies of the report of the Edgeley sub-experiment station be printed separately for the same purpose.

Very respectfully,
 OTTO SOUGSTAD,
 Chief Clerk.

REPORT OF STANDING COMMITTEES.

The committee on banks and banking made the following report:

Mr. President:

Your committee on banks and banking to whom was referred

Senate Bill No. 161,

A bill for an act relating to banks and banking, providing for the organization, management, control, regulation and supervision of banking corporations, providing penalties for the violation of the provisions of the same, and repealing laws inconsistent therewith.

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

First. In line 34 of section 1 of the printed bill after the word "by" insert the following, "such board or."

Second. At the end of line 5 of section 3 add the following, "nor any bank heretofore incorporated in the state of North Dakota or in the territory of Dakota."

Third. At the end of line 8 of section 4 add the following, "certify the facts to the state examiner and issue a certificate of authority to the corporation."

Fourth. In line 23 of section 7 after the word "which" insert the word "certificate."

Fifth. In lines 2 and 3 of section 8 strike out the words "official authorization," and insert in lieu thereof the words "certificate of authority."

Sixth. In line 22 of section 12 after the word "reduction" add the following, "and every such reduction before the same shall become valid must be certified to in the same manner as an increase of capital stock."

Seventh. In line 45 of section 13 after the word "actions," add the following, "the secretary of state shall immediately certify such dissolution to the state examiner."

Eighth. In line 1 of section 16 after the word "association" add the word "shall," and in line 2 of the same section strike out the word "or" and insert in lieu thereof the words "nor shall," and in said line 2 after the word "thereof" strike out the word "shall."

Ninth. In section 20, line 3, strike out the word "not" and insert in lieu thereof the word "nor."

Tenth. In line 9 of section 21 between the words "been" and "approved" insert the word "first."

Eleventh. In line 14 of section 21 strike out the word "up."

Twelfth. In line 6 of section 23 strike out the word "five."

Thirteenth. In line 3 of section 28 after the word "business" insert the following, "nor use the words 'bank' or 'banker' in any sign, advertisement, letterhead or envelope, or in any corporate or firm name."

Fourteenth. In line 2 of section 28 after the word "person" insert the following, "(excepting national banking corporations)."

Fifteenth. In line 5 of section 28 after the word "or" and before the word "an" insert the word "as."

Sixteenth. In line 26 of section 30 after the word "therein" and before the word "statement" insert the letter "a."

Seventeenth. At the beginning of line 10 of section 32 insert the following, "such bonds shall be."

Eighteenth. In line 2 of section 33 following the word "January" insert the words "and July."

Nineteenth. In line 7 of section 36 strike out the words "secretary of state" and insert in lieu thereof the words "the state examiner."

Twentieth. In line 2 of section 37 after the word "reduced" insert the following, "without the approval of the state banking board."

Twenty-first. Strike out all of section 40.

Twenty-second. Change the numbers of sections 41, 42 and 43 so as to read respectively 40, 41 and 42.

And when so amended recommend that the same do pass.

ED. PIERCE,

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. 161,

A bill for an act relating to banks and banking, providing for the organization, management, control, regulation and supervision of banking corporations, providing penalties for the violation of the provisions of the same, and repealing laws inconsistent therewith.

And find the same correctly engrossed.

GEORGE M. YOUNG,

Chairman.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred

Senate Bill No. 63,

A bill for an act providing for the appointment of a state oil inspector, fixing the salary for such officer, designating the fees for the inspection of illuminating oils and gasoline, and repealing conflicting laws.

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

That the title of said act be amended to read as the title to the attached substitute bill.

That all of said act after the enacting clause be stricken out and the attached bill substituted therefor:

Mr. Simpson introduced
Substitute for Senate Bill No. 63,

A bill for an act concerning the inspection of illuminating oils and gasoline; for the appointment of a state inspector and deputies, of oils and gasoline, prescribing their duties, designating their salary; providing for the making of chemical tests; providing penalties for the violation of this act; requiring the state inspector and deputies to make reports, designate ports of entry where illuminating oils and gasoline shipped into this state shall be inspected, and repealing conflicting laws.

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

Section 1. The governor shall by and with the advice and consent of the senate, appoint a suitable person, a citizen of this state, who is not engaged directly or indirectly in the manufacturing, dealing or vending of illuminating oils, whose title shall be state inspector of oils, and whose term of office shall be two years, commencing on the first Tuesday in April succeeding his appointment, or until his successor shall be appointed and shall qualify. Said inspector may appoint not more than six deputy inspectors whose salary shall be as hereinafter stated. The said state inspector of oils and his deputies shall have the right and it shall be his duty to enter into or upon the premises of any manufacturer, dealer or vendor of illuminating oils or gasoline at any time for the inspection of such oils or gasoline, and to inspect any books or papers of such manufacturer, dealer or vendor pertaining to the shipment or sale of such oils or gasoline and all receptacles in which such oils are or may be contained. Such inspector shall receive an annual salary of two thousand five hundred dollars (payable monthly), which shall be in full for all his services, and each of said deputies shall receive an annual salary of not less than one hundred dollars, nor more than three hundred dollars, at the discretion of the inspector of oils. He shall make and file with the state auditor monthly statements, under oath, of all fees collected under the provisions of this act and pay the amount so collected to the state treasurer on or before the tenth day of each month, taking the state treasurer's receipt therefor, and file such receipt with the state auditor on or before the 15th day of each month; the money so received by the treasurer to be kept in a separate fund known as the "Oil Inspection Fund."

Sec. 2. Bonds.) The state inspector of oils and his deputies shall each, before entering upon the discharge of his duties, take oath or affirmation according to the constitution of this state and the laws thereof, and shall file the same with the secretary of state. The state inspector of oils shall execute a bond to the state of North Dakota in the penal sum of five thousand dollars, with such surety as shall be approved by the governor of the state, conditioned for the faithful performance of the duties herein imposed, which bond shall be for the use of the state of North Dakota, and of all persons aggrieved by the act or failure to act of the state inspector of oils, and the same shall be filed with the secretary of state. Each of said deputy inspectors of oils shall, before entering upon the discharge of his duties, execute a bond to the state of North Dakota in the penal sum of not less than one thousand dollars, nor more than five thousand dollars, as the state inspector of oils shall prescribe, which bond shall be approved by the governor and shall be filed with the secretary of state; and such bond shall be conditioned for the faithful performance of the duties herein imposed and shall be for the use of the state of North Dakota, and all persons aggrieved by the act or failure to act of the said deputy inspector of oils.

Sec. 3. Apparatus.) The state inspector of oils shall immediately, upon the appointment and qualification of the deputies, named in section one of this act, procure and furnish to such deputies such apparatus as may be necessary to carry out the provisions of this act. He may also purchase from time to time the apparatus for making tests of illuminating oils and gasoline as hereinafter provided. The funds for the purchases shall be taken from the oil inspection fund.

Sec. 4. Oils to be Inspected.) All mineral and petroleum oils or any fluid or substance which is a product of petroleum, or into which petroleum or any product produce thereof enters as a constituent element, whether manufactured in this state or not, shall be inspected by the state inspector of oils, or his deputies, before being used or offered for sale or consumption in this state.

Sec. 5. Brands Required.) Every person, firm or corporation offering for sale to the trade, or manufacturing within this state such illuminating oils or gasoline shall stamp or brand every package, barrel or cask, con-

taining such illuminating oils, with the name of the brand of the oil contained in such package, cask or barrel. Every package, cask or barrel which contains gasoline shall be branded before being shipped into this state. "Unsafe for Illuminating Purposes."

Sec. 6. Methods of Inspection.) It shall be the duty of the oil inspector or his deputies to examine and test within this state all oil and gasoline offered for sale by any manufacturer, vendor, or by any person or corporation in this state, as follows:

For oil: All illuminating oil, a product of petroleum, shall be inspected as follows:

First. The color shall be water white when viewed by transmitted light through a layer of oil four inches long.

Second. It shall not give a flash test below one hundred and five degrees Fahrenheit, closed cup test (Elliott or Foster) and shall not have a fire test below one hundred and twenty-five degrees Fahrenheit.

Third. The gravity test shall not be less than forty-six (46) degrees measured by the Beaume hydrometer.

Fourth. It shall not contain water nor tar-like matter, nor shall it contain more than a trace of any sulphur compound.

Fifth. It shall be the duty of the state inspector of oils or his deputies to at least once in each ninety days have a chemical test made at the state university and the state agriculture college, demonstrating whether or not such oils contain more than four per cent residuum, after being distilled at a temperature of five hundred and seventy degrees Fahrenheit, and shall not contain more than six per cent of oil distilling below three hundred and ten degrees Fahrenheit; also a determination of the amount of sulphur or sulphur compounds in said oils together with such burning tests as may be necessary to determine the photometric value of the oils. The result of such chemical tests shall be included in the state oil inspector's annual report to the governor. The failure of the oil inspector to have above tests made shall render him liable to a fine of one hundred dollars (\$100.00) for each offense. If upon such testing and examining such oil, such oil shall meet the requirements as to the various tests herein prescribed, such oil shall be marked upon the package, barrel or cask containing the same, "Approved," giving the date of such inspec-

tion and the name of the inspector or deputy. If upon such examination and testing, such oil shall not meet the requirements as to the flash, fire and gravity tests and the chemical tests herein specified, such oil shall be marked upon the barrel, package or cask containing the same, "Rejected for Illuminating Purposes," giving the date of such examination and the official signature of the inspector or deputy making such inspection. And it shall be unlawful for any person or persons, or corporation, to sell any such oil so rejected for illuminating purposes for consumption in this state.

For gasoline: All gasoline offered for sale within the state shall be tested for gravity. All gasoline which tests 68 degrees (Beaume) or higher shall be branded "Approved for Sale;" and any gasoline which tests below 68 degrees (Beaume) shall be marked "Rejected for Sale." All gasoline, whether it is of required test or not, shall be branded "Unsafe for Illuminating Purposes." But this clause shall in no way be construed as preventing the sale or use of said gasoline providing it has been inspected and branded as above, "Approved for Sale."

Section 7. Records and Fees.) Each and every inspector and deputy inspector who shall inspect any consignment of oils or gasoline as provided in this act, shall demand and receive from the owner of such oils and gasoline, at the time such inspection is made, the sum of twenty cents for testing a barrel or less quantity. Fifty gallons shall constitute a barrel. Every such inspector and deputy inspector shall keep an accurate record of all the oils inspected, rejected, branded or certified to by him, which record shall state:

Date of each inspection.

The number of packages, barrels, casks or tanks approved.

The number rejected.

The manufacturer's brand.

The name of the person for whom inspected.

The name of the person to whom consigned, with his address.

The sum of money received for such inspection.

And such record shall be open to all persons interested.

On the first day of each and every month every deputy inspector of oils shall transmit to the state inspector of oils

all inspection fees received during the preceding month, and shall at the same time forward to the auditor of state and to the state inspector of oils true copies of said record for the month preceding. The state inspector of oils shall, in the month of January of each year, make and deliver to the government a report of his acts, and those of his deputies during the year preceding, together with remarks and suggestions for the benefit of the service, which report shall include a copy and summary of the reports submitted by the said deputies as provided in this section.

Sec. 8. Inspectors Must Not Traffic In Oils.) It shall be unlawful for the state inspector of oils or any of his deputies to directly or indirectly while in office traffic in any of the oils which he has been appointed to inspect. Any person violating the provisions of this section shall be subject to a penalty of not exceeding five hundred dollars and be removed from office.

Sec. 9. It shall be the duty of the state inspector of oils or any of his deputies, or any person having cognizance of the violation of the provisions of this act, to forthwith make complaint to the state's attorney for the county in which the offense is alleged to have been committed, against the person or persons so offending, and it is hereby made the duty of such state's attorney to represent and prosecute on behalf of the people in his county all cases of offenses arising under the provisions of this act. Any inspector or state's attorney who wilfully refuses or neglects to carry out the provisions of this section, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be removed from office.

Sec. 10. Penalty.) It shall be unlawful for any person, firm or corporation whether vendor, dealer or manufacturer, to knowingly use, sell, attempt to sell or deliver to any person in this state any of the illuminating oils or gasoline hereinbefore mentioned until the same shall have been inspected and approved according to the provisions of this act. It shall be unlawful for any person to falsely brand any package, barrel or cask or falsely certify to any tank car containing illuminating oils or gasoline for the purpose of deceiving the purchaser thereof, in any manner as to the contents of the same. It shall be unlawful for any person to sell or dispose of any empty barrel, cask, or package that has once been used for illuminating oils or

gasoline, and has been branded in accordance with the provisions of this act before thoroughly canceling, removing or effacing the inspection brand on the same. It shall be unlawful for any person, firm or corporation to adulterate with parafine or other substance for the purpose of sale, or use of any of the illuminating oils and gasoline specified in this act in such manner as to render them unsafe for use, nor shall any person knowingly use, sell or offer for sale for illuminating purposes any oil which shall emit a combustible vapor at a temperature of less than one hundred and five degrees (Fahrenheit) according to the test herein prescribed, nor any gasoline which is below 68 degrees gravity (Beaume).

Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor and shall be subject to a penalty of not exceeding five hundred dollars' fine, or imprisonment in the state penitentiary not exceeding one year, or both fine and imprisonment.

Sec. 11. Responsibility for Damage.) Whoever shall knowingly use, sell or cause to be sold unlawfully any of the illuminating oils specified in this act which are below one hundred and five degrees Fahrenheit, as tested by the official tests herein prescribed, shall be liable to any person purchasing such oil or to any person injured thereby for any damage to person or property arising from any explosion thereof.

Sec. 12. Examination of Deputies' Accounts.) It shall be the duty of the state inspector of oils to at least once in thirty days make a thorough examination of the books and other accounts of each of his deputies, to determine whether such deputies are fully complying with the law, and to make such other examinations as may be necessary to ascertain, as far as practicable, whether any of the provisions of this act are being violated. When the state inspector of oils shall discover any violation of the provisions of this act, he shall at once make complaint and institute prosecutions thereunder.

Sec. 13. Removals.) It shall be the duty of the governor, whenever he shall find that the state inspector of oils is guilty of refusal or neglect to discharge any of the duties enjoined upon him by this act, to promptly remove him from office. It shall be the duty of the state inspector of oils to promptly remove from office any of his deputies

who shall prove himself to be unfaithful or dishonest in the discharge of his duties.

Sec. 14. Ports of Entry.) All illuminating oils and gasoline when shipped into this state shall be inspected on entering this 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 actual traveling expenses, such expenses to be paid by the party for whom the inspection is made.

Sec. 15. Repeal). All acts and parts of acts in conflict with this act are hereby repealed.

Sec. 16. Emergency.) Whereas, there is now no adequate law requiring the inspection of gasoline, 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 of the committee was adopted.

The committee on appropriations made the following report:

Mr. President:

Your committee on appropriations to whom was referred House Bill No. 10,

A bill for an act to amend section 1419 of chapter 19, political code, entitled "Militia."

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

JUDSON LAMOURE,
Chairman.

Mr. Hanna objected

To the present consideration of the appropriation committee's report on

Senate Bill No. 118,

A bill for an act establishing the state fair, locating it at Fargo, and making appropriations therefor.

And

Senate Bill No. 82,

A bill for an act establishing the state fair, locating it at Grand Forks, and making appropriations therefor.

And the report of the appropriation committee on the same went over one day.

The committee on appropriations made the following report:

Mr. President:

Your committee on appropriations to whom was referred Senate Bill No. 209,

A bill for an act directing the state auditor to pay over funds belonging to the soldiers' home at Lisbon to the institution treasurer, and providing for the application of such funds.

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

Also,

Senate Bill No. 205,

A bill for an act amending section 180 of the revised codes of 1899, relating to salary of commissioners of university and school lands.

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

Also,

Senate Bill No. 3,

A bill for an act fixing the salaries and providing for the payment of the necessary expenses for the judges of the district courts of the state of North Dakota.

Have had the same under consideration and recommend that the following substitute bill do pass:

A bill for an act to reimburse district judges for expenses incurred by them in holding court in counties other than those embraced in the judicial district for which they were elected, and for expenses while in attendance at sessions of the supreme court.

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

SECTION 1. The judges of the district courts of this state shall be entitled to reimbursement for their actual and necessary expenses incurred while trying cases, hearing motions,

or holding terms of court in counties other than those embraced in the judicial district for which they were elected and in going to and returning from the place of performing such duties, and they shall also be entitled to reimbursement for their actual and necessary expenses incurred by them in going to and returning from sessions of the supreme court, and while in attendance thereat, pursuant to a request from any judge of the district court, or from the supreme court, as the case may be, such expenses to be paid out of the state treasury, upon the warrant of the state auditor, upon the filing with such auditor of an itemized statement of such cash expenditures duly verified by such district judge.

SEC. 2. Whereas, in the opinion of the legislative assembly, an emergency exists; therefore this act shall take effect and be in force from and after its passage and approval.

JUDSON LAMOURE,
Chairman.

Mr. LaMoure moved

That the report of the committee 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. 180,

A bill for an act creating park districts, and for the government thereof, creating a board of park commissioners, conferring power and authority upon such board and district, and providing rules for the government thereof.

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

Also,

House Bill No. 40,

A bill for an act to repeal section 2531 of the revised codes, 1899, of North Dakota, relating to changing the names of certain townships.

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

J. D. BACON,
Chairman.

The committee on public health made the following report:

Mr. President:

Your committee on public health to whom was referred House Bill No. 27,

A bill for an act to prevent the adulteration, misbranding and selling of adulterated and insufficiently labeled drugs or medicines, prescribing a penalty of the violation hereof, providing for the inspection, testing and analyzing of said drugs and medicines, charging the North Dakota Experiment Station with the duty thereof, and charging the state's attorney with the enforcement hereof.

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

J. D. TAYLOR,
Chairman.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred Senate Bill No. 184,

A bill for an act to amend sections 3532, 3533, 3534, 3535 and 3584, paragraph 2, of the revised codes of North Dakota, 1899, relating to the execution by corporations of instruments affecting titles to real estate, prescribing the manner of execution, and the form of acknowledgment, validating instruments heretofore executed and enacting other provisions relating thereto.

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

By striking out the word "or" in line 11 of section 1 of the printed bill and inserting in lieu thereof the word "and"; and by inserting the word "and" in line 12 of said section between the words "president" and "secretary", and by inserting the word "or" in line 12 of said section between the words "secretary" and "treasurer", and by striking out the word "his" in line 13 of said section and inserting in lieu thereof the word "their" and making a similar substitution in line 16, and by striking out the word "officer" in line 15 and inserting in lieu thereof the word "officers"; and by striking out the word "six" in line 24 of said section and inserting in lieu thereof the word "twelve".

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 of the committee was adopted.
The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred
Senate Bill. No. 165,

A bill for an act to create and organize the county of McKenzie, to fix the county seat of said county, to provide for the appointment of county officers in said county for transcribing a portion of the records of Stark and Williams counties and for terms of the district court therein.

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

By striking out section 4 and renumbering the following sections; and by striking out the word "ten" in line 2 of section 3 of the printed bill, and substituting in lieu thereof the word "thirty."

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 of the committee was adopted.
The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred
Senate Bill No. 173.

A bill for an act to amend section 4844, of the revised codes of 1899, providing for a lien for repairs of personalty.

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

By inserting in section 1 of said act after line 19 of the printed bill the following: "Provided, further, that the foreclosure of any lien under the provisions of this section, the holder of same must at least thirty days before the foreclosure thereof, notify the mortgagee in writing of his intention to foreclose."

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 of the committee was adopted.

The president announced that he appointed, under Mr. Crane's concurrent resolution inviting the Honorable William Jennings Bryan to address a joint session of this legislature, as a committee on the part of the senate to invite Mr. Bryan to address the joint assembly; Messrs. Hanna and Cashel.

MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 18, 1905.

Mr. President:

I have the honor to inform the senate that the house is now ready to meet in joint session for the purpose of listening to an address by the Hon. William J. Bryan.

Very respectfully,
OTTO SOUGSTAD,
Chief Clerk.

Mr. Little moved

That the senate now proceed to the house to meet with the house in joint session.

Which motion prevailed, and

The senate proceeded to the house of representatives.

The senate re-convened.

COMMUNICATION FROM THE GOVERNOR.

The following communication was received from the governor:

GOVERNOR'S OFFICE,
BISMARCK, NORTH DAKOTA,
February 18, 1905.

To the Senate:

Gentlemen: I desire to call your careful attention at this time to the matter of the state's finances, and invite your consideration of the probable revenue of the state for the ensuing two years and the expenditures already

contemplated in measures pending before this legislative body which have been reported favorably by the committees.

In approximate figures, the total revenue of the state for for two years next ensuing will be \$1,683,000.00. From this must be deducted the sum of \$632,000.00 for fixed charges and unlimited standing appropriations; estimating those expenses at the same figures as in the past two years; in the growth of the state and the consequent natural increase of these expenses, it is to be expected that the sum covered in these unlimited appropriations will be considerably greater in the two years to come than in the past biennial period. Deducting this probable sum from the revenue, including all possible sources of revenue for the ensuing two years, we have a total sum of less than \$1,000,000.00 in net available revenue, and the appropriations already recommended exceed that sum by \$100,000.00. In the event of a possible reduction in some of our sources of revenue, and estimating that taxes may not be paid as fully and completely in the ensuing two years as in the past, which is only a prudent precaution, it must be apparent to your body that it is not wise or prudent to appropriate even as much as the probable revenue of the state. A safe margin should be left upon the right side of the balance sheet. I trust, therefore, in the final consideration of these appropriation bills, you will be governed as well by a wise regard for the financial interests of the state as by your natural inclination that liberal provision be made for state institutions; in the various demands upon the state from worthy sources for consideration, it should be your care, as it will be my care, to see that the revenues of the state are not exceeded by the appropriations. We should be broad and liberal and at the same time prudently careful that the close of the biennial period does not find us with a deficit instead of a surplus.

I have the honor to be

E. Y. SARLES,

Governor.

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. 207,

A bill for an act to amend sections 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525 of chapter 30, article 19, entitled "townsites located on public lands," as published in the revised codes of 1895.

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

C. B. LITTLE,
Chairman.

The committee on judiciary made the following report:
Mr. President:

Your committee on judiciary to whom was referred
Senate Bill No. 63,

A bill for an act providing for the appointment of a state oil inspector, fixing the salary for such officer, designating the fees for the inspection of illuminating oils and gasoline, and repealing conflicting laws.

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

That the title of said act be amended to read as the title to the attached substitute bill.

That all of said act after the enacting clause be stricken out and the attached bill substituted.

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 of the committee 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. 192,

A bill for an act establishing and naming a state flower for the state of North Dakota.

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

Also,

Senate Bill No. 159,

A bill for an act to amend section 3094 of the revised codes of North Dakota for 1899, relating to investments of funds of domestic insurance corporations.

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

Also,

Senate Bill No. 190,

A bill for an act prohibiting corporations from making political contributions.

Have had the same under consideration and recommend that the same be indefinitely postponed.

J. B. SHARPE,

Chairman.

Mr. Sharpe moved

That the report of the committee be adopted

Which motion prevailed.

And the further consideration of the bill was indefinitely postponed.

The committee on state affairs made the following report:

Mr. President:

Your committee on state affairs to whom was referred House Bill No. 159,

A bill for an act to amend section 1030 of the revised codes of 1899, relating to public institutions.

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

In line 17 of the printed bill after the word "state" add the following, "provided, that the comparative cost of such fuel is not greater than that of lignite coal."

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 of the committee was adopted.

The committee on insurance made the following report:

Mr. President:

Your committee on insurance to whom was referred

Senate Bill No. 122,

A bill for an act to amend section 3128 of the revised codes of 1899, relating to the revocation of authority of foreign and domestic insurance corporations to transact business in this state, and providing for the revocation of authority of foreign insurance corporations to transact business within the state of North Dakota, upon the removal by any such foreign insurance corporation, of certain cases from the state to the United States courts.

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

J. AUSTIN REGAN,
Chairman.

MOTIONS AND RESOLUTIONS.

Mr. LaMoure offered the following

CONCURRENT RESOLUTION

Resolved, By the Senate, the House concurring, That the secretary of state shall cause to be published in each newspaper in the state, that has been established and regularly published for at least one year, the primary election measure that has passed the legislature, if it becomes a law, said publication to be for one time only and paid for at same rates as provided in the publication of amendments to the constitution.

Mr. LaMoure moved

That the resolution be adopted.

Which motion prevailed, and

The resolution was adopted.

INTRODUCTION, FIRST AND SECOND READING OF SENATE BILLS.

Mr. Little introduced

Senate Bill No. 211,

A bill for an act to amend section 4737 of the revised codes of North Dakota, of 1899, relating to renewal of mortgages of personal property.

Which was read the first time.

Mr. Pierce moved

That the rules be suspended and Senate Bill No. 161 placed upon its third reading and final passage.

Which motion prevailed.

THIRD READING OF SENATE BILLS.

Senate Bill No. 161,

A bill for an act relating to banks and banking, providing

for the organization, management, control, regulation and supervision of banking corporations, providing penalties for the violation of the provisions of the same, and repealing laws inconsistent therewith.

Was read the third time.

Mr. Crane moved

That the bill be amended by striking out the word "twenty" in line 4 of section 7 of the printed bill and inserting the word "ten" in lieu thereof.

Which motion was lost.

The question being on the final passage of the bill.

The roll was called and there were ayes 22, nays 10, absent and not voting 8.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Brown	Movius	Steele
Cashel	Pierce	Talcott
Fox	Plain	Taylor
Hanna	Sharpe	Thatcher
LaMoure	Sifton	Voss
Little	Simpson	Wagner
Macdonald	Stade	Young
McLean		

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Crane	Johnson of Walsh	McArthur
Hagen	Kirkeide	Spoonheim
Herbrandson	Kraabel	Swenson
Johnson of McLean		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Bacon	Dyste	Main
Benson	Garnett	Regan
Carroll	Gulack	

Messrs. Bacon, Benson, Carroll, Dyste, Garnett, Gulack, Main and Regan being excused.

So the bill passed and the title was agreed to.

Mr. Pierce moved

That the vote by which Senate Bill No. 161 was passed be re-considered and the motion to re-consider be laid on the table.

Which motion prevailed.

EXECUTIVE SESSION

A sealed communication was received from the governor.

Mr. Little moved

That the senate now go into executive session to consider the message from the governor.

Which motion prevailed, and

The senate went into executive session.

OPEN SESSION

Mr. Young moved

That the senate do now adjourn.

The motion prevailed, and

The senate adjourned.

L. M. McGLASHAN,
Secretary.

FORTY-NINTH DAY

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
February 20, 1905.

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

The president presiding.

Prayer by chaplain.

Roll call.

All members present except Mr. Gulack, who was excused.

The courtesies of the floor were extended to the following: M. E. Sperry, Prof. Tinglestad, Wm. Budge, J. M. Stuart and Ed. Pensin.

PRESENTATION OF PETITIONS AND COMMUNICATIONS.

Mr. Spoonheim presented the following petition:

We, the undersigned, citizens of Larimore, N. D., respectfully request our senator and representatives to oppose House bill No. 119 for the following reasons:

1. The bill provides for the establishment of a normal college with degree granting powers at each of the two state normal schools. This will duplicate the work of higher education and will add greatly to the cost of supporting higher education in this state as well as tend to greatly impair the efficiency of the state university and other state institutions of higher education. The only state in the union maintaining an independent normal college at present in New York and that state, with nearly twenty times the population of North Dakota, supports but one normal college while House bill No. 119 provides for creating two normal colleges in this state. Moreover, New York has no state university.

2. The bill provides for adding the presidents of the two state normal schools to the state high school board. The high school board at present is made up of the governor, the superintendent of public instruction, and the president of the university. The governor and superintendent of public instruction are, ex-officio, members of the state

normal school board and the superintendent is president of that board, so that the high school board as composed at present, has two normal school representatives and one representative of the university. To add two more representatives from the normal schools would give these schools a representation on the board out of all proportion to their proper interest in the high schools. Furthermore, the high school principals of the state are practically unanimous in their opposition to an enlargement of the board. If the normal school presidents are added it will open the door for the further addition of the presidents of the agricultural college, the industrial school and the state school of science. Such an enlargement of the board would add enormously to the expense of operating and would introduce such divergent views as would lend, it is believed, to constant wrangling in place of the perfect harmony which now exists in the board.

For these reasons your petitioners request that you use your influence to secure the defeat of House bill No. 119.

(Signed.)

H. F. ARNOLD
and 34 others

Mr. Brown presented the following petition:

To the Honorable, the Members of the Ninth Legislative Assembly of North Dakota.

We, the undersigned, citizens of the state of North Dakota, do hereby protest against the passage of House bill No. 27, entitled "A bill for an act to prevent the adulteration, misbranding and selling of adulterated and insufficiently labeled drugs or medicines," and if enacted, ask that it be repealed and for ground thereof, say:

1. That we do not believe there is any necessity for the enactment of such a bill.
2. That the said bill, if enacted, would seriously affect the sale of many household remedies that by long experience we know to be useful, harmless and effective remedies, which we now and long have constantly used in our families.
3. That the said bill in its provisions goes far beyond the purposes expressed in its title.
4. That we do not believe said bill to be in the interest of the people at large, but of special classes of persons.

GEORGE R. COOK,
THOS. F. YOUNG.

Mr. Plain presented the following petition.

We, the undersigned citizens of Milton, N. D., respectfully request our senator and representatives to oppose House bill No. 119 for the following reasons:

1. The bill provides for the establishment of a normal college with degree granting powers at each of the two state normal schools. This will duplicate the work of higher education and will add greatly to the cost of supporting higher education in this state as well as tend to greatly impair the efficiency of the state university and other state institutions of higher education. The only state in the union maintaining an independent normal college at present in New York and that state, with nearly twenty times the population of North Dakota, supports but one normal college while House bill No. 119 provides for creating two normal colleges in this state. Moreover, New York has no state university.

2. The bill provides for adding the presidents of the two state normal schools to the state high school board. The high school board

at present is made up of the governor, the superintendent of public instruction, and the president of the university. The governor and superintendent of public instruction are, ex-officio, members of the state normal school board and the superintendent is president of that board, so that the high school board, as composed at present, has two normal school representatives and one representative of the university. To add two more representatives from the normal schools would give these schools a representation on the board out of all proportion to their proper interest in the high schools. Furthermore, the high school principals of the state are practically unanimous in their opposition to an enlargement of the board. If the normal school presidents are added it will open the door for the further addition of the presidents of the agricultural college, the industrial school and the state school of science. Such an enlargement of the board would add enormously to the expense of operating and would introduce such divergent views as would lend, it is believed, to constant wrangling in place of the perfect harmony which now exists in the board.

For these reasons your petitioners request that you use your influence to secure the defeat of House bill No. 119.

(Signed.)

B. PROM
and 19 others.

MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 20, 1905.

Mr. President:

I have the honor to transmit herewith
House Bill No. 213,

A bill for an act to amend section 8120 of the revised codes of 1899, relating to affidavits of prejudice in criminal actions.

Also,

House Bill No. 21,

A bill for an act requiring corporations to make annual report to the secretary of state, and providing for the cancellation of articles of incorporation for failures to do so.

Also,

House Bill No. 129,

Establishing a state board of embalmers.

Also,

House Bill No. 112,

A bill for an act to provide for the filing of satisfaction of mechanic's lien, and penalty for failure to do so.

Also,

House Bill No. 17,

A bill for an act to provide for the establishment, construction and maintenance of public dipping stations for live stock in the various counties of the state.

Also,

House Bill No. 105,

A bill for an act to amend section 1619 of the revised codes of 1899, relating to diplomas and certificates for veterinarians.

Also,

House Bill No. 144,

A bill for an act to amend article 25 of chapter 21 of the revised codes of North Dakota of 1899, relating to public warehouses.

Also,

House Bill No. 218,

A bill for an act requiring grain buyers, elevator companies and mills to pay for the dockage or screenings in the grain.

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

Also,

Senate Bill No. 24,

A bill for an act to amend section 4788, revised codes of North Dakota, for 1899, relating to mechanics' liens.

Which the house has amended by inserting after the figures 1899 in line 2 page 1 of the printed bill, the words "and chapter 122 of the session laws of 1903," also amended the title by inserting after the figures 1899 in the printed bill, the words "and chapter 122 of the session laws of 1903," and passed as amended.

Very respectfully,

OTTO SOUGSTAD,

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 of the 47th day have carefully examined the same and recommend that the same be corrected as follows:

Insert the word "the" between the words "by" and "chaplain" in line 10 of page 1.

After line 18, on page 9, insert the following:

"Mr. Pierce moved

"That the report be adopted

"Which motion prevailed, and

"The report of the committee was adopted."

In line 30, page 21, correct the spelling of the word "governor."

On page 25, strike out lines 27 and 28 and insert in lieu thereof the following:

"Introduction and first reading of senate bills."

And when so amended recommend that the same be approved.

R. W. MAIN,
Chairman.

Mr. Main moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

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. 206,

A bill for an act to amend section 137 of the revised codes of 1899, relating to the examination of the accounts of public officers by the state examiner.

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

Also,

Senate Bill No. 193,

A bill for an act to amend section 1 of chapter 53 of session laws of 1901, relating to compensation of county commissioners and fixing the hours of meeting.

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

Also,

House Bill No. 94,

A bill for an act to amend section 3218 of the revised codes of 1899 as amended by chapter 46 of the session laws of 1901.

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. 203,

A bill for an act prohibiting the manufacture and sale of cannon fire crackers.

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 of the committee was adopted.

And the further consideration of the bill was indefinitely postponed.

Also,

Your committee on state affairs to whom was referred Senate Bill No. 199,

A bill for an act to amend section 8624 of the revised codes, relating to the employment of persons confined in jail for violation of any ordinance, by-laws or other regulation of an incorporated city or village.

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 of the committee was adopted.

And the further consideration of the bill was indefinitely postponed.

Also,

Your committee on state affairs to whom was referred Senate Bill No. 198,

A bill for an act to amend section 8622 of the revised

codes, relating to the employment of persons confined in any jail at hard labor.

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 of the committee was adopted.

And the further consideration of the bill was indefinitely postponed.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred

Senate Bill No. 90,

A bill for an act fixing the jurisdiction of justice courts in cases of arrest and bail as provided in section 5304, revised codes of 1899.

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 of the committee was adopted.

And the further consideration of the bill was indefinitely postponed.

Also,

Senate Bill No. 196,

A bill for an act to amend section 1269 of the revised codes of the state of North Dakota, relating to the rights of purchaser of land at sale for the non-payment of taxes.

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 of the committee was adopted.

And the further consideration of the bill was indefinitely postponed.

The committee on ways and means made the following report:

Mr. President:

Your committee on ways and means to whom was referred

House Bill No. 67,

A bill for an act taxing grain in elevators, warehouses and granaries at a fixed rate.

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

Also,

House Bill No. 66,

A bill for an act to amend section 1191 of the revised codes, relating to the assessment of personal property.

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

A. GARNETT,
Chairman.

The committee on counties made the following report:

Mr. President:

Your committee on counties to whom was referred

Senate Bill No. 200,

A bill for an act to amend section 1849 of the revised codes of North Dakota, relating to a change of county lines.

Have had the same under consideration and recommend that the same be indefinitely postponed.

AUG. E. JOHNSON,
Chairman.

Mr. Johnson moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

And the further consideration of the bill was indefinitely postponed.

The committee on insurance made the following report:

Mr. President:

Your committee on insurance to whom was referred

Senate Bill No. 208,

A bill for an act to amend section 3104 of the revised

codes of North Dakota, of 1899, relating to the amount of insurance required to be subscribed before a policy may be issued by a mutual insurance company.

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

Also,

House Bill No. 69,

A bill for an act to provide for the organization of mutual insurance companies for the purpose of insuring against loss to pure bred registered live stock, by reason of the death of the property insured.

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

J. AUSTIN REGAN,

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. 41,

A bill for an act to amend section 1230, revised codes of 1899, North Dakota, relating to tax list to be made out by county auditors.

Have had the same under consideration and recommend that the same be indefinitely postponed.

A. GARNETT,

Chairman.

Mr. Garnett moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

And the further consideration of the bill was indefinitely postponed.

The committee on highways and bridges made the following report:

Mr. President:

Your committee on highways and bridges to whom was referred

Senate Bill No. 191,

A bill for an act to amend and re-enact section 1146, revised codes of 1899, relating to roads in incorporated towns, villages and cities.

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

Also,

House Bill No. 73,

A bill for an act for the destruction of all weeds on all graded or cultivated highways.

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

By striking out all of Sec. 5.

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

A. MACDONALD,
Chairman.

Mr. Macdonald moved.

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on apportionment made the following report:

Mr. President:

Your committee on apportionment to whom was referred Senate Bill No. 194,

A bill for an act to apportion the state into congressional districts.

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

GEO. D. BROWN,
Chairman.

The committee on highways and bridges made the following report:

Mr. President:

Your committee on highways and bridges to whom was referred

House Bill No. 47,

A bill for an act to amend chapter 21 of the political code of North Dakota, relating to drains.

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

ALEX. MACDONALD,
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. 82,

A bill for an act establishing the state fair, locating it at Grand Forks, and making appropriations therefor.

And find the same correctly engrossed.

Also,

Senate Bill No. 88,

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

Also,

Senate Bill No. 9,

A bill for an act making an appropriation of \$1,500 for the payment of the expenses of Prof. E. F. Ladd, state pure food commissioner in defending a suit brought against him by an association of food manufacturers.

And find the same correctly enrolled.

GEORGE M. YOUNG,

Chairman.

Mr. Regan objected to the present consideration of the report of the committee on game and fish, and the same went over one day.

MOTIONS AND RESOLUTIONS.

Mr. Hagen offered the following

CONCURRENT RESOLUTION.

Whereas, the studies of civics and civil government as pursued in the various high schools throughout the state is greatly handicapped by reason of a lack of books and authorities thereon, and,

Whereas, the local statutes and session laws are not readily obtainable by school district authorities,

Therefore, be it Resolved by the Senate of the State of North Dakota, the House of Representatives concurring, That the secretary of state of the state of North Dakota is hereby authorized, directed and empowered to deliver to the president of the board of education of each school district, having a high school or a school giving a high school course within such district, one copy of the session laws of 1899, and one copy of the bound volumes of the laws of each biennial session of the legislative assembly thereafter issued, and one copy of the legislative manual blue book issued in 1905 and biennially thereafter, for the use of each high school or school teaching, or giving a high school course within such district.

Mr. Hagen moved

That the resolution be adopted.

Mr. Little moved

That the resolution be referred to the committee on education.

Which motion prevailed, and
The resolution was so referred.

Mr. Fox moved

That the senate now concur in the house amendment of Senate bill No. 24,

A bill for an act to amend section 4788, revised codes of North Dakota, for 1899, relating to mechanics' liens.

Which motion prevailed, and

The house amendment to the bill was concurred in.

The question being on the final passage of senate bill No. 24, as amended,

The roll was called and there were ayes 38, nays none, absent and not voting 2.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bacon	Kirkeide	Sifton
Brown	Kraabel	Simpson
Carroll	LaMoure	Spoonheim
Cashel	Little	Stade
Crane	Macdonald	Steele
Dyste	Main	Swenson
Fox	McArthur	Talcott
Garnett	McLean	Taylor
Hagen	McVius	Thatcher
Hanna	Pierce	Voss
Herbrandsor	Plain	Wagner
Johnson of McLean	Regan	Young
Johnson of Walsh	Sharpe	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Benson	Gulack	

Messrs Benson and Gulack being excused.

So the bill passed and the title was agreed to.

Mr. Hanna moved

That the president be authorized to appoint a competent clerk to assist the chairman of the committee on engrossed and enrolled bills.

Which motion prevailed.

Mr. Little moved

That all senate and house bills for first reading be given their first and second reading and reference.

Which motion prevailed.

Mr. Garnett moved

That senate bill No. 204 be referred to the committee on railroads.

Which motion prevailed, and

The bill was so referred.

Mr. Simpson moved

That house bill No. 75 be referred to the committee on judiciary.

Which motion prevailed, and

The bill was so referred.

EXECUTIVE SESSION.

Mr. Sharpe moved

That the senate do now go into executive session to consider the sealed messages from the governor.

Which motion prevailed, and

The senate went into executive session.

OPEN SESSION

In open session announcement was made of the confirmation by the senate of the following nominations by the governor:

TRUSTEES STATE UNIVERSITY

As trustees of the state university at Grand Forks, North Dakota,

Stephen Collins, of Grand Forks county,

George E. Towle, of Walsh county, and

John G. Gunderson, of Nelson county, each for the term of four years from the first Tuesday in April, 1905.

TRUSTEES OF BLIND ASYLUM

As trustees of the blind asylum at Bathgate, North Dakota,

Frank H. Sprague, of Walsh county, and

Ole O. Rudrud, of Traill county, each for a term of four years from the 20th day of February 1905.

TRUSTEES OF INDUSTRIAL SCHOOL

As trustees of the industrial school at Ellendale, North Dakota.

H. C. McCartney, of Dickey county and

E. E. Bodle, of Dickey county, each for a term of four years from the 20th day of February, 1905.

INTRODUCTION, FIRST AND SECOND READING OF
SENATE BILLS.

Mr. Main introduced
Senate Bill No. 212,

A bill for an act to amend sections 693 and 774 of the revised codes of 1899, relating to education.

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

Mr. LaMoure introduced
Senate Bill No. 213,

A bill for an act to amend section 707 of the revised codes of 1899.

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

Mr. Hanna introduced
Senate Bill No. 214,

A bill for an act to provide for the granting of the right-of-way by municipal corporations for constructing and maintaining electric and other railways on, over, and upon public grounds and highways, and regulating the use of same.

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

Mr. Carroll introduced
Senate Bill No. 215,

A bill for an act regulating weights and measures, creating the office of inspector of weights and measures, providing for the appointment of inspector, and prescribing his powers, duties and compensation.

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

Mr. Simpson introduced
Senate Bill No. 216,

A bill for an act providing for the service of process upon the sheriff when such officer is a party to any action or proceeding by virtue of his office.

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

Mr. Talcott introduced
Senate Bill No. 217,

A bill for an act to amend section 2989 of the revised codes of North Dakota, 1899, relating to the licensing of ticket agents.

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

Mr. Sharpe introduced by request

Senate Bill No. 218,

A bill for an act to amend chapter 57, of the session laws of 1903, relating to the appointment of commissioners of deeds.

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

SECOND READING OF SENATE BILLS.

Senate Bill No. 211,

A bill for an act to amend section 4737 of the revised codes of North Dakota, of 1899, relating to renewal of mortgages of personal property.

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

THIRD READING OF SENATE BILLS.

Senate Bill No. 149,

A bill for an act to amend sections 5908 and 5909, of the revised codes of 1899, as amended by section 1, of chapter 5, of the laws of 1901, relating to unknown persons defendant in certain actions and service of summons upon the same.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 33, nays none, absent and not voting 7.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bacon	Herbrandson	Sharpe
Benson	Johnson of McLean	Sifton
Brown	Johnson of Walsh	Stade
Carroll	Kirkeide	Steele
Cashel	Kraabel	Swenson
Crane	Little	Talcott
Dyste	Macdonald	Taylor
Fox	McLean	Thatcher
Garnett	Movius	Voss
Hanna	Pierce	Wagner
Hagen	Plain	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Gulack	McArthur	Simpson
LaMoure	Regan	Spoonheim
Main		

Messrs. Gulack, LaMoure, Main, McArthur, Regan, Simpson and Spoonheim being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 158,

A bill for an act to amend section 1, of chapter 162, of the session laws of 1901, being an act to empower the board of county commissioners to offset due or delinquent taxes due from any person, corporation or society in whose behalf the 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 36, nays none, absent and not voting 4.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bacon	Johnson of McLean	Sifton
Benson	Johnson of Walsh	Simpson
Brown	Kirkeide	Spoonheim
Carroll	Kraabel	Stade
Cashel	Little	Steele
Crane	Macdonald	Swenson
Dyste	McArthur	Talcott
Fox	McLean	Taylor
Garnett	Movius	Thatcher
Hanna	Pierce	Voss
Hagen	Plain	Wagner
Herbrandson	Sharpe	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Gulack	Main	Regan
LaMoure		

Messrs. Gulack, LaMoure, Main and Regan being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 140,

A bill for an act amending section 1313 of the revised codes of North Dakota, providing for the assessment of railroad property in this state, and prescribing the manner of levying and collecting the tax on the same.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 35, nays none, absent and not voting 5.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bacon	Johnson of Walsh	Simpson
Benson	Kirkeide	Spoonheim
Brown	Kraabel	Stade
Carroll	Little	Steele
Cashel	Macdonald	Swenson
Crane	McArthur	Talcott
Dyste	McLean	Taylor
Fox	Movius	Thatcher
Hagen	Pierce	Voss
Hanna	Plain	Wagner
Herbrandson	Sharpe	Young
Johnson of McLean	Sifton	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Garnett	LaMoure	Regan
Gulack	Main	

Messrs. Garnett, Gulack, LaMoure, Main and Regan being excused.

So the bill passed and the title was agreed to.

Mr. Hanna moved

That the vote by which senate bill No. 149, senate bill No. 158 and senate bill No. 140 were passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

Senate Bill No. 7,

A bill for an act to amend chapter 4 of the laws of 1903, relating to procedure in civil 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 35, nays none, absent and not voting 5.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bacon	Kirkeide	Sifton
Brown	Kraabel	Simpson
Carroll	Little	Spoonheim
Cashel	Macdonald	Steele
Crane	Main	Swenson
Dyste	McArthur	Talcott
Fox	McLean	Taylor
Hagen	Movius	Thatcher
Hanna	Pierce	Voss
Herbrandson	Plain	Wagner
Johnson of McLean	Regan	Young
Johnson of Walsh	Sharpe	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Benson	Gulack	Stade
Garnett	LaMoure	

Messrs. Benson, Garnett, Gulack, LaMoure and Stade being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 95,

A bill for an act to amend sections 1787, 1788, 1789 of the revised codes of North Dakota, 1899, relating to public warehouses.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 32, nays 1, absent and not voting 7.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bacon	Johnson of Walsh	Sifton
Brown	Kirkeide	Simpson
Carroll	Kraabel	Spoonheim
Cashel	Little	Stade
Dyste	Macdonald	Talcott
Fox	Main	Taylor
Garnett	McArthur	Thatcher
Hagen	Movius	Voss
Hanna	Pierce	Wagner
Herbrandson	Regan	Young
Johnson of McLean	Sharpe	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Benson	LaMoure	Swenson
Crane	McLean	
Gulack	Steele	

Mr. Plain voting in the negative.

Messrs. Benson, Crane, Gulack, LaMoure, McLean, Steele and Swenson being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 144,

A bill for an act to amend sections 1, 2, 4, 5, 8, 13 and 16, of chapter 130, of the session laws of North Dakota of 1903, regulating practice of optometry.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 35, nays none, absent and not voting 5.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bacon	Johnson of Walsh	Simpson
Brown	Kirkeide	Spoonheim
Carroll	Little	Stade
Cashel	Macdonald	Steele
Crane	Main	Swenson
Dyste	McArthur	Talcott
Fox	McLean	Taylor
Garnett	Movius	Thatcher
Hagen	Pierce	Voss
Hanna	Plain	Wagner
Herbrandson	Sharpe	Young
Johnson of McLean	Sifton	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Benson	Kraabel	Regan
Gulack	LaMoure	

Messrs. Benson, Gulack, Kraabel, LaMoure and Regan being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 114,

A bill for an act to amend chapter 73, section 4716, of the revised codes of North Dakota, 1899, relative to record of foreclosure, how operates, and what assignment of mortgage must contain.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 33, nays 1, absent and not voting 6.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bacon	Johnson of McLean	Sifton
Benson	Johnson of Walsh	Simpson
Brown	Kirkeide	Spoonheim
Carroll	Little	Stade
Cashel	Macdonald	Swenson
Dyste	Main	Talcott
Fox	McArthur	Taylor
Garnett	Movius	Thatcher
Hagen	Pierce	Voss
Hanna	Plain	Wagner
Herbrandson	Regan	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Crane	LaMoure	Sharpe
Gulack	McLean	
Kraabel		

Mr. Steele voting in the negative.

Messrs. Crane, Gulack, Kraabel, LaMoure, McLean and Sharpe being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 35,

A bill for an act to amend section 2673, revised codes of North Dakota, relating to townhsip boards.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 35, nays 2, absent and not voting 3.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bacon	Kirkeide	Simpson
Benson	Kraabel	Spoonheim
Brown	Little	Stade
Cashel	Macdonald	Steele
Crane	Main	Swenson
Dyste	McArthur	Talcott
Fox	McLean	Taylor
Garnett	Movius	Thatcher
Hagen	Pierce	Voss
Herbrandson	Plain	Wagner
Johnson of McLean	Regan	Young
Johnson of Walsh	Sharpe	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Carroll	Hanna	Sifton
Gulack	LaMoure	

Messrs. Hanna and Sifton voting in the negative.

Messrs. Carroll, Gullack and LaMoure being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 115,

A bill for an act to amend chapter 125 of the session laws of 1901, to amend section 4719 of the revised codes of North Dakota, 1899, relative to discharge of real estate mortgages.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 34, nays 1, absent and not voting 5.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bacon	Johnson of McLean	Sifton
Benson	Johnson of Walsh	Simpson
Brown	Kirkeide	Spoonheim
Carroll	Kraabel	Stade
Cashel	Little	Swenson
Crane	Main	Talcott

Messrs.—

Dyste
Fox
Garnett
Hagen
Hanna
Herbrandson

Messrs.—

McArthur
McLean
Mövius
Pierce
Regan
Sharpe

Messrs.—

Taylor
Thatcher
Wagner
Young

Absent and not voting:

Messrs.—

Gulack
LaMoure

Messrs.—

Macdonald
Plain

Messrs.—

Voss

Mr. Steele voting in the negative.

Messrs. Gulack, LaMoure, MacDonald, Plain and Voss being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 121 as amended,

A bill for an act to repeal section 3924 of the revised codes, 1899.

Was read the third time.

Mr. Young moved

That senate bill No. 121 be amended by striking out lines 3, 4 and 5 of the printed bill, being the emergency clause.

Which motion prevailed, and

The bill was so amended.

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

The roll was called and there were ayes 34, nays none, absent and not voting 6.

Those who voted in the affirmative were:

Messrs.—

Bacon
Benson
Brown
Cashel
Crane
Dyste
Fox
Garnett
Hagen
Hanna
Herbrandson
Johnson of McLean

Messrs.—

Johnson of Walsh
Kirkeide
Kraabel
Little
Main
McArthur
McLean
Mövius
Pierce
Plain
Regan
Sharpe

Messrs.—

Sifton
Spoonheim
Stade
Steele
Swenson
Talcott
Taylor
Thatcher
Wagner
Young

Absent and not voting:

Messrs.—

Carroll
Gulack

Messrs.—

LaMoure
Macdonald

Messrs.—

Simpson
Voss

Messrs. Carroll, Gulack, LaMoure, Macdonald, Simpson and Voss being excused.

Mr. Young moved

That the title of senate bill No. 121 be amended by adding thereto the following: "Relating to the fixing of damages for breach of contract in certain cases."

Which motion prevailed, and

The title of the bill was so amended, and

So the bill passed and the title was agreed to.

Senate Bill No. 127,

A bill for an act making it unlawful for township supervisors to permit the town hall to be used for dancing.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 30, nays 3, absent and not voting 7.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bacon	Herbrandson	Regan
Brown	Johnson of McLean	Sharpe
Carroll	Johnson of Walsh	Simpson
Cashel	Kirkeide	Spoonheim
Crane	Kraabel	Stade
Dyste	Little	Swenson
Fox	Main	Talcott
Garnett	Movius	Taylor
Hagen	Pierce	Thatcher
Hanna	Plain	Young

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Benson	Sifton	Wagner

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Gulack	McArthur	Steele
LaMoure	McLean	Voss
Macdonald		

Messrs. Gulack, LaMoure, MacDonald, McArthur, McLean, Steele and Voss being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 156,

A bill for an act authorizing the secretary of state to secure copyright of session laws.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 36, nays none, absent and not voting 4.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Benson	Johnson of Walsh	Sifton
Brown	Kirkeide	Simpson
Carroll	Kraabel	Spoonheim
Cashel	Little	Stade
Crane	Macdonald	Steele
Dyste	Main	Swenson
Fox	McArthur	Talcott
Garnett	McLean	Taylor
Hagen	Movius	Thatcher
Hanna	Pierce	Voss
Herbrandson	Plain	Wagner
Johnson of McLean	Regan	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Bacon	LaMoure	Sharpe
Gulack		

Messrs. Bacon, Gulack, LaMoure and Sharpe being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 160,

A bill for an act amending section 6315 of the revised codes of 1899, making a provision as to whom letters of administration shall be granted.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 36, nays none, absent and not voting 4.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bacon	Johnson of McLean	Regan
Benson	Johnson of Walsh	Simpson
Brown	Kirkeide	Spoonheim
Carroll	Kraabel	Stade
Cashel	LaMoure	Steele
Crane	Little	Swenson
Dyste	Macdonald	Talcott
Fox	Main	Taylor
Garnett	McArthur	Thatcher
Hagen	McLean	Voss
Hanna	Pierce	Wagner
Herbrandson	Plain	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Gulack	Sharpe	Sifton
Movius		

Messrs. Gulack, Movius, Sharpe and Sifton being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 166,

A concurrent resolution amending the state constitution.
Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 35, nays 1, absent and not voting 4.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bacon	Johnson of Walsh	Sifton
Brown	Kirkeide	Simpson
Carroll	Kraabel	Stade
Cashel	LaMoure	Steele
Crane	Little	Talcott
Dyste	Macdonald	Taylor
Fox	Main	Thatcher
Garnett	McArthur	Voss
Hagen	McLean	Wagner
Hanna	Pierce	Young
Herbrandson	Plain	
Johnson of McLean	Regan	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Benson	Movius	Swenson
Gulack	Sharpe	

Mr. Spoonheim voting in the negative.

Messrs. Benson, Gulack, Movius and Sharpe being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 187,

A bill for an act providing for the payment by the county of a portion of the expense whenever a person is sent to the hospital for the insane, to the institution for the feeble minded, the school for the deaf and dumb and to the blind asylum, and to provide for reimbursing said county.

Was read the third time.

The question being on the final passage of the bill:

The roll was called and there were ayes 35, nays none, absent and not voting 5.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Benson	Johnson of Walsh	Sifton
Brown	Kirkeide	Spoonheim
Carroll	Kraabel	Stade
Cashel	LaMoure	Steele
Crane	Little	Swenson
Dyste	Macdonald	Talcott
Fox	Main	Taylor
Garnett	McArthur	Thatcher
Hagen	McLean	Voss

Messrs.— Hanna Herbrandson Johnson of McLean	Messrs.— Movius Plain Regan	Messrs.— Wagner Young
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Absent and not voting:

Messrs.— Bacon Gulack	Messrs.— Pierce Sharpe	Messrs.— Simpson
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Messrs. Bacon, Gulack, Pierce, Sharpe and Simpson being excused.

So the bill passed and the title was agreed to.

MESSAGES FROM THE HOUSE.

The following messages were received from the house:

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 20, 1905.

Mr. President:

I have the honor to transmit herewith
House Bill No. 188,

A bill for an act to amend section 3094 of the revised codes of North Dakota for 1899, relating to investments of funds of domestic insurance corporations.

Also,
House Bill No. 110,

A bill for an act to prohibit the obstruction of public highways by railroad cars within this state, and fixing the penalty for violation thereof.

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

Very respectfully,
OTTO SOUGSTAD,
Chief Clerk.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 20, 1905.

Mr. President:

I have the honor to transmit herewith the following:

CONCURRENT RESOLUTION.

Whereas, Under the present system of testing and grading wheat and other grains by the Minnesota inspectors and concerns purchasing and buying grain in Minnesota and North Dakota, the grade is determined by weight of the uncleaned grain per bushel measure, including the

dockage of chaff, straw and other stuffs intermingled therewith; and

Whereas, Such chaff and other stuffs are lighter than grain and take up considerable space without corresponding weight, the grade of the grain is hereby unjustly lowered to the detriment of the farmers; and

Whereas, the grading and inspection of North Dakota grain is largely if not wholly governed and regulated by the system prevailing in the state of Minnesota, now, therefore, be it,

Resolved, By the House of Representatives, the Senate concurring, That we hereby petition the senate and house of representatives of the state of Minnesota, to enact such a law as will require the grading of the wheat and other grains at its weight per bushel measure after the docking is taken out; be it further,

Resolved, That a copy of this resolution be sent to the speaker of the house and the president of the senate at St. Paul, Minnesota, with the request that action along these lines be taken at the present session of the legislature.

Which the house has adopted and your concurrence therein is requested.

Very respectfully,
 OTTO SOUGSTAD,
 Chief Clerk.

FIRST AND SECOND READING OF HOUSE BILLS

House Bill No. 177,

A bill for an act to amend section 6315 of the revised codes of 1899, relating to letters of administration, and who entitled to the same.

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

House Bill No. 133,

A bill for an act to repeal sections 2209 to 2247, both inclusive, of the revised codes of 1899, relating to municipal

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

House Bill No. 179,

A bill for an act to amend section 4797 of the revised codes of 1899 of the state of North Dakota.

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

House Bill No. 149,

A bill for an act making it a misdemeanor to move personal property from the state or dispose of the same, with the intention of avoiding the payment of personal property taxes.

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

House Bill No. 193,

A bill for an act providing that whenever any court in passing sentence upon any person convicted of a misdemeanor, sentences such person to confinement in the court jail, the court shall, if in his opinion such person is capable of performing manual labor, sentence such person to confinement in the county jail at hard labor.

Was read the first and second times and

Referred to the committee on judiciary.

House Bill No. 26,

A bill for an act to amend sections 1243 and 1244 of the revised codes of North Dakota, 1899, relating to delinquent personal taxes, and amending chapter 134 of the session laws of 1903.

Was read the first and second time, and

Referred to the committee on ways and means.

House Bill No. 23,

A bill for an act to fix the salary of deputies in county offices.

Was read the first and second time, and

Referred to the committee on state affairs.

House Bill No. 157

A bill for an act to amend section 1114 of the revised codes of North Dakota, 1899, relating to the duty of supervisors.

Was read the first and second time, and

Referred to the committee on highways and bridges.

House Bill No. 17,

A bill for an act to provide for the establishment, construction and maintenance of public dipping stations for live stock in the various counties of the state.

Was read the first and second time, and

Referred to the committee on state affairs.

House Bill No. 21,

A bill for an act requiring corporations to make annual report to the secretary of state, and providing for the cancellation of articles of incorporation for failures to do so.

Was read the first and second times and

Referred to the committee on judiciary.

House Bill No. 105,

A bill for an act to amend section 1619 of the revised codes of 1899, relating to diplomas and certificates for veterinarians.

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

House Bill No. 112,

A bill for an act to provide for the filing of satisfaction of mechanic's lien, and penalty for failure to do so.

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

House Bill No. 129,

Establishing a state board of embalmers.

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

House Bill No. 144,

A bill for an act to amend article 25 of chapter 21 of the revised codes of North Dakota of 1899, relating to public warehouses.

Was read the first and second times and

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

House Bill No. 213,

A bill for an act to amend section 8120 of the revised codes of 1899, relating to affidavits of prejudice in criminal actions.

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

House Bill No. 110,

A bill for an act to prohibit the obstruction of public highways by railroad cars within this state, and fixing the penalty for violation thereof.

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

House Bill No. 188,

A bill for an act to amend section 3094 of the revised codes of North Dakota for 1899, relating to investments of funds of domestic insurance corporations.

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

House Bill No. 218.

A bill for an act requiring grain buyers, elevator companies and mills to pay for the dockage or screenings in the grain.

Was read the first and second times, and

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

THIRD READING OF HOUSE BILLS.

House Bill No. 4,

A bill for an act to amend sections 6188, 6189, 6190 and 6191 of the revised codes of North Dakota, being article 3 of chapter 1, probate code, relating to the disqualification of county judges and transfers of the administration of estates from one county to some other, or the calling in of the county judge of an adjoining county to hear the same, by the judge disqualified.

Was read the third time.

The question being on the final passage of the bill;

The roll was called and there were ayes 35, nays none, absent and not voting 5.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bacon	Johnson of Walsh	Sharpe
Benson	Kirkeide	Sifton
Brown	LaMoure	Stade
Carroll	Little	Steele
Cashel	Macdonald	Swenson
Crane	Main	Talcott
Dyste	McArthur	Taylor
Fox	McLean	Thatcher
Garnett	Movius	Voss
Hagen	Pierce	Wagner
Hanna	Plain	Young
Herbrandson	Regan	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Gulack	Kraabel	Spoonheim
Johnson of McLean	Simpson	

Messrs. Gulack, Johnson of McLean, Kraabel, Simpson and Spoonheim being excused.

So the bill passed and the title was agreed to.

House Bill No. 9,

A bill for an act regulating the operation of automobiles on the public roads, highways and streets within the state

of North Dakota, and providing penalties for the violation thereof.

Was read the third time.

The question being on the final passage of the bill;

The roll was called and there were ayes 34, nays none, absent and not voting 6.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bacon	Johnson of Walsh	Sifton
Benson	Kirkeide	Simpson
Brown	LaMoure	Spoonheim
Carroll	Little	Stade
Cashel	Macdonald	Swenson
Crane	Main	Talcott
Dyste	McArthur	Taylor
Fox	McLean	Thatcher
Garnett	Pierce	Voss
Hagen	Plain	Wagner
Hanna	Sharpe	Young
Herbrandson		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Gulack	Kraabel	Regan
Johnson of McLean	Movius	Steele

Messrs. Gulack, Johnson of McLean, Kraabel, Movius, Regan and Steele being excused.

So the bill passed and the title was agreed to.

House Bill No. 124,

A bill for an act to amend section 2865 of the revised codes of 1899.

Was read the third time.

Mr. Voss moved

That House Bill No. 124 be amended by inserting after the word "except" in line 5 of the engrossed bill, the following: "corporations organized for the purpose of irrigation."

Which motion prevailed, and

The bill was so amended.

The question being on the final passage of the bill, as amended,

The roll was called and there were ayes 35, nays none, absent and not voting 5.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bacon	Johnson of McLean	Sifton
Benson	Johnson of Walsh	Simpson
Brown	Kirkeide	Spoonheim
Carroll	LaMoure	Stade
Cashel	Macdonald	Swenson

Messrs.—	Messrs.—	Messrs.—
Crane	Main	Talcott
Dyste	McArthur	Taylor
Fox	Movius	Thatcher
Garnett	Pierce	Voss
Hagen	Plain	Wagner
Hanna	Regan	Young
Herbrandson	Sharpe	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Gulack	Little	Steele
Kraabel	McLean	

Messrs. Gulack, Kraabel, Little, McLean and Steele being excused.

So the bill passed and the title was agreed to.

House Bill No. 13,

A bill for an act entitled an act amending section 7989 of the code of North Dakota of 1899, providing for the manner and the time of drawing and summoning of grand juries.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 34, nays none, absent and not voting 6.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Benson	Johnson of Walsh	Sharpe
Brown	Kirkeide	Sifton
Carroll	Kraabel	Spoonheim
Cashel	LaMoure	Steele
Crane	Macdonald	Swenson
Dyste	Main	Talcott
Fox	McLean	Taylor
Garnett	Movius	Thatcher
Hagen	Pierce	Voss
Hanna	Plain	Wagner
Herbrandson	Regan	Young
Johnson of McLean		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Bacon	Little	Simpson
Gulack	McArthur	Stade

Messrs. Bacon, Gulack, Little, McArthur, Simpson and Steele being excused.

So the bill passed and the title was agreed to.

House Bill No. 88,

A bill for an act providing for the retirement of officers in the national guard of the State of North Dakota, who

have rendered faithful service therein for a period of ten years or more.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 34, nays none, absent and not voting 6.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bacon	Johnson of Walsh	Sharpe
Benson	Kirkeide	Sifton
Brown	Kraabel	Spoonheim
Carroll	LaMoure	Stade
Cashel	Main	Steele
Crane	McArthur	Talcott
Dyste	McLean	Taylor
Garnett	Movius	Thatcher
Hagen	Pierce	Voss
Hanna	Plain	Wagner
Herbrandson	Regan	Young
Johnson of McLean		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Fox	Little.	Simpson
Gulack	Macdonald	Swenson

Messrs. Fox, Gulack, Little, MacDonald, Simpson and Swenson being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 89,

A bill for an act to amend and re-enact section 2073, revised codes of 1899, relating to salary of county auditors.

Was read the third time.

The question being on the final passage of the bill;

The roll was called and there were ayes 32, nays 2, absent and not voting 6.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bacon	Johnson of Walsh	Sifton
Benson	Kraabel	Simpson
Brown	Little	Spoonheim
Carroll	Macdonald	Stade
Cashel	Main	Swenson
Crane	McLean	Talcott
Dyste	Movius	Taylor
Garnett	Pierce	Thatcher
Hanna	Plain	Voss
Herbrandson	Regan	Wagner
Johnson of McLean	Sharpe	Young

Those voting in the negative were:

Messrs.—	Messrs.—
Kirkeide	LaMoure

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Fox	Hagen	McArthur
Gulack	Little	Steele

Messrs. Fox, Gulack, Hagan, Little, McArthur and Steele being excused.

So the bill passed and the title was agreed to.

House Bill No. 109,

A bill for an act providing that all appointments to the various departments of the national guard of the State of North Dakota, shall be made from officers of the field or line.

Was read the third time.

The question being on the final passage of the bill;

The roll was called and there were ayes 37, nays none, absent and not voting 3.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bacon	Kirkeide	Sifton
Benson	Kraabel	Simpson
Brown	LaMoure	Spoonheim
Carroll	Little	Stade
Cashel	Macdonald	Steele
Crane	Main	Swenson
Dyste	McLean	Talcott
Garnett	Movius	Taylor
Hagen	Pierce	Thatcher
Hanna	Plain	Voss
Herbrandson	Regan	Wagner
Johnson of McLean	Sharpe	Young
Johnson of Walsh		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Fox	Gulack	McArthur

Messrs Fox, Gulack and McArthur being excused.

So the bill passed and the title was agreed to.

The secretary announced that the president was about to sign

Substitute for Bill No. 88,

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

Also,

Senate Bill No. 9,

A bill for an act making an appropriation of \$1,500 for the payment of the expenses of Prof. E. F. Ladd, state

pure food commissioner in defending a suit brought against him by an association of food manufacturers.

And the president signed the same in the presence of the senate.

The president announced that under Mr. Hanna's motion, adopted today, he appointed Chas. D. Homel a clerk to assist the committee on engrossed and enrolled bills, and

The president administered the oath of office to Charles D. Homel as clerk of the enrolling and engrossing committee,

The president announced the following steering committee: Messrs. Little, LaMoure, Talcott, Taylor, Crane, Pierce and Cashel.

Mr. Little moved

That the senate do now adjourn.

Which motion prevailed, and

The senate adjourned.

L. M. McGLASHAN,
Secretary.

FIFTIETH DAY

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
February 21, 1905.

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

The president presiding.

Prayer by chaplain.

Roll call.

All members present except Mr. Gulack, who was excused. The courtesies of the floor were extended to the following: E. H. Wright, Alfred Zuger, John Christenson, Oscar Hanson, Hans O. Blegen, O. B. Jorgenson, Edgar Anderson, W. M. Matthews, Geo. W. Lynn and W. E. Martin.

MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 21, 1905.

Mr. President:

I have the honor to transmit herewith
Senate Bill No. 53,

A bill for an act providing for the redistricting of commissioner districts in organized counties which have enlarged their boundaries by the addition thereto of unorganized territory.

Which the house has passed unchanged.

Also,
House Bill No. 121,

A bill for an act entitled an act to amend chapter 164 of the session laws of 1901, relating to 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 limiting the compensation for collecting the same.

Also,

House Bill No. 131,

A bill for an act to amend section 1283 of the revised codes and to repeal chapter 156 of the laws of 1903.

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

Very respectfully,

OTTO SOUGSTAD,

Chief Clerk.

PRESENTATION OF PETITIONS AND COMMUNICATIONS.

Mr. Kirkeide presented the following petition:

We the undersigned, citizens of Esmond, N. D., respectfully request our senator and representatives to oppose House bill No. 119 for the following reasons:

1. The bill provides for the establishment of a normal college with degree granting powers at each of the two state normal schools. This will duplicate the work of higher education and will add greatly to the cost of supporting higher education in this state as well as tend to greatly impair the efficiency of the state university and other state institutions of higher education. The only state in the union maintaining an independent normal college at present in New York and that state, with nearly twenty times the population of North Dakota, supports but one normal college while House bill No. 119 provides for creating two normal colleges in this state. Moreover, New York has no state university.

2. The bill provides for adding the presidents of the two state normal schools to the state high school board. The high school board at present is made up of the governor, the superintendent of public instruction, and the president of the university. The governor and superintendent of public instruction are, ex-officio, members of the state normal school board and the superintendent is president of that board, so that the high school board as composed at present, has two normal school representatives and one representative of the university. To add two more representatives from the normal schools would give these schools a representation on the board out of all proportion to their proper interest in the high schools. Furthermore, the high school principals of the state are practically unanimous in their opposition to an enlargement of the board. If the normal school presidents are added it will open the door for the further addition of the presidents of the agricultural college, the industrial school and the state school of science. Such an enlargement of the board would add enormously to the expense of operating and would introduce such divergent views as would lend, it is believed, to constant wrangling in place of the perfect harmony which now exists in the board.

For these reasons your petitioners request that you use your influence to secure the defeat of House bill No. 119.

(Signed.)

FRANK E. WHEELON, M. D.,
and 7 others.

Mr. Steele presented the following petition:

To the Honorable, the members of the Ninth Legislative Assembly of North Dakota.

We, the undersigned, citizens of the state of North Dakota, do hereby protest against the passage of House bill No. 27, entitled, "A bill for an act to prevent the adulteration, misbranding and selling of adulterated and insufficiently labeled drugs or medicines," and if enacted, ask that it be repealed and for ground thereof say:

1. That we do not believe there is any necessity for the enactment of such a bill.

2. That the said bill, if enacted, would seriously effect the sale of many household remedies that by long experience we know to be useful, harmless and effective remedies, which we now and long have constantly used in our families.

3. That the said bill in its provisions goes far beyond the purposes expressed in its title.

4. That we do not believe said bill to be in the interest of the people at large, but of special classes of persons.

J. S. PATTERSON
and 24 others.

Mr. Fox presented the following petition:

To the Honorable, the members of the Ninth Legislative Assembly of North Dakota.

We, the undersigned, citizens of the state of North Dakota, do hereby protest against the passage of House bill No. 27, entitled, "A bill for an act to prevent the adulteration, misbranding and selling of adulterated and insufficiently labeled drugs or medicines," and if enacted, ask that it be repealed and for ground thereof say:

1. That we do not believe there is any necessity for the enactment of such a bill.

2. That the said bill, if enacted, would seriously affect the sale of many household remedies that by long experience we know to be useful, harmless and effective remedies, which we now and long have constantly used in our families.

3. That the said bill in its provisions goes far beyond the purposes expressed in its title.

4. That we do not believe said bill to be in the interest of the people at large, but of special classes of persons.

R. A. Fox, Esq.
Bismarck, N. D.

Gentlemen:

I am of the opinion that this bill is all right and the proper thing. There does not a day pass except I get a letter from some patent medicine house asking me to write you to have bill laid aside. Please do what you can to have it become a law. There is no worse fraud in the U. S. than a number of the patent medicine houses. I remain.

BENJ. B. BENNETT
Registered Druggist, Drake, N. D.

Mr. Brown presented the following petition:

To the Honorable, the members of the Ninth Legislative Assembly of North Dakota.

We, the undersigned, citizens of the state of North Dakota, do hereby protest against the passage of House bill No. 27, entitled, "A bill for an act to prevent the adulteration, misbranding and selling of adulterated and insufficiently labeled drugs or medicines," and if enacted, ask that it be repealed and for ground thereof say:

1. That we do not believe there is any necessity for the enactment of such a bill.
2. That the said bill, if enacted, would seriously effect the sale of many household remedies that by long experience we know to be useful, harmless and effective remedies, which we now and long have constantly used in our families.
3. That the said bill in its provisions goes far beyond the purposes expressed in its title.
4. That we do not believe said bill to be in the interest of the people at large, but of special classes of persons.

CLANCY & CO.,

General Merchants, Argusville, N. D.
and one other.

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 of the forty-ninth day, have carefully examined the same and recommend that the same be corrected as follows:

By inserting the word "the" between the words "by" and "chaplain" on page 1, line 10.

In line 4, page 22, correct the spelling of the word "breach."

In line 39, page 33, insert the word "senate" between the words "for" and "bill."

On page 32, strike out lines 28, 29 and 30, and insert the following:

"House Bill No. 89,

"A bill for an act to authorize the issuance of faithful service medals to officers and enlisted men in the national guard of the state of North Dakota."

After line 20, on page 5 insert the following:

"The committee on appropriations made the following report:

"Mr. President:

"Your committee on appropriations to whom was referred

"Senate bill No. 82,

"An act establishing the state fair, locating it at Grand Forks and making appropriations therefor

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

By striking out the word "session" in line 5 of section 4 of the printed bill and inserting in lieu thereof the words, after the word "any," "two consecutive sessions."

By striking out the words and figures "five thousand (\$5,000)" in line 6 of section 4 of the printed bill and inserting the words "two thousand five hundred."

By changing the word "thirteen" in line 16, of section 4 of the printed bill to "fifteen."

By striking out all of section 6.

By changing the figures "\$10,000" in line 3 of section 7 to read "\$5,000."

By changing the figures "\$5,000" in lines 4 and 6 of section 7 of the printed bill to read "\$2,500."

"By renumbering the sections to agree with these amendments."

"And when so amended recommend the same to pass.

"JUDSON LAMOURE,

"Chairman.

"Mr. LaMoure moved

"That the report be adopted,

"Which motion prevailed, and

"The report of the committee was adopted."

And when so amended recommend that he same be approved.

R. W. MAIN,

Chairman.

Mr. Main moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

REPORT OF STANDING COMMITTEES.

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

Mr. President:

Your committee on enrolled and engrossed bills have examined:

House Bill No. 34,

A bill for an act to amend section 648 and 750 of the revised codes of 1899, relating to education.

Also,

House Bill No. 91,

A bill for an act to appropriate money for the care and preservation of the state military encampment grounds, Rock Island, Ramsey county, North Dakota.

Also,

House Bill No. 118,

A bill for an act to enable military organizations to issue bonds to secure funds for armory purposes and making an appropriation for armory rent.

Also,

Senate Bill No. 205,

A bill for an act amending section 180 of the revised codes of 1899, relating to salary of commissioners of university and school lands.

Also,

Senate Bill No. 207,

A bill for an act to amend sections 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525 of chapter 30, article 19, entitled "townsites located on public lands," as published in the revised codes of 1895.

Also,

Senate Bill No. 209,

A bill for an act directing the state auditor to pay over funds belonging to the soldiers' home at Lisbon to the institution treasurer, and providing for the application of such funds.

Also,

Senate Bill No. 155,

A bill for an act appropriating to James G. Saunders, clerk of the district court of Stark county, North Dakota, \$400 clerk's fees for services rendered in the unorganized territory attached to Stark county for judicial purposes during the years 1903 and 1904.

Also,

Senate Bill No. 157,

A bill for an act appropriating money for the building and equipping of an administration and gymnasium building for the North Dakota agricultural college and experiment station at Fargo.

Also,

Senate Bill No. 137,

A bill for an act defining the status, and providing for the duties of the State Historical Society of North Dakota, and making an appropriation therefor.

Also,

Senate Bill No. 153,

A bill for an act appropriating money for the building and equipping of an administration and gymnasium building for the state university and school of mines at Grand Forks.

Also,

Senate Bill No. 154,

A bill for an act appropriating to James G. Campbell, state's attorney for Stark county, \$600 attorney's fees for services rendered in the unorganized territory attached to Stark county for judicial purposes during the years 1903 and 1904.

Also,

Senate Bill No. 176,

A bill for an act providing for the amount of clerk hire to be allowed various state offices, and making an appropriation therefor.

Also,

Senate Bill No. 179,

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 Lewis and Clark Centennial and Pacific Exposition and Oriental Fair to be held at Portland, Oregon, in 1905, and providing for a board of commissioners therefor, and making an appropriation for that purpose.

Also,

Senate Bill No. 192,

A bill for an act establishing and naming a state flower for the state of North Dakota.

Also,

Senate Bill No. 167,

A bill for an act to appropriate the sum of \$6,997.59 to pay expenses incurred by the chief state veterinarian and the state board of auditors in connection with the erection, equipment and maintaining of state dipping tanks for dipping live stock in the prevention of the spread of scabbies.

Also,

Senate Bill No. 168,

A bill for an act making an appropriation for purchasing or erecting a building, furnishing and equipping the same, for the use of North Dakota academy of science, located at Wahpeton, North Dakota, and to provide funds for the maintenance of said school.

Also,

Senate Bill No. 169,

A bill for an act to provide the maintenance of summer school, and for new buildings and for making needed and permanent improvements for the state normal school at Valley City, North Dakota, and making an appropriation therefor.

Also,

Senate Bill No. 100,

A bill for an act to provide for the maintenance of the industrial school and school for manual training, located at Ellendale, and for making necessary improvements, providing for the payment of interest on certificates of indebtedness and making an appropriation therefor.

Also,

Senate Bill 135.

A bill for an act to provide an appropriation for the repairing of and the building and heating plant and for the erection and equipment of a dormitory for the state normal school at Mayville.

Also,

Senate Bill No. 130,

A bill for an act to amend section 992 of the revised codes of North Dakota, 1899, relating to powers and duties of the board of trustees of the state hospital for the insane.

Also,

Senate Bill No. 112,

A bill for an act to amend section 338 of the revised codes of 1899, as amended by chapter 28 of the session laws of 1903, providing for an appropriation for supplies for the capitol building, executive mansion and the public grounds and parks connected therewith and for necessary repairs upon the capitol building and executive mansion.

Also,

Senate Bill No. 34,

A bill for an act to provide for new buildings and for making needed permanent improvements for the school of deaf and dumb, located at Devils Lake, North Dakota, and making an appropriation therefor.

Also,

Senate Bill No. 4,

A bill for an act appropriating money for the building and equipping of a chemical laboratory and green house for the North Dakota Agricultural College and Experiment Station at Fargo.

Also,

Senate Bill No. 106,

A bill for an act to make an appropriation for the current and contingent expenses of the state reform school at Mandan, and authorizing the trustees of said reform school to purchase six hundred acres of land contiguous to the present site of said reform school.

Also,

Senate Bill No. 12,

A bill for an act providing for the creation of a state bacteriological and pathological laboratory, for the control of such laboratory, and duties of the director, for the appointment of a director of such laboratory, who shall be ex-officio state bacteriologist and for an appropriation for the support of such laboratory.

Also,

Senate Bill No. 16,

A bill for an act making appropriations for the current and contingent expenses of the state penitentiary, and for making permanent improvements thereto.

Also,

Senate Bill No. 122,

A bill for an act to amend section 3128 of the revised codes of 1899, relating to the revocation of authority of foreign and domestic insurance corporations to transact business in this state, and providing for the revocation of authority of foreign insurance corporations to transact business within the state of North Dakota, upon the removal by any such foreign insurance corporation, of certain cases from the state to the United States courts.

Also,

Senate Bill No. 31,

A bill for an act appropriating money for the enforcement of the pure food laws and for investigating the strength and purity of drugs and formaldehyde.

Also,

Senate Bill No. 123,

A bill for an act to amend sections 870 and 871 of the revised codes of North Dakota for 1899, relating to the appropriation for aid to state high schools.

Also,

Senate Bill No. 159,

A bill for an act to amend section 3094 of the revised codes of North Dakota for 1899, relating to investments of funds of domestic insurance corporations.

Also,

Senate Bill No. 62,

A bill for an act creating and establishing an agricultural experiment station at or near Dickinson in Stark county, providing for its management and making an appropriation therefor.

Also,

Senate Bill No. 52,

A bill for an act to amend section 1375 of the revised codes, relating to additional duties of the adjutant general.

Also,

Senate Bill No. 37,

A bill for an act to provide an appropriation for the current and contingent expenses of the institution for the feeble minded at Grafton, North Dakota.

Also,

Senate Bill No. 69,

A bill for an act creating and establishing an agricultural experiment station at or near Leeds in Benson county, providing for its management and making an appropriation therefor.

Also,

Senate Bill No. 104,

A bill for an act to provide for the erection of necessary additional buildings and other improvements at the state hospital for the insane at Jamestown, North Dakota.

Also,

Senate Bill No. 163,

A bill for an act to provide for the making of tests of wheat and flour to determine the comparative milling values of the different grades of wheat.

Also,

Senate Bill No. 113,

A bill for an act to provide for the care and improvement of the "White Stone Hills Battle Field," and making an appropriation to pay for the same.

Also,

Senate Bill No. 41,

A bill for an act to provide an appropriation for the current and contingent expenses of the state hospital for the insane at Jamestown.

Also,

Senate Bill No. 180,

A bill for an act creating park districts, and for the government thereof, creating a board of park commissioners, conferring power and authority upon such board and district, and providing rules for the government thereof.

Also,

House Bill No. 159,

A bill for an act to amend section 1030 of the revised codes of 1899, relating to public institutions.

And find the same correctly engrossed.

GEORGE M. YOUNG,

Chairman.

The committee on game and fish made the following report:

Mr President:

Your committee on game and fish to whom was referred Senate Bill No. 67,

A bill for an act for the protection of fish, game, wild birds, and fur-bearing wild animals, and creating the offices of state district game and fish wardens and deputies, and defining their duties and jurisdiction.

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

Section 2, line 1, strike out the word "two" and insert the word "three."

Line 2, strike out the word "and."

Line three insert "and game district No. 3 after No. 2."

Line 6, strike out the words "Wells and McLean."

Line 7, strike out all of said line after the word "Williams" and all of line 8 and insert the words "Steele" and "Traill."

Line 10, strike out the words "Traill" and "Steele" and after the word "Foster" insert the word "Wells."

Line 11, at the end thereof strike out "em--"

Line 12, strike out all of said line except the word "Kidder."

Lines 13 and 14, strike out all of said lines and add thereafter, "game district No. 3 shall consist of the following counties: Emmons, Burleigh, McLean, Mercer, Oliver, Morton, Stark, Hettinger, Dunn and unorganized adjoining territory, Billings, McKenzie, Wallace and unorganized county of Allred."

Section 4, strike out the word "all" in lines 12 and 14 and insert the word "each."

Section 5, line 10, strike out the words "his" and "district" and insert the words "their respective districts."

Section 5, line 13, strike out the word "thirty."

Section 5, line 15, add to recommendation the letter "s", strike out the word "his" and insert "their."

Section 8, lines 5 and 6, strike out the words "The county auditor, deputy county auditor" and insert, "Any officer qualified to administer an oath, or the"

Section 9, line 12, strike out the word "of" and insert "to."

Section 12, line 32, strike out the words "and including any automatic shot-gun."

Section 12, line 39, strike out the word "unlawful."

Section 13, line 8, strike out the word "the."

Section 13, line 12, after the word "snares" insert the words "used in trapping game or fish prohibited by law."

Section 13, line 16, insert after the word "articles," the word "not."

Section 13, line 17, strike out the word "therein" and insert "herein."

Section 13, line 22, strike out the word "at" and insert the word "near."

Section 14, line 7, strike out the word "goose."

Section 14, line 9, add the following after the word "or," "any wild goose between the twentieth day of April and the first day of September following."

Section 15, line 5, strike out the word "four" and insert in lieu thereof the word "two."

Section 19, line 3, strike out the words "or automatic shot."

Section 22, line 10, strike out "four" and insert "two."

Section 27, line 3, after the word "exceeds" strike out the words "twenty-five" and insert "fifteen."

Section 29, line 7, strike out "four" and insert "two."

Section 32, line 9, strike out the word "this" after the word "from" and insert the word "another."

Section 39, line 16, after the word "which" strike out the word "the" and insert the word "he."

Section 40, line 3, after the word "scientific" insert words "or park."

Section 45, line 4, after the word "saw" insert the word "dust."

Section 49, line 15, after the word "fish" insert the word "or."

Section 53, line 2, strike out the words "one year" and insert the words "two years."

Section 55, line 3, after the word "notices" strike out the balance of said line and lines 4, 5, 6, 7, 8, 9, 10, 11 and 12 and insert the following: "Blank books and stationery shall be furnished on requisition to the commissioner of public printing and the costs for printing stationery, game tags and seals, freight, express and postage shall be paid out of the state game and fish fund of the respective districts for which used. Vouchers properly sworn to be submitted in the manner now required in the disbursement of state funds to the state auditor."

Section 58, strike out all of section 58.

Section 60, line 2, strike ou the words "and geese."

And when so amended recommend that the same do pass.

R. W. MAIN,
Chairman.

Mr. Main moved

That the report be adopted,

Which motion prevailed, and

The report of the committee 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

House Bill No. 78,

A bill for an act to amend and re-enact section 2041 of the revised codes of 1899, relating to election of township officers and their terms of office.

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

J. D. BACON,
Chairman.

The committee on public health made the following report:

Mr. President:

Your committee on public health to whom was referred

House Bill No. 129,

Establishing a state board of embalmers.

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

J. D. TAYLOR,
Chairman.

The committee on public health made the following report:

Mr. President:

Your committee on public health to whom was referred

Senate Bill No. 174,

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:

In line 1, of section 1 of the printed bill strike out the figure "5" and insert the figure "4."

In line 49, of section 280 strike out the words "profess publicly to be a physician" and insert the words "treat diseases with drugs, medicine or surgical appliances."

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.

Which motion prevailed, and

The report of the committee was adopted.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred

Senate Bill No. 211,

A bill for an act to amend section 4737 of the revised codes of North Dakota, of 1899, relating to renewal of mortgages of personal property.

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

Also,

Senate Bill No. 214,

A bill for an act to provide for the granting of the right-of-way by municipal corporations for constructing and maintaining electric and other railways on, over, and upon public grounds and highways, and regulating the use of same.

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

C. B. LITTLE,
Chairman.

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 to amend section 460 of the political code of the revised codes of the state of North Dakota, 1899, relating to administration of oaths.

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 of the committee was adopted.

And the further consideration of the bill was indefinitely postponed.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred

Senate Bill No. 201,

A bill for an act to amend section 3491a, of the revised codes of the state of North Dakota for 1899, relating to titles to real property.

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 of the committee was adopted.

And the further consideration of the bill was indefinitely postponed.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred

House Bill No. 77,

A bill for an act to correct errors in town, village or city plats.

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

By striking off section 5, the emergency 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 of the committee was adopted.

The committee on highways and bridges made the following report:

Mr. President:

Your committee on highways and bridges to whom was referred

House Bill No. 157

A bill for an act to amend section 1114 of the revised codes of North Dakota, 1899, relating to the duty of supervisors.

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

ALEX. MACDONALD,
Chairman.

Mr. Regan moved

That the report of the committee on temperance on
Senate Bill No. 151,

A bill for an act to repeal chapter 82, of the session laws of the state of North Dakota, for the year 1903, and to amend and re-enact section 7594 and section 7596 of the revised codes of North Dakota, 1899, relating to the method of obtaining druggist's permits to sell liquor, regulating sales of liquor under such permit and prescribing a penalty for the violation thereof.

Be printed in the journal before being considered.

Which motion prevailed, and

Said report follows:

Mr. President:

Your committee on temperance to whom was referred Senate Bill No. 151, have had the same under consideration and recommend that the same be amended as follows:

Strike out all after enacting clause and insert in lieu thereof the following:

Section 1. That section 7594 of the revised codes of North Dakota, 1899, be, and the said section is hereby amended to read as follows:

Section 7594. Druggist's Permits. How Obtained. Application to be published. Bond and Approval. Appeal. It shall be unlawful for any person or persons to sell or barter, for medicinal, scientific or mechanical purposes any malt, vinous, spirituous, fermented or other intoxicating liquors, without first having secured a druggist's permit therefor from the county judge of the county wherein such

druggist may be doing business at the time; and such county judge is hereby authorized in his discretion to grant a druggist permit for the period of one year, to any person of good moral character who is a registered pharmacist under the laws of this state, and lawfully and in good faith engaged, personally and individually, in the business of a druggist in his county, and who in his judgment can be entrusted with the responsibility of selling such liquors for the purposes aforesaid in the manner hereinafter provided. In order to obtain a druggist permit under this act, the applicant shall file in the office of the county judge of the county wherein he is doing business, not less than thirty days prior to the hearing thereof, a petition signed by the applicant and sixty per cent. of the reputable freeholders, having the qualifications of electors of the town, village, township or ward of any city, and fifty per cent. of the reputable women over twenty-one years of age, who are residents of the town, village, township or ward of any city wherein such business is located. All petitions shall set forth:

1. The town, village, city or township, and particular place therein wherein such business is located, and that the applicant is a person of good moral character and does not use intoxicating liquors as a beverage, and can be entrusted with the responsibility of selling the same.

2. That said applicant is a pharmacist as aforesaid, and is lawfully and in good faith engaged personally in the business of a druggist, as the proprietor thereof, at the place designated in the petition, and well versed in the profession.

3. That said applicant has, in his said business, exclusive of intoxicating liquors and fixtures, a stock of drugs and druggist's sundries, if in any city, of the value of at least two thousand dollars, and if elsewhere, of the value of at least fifteen hundred dollars.

Before any such petition shall be heard, or any permit issued to such applicant, he shall publish for at least thirty days, next prior thereto, a notice in some newspaper in the town, village, township or city, where such business is located, or if none is published therein, then in some paper of general circulation in the county, stating the time and place set by said judge for the hearing of such petition.

The applicant shall be required to prove the truthfulness of each and every statement contained in such petition, and the state's attorney of the county shall, and any other citizen of the county may, appear and cross-examine the witnesses of the applicant, and may introduce evidence in rebuttal of the evidence offered by the applicant. If satisfied that the signatures of such petition were signed by such persons, and that such petitioners are freeholders and citizens of such town, village, township, city or ward as above expressed, and that the statements in such petition are true, the county judge may, in his discretion, grant a permit to the applicant to sell intoxicating liquors for medicinal, mechanical and scientific purposes only; and such permit shall be recorded upon the journal of the county court, and a certified copy thereof shall be posted in a conspicuous place in the store wherein said business is carried on before it shall be of any validity. Before such permit shall be of any validity, such druggist shall file with the county judge, to be approved by him, a good and sufficient bond to the state of North Dakota, in the sum of one thousand dollars, executed by five freeholders of the county, who shall justify in double the amount of such bond, conditioned that such applicant and any one in his employ will neither use, barter or give away any intoxicating liquors in violation of law, and on violation of any of the provisions of said bond the same shall thereby become forfeited in the full amount thereof; and the conviction of said pharmacist or anyone in his employ shall be deemed prima facie evidence of such violation. Any applicant or any citizen feeling himself aggrieved by the decision of the county judge may, within ten days thereafter, upon filing a bond, made payable to the state of North Dakota, in the sum of fifty dollars, to be approved by the county judge, conditioned that he will prosecute the same to a speedy determination, and pay the costs occasioned by such appeal if the order of the county judge shall be sustained, prosecute the cause upon appeal to the district court. The procedure in any case taken on appeal to the district court from the order of the county judge shall be as prescribed by article 9, of chapter 3, of the probate code, so far as applicable, and a statement of the case with exceptions may be made, signed and certified by the county judge. If the district court shall find that the county judge

has abused his discretion, or if it deems the permit to have been improperly granted or refused, it shall have power to reverse the judgment of the lower court and cause the county judge to comply with its judgment, otherwise the order of the county judge shall be by the district court affirmed. If the order of the county judge shall be reversed, the costs shall be paid by the county. If at any time there shall be filed with the county judge a petition stating that any druggist, naming him, who has a permit to sell intoxicating liquors, is not in good faith conforming to the provisions of this chapter, verified by the affidavit of at least one of the petitioners hereinafter named, and signed by the state's attorney or ten reputable men, all of whom reside in the town, village, township or city in which the business of said druggist is carried on, requesting that the permit of said druggist be cancelled, the county judge shall immediately issue an order citing such druggist to appear before him on the day named, not more than ten days from the issuing of such order at which time the question of cancellation of such permit shall be considered. Such examination shall be conducted in the same manner in all respects as herein provided for the hearing of the original petition for granting such permit, and such county judge shall, if there are reasonable grounds for believing that such druggist is not in good faith carrying out all the provisions of this chapter, cancel such permit. An appeal may be had from the decision of the county judge to the district court as herein provided for appeals from the application for a permit; provided the permit of such druggist shall be inoperative till such appeal is finally decided. If any county judge shall issue a permit to any person not registered as a pharmacist, or shall knowingly grant the same to a person in the habit of becoming intoxicated, or not in good faith engaged in the business of a druggist as a proprietor thereof, he shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than five hundred dollars nor more than one thousand dollars; and if any person shall sign a petition, as provided herein, of any applicant known by such person to be in the habit of becoming intoxicated, or not in good faith engaged in the business of a druggist, he shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than fifty nor more than one hundred dollars.

Before the petition of a druggist for a permit to sell intoxicating liquors shall be heard by the county judge, the applicant shall pay a fee of five dollars to the county judge, who shall pay the same into the county treasury on or before the first day of the following month for the benefit of the general revenue fund.

Section 2. That section 7596 of the revvised codes of North Dakota, 1899, be, and the said section is hereby amended:

Section 7596. Druggist Sale Regulated. Affidavits. Oaths. Blanks Furnished. Sales Recorded. Penalty. Any druggist having a permit to sell intoxicating liquors under the provisions of this chapter, may sell the same only by himself in person, or by a clerk who is a registered pharmacist or assistant pharmacist under the laws of this state, for medical purposes only, upon the printed or written affidavit of the applicant, setting forth the particular medical purposes for which such liquor is required, the kind and quantity desired; that it is necessary and actually needed for the particular purpose, by the patient to be named; and that it is not intended for a beverage, nor to sell or give away; that the applicant is over twenty-one years of age; which affidavit shall be in the following form and subscribed by the applicant in ink:

No. Date..... ..

State of North Dakota, County of.....ss.

I, the undersigned, do solemnly swear that my real name is.....; that I reside at.....(if in a city the street number must be given; if in a town or village, name of street must be given; if in a county the quarter section, township and range); county of..... state of..... that..... of..... is necessary and actually needed by.... to be used as a medicine for the disease of.....; that it is not intended as a beverage, nor to sell nor to give away, and that I am over twenty-one years of age. I therefore make application to..... druggist, for said liquor.

.....
Applicant.

Subscribed in my presence and sworn to before me this
..... day of....., 190--.

.....
Pharmacist.

State of North Dakota, County of.....ss.

On this..... day of..... in the year..... before me personally appeared..... known to me (or proved to me on oath of.....) to be the person who is described in and who executed the within instrument and acknowledged to me that he executed the same.

.....
Pharmacist.

And such druggist may sell intoxicating liquors for mechanical, scientific, and wine for sacramental purposes only, upon the written or printed or written affidavit of the applicant, setting forth the particular purpose for which such liquor is required, the kind and quantity desired, that it is not intended to be used as a beverage, nor to sell nor to give away, and that it is intended only for his own use, and that the applicant is over twenty-one years of age. Such affidavit shall be in the following form and subscribed by the applicant in ink:

No..... Date.....

State of North Dakota, County of.....ss.

I, the undersigned do solemnly swear that my real name is.....; that I reside at..... (if in a city the street and number must be given, and if in a town or village the name of the street must be given; if in the country, the quarter section, township and range;) county of..... state of....; that..... of..... is required by myself to be used for..... purposes, to be used for.....; that it is not intended for a beverage, nor to sell nor to give away, and that I am over twenty-one years of age.

I therefore make application to ?..... druggist, for said liquor.

.....
Applicant.

State of North Dakota, County of.....ss.

On this..... day of..... in the year....., before me personally appeared....., known to me (or proved to me on the oath of.....) to be the person who executed the within instrument, and acknowledged to me that he executed the same.

.....
Pharmacist.

And there shall be but one sale, and one delivery, of not to exceed one pint of any intoxicating liquors, on any one affidavit, to any one person in each twenty-four hours, but no druggist shall permit the drinking on his premises, nor in any apartment connected therewith, and under his control, any intoxicating liquors purchased by affidavit or otherwise; provided, such druggist shall be permitted to sell any of the liquors mentioned herein, in quantities not less than one gallon, to any other druggist within the state holding a permit as provided in this chapter. The affidavits provided for in this section shall be made before the pharmacist or assistant pharmacist making sale of such liquors, upon proper printed blanks, which it is hereby made the duty of the county auditor of the county in which such sales are made, to furnish to such druggist at a cost equal to the actual and necessary outlay made therefor by him. Such blanks shall be in series of one hundred each, numbered from one to one hundred consecutively, and bound in book form, each series being of uniform style throughout, except that no two blanks of the same series shall be of the same number. It shall be the duty of the county auditor to endorse each such book with the date of delivery, and to whom made, to sign such indorsement and attest to the same with the official seal, and to keep two exact printed copies except as to the numbers, of the blanks of each series, one of which shall be filed in his office, and one in the office of the county judge; he shall also keep a record of the series, and of the number of each series of such blanks furnished to each druggist, and shall, within ten days after the same are delivered to said druggist, file a copy thereof, together with a copy of the blank affidavits, in the office of the county judge of his county. For such services the county auditor shall be entitled to a fee of twenty-five cents for each series of blanks so furnished, to be paid by the druggist obtaining such blanks. All pharmacists and assistant pharmacists are hereby empowered to administer oaths for the purpose of this chapter, and no such affidavit shall be received by any pharmacist or assistant pharmacist until it shows on its face that it has been properly subscribed and sworn to by the applicant. The affidavits provided for in this section, shall be retained by the druggist in the original book form, and on or before the first day of each

month shall, together with the affidavit of such druggist that the liquors therein mentioned are all the intoxicating sold by him during the month, except the liquors sold to other druggists, be returned intact and filed in the office of the county judge who issued the permit, where they shall be safely kept for the period of two years from the date of filing. Before said affidavit shall be received or filed by the said county judge, he shall make strict examination of the copies of the affidavits and record of numbers thereof furnished him by the county auditor, and ascertain whether such druggist has returned all affidavits furnished him in blank by the county auditor, and if any such affidavit or blank is missing, said county judge shall require such druggist to file instead of such affidavit or blank. And any person having a permit to sell intoxicating liquors under the provisions of this chapter, shall each month, at the time he files the affidavit herein provided for, also file with the county judge an affidavit setting forth the amounts and kinds of liquors, as nearly as can be done, which such person or firm of which he is a member, has on hand on the day such affidavit is made, as well as the amounts and kinds of liquors he has purchased or procured during the preceding month, and the name or names of the persons, companies or corporations and their place of doing business, from whom, and the dates on which such liquors were purchased or procured.

For each series of affidavits filed under the provisions of this chapter, the county judge shall collect one dollar and fifty cents from the druggist filing the same, or the proportionate part thereof for the number filed, which shall be paid by him on the first day of each month into the county treasury for the benefit of the general county fund.

The county judge shall receive in fees for his services under this chapter, except a salary of fifteen dollars per annum for each one thousand inhabitants in such county, the number to be determined by the last census return of such county, but in no case shall such salary exceed in the aggregate the sum of one thousand dollars per annum, to be paid by the county commissioners as other salaries.

Every person whose affidavit so made for the purpose of obtaining intoxicating liquors shall be false in any material matter, shall be deemed guilty of perjury, and is punishable by imprisonment in the penitentiary not less than

one and not exceeding two years, or in the county jail not less than six months. Any person who shall subscribe any name or character other than his own name to any affidavit for the purpose of obtaining intoxicating liquors as provided herein, shall be deemed guilty of forgery in the fourth degree, and punished therefor by imprisonment in the penitentiary not exceeding two years and not less than one year. Any person who shall sell or furnish any intoxicating liquors so obtained by him upon affidavit or certificate, to others as a beverage, or shall use the same as a beverage, shall be deemed guilty of misdemeanor, and upon conviction thereof shall be punished by a fine of not less than one hundred nor more than five hundred dollars, and by imprisonment in the county jail not less than thirty nor more than ninety days. Every such druggist shall keep a book wherein shall be recorded, daily, all sale of intoxicating liquors made by him or his employes, showing the name and residence of the purchaser, the kind and quantity of liquor sold, the purpose for which it was sold, and the date of sale.

Such record and affidavit shall be open for the inspection of the public at all reasonable times during business hours, and any person so desiring may take memoranda or copies thereof.

That the title of said bill be amended so as to read as follows: A bill for an act to amend sections 7594 and 7596 of the revised codes of North Dakota, 1899, as amended by chapter 82 of the session laws of 1903, relating to the method of obtaining druggists' permits to sell liquor, regulating sales of liquor under such permit and regulating life of same.

And when so amended recommend the same do pass.

A. T. KRAABEL,
Chairman.

The committee on temperance made the following report:
Mr. President:

Your committee on temperance to whom was referred
House Bill No. 102,

A bill for an act making it unlawful for any person to solicit orders for intoxicating liquors in the state of North Dakota.

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

A. T. KRAABEL,
Chairman.

The committee on state affairs made the following report:

Mr. President:

Your committee on state affairs to whom was referred House Bill No. 17,

A bill for an act to provide for the establishment, construction and maintenance of public dipping stations for live stock in the various counties of the state.

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 1619 of the revised codes of 1899, relating to diplomas and certificates for veterinarians.

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. 215,

A bill for an act regulating weights and measures, creating the office of inspector of weights and measures, providing for the appointment of inspector, and prescribing his powers, duties and compensation.

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

By inserting after section 8 the following:

"Section 9. All acts or parts of acts in conflict with the provisions of this act are hereby repealed."

And by changing the number of section 9 of the printed bill to section ten.

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 of the committee 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. 23,
A bill for an act to fix the salary of deputies in county
offices.

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

In lines 3 and 4 of the printed bill strike out the words "and county
superintendent of schools."

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 of the committee was adopted.

The committee on education made the following report:

Mr. President:

Your committee on education to whom was referred
Senate Bill No. 212,
A bill for an act to amend sections 693 and 774 of the
revised codes of 1899, relating to education.

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

Also,

Senate Bill No. 213,
A bill for an act to amend section 707 of the revised
codes of 1899.

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

F. S. TALCOTT,
Chairman.

The committee on education made the following report:

Mr. President:

Your committee on education to whom was referred

Senate Bill No. 145,

A bill for an act providing that a system of humane treatment of animals shall be taught in the public schools of
Have had the same under consideration and recommend that the same be amended as follows:

In line 4 of the printed bill after the word "instruction" strike out the word "to" and insert in lieu thereof the words "shall be oral and."

And when so amended recommend that the same do pass.

F. S. TALCOTT,
Chairman.

Mr. Talcott moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on education made the following report:

Mr. President:

Your committee on education to whom was referred
Senate Bill No. 175,

A bill for an act to amend section 704 of chapter 83 of the session laws of the state of North Dakota for the year 1903, relating to education.

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

Strike out all of section 704a and insert in lieu the following:

Provided, in any district where the question of consolidating two or more schools or the question of conveying pupils, at the expense of the district, to and from schools already established, has once been submitted to the voters of a district and decided in the affirmative, that, after consolidation or transportation, as above indicated, has been in effect four years, the school board shall call, if petitioned by a majority of the voters of the district, an election to determine the question of re-establishing the schools which had been discontinued by consolidation, or of discontinuing the conveyance of pupils, at the expense of the district, to and from schools already established, said election shall be conducted, both as to notices and manner of canvassing the votes, in the same manner as the annual school election. If a two-thirds majority of the votee cast at such election are in favor of re-establishing the schools which had been discontinued by consolidation, or of discontinuing the conveyance of pupils, at the expense of the district, to and from schools already established, then the board shall make all necessary arrangements to carry out the decision of the district.

And when so amended recommend that the same do pass.

F. S. TALCOTT,
Chairman.

Mr. Talcott moved

That the report be adopted,

Which motion prevailed, and

The report of the committee was adopted.

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

Mr. President:

Your committee on enrolled and engrossed bills have examined

House Bill No. 25,

A bill for an act to provide for the cancellation of judgments against persons discharged under the United States bankruptcy law, and the mode of procedure to obtain such relief.

Also,

Senate Bill No. 171,

A bill for an act to amend section 118 of the revised codes of North Dakota, 1899, relating to the official bond of the state treasurer.

Also,

Senate Bill No. 152,

A bill for an act to amend section 7280 and section 7283 of the revised codes of North Dakota, 1899, relating to violations of the pharmacy law, and prescribing penalties therefor.

Also,

Senate Bill No. 185,

A bill for an act to amend section 3574 of article III of chapter 37 of the civil code of the state of North Dakota, relating to proof and acknowledgement of instruments.

Also,

Senate Bill, No. 186,

A bill for an act to amend section 1774 of the revised codes of the state of North Dakota for 1899, relating to abstractors.

Also,

Senate Bill No. 74,

A bill for an act to amend sections 701, 703 and 706 of the revised codes of North Dakota for 1899, relating to education.

Also,

Senate Bill No. 91,

A bill for an act to amend chapter 21 of the political code of North Dakota, relating to drains.

Also,

Senate Bill No. 125,

A bill for an act to amend sections 737, 738, 739, 741, 742 and 744 of the revised codes of North Dakota of 1899, relating to education.

And find the same correctly engrossed.

Also,

Senate Bill No. 61,

A bill for an act to provide for the care and disposition of estates of deceased inmates of the soldiers' home.

Also,

Senate Bill No. 39,

A bill for an act to amend section 6608 of the revised codes, relating to the issue of summons in county court with increased jurisdiction.

Also

Senate Bill No. 80,

A bill for an act to amend sections 6207, 6208 and 6210, of the revised codes, relating to the services of citations and other papers in the county court.

Also,

Senate Bill No. 36,

A bill for an act providing for establishment of grades and highways in certain cases.

Also,

Senate Bill No. 27,

A bill for an act to amend and re-enact sections 1, 2 and 3 of chapter 6 of the session laws of 1903, the same being: An act to prevent the adulteration, misbranding and selling of adulterated and unwholesome foods and beverages, prescribing a penalty for the violation, providing for the inspection and analysis of foods, charging the North Dakota government agricultural experiment station with the duty thereof, charging the state's attorney with the enforcement hereof, and making an appropriation therefor.

Also,

Senate Bill No. 24,

A bill for an act to amend section 4788, revised codes of North Dakota, for 1899, relating to mechanics' liens.

Also

Senate Bill No. 50,

A bill for an act to amend chapter 206 of the session laws of 1901, amending section 7671 of the revised codes of 1899, relating to unlawful obligations.

Also,

Senate Bill No. 26,

A bill for an act entitled an act to prohibit persons under the age of eighteen years to be allowed to play in, or visit, any pool, billiard or card resorts.

And find the same correctly enrolled.

GEO. M. YOUNG,
Chairman.

MOTIONS AND RESOLUTIONS.

Mr. LaMoure moved

That there be appointed by the president two additional members of the steering committee.

Which motion prevailed, and

The president announced the appointment of Messrs. Sharpe and Simpson as additional members of the steering committee.

Mr. Regan moved

That the house be requested to return to the senate bill No. 22.

House Bill No. 22,

A bill for an act to promote forest tree culture.

Which motion prevailed.

Mr. Hagen moved

That the committee on education be directed to report a bill relating to the general school laws of the state, changing the date for holding school elections.

Which motion prevailed, and

The committee on education was so instructed.

Mr. LaMoure moved

That the rules be suspended and the senate proceed to the third reading of senate bills.

Which motion prevailed.

THIRD READING OF SENATE BILLS.

Senate Bill No. 157,

A bill for an act appropriating money for the building and equipping of an administration and gymnasium building for the North Dakota agricultural college and experiment station at Fargo.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 35, nays 2, absent and not voting 3.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bacon	Johnson of Walsh	Sifton
Brown	Kirkeide	Simpson
Carroll	Kraabel	Spoonheim
Cashel	LaMoure	Stade
Crane	Little	Swenson
Dyste	Macdonald	Talcott
Fox	Main	Taylor
Garnett	McLean	Thatcher
Hagen	Movius	Voss
Hanna	Pierce	Wagner
Herbrandson	Plain	Young
Johnson of McLean	Sharpe	

Those who voted in the negative were:

Messrs.—	Messrs.—
Benson	Regan

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Gulack	McArthur	Steele

Messrs. Gulack, McArthur and Steele being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 112,

A bill for an act to amend section 338 of the revised codes of 1899, as amended by chapter 28 of the session laws of 1903, providing for an appropriation for supplies for the capitol building, executive mansion and the public grounds and parks connected therewith and for necessary repairs upon the capitol building and 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 36, nays none, absent and not voting 4.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bacon	Johnson of Walsh	Sharpe
Benson	Kirkeide	Sifton
Brown	Kraabel	Simpson
Carroll	LaMoure	Spoonheim
Cashel	Little	Stade
Crane	Macdonald	Swenson
Fox	Main	Talcott
Garnett	McLean	Taylor
Hagen	Movius	Thatcher
Hanna	Pierce	Voss
Herbrandson	Plain	Wagner
Johnson of McLean	Regan	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Dyste	McArthur	Steele
Gulack		

Messrs Dyste, Gulack, McArthur, Steele, being excused.
So the bill passed and the title was agreed to.

Senate Bill No. 4,

A bill for an act appropriating money for the building and equipping of a chemical laboratory and green house for the North Dakota Agricultural College and Experiment Station 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 36, nays none, absent and not voting 4.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bacon	Johnson of Walsh	Sharpe
Benson	Kirkeide	Sifton
Brown	Kraabel	Simpson
Carroll	LaMoure	Spoonheim
Cashel	Little	Stade
Crane	Macdonald	Swenson
Dyste	Main	Talcott
Fox	McLean	Taylor
Garnett	Movius	Thatcher
Hagen	Pierce	Voss
Hanna	Plain	Wagner
Herbrandson	Regan	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Gulack	McArthur	Steele
Johnson of McLean		

Messrs Gulack, Johnson of McLean, McArthur, Steele, being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 12,

A bill for an act providing for the creation of a state bacteriological and pathological laboratory, for the control of such laboratory, and duties of the director, for the appointment of a director of such laboratory, who shall be ex-officio state bacteriologist and for an appropriation for the support of such laboratory.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 35, nays none, absent and not voting 5.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bacon	Johnson of Walsh	Sifton
Benson	Kirkeide	Simpson
Brown	Kraabel	Spoonheim
Carroll	LaMoure	Stade
Cashel	Little	Steele
Crane	Main	Swenson
Dyste	McLean	Talcott
Fox	Movius	Taylor
Garnett	Pierce	Voss
Hagen	Plain	Wagner
Hanna	Regan	Young
Herbrandson	Sharpe	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Gulack	Macdonald	Thatcher
Johnson of McLean	McArthur	

Messrs. Gulack, Johnson of McLean, MacDonald, McArthur and Thatcher being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 153,

A bill for an act appropriating money for the building and equipping of an administration and gymnasium building for the state university and school of mines at Grand Forks.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 32, nays 1, absent and not voting 7.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bacon	Kirkeide	Spoonheim
Brown	Kraabel	Stade
Cashel	Little	Steele
Crane	Main	Swenson

Messrs.—	Messrs.—	Messrs.—
Dyste	McLean	Talcott
Fox	Movius	Taylor
Garnett	Pierce	Thatcher
Hagen	Plain	Voss
Hanna	Sharpe	Wagner
Herbrandson	Sifton	Young
Johnson of Walsh	Simpson	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Benson	Johnson of McLean	Macdonald
Carroll	LaMoure	McArthur
Gulack		

Mr. Regan voting in the negative.

Messrs. Benson, Carroll, Gulack, Johnson of McLean, LaMoure, McDonald and McArthur being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 52,

A bill for an act to amend section 1375 of the revised codes, relating to additional duties of the adjutant general.

Was read the third time.

The question being on the final passage of the bill:

The roll was called and there were ayes 31, nays 2, absent and not voting 7.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bacon	Johnson of McLean	Spoonheim
Benson	Johnson of Walsh	Stade
Brown	Kirkeide	Steele
Cashel	Kraabel	Talcott
Crane	Little	Taylor
Dyste	Main	Thatcher
Fox	McLean	Voss
Garnett	Movius	Wagner
Hagen	Pierce	Young
Hanna	Regan	
Herbrandson	Simpson	

Those who voted in the negative were:

Messrs.—	Messrs.—
Plain	Swenson

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Carroll	Macdonald	Sharpe
Gulack	McArthur	Sifton
LaMoure		

Messrs. Carroll, Gulack, LaMoure, McDonald, McArthur, Sharpe, Sifton, being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 123,

A bill for an act to amend sections 870 and 871 of the revised codes of North Dakota for 1899, relating to the appropriation for aid to state high schools.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 35, nays none, absent and not voting 5.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bacon	Johnson of Walsh	Sharpe
Benson	Kirkeide	Sifton
Brown	Kraabel	Simpson
Cashel	LaMoure	Spoonheim
Crane	Little	Stade
Dyste	Macdonald	Steele
Fox	Main	Talcott
Garnett	McLean	Thatcher
Hagen	Movius	Voss
Hanna	Pierce	Wagner
Herbrandson	Plain	Young
Johnson of McLean	Regan	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Carroll	McArthur	Taylor
Gulack	Swenson	

Messrs Carroll, Gulack, McArthur Swenson and Taylor being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 167,

A bill for an act to appropriate the sum of \$6,997.59 to pay expenses incurred by the chief state veterinarian and the state board of auditors in connection with the erection, equipment and maintaining of state dipping tanks for dipping live stock in the prevention of the spread of scabbies.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 35, nays none, absent and not voting 5.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bacon	Kirkeide	Simpson
Benson	Kraabel	Spoonheim
Brown	LaMoure	Stade
Cashel	Little	Steele
Crane	Macdonald	Swenson
Fox	Main	Talcott

Messrs.—	Messrs.—	Messrs.—
Garnett	McLean	Taylor
Hanna	Movius	Thatcher
Hagen	Pierce	Voss
Herbrandson	Plain	Wagner
Johnson of McLean	Sharpe	Young
Johnson of Walsh	Sifton	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Carroll	Gulack	Regan
Dyste	McArthur	

Messrs Carroll, Dyste, Gulack, McArthur, Regan, being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 135,

A bill for an act to provide an appropriation for the repairing of and the building of an addition to the present building and heating plant and for the erection and equipment of a dormitory building for the state normal school at Mayville.

Was read the third time.

The question being on the final passage of the bill;

The roll was called and there were ayes 37, nays none, absent and not voting 3.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bacon	Kraabel	Simpson
Benson	LaMoure	Spoonheim
Cashel	Little	Stade
Crane	Macdonald	Steele
Dyste	Main	Swenson
Fox	McArthur	Talcott
Garnett	McLean	Taylor
Hagen	Movius	Thatcher
Hanna	Pierce	Voss
Herbrandson	Plain	Wagner
Johnson of McLean	Regan	Young
Johnson of Walsh	Sharpe	
Kirkeide	Sifton	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Brown	Carroll	Gulack

Messrs Brown, Carroll and Gulack being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 168,

A bill for an act making an appropriation for purchasing or erecting a building, furnishing and equipping the same, for the use of North Dakota academy of science,

located at Wahpeton, North Dakota, and to provide funds for the maintenance of said school.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 36, nays none, absent and not voting 4.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bacon	Johnson of Walsh	Regan
Benson	Kirkeide	Sharpe
Brown	Kraabel	Sifton
Cashel	LaMoure	Simpson
Crane	Little	Spoonheim
Dyste	Macdonald	Stade
Fox	Main	Steele
Garnett	McArthur	Swenson
Hagen	McLean	Talcott
Hanna	Movius	Taylor
Herbrandson	Pierce	Thatcher
Johnson of McLean	Plain	Wagner

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Carroll	Voss	Young
Gulack		

Messrs Carroll, Gulack, Voss, Young, being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 106,

A bill for an act to make an appropriation for the current and contingent expenses of the state reform school at Mandan, for additional buildings for said school and furnishing and equipping the same.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 32, nays none, absent and not votidg 8.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Benson	Johnson of Walsh	Sharpe
Bacon	Kirkeide	Sifton
Brown	Kraabel	Spoonheim
Cashel	LaMoure	Stade
Crane	Little	Steele
Dyste	Macdonald	Swenson
Garnett	Main	Taylor
Hagen	McLean	Thatcher
Hanna	Pierce	Wagner
Herbrandson	Plain	Young
Johnson of McLean	Regan	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Carroll	McArthur	Talcott
Fox	Movius	Voss
Gulack	Simpson	

Messrs. Carroll, Fox, Gulack, McArthur, Movius, Simpson, Talcott and Voss being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 31,

A bill for an act appropriating money for the enforcement of the pure food and other health and sanitary laws and for investigating the strength and purity of drugs and formaldehyde.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 36, nays none, absent and not voting 4.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bacon	Johnson of Walsh	Sharpe
Benson	Kirkeide	Sifton
Brown	Kraabel	Simpson
Carroll	LaMoure	Spoonheim
Cashel	Little	Stade
Crane	Macdonald	Steele
Dyste	Main	Swenson
Garnett	McArthur	Talcott
Hagen	McLean	Taylor
Hanna	Pierce	Thatcher
Herbrandson	Plain	Wagner
Johnson of McLean	Regan	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Fox	Movius	Voss
Gulack		

Messrs. Fox, Gulack, Movius and Voss, being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 137,

A bill for an act defining the status, and providing for the duties of the State Historical Society of North Dakota, and making an appropriation therefor.

Was read the third time.

Mr. Cashel moved

That the bill be amended as follows: That the following amendment be inserted as subdivision 8 of section 2: Subdivision 8. That whenever any grant, devise, bequest, donation or gift or assignment of money, bonds or choses in

action or of any property, real or personal, shall be made to the state historical society of this state, said society is hereby directed to receive and accept the same, and that the right and title to the same shall pass to the state.

Which motion prevailed, and

The bill was so amended.

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

The roll was called and there were ayes 35, nays none, absent and not voting 5.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bacon	Johnson of Walsh	Sifton
Benson	Kirkeide	Simpson
Brown	Kraabel	Spoonheim
Carroll	LaMoure	Stade
Cashel	Little	Steele
Crane	Macdonald	Swenson
Dyste	Main	Taylor
Fox	McArthur	Thatcher
Garnett	McLean	Voss
Hagen	Plain	Wagner
Hanna	Regan	Young
Herbrandson	Sharpe	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Gulack	Movius	Talcott
Johnson of McLean	Pierce	

Messrs. Gulack, Johnson of McLean, Movius, Pierce and Talcott being excused.

So the bill passed and the title was agreed to.

Mr. Taylor in the chair.

Senate Bill No. 104,

A bill for an act to provide for the erection of necessary additional buildings and other improvements at the state hospital for the insane at Jamestown, North Dakota.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 39, nays none, absent and not voting 1.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bacon	Johnson of Walsh	Sharpe
Benson	Kirkeide	Sifton
Brown	Kraabel	Simpson
Carroll	LaMoure	Spoonheim
Cashel	Little	Stade

Messrs.—	Messrs.—	Messrs.—
Crane	Macdonald	Steele
Dyste	Main	Swenson
Fox	McArthur	Talcott
Garnett	McLean	Taylor
Hagen	Movius	Thatcher
Hanna	Pierce	Voss
Herbrandson	Plain	Wagner
Johnson of McLean	Regan	Young

Mr. Gulack being absent and not voting.

Mr. Gulack, being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 37,

A bill for an act to provide an appropriation for the current and contingent expenses of the institution for the feeble minded at Grafton, 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 39, nays none, absent and not voting 1.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bacon	Johnson of Walsh	Sharpe
Benson	Kirkeide	Sifton
Brown	Kraabel	Simpson
Carroll	LaMoure	Spoonheim
Cashel	Little	Stade
Crane	Macdonald	Steele
Dyste	Main	Swenson
Fox	McArthur	Talcott
Garnett	McLean	Taylor
Hagen	Movius	Thatcher
Hanna	Pierce	Voss
Herbrandson	Plain	Wagner
Johnson of McLean	Regan	Young

Mr. Gulack being absent and not voting.

Mr. Gulack being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 41,

A bill for an act to provide an appropriation for the current and contingent expenses of the state hospital for the insane at Jamestown.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 36, nays none, absent and not voting 4.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Benson	Kirkeide	Sharpe
Brown	Kraabel	Sifton
Cashel	LaMoure	Simpson
Crane	Little	Spoonheim
Dyste	Macdonald	Stade
Fox	Main	Steele
Garnett	McArthur	Swenson
Hagen	McLean	Talcott
Hanna	Movius	Taylor
Herbrandson	Pierce	Thatcher
Johnson of McLean	Plain	Voss
Johnson of Walsh	Regan	Wagner

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Bacon	Gulack	Young
Carroll		

Messrs. Bacon, Carroll, Gulack and Young being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 34,

A bill for an act to provide for new buildings and for making needed permanent improvements for the school of deaf and dumb, located at Devils Lake, North Dakota, and making an appropriation therefor.

Was read the third time.

The question being on the final passage of the bill;

The roll was called and there were ayes 38, nays none, absent and not voting 2.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bacon	Kirkeide	Sifton
Benson	Kraabel	Steele
Brown	LaMoure	Simpson
Cashel	Little	Spoonheim
Crane	Main	Stade
Dyste	McArthur	Swenson
Fox	Macdonald	Talcott
Garnett	McLean	Taylor
Hagen	Movius	Thatcher
Hanna	Pierce	Voss
Herbrandson	Plain	Wagner
Johnson of McLean	Sharpe	Young
Johnson of Walsh		

Absent and not voting:

Messrs.—	Messrs.—
Carroll	Gulack

Messrs. Corral and Gulack being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 113,

A bill for an act to provide for the care and improvement of the "White Stone Hills Battle Field," and making an appropriation to pay for the same.

Was read the third time.

The question being on the final passage of the bill;

The roll was called and there were ayes 34, nays none, absent and not voting 6.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bacon	LaMoure	Simpson
Brown	Little	Spoonheim
Cashel	Macdonald	Stade
Crane	Main	Steele
Dyste	McLean	Swenson
Garnett	Movius	Talcott
Hagen	Pierce	Taylor
Hanna	Plain	Thatcher
Herbrandson	Regan	Voss
Johnson of McLean	Sharpe	Wagner
Kirkeide	Sifton	Young
Kraabel		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Benson	Fox	Johnson of Walsh
Carroll	Gulack	McArthur

Messrs. Benson, Carroll, Fox, Gulack, Johnson of Walsh and McArthur being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 16,

A bill for an act making appropriations for the current and coutingent expenses of the state penitentiary, and for making permanent improvements thereto,

Was read the third time.

The question being on the final passage of the bill;

The roll was called and there were ayes 35, nays none, absent and not voting 5.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bacon	Kirkeide	Simpson
Benson	Kraabel	Spoonheim
Carroll	LaMoure	Stade
Cashel	Little	Steele
Crane	Macdonald	Swenson
Dyste	Main	Talcott
Garnett	McLean	Taylor
Hagen	Movius	Thatcher
Hanna	Regan	Voss
Herbrandson	Sharpe	Wagner
Johnson of McLean	Sifton	Young
Johnson of Walsh		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Brown	Gulack	Pierce
Fox	McArthur	

Messrs. Brown, Fox, Gulack, McArthur and Pierce being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 100,

A bill for an act to provide for the maintenance of the industrial school and school for manual training, located at Ellendale, for making necessary improvements, providing for the payment of interest on certificates of indebtedness, and making an appropriation therefor.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 35, nays 1, absent and not voting 4.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bacon	Kirkeide	Sifton
Brown	LaMoure	Simpson
Carroll	Little	Spoonheim
Cashel	Macdonald	Stade
Crane	Main	Swenson
Dyste	McArthur	Talcott
Fox	McLean	Taylor
Garnett	Movius	Thatcher
Hagen	Pierce	Voss
Hanna	Plain	Wagner
Herbrandson	Regan	Young
Johnson of McLean	Sharpe	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Gulack	Kraabel	Steele
Johnson of Walsh		

Mr. Benson voting in the negative.

Messrs Gulack, Johnson of Walsh, Kraabel, Steele, being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 176.

A bill for an act providing for the amount of clerk hire to be allowed various state offices, and making an appropriation therefor.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 38, nays none, absent and not voting 2.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bacon	Kirkeide	Sifton
Brown	Kraabel	Simpson
Carroll	LaMoure	Spoonheim
Cashel	Little	Stade
Crane	Macdonald	Steele
Dyste	Main	Swenson
Fox	McArthur	Talcott
Garnett	McLean	Taylor
Hagen	Movius	Thatcher
Hanna	Pierce	Voss
Herbrandson	Plain	Wagner
Johnson of McLean	Regan	Young
Johnson of Walsh	Sharpe	

Absent and not voting:

Messrs.—	Messrs.—
Benson	Gulack

Messrs. Benson and Gulack being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 69,

A bill for an act creating and establishing an agricultural experiment station at or near Leeds in Benson county, providing for its management and making an appropriation therefor.

Was read the third time.

Mr. Regan moved

That senate bill No. 69 be amended by adding in line 10 of section 2 of the printed bill the words "and approved by the board of the agricultural college."

Which motion was lost.

The question being on the final passage of the bill.

The roll was called and there were ayes 35, nays none, absent and not voting 5.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bacon	Kirkeide	Simpson
Carroll	LaMoure	Spoonheim
Cashel	Little	Stade
Crane	Macdonald	Steele
Dyste	Main	Swenson
Fox	McLean	Talcott
Garnett	Movius	Taylor
Hagen	Pierce	Thatcher
Hanna	Plain	Voss
Herbrandson	Regan	Wagner
Johnson of McLean	Sharpe	Young
Johnson of Walsh	Sifton	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Benson	Gulack	McArthur
Brown	Kraabel	

Messrs. Benson, Brown, Gulack, Kraabel and McArthur being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 62,

A bill for an act creating and establishing an agricultural experiment station at or near Dickinson in Stark county, providing for its management and making an appropriation therefor.

Was read the third time.

The question being on the final passage of the bill;

The roll was called and there were ayes 34, nays none, absent and not voting 6.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bacon	Kirkeide	Simpson
Brown	LaMoure	Spoonheim
Carroll	Little	Stade
Cashel	Macdonald	Steele
Crane	Main	Swenson
Dyste	McLean	Talcott
Garnett	Movius	Taylor
Hagen	Pierce	Thatcher
Hanna	Plain	Voss
Herbrandson	Regan	Young
Johnson of McLean	Sharpe	
Johnson of Walsh	Sifton	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Benson	Gulack	McArthur
Fox	Kraabel	Wagner

Messrs. Benson, Fox, Gulack, Kraabel, McArthur and Wagner being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 169,

A bill for an act to provide the maintenance of summer school, and for new buildings and for making needed and permanent improvements for the state normal school at Valley City, North Dakota, and making an appropriation therefor.

Was read the third time.

The question being on the final passage of the bill:

The roll was called and there were ayes 34, nays 1, absent and not voting 5.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bacon	Kraabel	Simpson
Brown	LaMoure	Spoonheim
Cashel	Little	Stade
Crane	Main	Steele
Dyste	McArthur	Swenson
Fox	McLean	Talcott
Garnett	Pierce	Taylor
Hagen	Plain	Thatcher
Hanna	Regan	Voss
Herbrandson	Sharpe	Wagner
Johnson of McLean	Sifton	Young
Kirkeide		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Benson	Gulack	Macdonald
Carroll	Johnson of Walsh	

Mr. Movius voting in the negative.

Messrs. Benson, Carroll, Gulack, Johnson of Walsh and MacDonald being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 82,

A bill for an act establishing the state fair, locating it at Grand Forks, and making appropriations therefor.

Was read the third time.

The question being on the final passage of the bill.

Mr. Hanna moved

That senate bill No. 82 be amended as follows: In line 3 of section 1 of the printed bill after the word "held" strike out the word "annually" and insert "in the odd numbered years." And after the word "Forks" in line 4 insert the words "and in the even numbered years at or near the city of Fargo." And after the word "Forks" in line 6 insert the words "and the city of Fargo."

Mr. Voss moved, as a substitute motion,

That the bill be amended as follows: By inserting in section 1 at line 4 of the printed bill the words "Mandan" where the words "Grand Forks" appear, and adding the following, "That said fair shall be held at Mandan in each odd numbered year and at Fargo, North Dakota, in each even numbered year."

Which motion was lost.

The question being on the original motion by Mr. Hanna. The motion was lost.

The roll was called on the final passage of the bill and there were ayes 23, nays, 15, absent and not voting 1.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bacon	Johnson of Walsh	Sharpe
Carroll	Kirkeide	Spoonheim
Cashel	Kraabel	Stade
Craze	LaMoure	Swenson
Dyste	Main	Taylor
Fox	McArthur	Thatcher
Garnett	McLean	Wagner
Herbrandson	Plain	

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Benson	Little	Simpson
Brown	Macdonald	Steele
Hagen	Movius	Talcott
Hanna	Regan	Voss
Johnson of McLean	Sifton	Young

Paired: Messrs. Gulack and Pierce.

Mr. Gulack being absent and not voting.

Mr. Gulack being excused.

So the bill passed and the title was agreed to.

Mr. Bacon moved

That the vote by which senate bills Nos. 157, 112, 4, 12, 153, 52, 123, 167, 135, 168, 106, 31, 137, 104, 37, 41, 34, 113, 16, 100, 176, 69, 62, 169 and 82 were 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,
February 21, 1905.

Mr. President:

I have the honor to transmit herewith:

House Bill No. 148,

A bill for an act to amend section 1728 of the revised codes of North Dakota for 1899, relating to weights and measures.

Also,

House Bill No. 79,

A bill for an act to amend section 2967, chapter 12, of the civil code, relating to railway corporations.

Also,

House Bill No. 176,

A bill for an act to amend chapter 107 of the session laws of 1901, relating to gopher tax.

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

Very respectfully,

OTTO SOUGSTAD,

Chief Clerk.

EXECUTIVE SESSION

Mr. Sharpe moved

That the senate go into executive session to consider the sealed message from the governor.

Which motion prevailed, and

The senate went into executive session.

OPEN SESSION.

In open session announcement was made of the confirmation by the senate of the following nominations by the governor:

TRUSTEES OF THE SCHOOL OF FORESTRY, BOTTINEAU,
NORTH DAKOTA:

H. A. Kirkelie, of Ward county, for the term of four years from the first Tuesday in April; and William O. DePuy, of Rolette county, to fill the vacancy caused by the failure of Hans A. Rothgarn to qualify, and for the term ending the first Tuesday in April, 1907.

SENATE COMMITTEE ON ENROLLED AND EN- GROSSED BILLS

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

Mr. President:

Your committee on enrolled and engrossed bills has examined

Senate Bill No. 137.

A bill for an act defining the status and providing for the duties of the state historical society of North Dakota and making an appropriation therefor.

And find the same correctly enrolled.

GEO. M. YOUNG,
Chairman.

The secretary announced that the president was about to sign

Senate Bill No. 61,

A bill for an act to provide for the care and disposition of estates of deceased inmates of the soldiers' home.

Also,

Senate Bill No. 27,

A bill for an act to amend and re-enact sections 1, 2 and 3 of chapter 6 of the session laws of 1903, the same being: An act to prevent the adulteration, misbranding and selling of adulterated and unwholesome foods and beverages, prescribing a penalty for the violation, providing for the inspection and analysis of foods, charging the North Dakota government agricultural experiment station with the duty thereof, charging the state's attorney with the enforcement hereof, and making an appropriation therefor.

Also,

Senate Bill No. 26,

A bill for an act entitled an act to prohibit persons under the age of eighteen years to be allowed to play in, or visit, any pool, billiard or card resorts.

Also,

Senate Bill No. 50,

A bill for an act to amend chapter 206 of the session laws of 1901, amending section 7671 of the revised codes of 1899, relating to unlawful obligations.

Also,

Senate Bill No. 24,

A bill for an act to amend section 4788, revised codes of North Dakota, for 1899, relating to mechanics' liens.

Also,

Senate Bill No. 36,

A bill for an act providing for establishment of grades and highways in certain cases.

Also,

Senate Bill No. 80,

A bill for an act to amend sections 6207, 6208 and 6210, of the revised codes, relating to the services of citations and other papers in the county court.

Also,

Senate Bill No. 39,

A bill for an act to amend section 6608 of the revised

codes, relating to the issue of summons in county court with increased jurisdiction.

Also,

House Bill No. 61,

A bill for an act amending section 2097 of the political code, relating to the fees of witnesses.

Also,

House Bill No. 89,

A bill for an act to authorize the issuance of faithful servic medals to officers and enlisted men in the national guard of the State of North Dakota.

Also,

House Bill No. 13,

A bill for an act entitled an act amending section 7989 of the code of North Dakota of 1899, providing for the manner and the time of drawing and summoning of grand juries.

Also,

House Bill No. 4,

A bill for an act to amend sections 6188, 6189, 6190 and 6191 of the revised codes of North Dakota, being article 3 of chapter 1, probate code, relating to the disqualification of county judges and transfers of the administration of estates from one county to some other, or the calling in of the county judge of an adjoining county to hear the same, by the judge disqualified.

Also,

House Bill No. 109,

A bill for an act providing that all appointments to the various departments of the national guard of the State of North Dakota, shall be made from officers of the field or line.

Also,

House Bill No. 88,

A bill for an act providing for the retirement of officers in the national guard of the State of North Dakota, who have rendered faithful service therein for a period of ten years or more.

Also,

House Bill No. 9,

A bill for an act regulating the operation of automobiles

on the public roads, highways and streets within the state of North Dakota, and providing penalties for the violation

And the president signed the same in the presence of the senate.

Mr. Young moved

That the senate do now adjourn

Until Thursday, February 23, 1905, at 2 p. m.

Which motion prevailed, and

The senate adjourned until February 23, 1905, at 2 p. m.

L. M. McGLASHAN,
Secretary.

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FIFTY-SECOND DAY

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
February 23, 1905.

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

The president presiding.

Prayer by chaplain.

Roll call.

All members present except Messrs. Gulack and Spoonheim, who were excused.

The courtesies of the floor were extended to the following: Otto Babcock, Prof. W. E. Hoover, J. G. Brown, J. W. Smith, J. B. Folsom, J. M. Hynes, J. A. Erickson and W. B. Hawly.

PRESENTATION OF PETITIONS AND COMMUNICATIONS.

Mr. Macdonald presented the following petition:

We, the undersigned, patrons of Steele creamery, respectfully petition your honorable body to consider favorably House bill No. 158, which provides for an assistant dairy commissioner, who will inspect the creameries and cheese factories of the state, and instruct the buttermakers and patrons thereof in the methods of handling and delivering butter, milk and cream to said patrons.

E. M. WILEY,
and sixteen others.

Mr. Stade presented the following petition.

We, the undersigned citizens of Edmore, N. D., respectfully request our senator and representatives to oppose House bill No. 119 for the following reasons:

1. The bill provides for the establishment of a normal college with degree granting powers at each of the two state normal schools. This will duplicate the work of higher education and will add greatly to the cost of supporting higher education in this state as well as tend to

greatly impair the efficiency of the state university and other state institutions of higher education. The only state in the union maintaining an independent normal college at present in New York and that state, with nearly twenty times the population of North Dakota, supports but one normal college while House bill No. 119 provides for creating two normal colleges in this state. Moreover, New York has no state university.

2. The bill provides for adding the presidents of the two state normal schools to the state high school board. The high school board at present is made up of the governor, the superintendent of public instruction, and the president of the university. The governor and superintendent of public instruction are, ex-officio, members of the state normal school board and the superintendent is president of that board, so that the high school board, as composed at present, has two normal school representatives and one representative of the university. To add two more representatives from the normal schools would give these schools a representation on the board out of all proportion to their proper interest in the high schools. Furthermore, the high school principals of the state are practically unanimous in their opposition to an enlargement of the board. If the normal school presidents are added it will open the door for the further addition of the presidents of the agricultural college, the industrial school and the state school of science. Such an enlargement of the board would add enormously to the expense of operating and would introduce such divergent views as would lend, it is believed, to constant wrangling in place of the perfect harmony which now exists in the board.

For these reasons your petitioners request that you use your influence to secure the defeat of House bill No. 119.

(Signed.)

LAUREAS J. WEHE
and 22 others.

Mr. Young presented the following telegram:

Madison, Wis., Feb. 21st, 1905.

G. M. Young, Bismarck, N. D.

Grain bill passed senate today unanimously. Will probably pass assembly next week.

GEO. B. HUDNALL.

COMMUNICATION FROM THE GOVERNOR.

The following communication was received from the governor:

GOVERNOR'S OFFICE,
BISMARCK, NORTH DAKOTA,
February 21, 1905.

To the Senate:

Mr. President: I have the honor to inform you that I have approved and filed with the secretary of state,

Senate Bill No. 88,

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

Also,
Senate Bill No. 9,

A bill for an act making an appropriation of \$1,500 for the payment of the expenses of Prof. E. F. Ladd, state pure food commissioner in defending a suit brought against him by an association of food manufacturers.

I have the honor to be
E. Y. SARLES,
Governor.

MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 23, 1905.

Mr. President:

I have the honor to transmit herewith
Senate Bill No. 19,

A bill for an act to amend section 2071 of the revised codes of 1899, relating to reimbursing counties for salaries paid judges of county courts.

Which the house has amended as follows:

In line 14 of the printed bill after the word "appraisement" and before the word "of" insert "or upon hearing."

In line 18 of printed bill, after the word "dollars" and before the word "of" insert "or fraction thereof."

In line 23, page 2, of printed bill strike out the word "judge" and insert in lieu thereof the word "clerk."

And passed as amended.

Also,
House Bill No. 222,

A bill for an act for the organization and government of cities.

Also,
House Bill No. 201,

A bill for an act to amend section 1804 of the revised codes, prescribing the requirements of newspapers qualified to do legal printing.

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

Also,
I have the honor to transmit herewith

House Bill No. 22,
A bill for an act to promote forest tree culture.
As requested in your message of the 21st inst.

Very respectfully,
OTTO SOUGSTAD,
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 of the fiftieth day, have carefully examined the same, and recommend that the same be corrected as follows:

By inserting the word "the" between the words "by" and "chaplain," in line 10, page 1; by striking out the words and figures "bill No. 22" in lines 23 and 24 on page 30.

And when so amended recommend that the same be approved.

R. W. MAIN,
Chairman.

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

REPORTS OF STANDING COMMITTEES.

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

Mr. President:

Your committee on enrolled and engrossed bills have examined:

Senate Bill No. 193,

A bill for an act to amend section 1 of chapter 53 of session laws of 1901, relating to compensation of county commissioners and fixing the hours of meeting.

Also,

Senate Bill. No. 165,

A bill for an act to create and organize the county of McKenzie, to fix the county seat of said county, to provide for the appointment of county officers in said county for transcribing a portion of the records of Stark and Williams counties and for terms of the district court therein.

Also,

Senate Bill No. 208,

A bill for an act to amend section 3104 of the revised codes of North Dakota, of 1899, relating to the amount of insurance required to be subscribed before a policy may be issued by a mutual insurance company.

Also,

Senate Bill No. 3,

A bill for an act fixing the salaries and providing for the payment of the necessary expenses for the judges of the district courts of the state of North Dakota.

Also,

Senate Bill No. 184,

A bill for an act to amend sections 3532, 3533, 3534, 3535 and 3584, paragraph 2, of the revised codes of North Dakota, 1899, relating to the execution by corporations of instruments affecting titles to real estate, prescribing the manner of execution, and the form of acknowledgment, validating instruments heretofore executed and enacting other provisions relating thereto.

Also,

Senate Bill No. 63,

A bill for an act providing for the appointment of a state oil inspector, fixing the salary for such officer, designating the fees for the inspection of illuminating oils and gasoline, and repealing conflicting laws.

Also,

Senate Bill No. 174,

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,

House Bill No. 77,

A bill for an act to correct errors in town, village or city plats.

Also,

House Bill No. 23,

A bill for an act to fix the salary of deputies in county offices.

Also,

House Bill No. 99,

A bill for an act to amend section 1595 and 1596 of the revised code as amended by chapter 207 of the session

laws of 1901 and section 1600 of the revised code of 1899, relating to district veterinarians.

Also,

House Bill No. 73,

A bill for an act for the destruction of all weeds on all graded or cultivated highways.

Also,

Senate Bill No. 173.

A bill for an act to amend section 4844, of the revised codes of 1899, providing for a lien for repairs of personalty.

Also,

Senate Bill No. 71,

A bill for an act amending section 8497 of the revised codes of North Dakota, relating to criminal procedure.

Also,

House Bill No. 14,

A bill for an act entitled an act to amend subdivision 3 of section 3563 of the revised codes of North Dakota of 1899, relating to the recording of instruments in the office of the register of deeds.

Also,

Senate Bill No. 194,

A bill for an act to apportion the state into congressional districts.

Also,

Senate Bill No. 206,

A bill for an act to amend section 137 of the revised codes of 1899, relating to the examination of the accounts of public officers by the state examiner.

Also,

Senate Bill No. 191,

A bill for an act to amend and re-enact section 1146, revised codes of 1899, relating to roads in incorporated towns, villages and cities.

And find the same correctly engrossed.

GEORGE M. YOUNG,
Chairman.

Mr. Kraabel moved

That the report of the committee on temperance on Senate Bill No. 151, as printed in the journal of the fiftieth day, be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on insurance made the following report:

Mr. President:

Your committee on insurance to whom was referred
Senate Bill No. 96,

A bill for an act to create the office of state fire marshal; and providing for the appointment of state fire marshal; term, oath, bond, removal; deputy and his duties; vacancies; duties of marshal in connection with other officers to investigate fires; notification of fire to marshal; record of fires; testimony under oath; arrest of suspected persons; report to insurance commissioner; power of marshal and deputy to summon and enforce attendance of witnesses; false swearing; contempt; power to enter buildings; investigation may be in private; right of marshal and other officers upon complaint to enter buildings for purposes of investigation; may order removal of inflammable or explosive material; penalty for non-compliance; sheriff or constable or witnesses, how paid; state fire marshal authorized to employ stenographer, salary of; office help, salary of; state fire marshal to be state chief of fire departments; duty of commissioner of insurance, governor and auditor; withholding funds; penalty for neglect of official duty; salaries of marshal and deputy; tax on insurance companies to defray expenses of department; itemized statement of expenses; annual report; marshal not to engage in other business; compensation of various officers for reporting fires.

Have had the same under consideration and recommend that the same be indefinitely postponed.

J. AUSTIN REGAN,
Chairman.

Mr. Regan moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

And the further consideration of the bill was indefinitely postponed.

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 creating and establishing an agricultural experiment station at or near Linton, in Emmons county, providing for its management and making an appropriation therefor.

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

By striking out the word "ten" in line 11 of section 1 of the printed bill and inserting the word "five" in lieu thereof.

By adding to the end of section 1 the following:

"Provided, however, that said member's authority on said board shall be limited to the consideration of matters affecting the substation provided for in this act."

And when so amended recommend that the same do pass.

JUDSON LA MOURE,
Chairman.

Mr. LaMoure moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on appropriations made the following report:

Mr. President:

Your committee on appropriations to whom was referred Senate Bill No. 164,

A bill for an act making an appropriation for carrying into effect provisions of law relating to the duties of the commissioner of agriculture and labor.

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

By adding to said bill, as line 75 thereof, the following:

"Whereas, the different railroad companies operating lines in this state have agreed to co-operate with this state in the dissemination of all literature that may be prepared by the state and have agreed to mail the same at no expense to this state and have agreed to work with the state, by means of their departments of immigration and publicity, in the work herein referred to, which said offer is hereby accepted and the services of the said immigration agencies of the different railroad companies is hereby requested, therefore."

By striking out the words and figures "fifteen thousand dollars (\$15,000)" in line 3 of section 1 of the printed bill and inserting the words "twenty thousand dollars."

By changing lines 3 and 4 of section 2 of the printed bill to read as follows: "this appropriation if made shall, before being contracted for or incurred, be approved by the governor."

And when so amended recommend that the same do pass.

JUDSON LA MOURE,
Chairman.

Mr. La Moure moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on warehouse, grain and grain grading made the following report:

Mr. President:

Your committee on warehouse, grain and grain grading to whom was referred

House Bill No. 144,

A bill for an act to amend article 25 of chapter 21 of the revised codes of North Dakota of 1899, relating to public warehouses.

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

A. J. KIRKEIDE,
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. 26,

A bill for an act to amend sections 1243 and 1244 of the revised codes of North Dakota, 1899, relating to delinquent personal taxes, and amending chapter 134 of the session laws of 1903.

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

Also,

House Bill No. 81,

A bill for an act to provide for copies of the assessment rolls to be furnished township clerks by the county auditor.

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

A. GARNETT,
Chairman.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred

House Bill No. 16,

A bill for an act entitled an act to amend sections 1, 2, 3, 4 and 6 of chapter 186 of the laws 1901, 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.

Also,

House Bill No. 178,

A bill for an act defining trusts and conspiracy against trade, declaring contracts in violation of the provisions of this act void, and making certain acts in violation thereof misdemeanors, and prescribing the punishment therefor and matters connected therewith.

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

Also,

House Bill No. 166,

A bill for an act to amend section 1257 of the revised codes of 1899, and to repeal section 1245 of the revised codes of 1899, relating to the lien of taxes.

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

By changing the title of said act to read as the title on the attached substitute bill.

By striking out all of said House bill No. 166 after the enacting clause and substituting the attached bill:

A BILL.

For an act to amend section 1245 and section 1257, of the revised codes of 1899, relating to the lien of taxes.

Be it enacted by the Legislative Assembly of the State of North Dakota:

Section 1. Amendment.] That section 1245 of the revised codes of 1899 be amended so as to read as follows:

Sec. 1245. Delinquent personal taxes extended and entered as lien against real property, when and to what extent. After the county commissioners have cancelled so much of the delinquent taxes as they deem uncollectable as provided in the preceding section, the county auditor shall extend to and enter upon the tax list in the hands of the treasurer for the same year in an appropriate column or columns for remarks, opposite each description of real property the legal title to which is vested in any person owing such uncollected personal property taxes, words showing the year for which the same remains due, and the principal sum of such tax as for example, "personal tax 1896, \$12.78." And when the delinquent afterwards acquires the legal title to any real property in the county, such delinquent taxes may be entered in like manner

upon any subsequent tax list, and from the time of such entry the delinquent personal taxes so entered shall become a lien on any real property of the delinquent against which they are so entered, in the same manner and to the same extent as the taxes upon such real property, except as hereinafter provided, and collection thereof shall be enforced accordingly by sale of the lands against which they are so entered, or so much thereof as may be necessary, at the time when the lands are sold for delinquent taxes, and in the same manner as if originally charged against said lands, provided, however, that nothing herein contained shall be construed to authorize the extension and entry of delinquent personal taxes as liens against any lands held by the party owning the same upon contract of purchase or in any manner except the full legal title, and provided further that the lien of such delinquent personal property taxes shall be inferior to the lien of all subsisting mortgages and encumbrances of record upon said lands at the time they are so extended as liens against the same, and if any such mortgages or encumbrances shall thereafter be foreclosed and title acquired by sheriff's deed upon such foreclosure it shall be the duty of the county commissioners thereafter upon the demand of the party holding such sheriff's deed to cancel the delinquent personal taxes so entered against the land in question.

Section 2. That section 1257 of the revised codes of 1899 be amended so as to read as follows:

Sec. 1257. Taxes a perpetual lien. Vendor and Vendee. Taxes upon real property are hereby made a perpetual paramount lien thereupon against all persons and bodies corporate, except the United States and the state, and taxes due from any person upon personal property shall be a lien upon any and all personal property owned by him at the time the tax became due, or which may be subsequently acquired by him, and the title to any of which personal property, so owned or subsequently acquired remains in him at the time of the distraint, and all such personal property taxes after the same become delinquent shall also become a lien upon the real property of the party owing the same; and shall be extended against said property upon the tax list in the manner and to the extent specified in section 1245 of this code. All real estate taxes shall, as between vendor and purchaser, become a lien upon real estate on and after the first day of December in each year.

Section 3. Emergency.] Whereas, an emergency exists in this, that the present law above amended with reference to personal property taxes becoming a lien upon real estate is causing great confusion and uncertainty as to priority of liens upon real estate throughout the state and disturbing and unsettling titles thereto, 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 of the committee was adopted.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred

House Bill No. 188,

A bill for an act to amend section 3094 of the revised codes of North Dakota for 1899, relating to investments of funds of domestic insurance corporations.

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

Also,

House Bill No. 112,

A bill for an act to provide for the filing of satisfaction of mechanic's lien, and penalty for failure to do so.

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

C. B. LITTLE,
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

House Bill No. 115,

A bill for an act to amend section 1 of chapter 162 of the laws of 1903, relating to the expenditure of money by contract for road improvements in counties organized into civil townships, and in counties not so organized, and prescribing the duties of supervisors of townships and boards of county commissioners with reference thereto; also to repeal sections 2 and 3 of said chapter.

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

In line 14, section 1, of the printed bill, after the word "counties," insert the words "or parts of counties."

In line 17, of the printed bill, after the word "commissioners" insert the following: "under the provisions of section 1082 of the political code of 1899 as amended by section 2 of chapter 162 of the session laws of 1903."

Also strike out line 17 of the printed bill, after the word "commissioners."

Strike out all of line 18 and line 19 and the first five letters "ships" in line 20.

Strike out, after the word "1901" the rest of line 25 and all of lines 26 and 27 of the printed bill.

In section 2 of the printed bill, in line 1, strike out the words "2 and."

And when so amended recommend that the same do pass.

J. D. BACON,
Chairman.

Mr. Bacon moved
 That the report be adopted.
 Which motion prevailed, and
 The report of the committee was adopted.
 The committee on education made the following report:
 Mr. President:

Your committee on education to whom was referred
 A concurrent resolution by Senator Hagen.
 Have had the same under consideration and recommend
 that the following substitute do pass.

CONCURRENT RESOLUTION.

Whereas, The studies of civics and civil government as pursued in the various high schools throughout the state is greatly handicapped by reason of a lack of books and authorities thereon, and

Whereas, The local statutes and session laws are not readily obtainable by school district authorities, therefore, be it,

Resolved by the Senate of the state of North Dakota, the House of Representatives concurring, That the secretary of state of the state of North Dakota is hereby authorized, directed and empowered to deliver to the president of the board of education of each school district having a high school or a school giving a high school course within such district, one copy of the code of 1899 and one copy of the bound volumes of the laws of each biennial session of the legislative assembly thereafter, issued, and one copy of the legislative manual or blue book issued in 1905 and bi-ennially thereafter, for the use of each such high school or school teaching or giving a high school course, within such district.

F. S. TALCOTT,
 Chairman.

Mr. Talcott moved
 That the report be adopted,
 Which motion prevailed, and
 The report of the committee 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 concerning land titles.
 Have had the same under consideration and recommend
 that the same be amended as follows:

By striking out the words "whole, safe and undefaced"
 on line 7, of section 2, of the printed bill.

By adding the words "deputy registrars shall, before entering upon their duties, give a bond in the sum of five thousand dollars, to be approved by the registrar and payable to him, and conditioned in substance the same as the

bond of the registrars," after the word "court" in line 10, of the said section 2.

By striking out the word "registrar" in line 1, of section 5, and inserting in lieu thereof the words "judge of the district court" and by striking out the word "his" in the same line, and inserting in lieu thereof the word "each," and by inserting in the same line after the word "county," the words "in his district," and by striking out all of line 3, after the word "registrar," and all of line 4.

By striking out the words "such an amount" in line 7, of section 5, and inserting in lieu thereof the words "the sum of five thousand dollars."

By striking out the word "an" in line 1, of section 9, and inserting in lieu thereof, the word, "no."

By inserting in line 2, of section 11, after the word "behalf," the words "and shall be accompanied by an abstract of title made and certified to by a legally qualified and bonded abstractor," and by striking out the word "it" in the same line and inserting in lieu thereof the words "the application."

By inserting the word "a" between the words "through" and "sale" in line of 1, of section 10, and by striking out the word "first" in line 2, of section 10, and by striking out all of section 10, after the word "registered" in line 2, of said section.

By inserting the words "provided, however, that if the address of any mortgagee be not stated in the application, it shall be a bar to the bringing of the land covered by the mortgage under the provisions of this act," in line 39, of section 11, following the word "same."

By changing the word "division" in line 33, of section 13 to "reversion."

By striking out the word "may" in line 1, of section 15, and inserting the word "shall," and striking out the word "any" in said line and inserting the words "the district."

By adding to section 17 after the word "recorded" in line six, the clause "when the application is filed in the office of the clerk of court a certified copy shall be by him filed in the office of the register of deeds and recorded and indexed, and shall then have the same effect as a notice of lis pendens, and the applicant shall then file in the office of the clerk of the district court a continuation of the abstract to include such record."

By striking out the words "appointed by the registrar" in line 3, of section 18.

By striking out the word "some" in line 3, of section 19, and inserting the word "the" and in line 4 following the first word "published," inserting the words "nearest to the land," and in line 6, after the word "thereto," inserting the words "and shall cause said notice to be personally served upon every mortgagee of said premises in the manner prescribed by law for the personal service of summons."

By inserting in line 21, of section 19, after the word "same," the following:

"(Signed.)

Clerk of the District Court.

By inserting the word "make" in line 7, of section 20, after the word "and," and striking out the word "made" in the same line.

By striking out the word "two" in line 11, of section 25, and inserting the word "three," and making the same change in line 15, of section 25, and in line 5 of section 26, and in line 7, of section 27.

By changing the word "revisioner" to "reversioner," and the word "revision" to the word "reversion" in line 15, of section 27.

In line 18 of section 29, by striking out the word "register," and inserting the word "registrar."

By striking out the words "certificate signed by the clerk, giving the effect of the order and decree by the court of a copy of such order or decree in the registrar's office," in lines 1, 2, 3 and 4 of section 28, and inserting the words "certified copy of the final order or judgment of the court."

By striking out all of sections 40 and 82, and renumbering the sections after section 40 to conform to the above change.

By inserting at the end of line 20, of section 46, of the printed bill, the following: "And shall date and sign the same and affix thereto the seal of his office."

By inserting at the end of line 7, of section 52, of the printed bill, the following: "But failure to file such address shall not operate as a waiver of notice."

By inserting in line 3, of section 55, of the printed bill, after the word "wife," the following: "And whether or

not the land is, or is included in, the homestead of the transferrer or his family."

By inserting in line 10 of section 57, of the printed bill, before the word "shall" the following: "And upon the filing of a bond in such sum, and with such security as the registrar may designate to protect the state against loss he."

By striking out the last three words of line 7, of section 64, of the printed bill, and all of lines 8 and 9 of said section, and inserting the following: "Issue a new certificate to the owner of the land upon the surrender of the old certificate and the mortgagee's duplicate."

By striking out the words "two examiners," and inserting the words "an examiner" in line 12, of section 67, of the printed bill, and making the same change in line 2, of section 68, of the printed bill.

By changing the word "les" in lines one and 4 of section 83 of the printed bill to the word "lis."

By striking out the word "one" in line 6, of section 98, of the printed bill and the words "tenth of" in line 7, of said section and inserting in said line 7, the word "assessed" between the word "the" and the word "value," and inserting after the word "land" in said line 7, the following: "as shown by the last assessment as finally equalized by the state board of equalization," and by striking out all of the balance of said section 98.

By inserting in line 6, of section 99, of the printed bill, after the word "time," the words "under the direction and control of the board of county commissioners."

By inserting after the word "fund" in line 24, of section 101, of the printed bill, the following: "And in case of a deficiency, therein, such deficiency shall be made good out of the general fund of the county."

By striking out all of section 106 of the printed bill after the figures "\$5.00" in line 2, and inserting the following: "And for the appearance of each and every defendant, the petitioner shall pay to the clerk the further sum of \$5.00, which shall be in full of all clerk's fees in behalf of such defendant. In case there are any mortgages on said real estate, the petitioner shall pay to the clerk the sum of \$5.00 for each mortgage to be paid to the holder of the mortgage in case such holder be represented by an attorney at the hearing, and shall also pay to the clerk the fees for the pub-

lication of notices and service thereof as herein provided. Any unexpended portion of such fees shall be returned to the petitioner."

By inserting in line 1, of section 107, of the printed bill, between the word "registrars" and the word "fees," the words "and examiners," and likewise in line 2, before the word "shall." By striking out in line 5, of said section the figures "\$10.00" and inserting the following, "\$2.00, and to the examiner the sum of \$10.00," and inserting in said line 5 between the word "all" and the word "services" the word "their," and by striking out the balance of line 5, and the word "examiners" in line 6, and the last three words in line 8, and all of lines 9 and 10 of said section.

By striking out all of section 108 of the printed bill and substituting therefor the following: "This act shall not go into effect until January first, of the year, 1907."

By changing the numbering of the sections 108 and 109 of the printed bill, so that they will be the last two sections of the bill as finally engrossed after the edition of the two following sections.

By adding section 110 to read as follows: "The word 'mortgagee' as appearing in this act shall include every holder of a mortgage whether original mortgagee or by assignment or otherwise. The word 'person' wherever used in this act shall be held to include the 'corporation.'"

Also by adding section 111 to read as follows: "Whenever any owner or person having an interest in land therefore brought within the provisions of this act shall elect to take the title thereof out of the further operation of the same, he may do so by an action under the provisions of chapter 5, of the laws of 1901, and the judgment to be entered therein shall find and set forth the chain of title from the date of filing the application for registration until the entry of such judgment and which judgment shall be recorded in the office of the register of deeds and thereafter the title of said land or any interest therein may be transferred or encumbered in the manner provided by law as if this act were not in force or effect."

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 of the committee was adopted.

MOTIONS AND RESOLUTIONS.

Mr. Cashel moved

That the senate now concur in the house amendment of
Senate Bill No. 22,

A bill for an act to amend section 2365 of the revised
codes of 1899 relating to the powers and duties of boards
of trustees, and the levy and collection of taxes in villages.

Which motion prevailed, and

The house amendment to the bill was concurred in.

The question being on the final passage of Senate Bill
No. 22, as amended,

The roll was called and there were ayes 31, nays none,
absent and not voting 9.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bacon	Kirkeide	Simpson
Cashel	Little	Stade
Crane	Macdonald	Steele
Dyste	McArthur	Swenson
Fox	McLean	Talcott
Garnett	Movius	Taylor
Hagen	Pierce	Thatcher
Hanna	Plain	Voss
Herbrandson	Regan	Wagner
Johnson of McLean	Sharpe	Young
Johnson of Walsh		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Benson	Gulack	Main
Brown	Kraabel	Sifton
Carroll	LaMoure	Spoonheim

Messrs. Benson, Brown, Carroll, Gulack, Kraabel, La-
Moure, Main, Sifton and Spoonheim being excused.

So the bill passed and the title was agreed to.

Mr. Regan moved

That the senate now concur in the house amendments of
Senate Bill No. 19,

A bill for an act to amend section 2071 of the revised
codes of 1899, relating to reimbursing counties for salaries
paid judges of county courts.

Which motion prevailed, and

The house amendments of the bill were concurred in.

The question being on the final passage of Senate Bill No. 19, as amended.

The roll was called and there were ayes 36, nays none, absent and not voting 4.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bacon	Johnson of McLean	Sharpe
Brown	Johnson of Walsh	Sifton
Benson	Kirkeide	Simpson
Carroll	Little	Stade
Cashel	Macdonald	Steele
Crane	Main	Swenson
Dyste	McArthur	Talcott
Fox	McLean	Taylor
Garnett	Movius	Thatcher
Hagen	Pierce	Voss
Hanna	Plain	Wagner
Herbrandson	Regan	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Gulack	LaMoure	Spoonheim
Kraabel		

Messrs. Gulack, Kraabel, LaMoure and Spoonheim 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 23, 1905.

Mr. President:

I have the honor to transmit herewith
Senate Bill No. 117,

A bill for an act to amend section 3 of chapter 170 of the laws of 1901, being an amendment of section 145 of the revised codes, relating to the salary of the state examiner, the appointment of deputies and for penalties for malfeasance in office.

Which the house has amended by adding an emergency clause as follows:

Emergency.] Whereas, the state examiner must report before the first of July next, this act shall take effect and be in force from and after its passage and approval.

And passed as amended.

Very respectfully,
OTTO SOUGSTAD,
Chief Clerk.

Mr. Little moved

That the senate now concur in the house amendments of Senate Bill No. 117,

A bill for an act to amend section 3 of chapter 170 of the laws of 1901, being an amendment of section 145 of the revised codes, relating to the salary of the state examiner, the appointment of deputies and for penalties for malfeasance in office.

Which motion prevailed, and

The house amendments of the bill were concurred in.

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

The roll was called and there were ayes 33, nays none, absent and not voting 7.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bacon	Johnson of Walsh	Sharpe
Benson	Kirkeide	Simpson
Cashel	Little	Stade
Crane	Macdonald	Steele
Dyste	Main	Swenson
Fox	McArthur	Talcott
Garnett	McLean	Taylor
Hagen	Movius	Thatcher
Hanna	Pierce	Voss
Herbrandson	Plafn	Wagner
Johnson of McLean	Regan	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Brown	Kraabel	Sifton
Carroll	LaMuore	Spoonheim
Gulack		

Messrs. Brown, Carroll, Gulack, Kraabel, LaMuore, Sifton and Spoonheim being excused.

So the bill passed and the title was agreed to.

Mr. Regan moved

That the vote by which the report of the committee on agriculture upon

House Bill No. 22,

A bill for an act to promote forest tree culture.

Was adopted, be reconsidered, and the bill re-referred to the committee on agriculture.

Which motion prevailed, and

And the bill was so referred.

Mr. Little moved

That all senate and house bills for first reading today, receive their first and second reading and reference.

Which motion prevailed.

Mr. Cashel moved

That the votes by which Senate Bills Nos. 154, 155, 63, 185, 152, 171, 186, 74, 209, 130, 207, 205, 192, were passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Mr. Young moved

That House Bill No. 120 be re-referred to the committee on judiciary.

Which motion prevailed, and

The bill was so referred.

Mr. Talcott moved

That Senate Bill No. 125, be re-referred to the committee on education.

Which motion prevailed, and

The bill was so referred.

CONSIDERATION OF MESSAGE FROM THE HOUSE.

The following house concurrent resolution, adopted by the house and transmitted on the 49th day, was laid before the senate:

Whereas, Under the present system of testing and grading wheat and other grains by the Minnesota inspectors and concerns purchasing and buying grain in Minnesota and North Dakota, the grade is determined by weight of the uncleaned grain per bushel measure, including the dockage of chaff, straw and other stuffs intermingled therewith; and

Whereas, Such chaff and other stuffs are lighter than grain and take up considerable space without corresponding weight, the grade of the grain is hereby unjustly lowered to the detriment of the farmers; and

Whereas, the grading and inspection of North Dakota grain is largely if not wholly governed and regulated by the system prevailing in the state of Minnesota, now, therefore, be it,

Resolved, By the House of Representatives, the Senate concurring, That we hereby petition the senate and house of representatives of the state of Minnesota, to enact such a law as will require the grading of the wheat and other grains at its weight per bushel measure after the docking is taken out; be it further,

Resolved, That a copy of this resolution be sent to the speaker of the house and the president of the senate at St. Paul, Minnesota, with the request that action along these lines be taken at the present session of the legislature.

Mr. Young moved

That the resolution be referred to the committee on grain and grain grading.

Which motion prevailed, and

The resolution was so referred.

INTRODUCTION, FIRST AND SECOND READING OF
SENATE BILLS.

Mr. Kraabel introduced

Senate Bill No. 219,

A bill for an act repealing section 4680 of the revised codes of North Dakota, relating to liens on future interest.

Which was read the first and second times and

Referred to the committee on judiciary.

Mr. Movius (by request) introduced

Senate Bill No. 220,

A bill for an act relating to the dismissal of civil actions, and providing when and how such actions may be dismissed, and when the judgment of dismissal shall be on the merits.

Which was read the first and second times, and

Referred to the committee on judiciary.

Committee on Education introduced

Senate Bill No. 221,

A bill for an act to amend sections 670 and 674, of the revised codes of the state of North Dakota, 1899, relating to the election of school officers and notice of annual election.

Which was read the first and second times and

Referred to the committee on education.

Mr. Plain introduced

Senate Bill No. 222,

A bill for an act to amend section 1, of chapter 123, session laws, 1901, being an act to amend section 1549, revised codes 1899, relating to time when lawful for stock to run at large.

Which was read the first and second times and

Referred to the committee on state affairs.

Mr. Movious (by request) introduced

Senate Bill No. 223,

A bill for an act providing for the publication by the county treasurer of a list of names of personal property tax-payers, and the amount taxed against each, and providing compensation therefor.

Which was read the first and second times and

Referred to the committee on state affairs.

Mr. Young introduced

Senate Bill No. 224,

A bill for an act making it unlawful for justices of the peace to issue summons in certain cases, prescribing penalties therefor.

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

Mr. Hagen (by request) introduced

Senate Bill No. 225,

A bill for an act providing for the better regulation of the practice of the law.

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

Mr. Young introduced

Senate Bill No. 226,

A bill for an act to amend section 2743, of the revised codes of 1899, relating to duration of offenses as grounds for divorce.

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

THIRD READING OF SENATE BILLS.

Senate Bill No. 154,

A bill for an act appropriating to James G. Campbell, state's attorney for Stark county, \$600 attorney's fees for services rendered in the unorganized territory attached to Stark county for judicial purposes during the years 1903 and 1904.

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 1, absent and not voting 12.

Those who voted in the affirmative were:

Messrs.—

Bacon
Cashel
Crane
Fox
Garnett
Hagen
Hanna
Johnson of McLean
Johnson of Walsh

Messrs.—

LaMoure
Little
Main
McArthur
Movius
Pierce
Plain
Regan
Sharpe

Messrs.—

Sifton
Simpson
Swenson
Talcott
Taylor
Thatcher
Voss
Wagner
Young

Absent and not voting:

Messrs.—

Benson

Messrs.—

Gulack

Messrs.—

McLean

Messrs.—

Brown
Carroll
Dyste

Messrs.—

Kirkeide
Kraabel
Macdonald

Messrs.—

Spoonheim
Stade
Steele

Mr. Herbrandson voting in the negative.

Messrs. Benson, Brown, Carroll, Dyste, Gulack, Kirkeide, Kraabel, Macdonald, McLean, Spoonheim, Stade and Steele being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 155,

A bill for an act appropriating to James G. Saunders, clerk of the district court of Stark county, North Dakota, \$400 clerk's fees for services rendered in the unorganized territory attached to Stark county for judicial purposes during the years 1903 and 1904.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 31, nays none, absent and not voting 9.

Those who voted in the affirmative were:

Messrs.—

Bacon
Cashel
Fox
Garnett
Hagen
Hanna
Herbrandson
Johnson of McLean
Johnson of Walsh
Kirkeide
LaMoure

Messrs.—

Little
Macdonald
Main
McArthur
McLean
Movius
Pierce
Plain
Regan
Sharpe

Messrs.—

Sifton
Simpson
Stade
Steele
Swenson
Taylor
Thatcher
Voss
Wagner
Young

Absent and not voting:

Messrs.—

Benson
Brown
Carroll

Messrs.—

Crane
Dyste
Gulack

Messrs.—

Kraabel
Spoonheim
Talcott

Messrs. Benson, Brown, Carroll, Crane, Dyste, Gulack, Kraabel, Spoonheim and Talcott being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 63,

A bill for an act providing for the appointment of a state oil inspector, fixing the salary for such officer, designating the fees for the inspection of illuminating oils and gasoline, and repealing conflicting laws.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 35, nays none, absent and not voting 5.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bacon	Kirkeide	Sharpe
Benson	Kraabel	Sifton
Carroll	LaMoure	Simpson
Cashel	Little	Stade
Crane	Macdonald	Steele
Dyste	Main	Swenson
Fox	McArthur	Talcott
Garnett	McLean	Taylor
Hagen	Movius	Thatcher
Herbrandson	Pierce	Wagner
Johnson of McLean	Plain	Young
Johnson of Walsh	Regan	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Brown	Hanna	Voss
Gulack	Spoonheim	

Messrs. Brown Gulack, Hanna, Spoonheim and Voss being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 163,

A bill for an act to provide for the making of tests of wheat and flour to determine the comparative milling values of the different grades of wheat.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 33, nays none, absent, and not voting 7.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bacon	Johnson of Walsh	Regan
Benson	Kirkeide	Sharpe
Carroll	LaMoure	Sifton
Cashel	Little	Simpson
Dyste	Macdonald	Stade
Fox	Main	Swenson
Garnett	McArthur	Talcott
Hagen	McLean	Taylor
Hanna	Movius	Thatcher
Herbrandson	Pierce	Wagner
Johnson of McLean	Plain	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Brown	Kraabel	Steele
Crane	Spoonheim	Voss
Gulack		

Messrs. Brown, Crane, Gulack, Kraabel, Spoonheim, Steele and Voss being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 185,

A bill for an act to amend section 3574 of article III of chapter 37 of the civil code of the state of North Dakota, relating to proof and acknowledgement of instruments.

Was read the third time.

The question being on the final passage of the bill;

The roll was called and there were ayes 31, nays none, absent and not voting 9.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Benson	Kirkeide	Simpson
Carroll	Kraabel	Stade
Cashel	Little	Steele
Dyste	Macdonald	Swenson
Fox	Main	Talcott
Garnett	McLean	Taylor
Hagen	Movius	Thatcher
Hanna	Pierce	Voss
Herbrandson	Plain	Wagner
Johnson of McLean	Sharpe	Young
Johnson of Walsh		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Bacon	Gulack	Regan
Brown	LaMoire	Sifton
Crane	McArthur	Spoonheim

Messrs. Bacon, Brown, Crane, Gulack, LaMoire, McArthur, Regan, Sifton and Spoonheim 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 23, 1905.

Mr. President:

I have the honor to transmit herewith

House Bill No. 53,

A bill for an act to amend section 6676c of the revised codes of the state of North Dakota, 1899, relating to how summons shall be served in garnishment.

Also,

House Bill No. 50,

A bill for an act to amend section 5391 of the revised codes of North Dakota, 1899, relating to when judgment may be rendered against garnishee.

Also,

House Bill No. 152,

A bill for an act to amend and re-enact section 681 of the revised codes of 1899, relating to education.

Also,

House Bill No. 231,

A bill for an act to provide for the organization of school districts in unorganized counties.

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

Very respectfully,

OTTO SOUGSTAD,

Chief Clerk.

THIRD READING OF SENATE BILLS.

Senate Bill No. 152,

A bill for an act to amend section 7280 and section 7285 of the revised codes of North Dakota, 1899, relating to violations of the pharmacy law, and prescribing penalties therefor.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 36, nays none, absent and not voting 4.

Those who voted in the affirmative were:

Messrs.—

Bacon
Benson
Carroll
Cashel
Dyste
Fox
Garnett
Hagen
Hanna
Herbrandson
Johnson of McLean
Johnson of Walsh

Messrs.—

Kirkeide
Kraabel
LaMoure
Little
Macdonald
Main
McArthur
McLean
Movius
Pierce
Plain
Regan

Messrs.—

Sharpe
Sifton
Simpson
Stade
Steele
Swenson
Talcott
Taylor
Thatcher
Voss
Wagner
Young

Absent and not voting:

Messrs.—

Brown
Crane

Messrs.—

Gulack

Messrs.—

Spoonheim

Messrs. Brown, Crane, Gulack and Spoonheim being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 171,

A bill for an act to amend section 118 of the revised codes of North Dakota, 1899, relating to the official bond 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 31, nays 1, absent and not voting 8.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bacon	Little	Stade
Carroll	Macdonald	Steele
Cashel	Main	Swenson
Dyste	McArthur	Talcott
Garnett	McLean	Taylor
Hagen	Movius	Thatcher
Hanna	Pierce	Voss
Herbrandson	Plain	Wagner
Johnson of Walsh	Regan	Young
Kirkeide	Sharpe	
Kraabel	Simpson	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Brown	Gulack	Sifton
Crane	Johnson of McLean	Spoonheim
Fox	LaMoure	

Mr. Benson voting in the negative.

Messrs. Brown, Crane, Fox, Gulack, Johnson of McLean, LaMoure, Sifton and Spoonheim being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 186,

A bill for an act to amend section 1774 of the revised codes of the state of North Dakota for 1899, relating to abstractors.

Was read the third time.

Mr. Sifton moved

That Senate Bill No. 186 be amended as follows:

By inserting in line 10 of the printed bill between the word "preparation" and the word "of" the words "for not less than three motions."

Which motion prevailed, and

The bill was so amended.

The question being on the final passage of the bill, as amended,

The roll was called and there were ayes 31, nays none, absent and not voting 9.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bacon	LaMoure	Sharpe
Benson	Little	Sifton
Cashel	Macdonald	Stade
Dyste	Main	Swenson
Fox	McArthur	Talcott
Garnett	McLean	Taylor
Hagen	Movius	Thatcher
Hanna	Pierce	Voss
Herbrandson	Plain	Wagner
Johnson of Walsh	Regan	Young
Kirkeide		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Brown	Gulack	Simpson
Carroll	Johnson of McLean	Spoonheim
Crane	Kraabel	Steele

Messrs. Brown, Carroll, Crane, Gulack, Johnson of McLean, Kraabel, Simpson, Spoonheim and Steele being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 74,

A bill for an act to amend sections 701, 703 and 706 of the revised codes of North Dakota for 1899, relating to education.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 32, nays none, absent and not voting 8.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bacon	Johnson of Walsh	Sifton
Benson	Kraabel	Stade
Cashel	Little	Steele
Dyste	Macdonald	Swenson
Fox	Main	Talcott
Garnett	McArthur	Taylor
Hagen	McLean	Thatcher
Hanna	Movius	Voss
Herbrandson	Pierce	Wagner
Johnson of McLean	Plain	Young
Kirkeide	Sharpe	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Brown	Gulack	Simpson
Carroll	LaMoure	Spoonheim
Crane	Regan	

Messrs. Brown, Carroll, Crane, Gulack, LaMoure, Regan, Simpson and Spoonheim being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 174,

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. Taylor moved

That Senate Bill No. 174 be amended as follows :

In line 43, of page 3 of the the printed bill, after the word "medicine" insert the words "surgery and obstetrics."

Also after the word "both" in line 46 of page 3 of the printed bill, strike out the remaining words of the line and also lines 48, 49 and 50 up to and including the word "name."

Also, after line 52 of the printed bill, add:

"Section 2. That section 277 and section 280 of article 6 of chapter 4 of the revised codes, 1899, are hereby repealed and this act re-nacted in lieu thereof and nothing in this act shall be so construed as to repeal any other existing article or law.

Which motion prevailed, and

The bill was so amended.

Mr. Bacon moved

As a substitute motion.

That Senate Bill No. 174 be referred to the committee on state affairs.

Which motion was lost.

The question being on the original motion of Mr. Taylor.

The motion prevailed, and the bill was so amended.

Mr. Bacon moved

That Senate Bill No. 174 be amended so as to provide that nothing therein contained shall be construed to apply to osteopaths, christian scientists or magnetic healers.

Which motion was lost.

Mr. Taylor moved

That Senate Bill No. 174 be amended by striking out in section 280 thereof the words "treat diseases with drugs, medicines or surgical appliances."

Which motion prevailed, and

The bill was so amended.

Mr. Sharpe moved

That the bill be amended by inserting after the word "prohibited" in line 51 of the printed bill the words "magnetic healing and christian science or."

Which motion prevailed, and

The bill was so amended.

Mr. Bacon moved

That the bill be referred to the committee on judiciary.

Which motion was lost.

The question being on the final passage of the bill, as amended.

The roll was called and there were ayes 19, nays 15, absent and not voting 6.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bacon	Kirkeide	McLean
Cashel	Kraabel	Sharpe
Dyste	LaMoure	Stade
Hanna	Little	Swenson
Herbrandson	Macdonald	Thatcher
Johnson of McLean	McArthur	Wagner
Johnson of Walsh		

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Carroll	Pierce	Steele
Fox	Plain	Talcott
Garnett	Regan	Taylor
Hagen	Sifton	Voss
Movius	Simpson	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Benson	Crane	Main
Brown	Gulack	Spoonheim

Messrs. Benson, Brown, Crane, Gulack, Main and Spoonheim being excused.

So the bill was lost.

Mr. Hanna moved

That the vote by which Senate Bill No. 174 was lost, be reconsidered, and the bill be referred to the committee on judiciary.

Which motion prevailed, and

The bill was so referred.

Senate Bill No. 209,

A bill for an act directing the state auditor to pay over funds belonging to the soldiers' home at Lisbon to the institution treasurer, and providing for the application of such funds.

Was read the third time.

The question being on the final passage of the bill;

The roll was called and there were ayes 32, nays none, absent and not voting 8.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bacon	Kirkeide	Sharpe
Benson	LaMoure	Sifton
Cashel	Little	Simpson
Dyste	Macdonald	Stade
Fox	McLean	Swenson
Garnett	McArthur	Talcott
Hagen	Movius	Thatcher
Hanna	Pierce	Voss
Herbrandson	Plain	Wagner
Johnson of McLean	Regan	Young
Johnson of Walsh		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Brown	Gulack	Spoonheim
Carroll	Kraabel	Steele
Crane	Main	Taylor

Messrs. Brown, Carroll, Crane, Gulack, Kraabel, Main, Spoonheim, Steele and Taylor being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 130,

A bill for an act to amend section 992 of the revised codes of North Dakota, 1899, relating to powers and duties of the board of trustees of the state hospital for the insane.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 30, nays none, absent and not voting 10.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bacon	Kraabel	Simpson
Carroll	LaMoure	Stade
Cashel	Little	Steele
Dyste	McArthur	Swenson
Fox	McLean	Talcott
Garnett	Movius	Taylor
Hanna	Pierce	Thatcher
Herbrandson	Plain	Voss
Johnson of McLean	Regan	Wagner
Johnson of Walsh	Sifton	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Benson	Hagen	Main
Brown	Kirkeide	Sharpe
Crane	Macdonald	Spoonheim
Gulack		

Messrs. Benson, Brown, Crane, Gulack, Hagen, Kirkeide, Macdonald, Main, Sharpe and Spoonheim being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 207,

A bill for an act to amend sections 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525 of chapter 30, article 19, entitled "townsites located on public lands," as published in the revised codes of 1895.

Was read the third time.

The question being on the final passage of the bill;

The roll was called and there were ayes 25, nays none, absent and not voting 15.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bacon .	Kirkeide	Swenson
Benson	Kraabel	Talcott
Carroll	Little	Taylor
Cashel	McLean	Thatcher
Fox	Movius	Voss
Garnett	Pierce	Wagner
Hagen	Plain	Young
Hanna	Sifton	
Johnson of Walsh	Stade	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Brown	Johnson of McLean	Regan
Crane	LaMoure	Sharpe
Dyste	Macdonald	Simpson
Gulack	Main	Spoonheim
Herbrandson	McArthur	Steele

Messrs. Brown, Crane, Dyste, Gulack, Herbrandson, Johnson of McLean, LaMoure, Macdonald, Main, McArthur, Regan, Sharpe, Simpson, Spoonheim and Steele being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 205,

A bill for an act amending section 180 of the revised codes of 1899, relating to salary of commissioners of university and school lands.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 26, nays none, absent and not voting 14.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Benson	Kraabel	Stade
Carroll	Little	Steele
Cashel	Macdonald	Swenson
Fox	McLean	Talcott
Garnett	Movius	Thatcher

Messrs.—	Messrs.—	Messrs.—
Hagen	Pierce	Voss
Hanna	Plain	Wagner
Johnson of Walsh	Regan	Young
Kirkeide	Sifton	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Bacon	Herbrandson	Sharpe
Brown	Johnson of McLean	Simpson
Crane	LaMoure	Spoonheim
Dyste	Main	Taylor
Gulack	McArthur	

Messrs. Bacon, Brown, Crane, Dyste, Gulack, Herbrandson, Johnson of McLean, LaMoure, Main, McArthur, Sharpe, Simpson, Spoonheim and Taylor being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 192,

A bill for an act establishing and naming a state flower 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 12.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Benson	Macdonald	Stade
Cashel	Main	Steele
Garnett	McLean	Swenson
Hagen	Movius	Talcott
Hanna	Pierce	Taylor
Johnson of McLean	Plain	Thatcher
Johnson of Walsh	Regan	Voss
Kirkeide	Sharpe	Wagner
Kraabel	Sifton	Young
Little		

Absent and not voting:

Messrs.—	Messrs.—	
Bacon	Dyste	LaMoure
Brown	Fox	McArthur
Carroll	Gulack	Simpson
Crane	Herbrandson	Spoonheim

Messrs. Bacon, Brown, Carroll, Crane, Dyste, Fox, Gulack, Herbrandson, LaMoure, McArthur, Simpson and Spoonheim being excused.

So the bill passed and the title was agreed to.

FIRST AND SECOND READING OF HOUSE BILLS

House Bill No. 131,

A bill for an act to amend section 1283 of the revised codes and to repeal chapter 156 of the laws of 1903.

Was read the first and second times and

Referred to the committee on ways and means.

House Bill No. 121,

A bill for an act entitled an act to amend chapter 164 of the session laws of 1901, relating to 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 limiting the compensation for collecting the same.

Was read the first and second times and

Referred to the committee on judiciary.

House Bill No. 176,

A bill for an act to amend chapter 107 of the session laws of 1901, relating to gopher tax.

Was read the first and second times, and

Referred to the committee on ways and means.

House Bill No. 79,

A bill for an act to amend section 2967, chapter 12, of the civil code, relating to railway corporations.

Was read the first and second times, and

Referred to the committee on railroads.

House Bill No. 148,

A bill for an act to amend section 1728 of the revised codes of North Dakota for 1899, relating to weights and measures.

Was read the first and second times, and

Referred to the committee on state affairs.

House Bill No. 201,

A bill for an act to amend section 1804 of the revised codes, prescribing the requirements of newspapers qualified to do legal printing.

Was read the first and second times and

Referred to the committee on judiciary.

House Bill No. 222,

A bill for an act for the organization and government of cities.

Was read the first and second times, and

Referred to the committee on municipal corporations.

House Bill No. 53,

A bill for an act to amend section 6676c of the revised codes of the state of North Dakota, 1899, relating to how summons shall be served in garnishment.

Was read the first and second times and

Referred to the committee on judiciary.

House Bill No. 231,

A bill for an act to provide for the organization of school districts in unorganized counties.

Was read the first and second times and

Referred to the committee on education.

House Bill No. 152,

A bill for an act to amend and re-enact section 681 of the revised codes of 1899, relating to education.

Was read the first and second times, and

Referred to the committee on education.

House Bill No. 50,

A bill for an act to amend section 5391 of the revised codes of North Dakota, 1899, relating to when judgment may be rendered against garnishee.

Was read the first and second times, and

Referred to the committee on judiciary.

THIRD READING OF HOUSE BILLS.

House Bill No. 10,

A bill for an act to amend section 1419 of chapter 19 political code, entitled "Militia."

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 13.

Those who voted in the affirmative were:

Messrs.—

Carroll
Cashel
Dyste
Fox
Garnett
Hagen
Hanna
Herbrandson
Johnson of Walsh

Messrs.—

LaMoure
Little
Macdonald
Main
McLean
Movius
Pierce
Plain
Regan

Messrs.—

Sharpe
Stade
Swenson
Talcott
Taylor
Thatcher
Voss
Wagner
Young

Absent and not voting :

Messrs.—	Messrs.—	Messrs.—
Bacon	Johnson of McLean	Sifton
Benson	Kirkeide	Simpson
Brown	Kraabel	Spoonheim
Crane	McArthur	Steele
Gulack		

Messrs. Bacon, Benson, Brown, Crane, Gulack, Johnson of McLean, Kirkeide, Kraabel, McArthur, Sifton, Simpson, Spoonheim and Steele 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. 124,

A bill for an act to amend section 2865 of the revised codes of 1899.

And the president signed the same in the presence of the senate.

Mr. Hanna moved

That the senate do now adjourn.

Which motion prevailed, and

The senate adjourned.

L. M. McGLASHAN,
Secretary.

FIFTY-THIRD DAY

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
February 24, 1905.

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. Gulack, who was excused.

The courtesies of the floor were extended to the following: G. T. Christanson, Chas. Atkinson, Frank Manis, Prof. J. N. Kelly, C. H. Opsahl, H. Bendeke, Judge C. J. Fisk, Geo. Robbins, C. Sorenson.

MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 24, 1905.

Mr. President:

I have the honor to transmit herewith:

House Bill No. 214,

A bill for an act to amend section 5578 of the revised codes of 1899, relating to taxation of costs in civil actions.

Also,

House Bill No. 51,

A bill for an act to amend chapter 4 of the session laws of 1903, which amended chapter 61 of the session laws of 1901, being section 6633 of the revised codes of North Dakota, 1899, relating to procedure in civil actions.

Also,
House Bill No. 54,

A bill for an act to amend section 6643 of the revised codes of North Dakota, 1899, relating to service by publication.

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

Also,
Senate Bill No. 121,

A bill for an act to repeal section 3924 of the revised codes, 1899.

Also,
Senate Bill No. 114,

A bill for an act to amend chapter 73, section 4716, of the revised codes of North Dakota, 1899, relative to record of foreclosure, how operates, and what assignment of mortgage must contain.

Which the house has indefinitely postponed.

Very respectfully,
OTTO SOUGSTAD,
Chief Clerk.

COMMUNICATION FROM THE GOVERNOR.

The following communication was received from the governor:

GOVERNOR'S OFFICE,
BISMARCK, NORTH DAKOTA,
February 24, 1905.

To the Senate:

Mr. President: I have the honor to inform you that I have approved and filed with the secretary of state, Senate Bill No. 61,

A bill for an act to provide for the care and disposition of estates of deceased inmates of the soldiers' home.

Also,
Senate Bill No. 24,

A bill for an act to amend section 4788, revised codes of North Dakota, for 1899, relating to mechanics' liens.

Also,

Senate Bill No. 80,

A bill for an act to amend sections 6207, 6208 and 6210, of the revised codes, relating to the services of citations and other papers in the county court.

Also,

Senate Bill No. 26,

A bill for an act entitled an act to prohibit persons under the age of eighteen years to be allowed to play in, or visit, any pool, billiard or card resorts.

Also,

Senate Bill No. 27,

A bill for an act to amend and re-enact sections 1, 2 and 3 of chapter 6 of the session laws of 1903, the same being: An act to prevent the adulteration, misbranding and selling of adulterated and unwholesome foods and beverages, prescribing a penalty for the violation, providing for the inspection and analysis of foods, charging the North Dakota government agricultural experiment station with the duty thereof, charging the state's attorney with the enforcement hereof, and making an appropriation therefor.

I have the honor to be

E. Y. SARLES,

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 of the fifty-second day, have carefully examined the same and recommend that the same be corrected as follows:

By inserting the word "the" between the words "by" and "chaplain" in line 10, page 1.

Correct the spelling of the words "re-enacted" and "construed" in lines 15 and 16, page 30.

Strike out lines 18 and 19 on page 30.

And when so amended recommend that the same be approved.

R. W. MAIN,

Chairman.

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

REPORTS OF STANDING COMMITTEES.

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

Mr. President:

Your committee on enrolled and engrossed bills have examined:

Senate Bill No. 67,

A bill for an act for the protection of fish, game, wild birds, and fur-bearing wild animals, and creating the offices of state district game and fish wardens and deputies, and defining their duties and jurisdiction.

Also,

Senate Bill No. 211,

A bill for an act to amend section 4737 of the revised codes of North Dakota, of 1899, relating to renewal of mortgages of personal property.

Also,

Senate Bill No. 212,

A bill for an act to amend sections 693 and 774 of the revised codes of 1899, relating to education.

Also,

Senate Bill No. 213,

A bill for an act to amend section 707 of the revised codes of 1899.

Also,

Senate Bill No. 215,

A bill for an act regulating weights and measures, creating the office of inspector of weights and measures, providing for the appointment of inspector and, prescribing his powers, duties and compensation.

Also,

Senate Bill No. 151,

A bill for an act to repeal chapter 82, of the session laws of the state of North Dakota, for the year 1903, and to amend and re-enact section 7594 and section 7596 of the revised codes of North Dakota, 1899, relating to the method of obtaining druggist's permits to sell liquor, regulating

sales of liquor under such permit and prescribing a penalty for the violation thereof.

Also,

Senate Bill No. 145,

A bill for an act providing that a system of humane treatment of animals shall be taught in the public schools of North Dakota.

Also,

Senate Bill No. 175,

A bill for an act to amend section 704 of chapter 83 of the session laws of the state of North Dakota for the year 1903, relating to education.

Also,

Senate Bill No. 214,

A bill for an act to provide for the granting of the right-of-way by municipal corporations for constructing and maintaining electric and other railways on, over, and upon public grounds and highways, and regulating the use of same.

And find the same correctly engrossed.

GEO. M. YOUNG,

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. 22,

A bill for an act to amend section 2365 of the revised codes of 1899 relating to the powers and duties of boards of trustees, and the levy and collection of taxes in villages.

Also,

Senate Bill No. 53,

A bill for an act providing for the redistricting of commissioner districts in organized counties which have enlarged their boundaries by the addition thereto of unorganized territory.

Also,

Senate Bill No. 56,

A concurrent resolution amending section 162 of the state constitution relating to investment of school funds.

Also,
Senate Bill No. 117,

A bill for an act to amend section 3 of chapter 170 of the laws of 1901, being an amendment of section 145 of the revised codes, relating to the salary of the state examiner, the appointment of deputies and for penalties for malfeasance in office.

Also,
Senate Bill No. 19,

A bill for an act to amend section 2071 of the revised codes of 1899, relating to reimbursing counties for salaries paid judges of county courts.

And find the same correctly enrolled.

GEORGE M. YOUNG,

Chairman.

The committee on education made the following report:
Mr. President:

Your committee on education to whom was referred
House Bill No. 152,

A bill for an act to amend and re-enact section 681 of the revised codes of 1899, relating to education.

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

Also,
House Bill No. 231,

A bill for an act to provide for the organization of school districts in unorganized counties.

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

Also,
Senate Bill No. 221,

A bill for an act to amend sections 670 and 674, of the revised codes of the state of North Dakota, 1899, relating to the election of school officers and notice of annual election.

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

F. S. TALCOTT,

Chairman.

The committee on education made the following report:
Mr President:

Your committee on education to whom was referred

Senate Bill No. 125,

A bill for an act to amend sections 737, 738, 739, 741, 742 and 744 of the revised codes of North Dakota of 1899, relating to education.

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

In section 2, paragraph 2 of the engrossed bill insert after the words "good standing" the words "in this state."

In section 2, paragraph 3, strike out all of the paragraph beginning with "Provided, further, that the diploma, etc.," and insert in lieu thereof the following:

"Provide that a diploma from the normal department of the university of North Dakota or of either of the normal schools of this state shall be the equivalent of a state certificate of the second class, if the party holding such diploma have the required age, specified in section 742."

In section 5, after the phrase "Unless such certificate or diploma shall have been recorded in the office of the county superintendent" the following, "and it shall be the duty of the county superintendent to record such certificate or diploma."

And when so amended recommend that the same do pass.

F. S. TALCOTT,
Chairman.

Mr. Talcott moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on agriculture made the following report:

Mr. President:

Your committee on agriculture to whom was referred

House Bill No. 22,

A bill for an act to promote forest tree culture.

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

IVER SWENSON,
Chairman.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred

Senate Bill No. 216,

A bill for an act providing for the service of process upon the sheriff when such officer is a party to any action or proceeding by virtue of his office.

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

By striking out section 3, the emergency 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 of the committee was adopted.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred

Senate Bill No. 226,

A bill for an act to amend section 2743, of the revised codes of 1899, relating to duration of offenses as grounds for divorce.

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 of the committee was adopted.

And the further consideration of the bill was indefinitely postponed.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred

Senate Bill No. 217,

A bill for an act to amend section 2989 of the revised codes of North Dakota, 1899, relating to the licensing of ticket agents.

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

Also,

Senate Bill No. 218,

A bill for an act to amend chapter 57, of the session laws of 1903, relating to the appointment of commissioners of deeds.

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

Also,
Senate Bill No. 224.

A bill for an act making it unlawful for justices of the peace to issue summons in certain cases, prescribing penalties therefor.

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

C. B. LITTLE,
Chairman.

The committee on judiciary made the following report:
Mr. President:

Your committee on judiciary to whom was referred
Senate Bill No. 174,

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:

By inserting the words "of 1899" after the word "codes" in the title of said bill and after the word "codes" in line 2 of section 1 of the printed bill, and by striking out the words "magnetic healing or Christian Science or" where inserted in line 51 of the printed bill in section 1, section 280, between the word "prohibit" and the word "gratuitous."

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
That the report of the committee be adopted

Mr. Bacon objected to the present consideration of the judiciary committee's report on

Senate Bill No. 174,

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.

And the same went over one day.

The committee on judiciary made the following report:
Mr. President:

Your committee on judiciary to whom was referred

Senate Bill No. 210,

A concurrent resolution for an amendment to the constitution, providing for direct legislation by the electors, shall be referred to the next legislative assembly, and with the approval of said legislative assembly be submitted to

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

Also,

House Bill No. 149,

A bill for an act making it a misdemeanor to move personal property from the state or dispose of the same, with the intention of avoiding the payment of personal property taxes.

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

Also,

House Bill No. 18,

A bill for an act to amend section 1 of chapter 96 of the laws of 1903 (being an amendment of section 1572 of the revised codes) relative to giving notice upon taking up estrays and providing penalty for failure to give such notice.

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

C. B. LITTLE,
Chairman.

The committee on judiciary made the following report:
Mr. President:

Your committee on judiciary to whom was referred
House Bill No. 120,

A bill for an act to fix dates for holding term of district court in the county of Billings.

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

By changing the word "term" in the title of said bill to the word "terms,"
And by striking out all of said bill after the enacting clause and inserting the following:

"Section 1. Two terms of the district court shall be held in the county of Billings at the county seat thereof, commencing on the third Tuesday in April and the first Tuesday in October of each year.

"Section 2. All acts and parts of acts inconsistent with this act are hereby repealed.

"Section 3. An emergency exists in that there is no law fixing terms of court in Billings county, therefore an emergency exists and this act shall 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 of the committee 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

House Bill No. 222,

A bill for an act for the organization and government of cities.

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

J. D. BACON,
Chairman.

MOTIONS AND RESOLUTIONS.

Mr. Hagen moved

That the following concurrent resolution reported from the committee on education on the fifty-second day be adopted:

Whereas, The studies of civics and civil government as pursued in the various high schools throughout the state is greatly handicapped by reason of a lack of books and authorities thereon, and

Whereas, The local statutes and session laws are not readily obtainable by school district authorities, therefore, be it,

Resolved by the Senate, of the state of North Dakota, the House of Representatives concurring, That the secretary of state of the state of North Dakota is hereby authorized, directed and empowered to deliver to the president of the board of education of each school district having a high school or a school giving a high school course within such district, one copy of the code of 1899 and one copy of the bound volumes of the laws of each biennial session of the legislative assembly thereafter issued, and one copy of the legislative manual or blue book issued in 1905 and biennially thereafter, for the use of each such high school or school teaching or giving a high school course, within such district.

Which motion prevailed, and
The resolution was adopted.

Mr. Steele moved

That all senate bills read the first time today, receive their second reading and reference.

Which motion prevailed.

INTRODUCTION, FIRST AND SECOND READING OF SENATE BILLS.

Mr. Steele introduced
Senate Bill No. 227,

A bill for an act to amend section 2947, of the revised codes of North Dakota for the year 1899, relating to the powers of railroad corporations.

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

Mr. Steele introduced
Senate Bill No. 228,

A bill for an act requiring railroad companies to protect railroad crossings with interlocking or other safety devices in certain cases.

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

Mr. Young introduced
Senate Bill No. 229,

A bill for an act to amend chapter 88, of the session laws of 1901, relating to desecration of the flag.

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

THIRD READING OF SENATE BILLS.

Senate Bill No. 213,

A bill for an act to amend section 707 of the revised codes of 1899.

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 12.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Carroll	Little	Simpson
Cashel	Macdonald	Spoonheim
Crane	McLean	Stade
Dyste	Movius	Swenson
Garnett	Pierce	Talcott
Hagen	Plain	Taylor
Herbrandson	Regan	Voss
Johnson of Walsh	Sharpe	Wagner
Kirkeide	Sifton	Young
Kraabel		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Bacon	Gulack	Main
Benson	Hanna	McArthur
Brown	Johnson of McLean	Steele
Fox	LaMoure	Thatcher

Messrs. Bacon, Benson, Brown, Fox, Gulack, Hanna, Johnson of McLean, LaMoure, Main, McArthur, Steele and Thatcher being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 214,

A bill for an act to provide for the granting of the right-of-way by municipal corporations for constructing and maintaining electric and other railways on, over, and upon public grounds and highways, and regulating the use of same.

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 11.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bacon	Kirkeide	Regan
Carroll	Kraabel	Sifton
Cashel	LaMoure	Spoonheim
Crane	Little	Stade
Dyste	Macdonald	Talcott
Fox	Main	Taylor
Garnett	McLean	Voss
Hagen	Movius	Wagner
Herbrandson	Pierce	Young
Johnson of Walsh	Plain	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Benson	Johnson of McLean	Steele
Brown	McArthur	Swenson
Gulack	Sharpe	Thatcher
Hanna	Simpson	

Messrs. Benson, Brown, Gulack, Hanna, Johnson of McLean, McArthur, Sharpe, Simpson, Steele, Swenson and Thatcher being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 3,

A bill for an act to reimburse district judges for expenses incurred by them in holding court in counties other

than those embraced in the judicial district for which they were elected, and for expenses while in attendance at sessions of the supreme court.

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 1, absent and not voting 12.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bacon	Kirkeide	Regan
Cashel	LaMoure	Sifton
Crane	Macdonald	Spoonheim
Dyste	Main	Stade
Fox	McArthur	Talcott
Garnett	McLean	Taylor
Hagen	Movius	Voss
Herbrandson	Pierce	Wagner
Johnson of Walsh	Plain	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Benson	Hanna	Simpson
Brown	Johnson of McLean	Steele
Carroll	Little	Swenson
Gulack	Sharpe	Thatcher

Mr. Kraabel voting in the negative.

Messrs. Benson, Brown, Carroll, Gulack, Hanna, Johnson of McLean, Little, Sharpe, Simpson, Steele, Swenson and Thatcher being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 67,

A bill for an act for the protection of fish, game, wild birds, and fur-bearing wild animals, and creating the offices of state district game and fish wardens and deputies, and defining their duties and jurisdiction.

Was read the third time.

Mr. Main moved

That the bill be amended as follows:

Section 2, strike out all of said section as amended, after line 4, and in lieu thereof insert the following: "Pembina, Cavalier, Towner, Rolette, Bottineau, McHenry, Pierce, Benson, Ramsey, Nelson, Walsh, Grand Forks and Ward."

"Game district number two shall consist of the following counties: Cass, Richland, Steele, Griggs, Traill, Stutsman, Barnes, Ransom, Sargent, Eddy, Foster, Wells and Kidder."

"Game district number three shall consist of the following counties: Dickey, LaMoure, McLean, Stark, Billings, Williams, Burleigh, Logan, McIntosh, Emmons, Morton, Oliver, Mercer and all territory unorganized."

Section 23, line 11, after "N. D. Dist. No. 2," insert the following: "And the ones used in game district number three shall have on same 'N. D. Dist. No. 3.' "

Section 27, line 5, strike out the word "four" and insert in lieu thereof the word "two."

Which motion prevailed, and
The bill was so amended.

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

The roll was called and there were ayes 22, nays 7, absent and not voting 11.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bacon	LaMoure	Regan
Carroll	Little	Spoonheim
Cashel	Macdonald	Stade
Crane	Main	Talcott
Fox	Movius	Taylor
Garnett	Pierce	Voss
Hanna	Plain	Wagner
Kirkeide		

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Dyste	Johnson of Walsh	Sifton
Hagen	Kraabel	Young
Herbrandson		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Benson	Simpson	Steele
Brown	McArthur	Swenson
Gulack	McLean	Thatcher
Johnson of McLean	Sharpe	

Messrs. Benson, Brown, Gulack, Johnson of McLean, McArthur, McLean, Sharpe, Simpson, Steele, Swenson and Thatcher being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 125,

A bill for an act to amend sections 737, 738, 739, 741, 742 and 744 of the revised codes of North Dakota of 1899, relating to education.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 26, nays none, absent and not voting 14.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Carroll	Kirkeide	Regan
Cashel	Kraabel	Sifton
Craze	Little	Spoonheim
Dyste	Macdonald	Talcott
Fox	McArthur	Taylor
Hagen	McLean	Voss
Hanna	Movius	Wagner
Herbrandson	Pierce	Young
Johnson of Walsh	Plain	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Bacon	Johnson of McLean	Stade
Benson	LaMoure	Steele
Brown	Main	Swenson
Gulack	Sharpe	Thatcher
Garnett	Simpson	

Messrs. Bacon, Benson, Brown, Garnett, Gulack, Johnson of McLean, LaMoure, Main, Sharpe, Simpson, Stade, Steele, Swenson and Thatcher being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 71,

A bill for an act amending section 8497 of the revised codes of North Dakota, relating to criminal procedure.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 26, nays none, absent and not voting 14.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Cashel	Kirkeide	Regan
Crane	Kraabel	Sifton
Dyste	Little	Spoonheim
Fox	Macdonald	Talcott
Garnett	McArthur	Taylor
Hagen	McLean	Voss
Hanna	Movius	Wagner
Herbrandson	Pierce	Young
Johnson of Walsh	Plain	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Bacon	Johnson of McLean	Stade
Benson	LaMoure	Steele
Brown	Main	Swenson
Carroll	Sharpe	Thatcher
Gulack	Simpson	

Messrs. Bacon, Benson, Brown, Carroll, Gulack, Johnson of McLean, LaMoure, Main, Sharpe, Simpson, Stade, Steele, Swenson and Thatcher being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 145,

A bill for an act providing that a system of humane treatment of animals shall be taught in the public schools of North Dakota.

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 12.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Carroll	Kirkeide	Regan
Cashel	Kraabel	Sifton
Crane	Little	Spoonheim
Dyste	Macdonald	Stade
Fox	McArthur	Talcott
Garnett	McLean	Taylor
Hagen	Movius	Voss
Hanna	Pierce	Wagner
Herbrandson	Plain	Young
Johnson of Walsh		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Bacon	Johnson of McLean	Simpson
Benson	LaMoure	Steele
Brown	Main	Swenson
Gulack	Sharpe	Thatcher

Messrs. Bacon, Benson, Brown, Gulack, Johnson of McLean, LaMoure, Main, Sharpe, Simpson, Steele, Swenson and Thatcher 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 24, 1905.

Mr. President:

I have the honor to transmit herewith House Bill No. 151,

A bill for an act to amend sections one (1), two (2), four (4), five (5), eight (8), thirteen (13), and sixteen (16), of chapter 130, of the session laws of North Dakota of 1903.

Also,

House Bill No. 221,

A bill for an act to amend section 1, of chapter 158, of the session laws of 1899, being section 3491a, of the revised codes of North Dakota, 1899, relating to titles to real property.

Also,

House Bill No. 220,

A bill for an act to amend section 354 of the revised codes of North Dakota, 1899, relating to offices and officers, and the qualification of officer.

Also,

House Bill No. 227,

A bill for an act to amend section 6615 of the revised codes of North Dakota.

Also,

House Bill No. 225,

A bill for an act concerning the transferring of a person's business.

Also,

House Bill No. 184,

A bill for an act making it unlawful for boards of trustees, commissioners, directors, regents, person or persons to expend amounts in excess of appropriation, providing for monthly reports to the governor and repealing section 1023 of the revised codes.

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

Very respectfully,

M. A. LILES,

Acting Chief Clerk.

Senate Bill No. 151,

A bill for an act to repeal chapter 82, of the session laws of the state of North Dakota, for the year 1903, and to amend and re-enact section 7594 and section 7596 of the revised codes of North Dakota, 1899, relating to the method of obtaining druggist's permits to sell liquor, regulating sales of liquor under such permit and prescribing a penalty for the violation thereof.

Was read the third time.

Mr. Kraabel moved

That the bill be amended by inserting between the words "use" and "barter" in line 25, page 3, section 1 of the engrossed bill, the word "sell."

Which motion prevailed, and

The bill was so amended.

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

The roll was called and there were ayes 31, nays 1, absent and not voting 8.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bacon	Kirkeide	Sharpe
Brown	Kraabel	Sifton
Carroll	LaMoure	Spoonheim
Cashel	Little	Stade
Dyste	Macdonald	Talcott
Fox	McLean	Taylor
Garnett	Movius	Thatcher
Hagen	Pierce	Voss
Hanna	Plain	Wagner
Herbrandson	Regan	Young
Johnson of Walsh		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Benson	Main	Steele
Gulack	McArthur	Swenson
Johnson of McLean	Simpson	

Mr. Crane voting in the negative.

Messrs. Benson, Gulack, Johnson of McLean, Main, McArthur, Simpson, Steele and Swenson being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 212,

A bill for an act to amend sections 693 and 774 of the revised codes of 1899, relating to education.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 31, nays none, absent and not voting 9.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bacon	Little	Sifton
Carroll	Macdonald	Spoonheim
Cashel	Main	Stade
Dyste	McArthur	Steele

Messrs.—	Messrs.—	Messrs.—
Garnett	McLean	Talcott
Hagen	Movius	Taylor
Hanna	Pierce	Thatcher
Herbrandson	Plain	Voss
Johnson of Walsh	Regan	Wagner
Kirkeide	Sharpe	Young
LaMoure		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Benson	Fox	Kraabel
Brown	Gulack	Simpson
Crane	Johnson of McLean	Swenson

Messrs. Benson, Brown, Crane, Fox, Gulack, Johnson of McLean, Kraabel, Simpson and Swenson being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 206,

A bill for an act to amend section 137 of the revised codes of 1899, relating to the examination of the accounts of public officers by the state examiner.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 31, nays none, absent and not voting 9.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Carroll	LaMoure	Sharpe
Cashel	Little	Sifton
Dyste	Macdonald	Spoonheim
Fox	Main	Stade
Garnett	McArthur	Talcott
Hagen	McLean	Taylor
Hanna	Movius	Thatcher
Herbrandson	Pierce	Voss
Johnson of Walsh	Plain	Wagner
Kirkeide	Regan	Young
Kraabel		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Bacon	Crane	Simpson
Benson	Gulack	Steele
Brown	Johnson of McLean	Swenson

Messrs. Bacon, Benson, Brown, Crane, Gulack, Johnson of McLean, Simpson, Steele and Swenson being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 184,

A bill for an act to amend sections 3532, 3533, 3534, 3535 and 3584, paragraph 2, of the revised codes of North Dakota, 1899, relating to the execution by corporations of instruments affecting titles to real estate, prescribing the manner of execution, and the form of acknowledgment, validating instruments heretofore executed and enacting other provisions relating thereto.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 33, nays none, absent and not voting 7.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Carroll	LaMoure	Sifton
Cashel	Little	Spoonheim
Dyste	Macdonald	Stade
Fox	Main	Steele
Garnett	McArthur	Swenson
Hagen	McLean	Talcott
Hanna	Movius	Taylor
Herbrandson	Pierce	Thatcher
Johnson of Walsh	Plain	Voss
Kirkeide	Regan	Wagner
Kraabel	Sharpe	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Bacon	Crane	Johnson of McLean
Benson	Gulack	Simpson
Brown		

Messrs. Bacon, Benson, Brown, Crane, Gulack, Johnson of McLean and Simpson being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 193,

A bill for an act to amend section 1 of chapter 53 of session laws of 1901, relating to compensation of county commissioners and fixing the hours of meeting.

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 11, absent and not voting 6.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Carroll	Macdonald	Steele
Cashel	McArthur	Talcott
Crane	Movius	Taylor

Messrs.—	Messrs.—	Messrs.—
Fox	Pierce	Thatcher
Garnett	Regan	Voss
Hanna	Sharpe	Wagner
LaMoure	Sifton	Young
Little	Stade	

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Dyste	Kirkeide	Plain
Hagen	Kraabel	Spoonheim
Herbrandson	Main	Swenson
Johnson of Walsh	McLean	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Bacon	Brown	Johnson of McLean
Benson	Gulack	Simpson

Messrs. Bacon, Benson, Brown, Gulack, Johnson of McLean and Simpson being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 122,

A bill for an act to amend section 3128 of the revised codes of 1899, relating to the revocation of authority of foreign and domestic insurance corporations to transact business in this state, and providing for the revocation of authority of foreign insurance corporations to transact business within the state of North Dakota, upon the removal by any such foreign insurance corporation, of certain cases from the state to the United States courts.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 32, nays 1, absent and not voting 7.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Carroll	LaMoure	Sifton
Cashel	Little	Simpson
Crane	Macdonald	Spoonheim
Fox	Main	Stade
Garnett	McArthur	Swenson
Hagen	McLean	Talcott
Hanna	Movius	Taylor
Herbrandson	Pierce	Thatcher
Johnson of Walsh	Plain	Wagner
Kirkeide	Regan	Young
Kraabel	Sharpe	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Bacon	Dyste	Johnson of McLean
Benson	Gulack	Steele
Brown		

Mr. Voss voting in the negative.

Messrs. Bacon, Benson, Brown, Dyste, Gulack, Johnson of McLean and Steele being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 180,

A bill for an act creating park districts, and for the government thereof, creating a board of park commissioners, conferring power and authority upon such board and district, and providing rules for the government thereof.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 30, nays none, absent and not voting 10.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bacon	LaMoure	Simpson
Carroll	Little	Spoonheim
Cashel	Main	Stade
Fox	McLean	Steele
Garnett	Movius	Swenson
Hagen	Pierce	Talcott
Hanna	Plain	Taylor
Herbrandson	Regan	Thatcher
Johnson of Walsh	Sharpe	Voss
Kirkeide	Sifton	Wagner

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Benson	Gulack	Macdonald
Brown	Johnson of McLean	McArthur
Crane	Kraabel	Young
Dyste		

Messrs. Benson, Brown, Crane, Dyste, Gulack, Johnson of McLean, Kraabel, Macdonald, McArthur and Young being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 215,

A bill for an act regulating weights and measures, creating the office of inspector of weights and measures, providing for the appointment of inspector, and prescribing his powers, duties and compensation.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 26, nays 6, absent and not voting 8.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bacon	Main	Steele
Carroll	McLean	Swenson
Cashel	Movius	Talcott
Fox	Pierce	Taylor
Garnett	Regan	Thatcher
Hanna	Sharpe	Voss
Kirkeide	Sifton	Wagner
LaMoure	Simpson	Young
Little	Spoonheim	

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Crane	Johnson of Walsh	McArthur
Herbrandson	Kraabel	Plain

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Benson	Gulack	Macdonald
Brown	Hagen	Stade
Dyste	Johnson of McLean	

Messrs. Benson, Brown, Dyste, Gulack, Hagen, Johnson of McLean, Macdonald and Stade being excused.

So the bill passed and the title was agreed to.

Mr. Little moved

That the rules be suspended and the senate proceed to the third reading of house bills.

Which motion prevailed.

House Bill No. 26,

A bill for an act to amend sections 1243 and 1244 of the revised codes of North Dakota, 1899, relating to delinquent personal taxes, and amending chapter 134 of the session laws of 1903.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 34, nays none, absent and not voting 6.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Benson	Kraabel	Simpson
Carroll	LaMoure	Spoonheim
Cashel	Little	Stade
Crane	Main	Steele

Messrs.—	Messrs.—	Messrs.—
Dyste	McLean	Swenson
Fox	Movius	Talcott
Garnett	Pierce	Taylor
Hagen	Plain	Thatcher
Hanna	Regan	Voss
Herbrandson	Sharpe	Wagner
Johnson of Walsh	Sifton	Young
Kirkeide		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Bacon	Gulack	Macdonald
Brown	Johnson of McLean	McArthur

Messrs. Bacon, Brown, Gulack, Johnson of McLean, Macdonald and McArthur being excused.

So the bill passed and the title was agreed to.

House Bill No. 27,

A bill for an act to prevent the adulteration, misbranding and selling of adulterated and insufficiently abeled drugs or medicines, prescribing a penalty of the violation hereof, providing for the inspection, testing and analyzing of said drugs and medicines, charging the North Dakota Experiment Station with the duty thereof, and charging the state's attorney with the enforcement hereof.

Was read the third time.

•Mr. Hanna moved

That the bill be amended by adding the following at the end thereof:

"Section 14. All goods coming into this state after July 1st, 1905, shall be subject to the provisions of this act, while those goods within the state prior to that date shall be considered as exempt until January 1, 1906."

Which motion prevailed, and

The bill was so amended.

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

The roll was called and there were ayes 33, nays none, absent and not voting 7.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Benson	Kirkeide	Sifton
Carroll	Kraabel	Simpson
Cashel	LaMoure	Spoonheim
Crane	Little	Stade
Dyste	Main	Steele
Fox	McLean	Swenson

Messrs.—	Messrs.—	Messrs.—
Garnett	Movius	Talcott
Hagen	Pierce	Taylor
Hanna	Plain	Thatcher
Herbrandson	Regan	Voss
Johnson of Walsh	Sharpe	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Bacon	Johnson of McLean	McArthur
Brown	Macdonald	Wagner
Gulack		

Messrs. Bacon, Brown, Gulack, Johnson of McLean, Macdonald, McArthur and Wagner being excused.

So the bill passed and the title was agreed to.

House Bill No. 120,

A bill for an act to fix dates for holding term of district court in the county of Billings.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 32, nays none, absent and not voting 8.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Benson	Kraabel	Spoonheim
Cashel	LaMoure	Stade
Crane	Little	Steele
Dyste	Macdonald	Swenson
Fox	Main	Talcott
Garnett	McLean	Taylor
Hagen	Movius	Thatcher
Hanna	Pierce	Voss
Herbrandson	Sharpe	Wagner
Johnson of Walsh	Sifton	Young
Kirkeide	Simpson	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Bacon	Gulack	Plain
Brown	Johnson of McLean	Regan
Carroll	McArthur	

Messrs. Bacon, Brown, Carroll, Gulack, Johnson of McLean, McArthur, Plain and Regan being excused.

So the bill passed and the title was agreed to.

House Bill No. 188,

A bill for an act to amend section 3094 of the revised codes of North Dakota for 1899, relating to investments of funds of domestic insurance corporations.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 34, nays none, absent and not voting 6.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Benson	Kirkeide	Simpson
Carroll	Kraabel	Spoonheim
Cashel	LaMoure	Stade
Crane	Little	Steele
Dyste	McLean	Swenson
Fox	Movius	Talcott
Garnett	Pierce	Taylor
Hagen	Plain	Thatcher
Hanna	Regan	Voss
Herbrandson	Sharpe	Wagner
Johnson of McLean	Sifton	Young
Johnson of Walsh		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Bacon	Gulack	Main
Brown	Macdonald	McArthur

Messrs. Bacon, Brown, Gulack, Macdonald, Main and McArthur being excused.

So the bill passed and the title was agreed to.

Mr. Little moved

That the vote by which Senate Bills Nos. 213, 214, 3, 67, 125, 71, 145, 151, 212, 206, 184, 193, 122, 180, 215, and House Bills Nos. 26, 27, 120, 188, were 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,
February 24, 1905.

Mr. President:

I have the honor to transmit herewith
House Bill No 86,

A bill for an act to provide for the levy of a tax in certain counties to aid in establishment and maintenance of county agricultural fair associations.

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

Very respectfully,

M. A. LILES,
Acting Chief Clerk.

EXECUTIVE SESSION.

Mr. Talcott moved
That the senate do now go into executive session.
Which motion prevailed, and
The senate went into executive session.

OPEN SESSION.

MESSAGE FROM THE HOUSE.

The following message was received from the house.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 24, 1905.

Mr. President:

I have the honor to transmit herewith
House Bill No. 253,

A bill for an act to provide for the enforcement of section 7560, and other laws relating to cruelty to animals.

Also,

House Bill No. 252,

A bill for an act providing for proposals for loaning city and school funds, and defining the duties of the various officers of the city or school districts with reference thereto.

Also,

House Bill No. 117,

A bill for an act regulating the sale of poisons and disinfectants, and to amend section 7283 of chapter 39 of the penal code of 1899, relating to other injuries to persons, and exempting certain sales from the penalties of the same.

Also,

House Bill No. 125,

A bill for an act to amend chapter 70 of the session laws of 1901, relating to the dissolution of marriage.

Also,

House Bill No. 244,

A bill for an act to amend section 1605 of the revised codes of 1899, relating to compensation, bonds and qualification of district veterinarians.

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

Very respectfully,

M. A. LILES,

Acting Chief Clerk.

The secretary announced that the president was about to sign

Senate Bill No. 117,

A bill for an act to amend section 3 of chapter 170 of the laws of 1901, being an amendment of section 145 of the revised codes, relating to the salary of the state examiner, the appointment of deputies and for penalties for malfeasance in office.

Also, •

Senate Bill No. 53,

A bill for an act providing for the redistricting of commissioner districts in organized counties which have enlarged their boundaries, by the addition thereto of unorganized territory.

Also,

Senate Bill No. 56,

A concurrent resolution amending section 162 of the state constitution relating to investment of school funds.

Also,

Senate Bill No. 22,

A bill for an act to amend section 2365 of the revised codes of 1899 relating to the powers and duties of boards of trustees, and the levy and collection of taxes in villages.

Also,

House Bill No. 10,

A bill for an act to amend section 1419 of chapter 19, political code, entitled "Militia."

Also,

Senate Bill No. 19,

A bill for an act to amend section 2071 of the revised codes of 1899, relating to reimbursing counties for salaries paid judges of county courts.

And the president signed the same in the presence of the senate.

Mr. Fox moved

That the senate do now adjourn.

Which motion prevailed, and

The senate adjourned.

L. M. McGLASHAN,
Secretary.

FIFTY-FOURTH DAY

SENATE CHAMBER.

BISMARCK, NORTH DAKOTA,

February 25, 1905.

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. Brown, Dyste and Gulack, who were excused.

The courtesies of the floor were extended to the following: N. C. McDonald, Peter Shier, A. C. Geit and C. E. Coover.

PRESENTATION OF PETITIONS AND COMMUNICATIONS.

Mr. Fox presented the following petition:

Hon. R. A. Fox, Senator from the Thirty-fourth District, State of North Dakota:

Sir: The undersigned residents and voters of the above named district respectfully petition you to vote against the passage of House Bill No. 210, entitled "A bill for an act to prohibit the use of dogs in hunting prairie chickens, grouse and patridges," introduced in the house of representatives, believing that the passage of the above named measure would prevent the hunting of prairie chickens entirely.

EDWARD NELSON
and twenty-nine others.

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 of the fifty-third day, have carefully examined the same and recommend that the same be corrected as follows:

By striking out lines 27, 28, 29 and 30 on page 9.

Following line 30 on page 24, insert the words: "Third reading of House bills."

Strike out the word "senate" in line 27 on page 18, and insert the word "house" in lieu thereof.

That lines 25, 26, 27, 28, 29, 30 and 31 on page 27 be stricken out and the following inserted in lieu thereof.

"Mr. Little moved

"That all bills be messages to the house as soon as passed.

"Which motion prevailed."

And when so amended recommend that he same be approved.

R. W. MAIN,
Chairman.

Mr. Main moved

That the report be adopted,

Which motion prevailed, and

The report of the committee was adopted.

REPORT OF STANDING COMMITTEES.

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

Mr. President:

Your committee on enrolled and engrossed bills have examined

Senate Bill No. 164,

A bill for an act making an appropriation for carrying into effect provisions of law relating to the duties of the commissioner of agriculture and labor.

Also,

Senate Bill No. 148,

A bill for an act creating and establishing an agricultural experiment station at or near Linton, in Emmons county, providing for its management and making an appropriation therefor.

Also,

Substitute for House Bill No. 166,

A bill for an act to amend section 1245, and section 1257, of the revised codes of 1899, relating to the lien of taxes.

Also,

House Bill No. 115,

A bill for an act to amend section 1 of chapter 162 of the laws of 1903, relating to the expenditure of money by contract for road improvements in counties organized into civil townships, and in counties not so organized, and prescribing the duties of supervisors of townships and boards of county commissioners with reference thereto; also to repeal sections 2 and 3 of said chapter.

Also,

Senate Bill No. 67,

A bill for an act for the protection of fish, game, wild birds, and fur-bearing wild animals, and creating the offices of state district game and fish wardens and deputies, and defining their duties and jurisdiction.

And find the same correctly engrossed.

GEO. M. YOUNG,

Chairman.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred

Senate Bill No. 174,

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:

By inserting the words "of 1899" after the word "codes" in the title of said bill and after the word "codes" in line 2 of section 1 of the printed bill and by striking out the words "magnetic healing or Christian Science or" where inserted in line 51 of the printed bill in section 1, section 280 between the word "prohibit" and the word "gratuitous."

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 of the committee 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,

An act providing for the publication by the county treasurer of a list of names of personal property tax-payers, and the amount taxed against each, and providing compensation therefor.

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:

“An act providing for the publication by the board of county commissioners of a list of names of delinquent personal property taxpayers, and the amount taxed against each that has become delinquent, and providing compensation therefor.”

That section 1 of said act be amended so as to read as follows:

“Section 1. Within thirty days after any personal property tax shall become delinquent, the board of county commissioners of each county in the state of North Dakota shall cause to be published once in some paper of general circulation in said county, a complete list of the names of the delinquent personal property tax-payers in such county and the amounts taxed against each tax-payer for personal property taxes, together with a notice that said taxes have become delinquent, and give the percentage of penalty that has attached to said taxes on the date of said publication. Said lists shall be printed in brier type and shall be paid for by the county at the same rate as is provided by law for printing county commissioner proceedings. Said notice shall be in the form prescribed by law for the publication of delinquent taxes on real property and shall include a notice that unless said taxes are paid, the usual proceedings prescribed by law for the collection of said taxes by distress and sale will be had.

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 of the committee was adopted.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred
House Bill No. 177,

A bill for an act to amend section 6315 of the revised codes of 1899, relating to letters of administration, and who entitled to the same.

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

By striking out the words "9. Any person legally competent" in line 17 of section 1 of the printed bill and renumbering the following subdivision to conform with the change.

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 of the committee was adopted.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred
House Bill No. 163,

A bill for an act fixing the time of holding the term of the district court in the county of McIntosh.

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

That the title of said act be amended to read as follows:

A bill for an act to amend chapter 63 of the session laws of 1903, relating to fixing the time of holding the terms of the district court in the counties of the Fourth judicial district.

That all of said act after the enacting clause be stricken out and the following substituted:

"Section 1. That chapter 63 of the session laws of 1903 be amended to read as follows:

Sec. 1. When Held. Terms of the district court in the various counties comprising the fourth judicial district shall be held as follows:

In Richland county, commencing on the first Tuesday in June, and the first Tuesday in December.

In Ransom county, commencing on the first Tuesday in May and the second Tuesday in January.

In Sargent county, commencing on the third Tuesday in May and the third Tuesday in November.

In Dickey county, commencing on the fourth Tuesday in June, and the first Wednesday after the first Tuesday in November.

In McIntosh county, commencing on the second Tuesday in March, and the third Tuesday in October.

Section 2. All acts and parts of acts in conflict with the provisions of this act are hereby repealed."

And when so amended recommend that the same do pass.

C. B. LITTLE,
Chairman.

Mr. Little moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred
House Bill No. 193,

A bill for an act providing that whenever any court in passing sentence upon any person convicted of a misdemeanor, sentences such person to confinement in the county or city jail, the court shall, if in his opinion such person is capable of performing manual labor, sentence such person to confinement in the county or city jail at hard labor.

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

Also,
House Bill No. 121,

A bill for an act entitled an act to amend chapter 164 of the session laws of 1901, relating to 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 limiting the compensation for collecting the same.

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

Also,

House Bill No. 133,

A bill for an act to repeal sections 2209 to 2247, both inclusive, of the revised codes of 1899, relating to municipal courts.

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

Also,

House Bill No. 201,

A bill for an act to amend section 1804 of the revised codes, prescribing the requirements of newspapers qualified to do legal printing.

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

Also,

Senate Bill No. 225,

A bill for an act providing for the better regulation of the practice of the law.

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 of the committee was adopted.

And the further consideration of the bill was indefinitely postponed.

The committee on state affairs made the following report:

Mr. President:

Your committee on state affairs to whom was referred Senate Bill No. 222,

A bill for an act to amend section 1, of chapter 123, session laws, 1901, being an act to amend section 1549, revised codes 1899, relating to time when lawful for stock to run at large.

Have had the same under consideration and recommend that the same be amended by striking out the word "male" in line 15 of the printed bill.

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 of the committee 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. 229,

A bill for an act to amend chapter 88, of the session laws of 1901, relating to desecration of the flag.

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

J. B. SHARPE,

Chairman.

The committee on warehouses, grain and grain grading made the following report:

Mr. President:

Your committee on warehouses, grain and grain grading to whom was referred

House Bill No. 160,

A bill for an act to amend section 1791 of the revised codes of 1899, relating to public warehouses.

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

On page 2, line 17 of the printed bill after the word grade, insert, "of grain or in lieu thereof a receipt issued by a bonded warehouse or elevator company doing business at terminal points, for an equal amount of grain of the same grade, provided, further that grain placed in a special bin be excepted from the provisions of this act."

And when so amended recommend that the same do pass.

A. J. KIRKEIDE,

Chairman.

Mr. Kirkeide moved

That the report be adopted,

Which motion prevailed, and

The report of the committee 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 concurrent resolution, relating to grain dockage.

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

A. J. KIRKEIDE,
Chairman.

MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 25, 1905.

Mr. President:

I have the honor to inform the senate that the house has amended the senate concurrent resolution, relating to the furnishing of codes, session laws and blue books to high schools of the state by striking out the words "one copy of the codes of 1899, and"

Whereas, The studies of civics and civil government as pursued in the various high schools throughout the state is greatly handicapped by reason of a lack of books and authorities thereon, and

Whereas, The local statutes and session laws are not readily obtainable by school district authorities, therefore, be it,

Resolved by the Senate, of the state of North Dakota, the House of Representatives concurring, That the secretary of state of the state of North Dakota is hereby authorized, directed and empowered to deliver to the president of the board of education of each school district having a high school or a school giving a high school course within such district, one copy of the bound volumes of the laws of each biennial session of the legislative assembly thereafter issued, and one copy of the legislative manual or blue book issued in 1905 and biennially thereafter, for the use of such high school or school teaching or giving a high school course, within such district.

And concurred in as amended.

Also,

I have the honor to transmit herewith
House Bill No. 224,

A bill for an act to amend chapter 204 of the session laws of 1901 being section 2564 of the revised codes of 1899. That chapter 204 of the session laws of 1901 shall be amended and re-enacted to read as follows:

Also,

House Bill No. 265,

A bill for an act for the consolidation of a fractional or one or more townships attached to another civil township, by the county commissioners.

Also,

House Bill No. 251,

A bill for an act to amend section 786 of the revised codes of 1899, relating to education.

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

Also,

Senate Bill No. 138,

A bill for an act to amend section 1804 of the revised codes of 1899, prescribing the qualifications of a legal newspaper, and defining certain duties.

Which the house has indefinitely postponed.

Also,

I have the honor to request of the senate the return of Senate Bill No. 121 to the house.

Very respectfully,

M. A. LILES,

Acting Chief Clerk.

COMMUNICATION FROM THE GOVERNOR.

The following communication was received from the governor:

GOVERNOR'S OFFICE,
BISMARCK, NORTH DAKOTA,
February 24, 1905.

To the Senate:

Mr. President: I have the honor to inform you that I have approved and filed with the secretary of state:

Senate Bill No. 39,

A bill for an act to amend section 6608 of the revised codes, relating to the issue of summons in county court with increased jurisdiction.

Also,

Senate Bill No. 36,

A bill for an act providing for establishment of grades and highways in certain cases.

Also,

Senate Bill No. 50,

A bill for an act to amend chapter 206 of the session laws of 1901, amending section 7671 of the revised codes of 1899, relating to unlawful obligations.

Also,

Senate Bill No. 117,

A bill for an act to amend section 3 of chapter 170 of the laws of 1901, being an amendment of section 145 of the revised codes, relating to the salary of the state examiner, the appointment of deputies and for penalties for malfeasance in office.

Also,

Senate Bill No. 53,

A bill for an act providing for the redistricting of commissioner districts in organized counties which have enlarged their boundaries by the addition thereto of unorganized territory.

I have the honor to be

E. Y. SARLES,

Governor.

MOTIONS AND RESOLUTIONS.

Mr. Hagen moved

That the senate now concur in the house amendment of the following:

CONCURRENT RESOLUTION.

Whereas, The studies of civics and civil government as pursued in the various high schools throughout the state is greatly handicapped by reason of a lack of books and authorities thereon, and

Whereas, The local statutes and session laws are not readily obtainable by school district authorities, therefore, be it,

Resolved by the Senate of the state of North Dakota, the House of Representatives concurring, That the secretary of state of North Dakota is hereby authorized, directed and empowered to deliver to the president of the board of education of each school district having a high school or a school giving a high school course within such district, one copy of the code of 1899 and one copy of the bound volumes of the laws of each biennial session of the legislative assembly thereafter, issued, and one copy of the legislative manual or blue book issued in 1905 and bi-ennially thereafter, for the use of each such high school or school teaching or giving a high school course, within such district.

Which motion prevailed, and

The house amendment of the resolution was concurred in.

Mr. LaMoure moved

That the position of senate journal clerk be declared vacant.

Which motion prevailed, and

The position of senate journal clerk was declared to be vacant.

Mr. Hagen moved

That the senate now concur in the house concurrent resolution relating to grain dockage.

Which motion prevailed and

The resolution was concurred in.

Mr. Simpson moved

That the house be requested to return to the senate

Senate Bill No. 3,

A bill for an act to reimburse district judges for expenses incurred by them in holding court in counties other than those embraced in the judicial district for which they were elected, and for expenses while in attendance at sessions of the supreme court.

Which motion prevailed, and

The house was requested to return the bill.

Mr. Little moved

That all bills be messaged to the house as soon as passed.

Which motion prevailed.

Mr. Movious moved that

Senate Bill No. 173,

A bill for an act to amend section 4844, of the revised codes of 1899, providing for a lien for repairs of personalty.

Be re-referred to the committee on judiciary.

Which motion prevailed, and

The bill was so referred.

Mr. LaMoure moved

That E. A. Butterfield be transferred from his present position of assistant engrossing and enrolling clerk, to the position of senate journal clerk.

Which motion prevailed.

Mr. LaMoure nominated Mabel Penwarden for the position of additional enrolling and engrossing clerk, vacated by the transfer of E. A. Butterfield.

There being no other nominations, and the roll being called,

Those voting in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bacon	Kraabel	Sifton
Benson	LaMoure	Simpson
Carroll	Little	Spoonheim
Cashel	Macdonald	Stade
Crane	Main	Steele
Fox	McArthur	Swenson
Garnett	McLean	Talcott
Hagen	Movius	Taylor
Hanna	Pierce	Thatcher
Herbrandson	Plain	Voss
Johnson of McLean	Regan	Wagner
Johnson of Walsh	Sharpe	Young
Kirkeide		

Mabel Penwarden having received a majority of the votes cast, was declared elected.

Mr. LaMoure moved

That all bills read the first time be given their second reading and reference.

Which motion prevailed.

INTRODUCTION AND FIRST AND SECOND READING OF SENATE BILLS.

Mr. LaMoure introduced

Senate Bill No. 230,

A bill for an act to authorize certain municipal corporations of this state to issue bonds for the purpose of refunding or paying outstanding bonds; regulating the issuance and providing for the payment thereof.

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

Mr. Crane introduced

Senate Bill No. 231,

A bill for an act to amend section 3023 of the revised codes of 1899, and chapter 13 of the session laws of 1903, relating to long and short hauls upon railroads and common carriers.

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

Mr. Spoonheim introduced

Senate Bill No. 232,

A bill for an act to amend section 7569 of the revised

codes of 1899, relative to malicious injury to freehold.

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

THIRD READING OF SENATE BILLS.

Senate Bill. No. 165,

A bill for an act to create and organize the county of McKenzie, to fix the county seat of said county, to provide for the appointment of county officers in said county for transcribing a portion of the records of Stark and Williams counties and for terms of the district court therein.

Was read the third time.

Mr. Simpson moved

That Senate Bill No. 165 be amended by striking out the word "thirty" in line 2, section 3, of the printed bill, and inserting in lieu thereof the word "sixty."

Which motion prevailed, and

The bill was so amended.

Mr. Simpson moved

That Senate Bill No. 165 be amended by striking out the words "thirty-first" in line 2, of section 5, and inserting in lieu thereof the word "twenty-ninth."

Which motion prevailed, and

The bill was so amended.

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

The roll was called and there were: Ayes, 26; nays, none; absent and not voting, 14.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Benson	LaMoure	Steele
Cashel	Little	Swenson
Crane	Pierce	Talcott
Fox	Plain	Taylor
Garnett	Regan	Thatcher
Hanna	Sharpe	Voss
Herbrandson	Simpson	Wagner
Johnson of Walsh	Spoonheim	Young
Kirkeide	Stade	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Bacon	Hagen	McArthur
Brown	Johnson of McLean	McLean
Carroll	Kraabel	Movius
Dyste	Macdonald	Sifton
Gulack	Main	

Messrs. Bacon, Brown, Carroll, Dyste, Gulack, Hagen, Johnson of McLean, Kraabel, Macdonald, Main, McArthur, McLean, Movius and Sifton, being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 175,

A bill for an act to amend section 704 of chapter 83 of the session laws of the state of North Dakota for the year 1903, relating to education.

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, 11.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Benson	Little	Spoonheim
Cashel	Macdonald	Stade
Crane	McArthur	Steele
Garnett	McLean	Swenson
Hanna	Movius	Talcott
Herbrandson	Pierce	Taylor
Johnson of McLean	Plain	Thatcher
Johnson of Walsh	Regan	Wagner
Kirkeide	Sharpe	Young
LaMoure	Sifton	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Bacon	Fox	Main
Brown	Gulack	Simpson
Carroll	Hagen	Voss
Dyste	Kraabel	

Messrs. Bacon, Brown, Carroll, Dyste, Fox, Gulack, Hagen, Kraabel, Main, Simpson and Voss, being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 211,

A bill for an act to amend section 4737 of the revised codes of North Dakota, of 1899, relating to renewal of mortgages of personal property.

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, 10.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Benson	Little	Spoonheim
Cashel	Macdonald	Stade
Crane	McArthur	Steele
Garnett	McLean	Swenson
Hanna	Movius	Talcott
Herbrandson	Pierce	Taylor
Johnson of McLean	Plain	Thatcher
Johnson of Walsh	Regan	Voss
Kirkeide	Sharpe	Wagner
LaMoure	Sifton	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Bacon	Fox	Kraabel
Brown	Gulack	Main
Carroll	Hagen	Simpson
Dyste		

Messrs. Bacon, Brown, Carroll, Dyste, Fox, Gulack, Hagen, Kraabel, Main and Simpson, being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 174,

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.

The question being on the final passage of the bill;

The roll was called and there were: Ayes, 32; nays, none; absent and not voting, 8.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Benson	Little	Simpson
Cashel	Macdonald	Spoonheim
Crane	Main	Steele
Fox	McArthur	Swenson
Garnett	McLean	Talcott
Hanna	Movius	Taylor
Herbrandson	Pierce	Thatcher
Johnson of McLean	Plain	Voss
Johnson of Walsh	Regan	Wagner
Kirkeide	Sharpe	Young
LaMoure	Sifton	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Bacon	Dyste	Kraabel
Brown	Gulack	Stade
Carroll	Hagen	

Messrs. Bacon, Brown, Carroll, Dyste, Gulack, Hagen, Kraabel and Stade, being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 208,

A bill for an act to amend section 3104 of the revised codes of North Dakota, of 1899, relating to the amount of insurance required to be subscribed before a policy may be issued by a mutual insurance company.

Was read the third time.

The question being on the final passage of the bill:

The roll was called and there were: Ayes, 30; nays, none; absent and not voting, 10.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Benson	Little	Sifton
Cashel	Macdonald	Spoonheim
Crane	Main	Steele
Fox	McArthur	Swenson
Garnett	McLean	Talcott
Herbrandson	Movius	Taylor
Johnson of McLean	Pierce	Thatcher
Johnson of Walsh	Plain	Voss
Kirkeide	Regan	Wagner
LaMoure	Sharpe	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Bacon	Gulack	Kraabel
Brown	Hagen	Simpson
Carroll	Hanna	Stade
Dyste		

Messrs. Bacon, Brown, Carroll, Dyste, Gulack, Hagen, Hanna, Kraabel, Simpson and Stade, being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 164,

A bill for an act making an appropriation for carrying into effect provisions of law relating to the duties of the commissioner of agriculture and labor.

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, 11.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Cashel	LaMoure	Spoonheim
Crane	Little	Steele
Fox	Macdonald	Swenson
Garnett	Main	Talcott
Hagen	Movius	Taylor
Hanna	Pierce	Thatcher
Herbrandson	Plain	Voss
Johnson of McLean	Regan	Wagner
Johnson of Walsh	Sifton	Young
Kirkeide	Simpson	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Bacon	Dyste	McLean
Benson	Gulack	Sharpe
Brown	Kraabel	Stade
Carroll	McArthur	

Messrs. Bacon, Benson, Brown, Carroll, Dyste, Gulack, Kraabel, McArthur, McLean, Sharpe and Stade, 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 25, 1905.

Mr. President:

I have the honor to transmit herewith:

Senate Bill No. 94,

A concurrent resolution to amend section 182 of the constitution of the state of North Dakota, relating to a public debt and public works.

Which the house has indefinitely postponed.

Also,

I have the honor to transmit herewith

Senate Bill No. 132,

A bill for an act to amend section 2911 of the revised codes, relating to changing corporate headquarters.

Also.

Senate Bill No. 103,

A bill for an act to amend and re-enact section 3134 of chapter 14 of the revised codes of 1899, relating to the organization of county mutual fire insurance companies.

Also,

Senate Bill No. 142,

A bill for an act to provide for paving, curbing or macadamizing the highways in civil townships adjoining incorporated cities of not less than 6,000 inhabitants, and for the construction of sewers and water mains therein, connecting with such city sewers and water mains.

Also,

Senate Bill No. 72,

A bill for an act to promote anatomical knowledge and the science of medicine and surgery and to provide for anatomical material for such purposes, and penalties for neglecting to comply with the provisions of this act.

Also,

Senate Bill No. 139,

A bill for an act authorizing the board of capital commissioners created for the re-construction of the capitol building, and the erection of an executive mansion for the state of North Dakota, and to utilize such labor of the convicts in the state penitentiary as can be used profitably in erecting said capitol and executive mansion, or in the manufacture of material to be used therein.

Also,

Senate Bill No. 97,

A bill for an act authorizing county commissioners in counties having a regular organized live stock protective association to create a special fund and to appropriate and set aside moneys to be expended and used for the protection of live stock from theft.

Also,

Senate Bill No. 1,

A bill for an act prescribing regulations for the appropriation, distribution and use of water in the construction and maintaining of canals, ditches and storage reservoirs for the purpose of irrigation, evaporation and water power; for the diversion and confining, retention, storage and distribution of water; the condemnation of lands for the right of way of works for such purposes; providing for a state engineer and one or more assistant state engineers, and the appointment of officers for the surveying and measurement, fixing their compensation and providing for the payment of the same and making an appropriation therefor,

prescribing their duties, powers and qualifications, and the appropriation of the streams of the state and controlling the distribution of water throughout the state in the several water divisions thereof, prescribing water divisions, and the management of water regulations and adjudicating the rights and the priority of rights of those diverting, carrying or storing water for irrigation or other beneficial purposes in the water districts in the several water divisions. providing for the expense of such adjudication and for the apportionment and payment thereof, prescribing regulations and ascertaining the rights and priorities of those entitled to water for use for the irrigation of lands, and to provide penalties and for punishing persons for interfering with it or maliciously trespassing upon the ditches, reservoirs or irrigation works for the storage and conveyance of water and to regulate the rights to the use of water for agricultural and manufacturing and other purposes, to provide for a board of water commissioners, prescribing their duties, pay, compensation, providing for water masters, their duties, compensation, providing for change of place or use of diversion, measuring devices, bridges over ditches or canals, providing for constructing works, the disposition of seepage water, and providing for the disposition of state lands and right of way over same, and that the state engineer assist county commissioners in establishing and constructing drains.

Also,

Senate Bill No. 10.

A bill for an act authorizing the construction or reconstruction and repairing of sidewalks in incorporated villages in this state and the manner of assessment and levy thereof and collection of the same.

Which the senate has passed unchanged.

Very respectfully,

M. A. LILES,
Acting Chief Clerk.

Mr. Little 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. 222,

A bill for an act for the organization and government of cities.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were: Ayes, 24; nays, none; absent and not voting, 16.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bacon	Johnson of McLean	Regan
Carroll	Kirkeide	Sifton
Cashel	LaMoure	Spoonheim
Crane	Little	Talcott
Fox	Macdonald	Taylor
Garnett	Movius	Voss
Hanna	Pierce	Wagner
Herbrandson	Plain	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Benson	Kraabel	Stade
Brown	Main	Steele
Dyste	McArthur	Swenson
Gulack	McLean	Thatcher
Hagen	Sharpe	
Johnson of Walsh	Simpson	

Messrs. Benson, Brown, Dyste, Gulack, Hagen, Johnson of Walsh, Kraabel, Main, McArthur, McLean, Sharpe, Simpson, Stade, Steele, Swenson and Thatcher, being excused.

So the bill passed and the title was agreed to.

House Bill No. 152,

A bill for an act to amend and re-enact section 681 of the revised codes of 1899, relating to education.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were: Ayes, 23; nays, none; absent and not voting, 17.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bacon	LaMoure	Sifton
Cashel	Little	Spoonheim
Crane	Macdonald	Talcott
Fox	Movius	Taylor

Messrs.—	Messrs.—	Messrs.—
Garnett	Pierce	Voss
Hanna	Plain	Wagner
Herbrandson	Regan	Young
Johnson of McLean	Sharpe	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Benson	Johnson of Walsh	Simpson
Brown	Kirkeide	Stade
Carroll	Kraabel	Steele
Dyste	Main	Swenson
Gulack	McArthur	Thatcher
Hagen	McLean	

Messrs. Benson, Brown, Carroll, Dyste, Gulack, Hagen, Johnson of Walsh, Kirkeide, Kraabel, Main, McArthur, McLean, Simpson, Stade, Steele, Swenson and Thatcher, being excused.

So the bill passed and the title was agreed to.

House Bill No. 22,

A bill for an act to promote forest tree culture.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were: Ayes, 23; nays, none; absent and not voting, 17.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bacon	Kirkeide	Sifton
Cashel	LaMoure.	Spoonheim
Crane	Little	Talcott
Fox	Macdonald	Taylor
Garnett	Movius	Voss
Hanna	Pierce	Wagner
Herbrandson	Plain	Young
Johnson of McLean	Regan	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Benson	Johnson of Walsh	Simpson
Brown	Kraabel	Stade
Carroll	Main	Steele
Dyste	McArthur	Swenson
Gulack	McLean	Thatcher
Hagen	Sharpe	

Messrs. Benson, Brown, Carroll, Dyste, Gulack, Hagen, Johnson of Walsh, Kraabel, Main, McArthur, McLean, Sharpe, Simpson, Stade, Steele, Swenson and Thatcher, being excused.

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

House Bill No. 25,

A bill for an act to provide for the cancellation of judgments against persons discharged under the United States bankruptcy law, and the mode of procedure to obtain such relief.

Was read the third time.

Mr. Pierce moved

That House Bill No. 25 be amended by striking out the word "conclusive" in lines 4 and 5 of section 2 of the engrossed bill, and inserting the words "prima facie" in lieu thereof.

Which motion prevailed, and
The bill was so amended.

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

The roll was called and there were ayes 22, nays 1, absent and not voting 17.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bacon	Kirkeide	Sifton
Cashel	LaMoure	Spoonheim
Crane	Little	Talcott
Fox	Macdonald	Taylor
Garnett	Movius	Voss
Hanna	Pierce	Wagner
Herbrandson	Plain	
Johnson of McLean	Regan	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Benson	Johnson of Walsh	Simpson
Brown	Kraabel	Stade
Carroll	Main	Steele
Dyste	McArthur	Swenson
Gulack	McLean	Thatcher
Hagen	Sharpe	

Mr. Young voting in the negative.

Messrs. Benson, Brown, Carroll, Dyste, Gulack, Hagen, Johnson of Walsh, Kraabel, Main, McArthur, McLean, Sharpe, Simpson, Stade, Steele, Swenson and Thatcher being excused.

So the bill passed and the title was agreed to.

House Bill No. 99,

A bill for an act to amend section 1595 and 1596 of the revised code as amended by chapter 207 of the session

laws of 1901 and section 1600 of the revised code of 1899, relating to district veterinarians.

Was read the third time.

Mr. Johnson moved

That House Bill No. 99 be amended as follows:

That all of lines 29, 30 and 31 be stricken out and the following substituted:

"District No. 8 shall consist of all that part of the sixth judicial district lying east of the Missouri river and lying south of the south line of township 143, and the county of Logan."

That after line 37 of the printed bill be added the following:

"District No. 12 shall consist of all that part of the sixth judicial district lying east of the Missouri river and lying north of the south line of township 143."

In line 5, strike out the word "eleven" and insert the word "twelve."

Which motion prevailed, and

The bill was so amended.

Mr. Voss moved

That House Bill No. 99 be amended by striking therefrom the words "who shall be a graduate of a reputable veterinary college," wherever they appear.

Which motion prevailed, and

The bill was so amended.

Mr. Pierce moved

That the bill be re-referred to the committee on judiciary.

Which motion was lost.

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

The roll was called and there were ayes 27, nays none, absent and not voting 13.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bacon	Little	Sifton
Cashel	Macdonald	Simpson
Crane	Main	Spoonheim
Fox	McLean	Stade
Garnett	Movius	Taylor
Hanna	Pierce	Thatcher
Herbrandson	Plain	Voss
Johnson of McLean	Regan	Wagner
Kirkeide	Sharpe	
LaMoure		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Benson	Hagen	Steele
Brown	Johnson of Walsh	Swenson
Carroll	Kraabel	Talcott
Dyste	McArthur	Young
Gulack		

Messrs. Benson, Brown, Carroll, Dyste, Gulack, Hagen, Johnson of Walsh, Kraabel, McArthur, Steele, Swenson and Talcott being excused.

So the bill passed and the title was agreed to.

FIRST AND SECOND READING OF HOUSE BILLS

House Bill No. 224,

A bill for an act to amend chapter 204 of the session laws of 1901 being section 2564 of the revised codes of 1899. That chapter 204 of the session laws of 1901 shall be amended and re-enacted to read as follows:

Was read the first and second times and

Referred to the committee on judiciary.

House Bill No. 220,

A bill for an act to amend section 354 of the revised codes of North Dakota, 1899, relating to offices and officers, and the qualification of officer.

Was read the first and second times and

Referred to the committee on judiciary.

House Bill No. 221,

A bill for an act to amend section 1, of chapter 158, of the session laws of 1899, being section 3491a, of the revised codes of North Dakota, 1899, relating to titles to real property.

Was read the first and second time, and

Referred to the committee on judiciary.

House Bill No. 51,

A bill for an act to amend chapter 4 of the session laws of 1903, which amended chapter 61 of the session laws of 1901, being section 6633 of the revised codes of North Dakota, 1899, relating to procedure in civil actions.

Was read the first and second time, and

Referred to the committee on judiciary.

House Bill No. 151,

A bill for an act to amend sections one (1), two (2), four (4), five (5), eight (8), thirteen (13), and sixteen (16), of chapter 130, of the session laws of North Dakota of 1903.

Was read the first and second time, and

Referred to the committee on public health.

House Bill No. 251,

A bill for an act to amend section 786 of the revised codes of 1899, relating to education.

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

House Bill No. 265,

A bill for an act for the consolidation of a fractional or one or more townships attached to another civil township, by the county commissioners.

Was read the first and second times and
Referred to the committee on municipal corporations.

House Bill No. 253,

A bill for an act to provide for the enforcement of section 7560, and other laws relating to cruelty to animals.

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

House Bill No. 252,

A bill for an act providing for proposals for loaning city and school funds, and defining the duties of the various officers of the city or school districts with reference thereto.

Was read the first and second times and
Referred to the committee on cities and municipal corporations.

House Bill No. 117,

A bill for an act regulating the sale of poisons and disinfectants, and to amend section 7283 of chapter 39 of the penal code of 1899, relating to other injuries to persons, and exempting certain sales from the penalties of the same.

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

House Bill No. 125,

A bill for an act to amend chapter 70 of the session laws of 1901, relating to the dissolution of marriage.

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

House Bill No. 244,

A bill for an act to amend section 1605 of the revised codes of 1899, relating to compensation, bonds and qualification of district veterinarians.

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

House Bill No 86,

A bill for an act to provide for the levy of a tax in cer-

tain counties to aid in establishment and maintenance of county agricultural fair associations.

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

House Bill No. 214,

A bill for an act to amend section 5578 of the revised codes of 1899, relating to taxation of costs in civil actions.

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

House Bill No. 54,

A bill for an act to amend section 6643 of the revised codes of North Dakota, 1899, relating to service by publication.

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

House Bill No. 227,

A bill for an act to amend section 6615 of the revised codes of North Dakota.

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

House Bill No. 225,

A bill for an act concerning the transferring of a person's business.

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

House Bill No. 184,

A bill for an act making it unlawful for boards of trustees, commissioners, directors, regents, person or persons to expend amounts in excess of appropriation, providing for monthly reports to the governor and repealing section 1023 of the revised codes.

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

EXECUTIVE SESSION.

Mr. Sharpe moved

That the senate do now go into executive session.

Which motion prevailed, and

The senate went into executive session.

OPEN SESSION.

In open session announcement was made of the confirmation by the senate of the following nominations by the governor:

To be members of the state board of capitol commissioners: William Budge of Grand Forks county; D. J. Laxdal of Pembina county; Andrew Sandager of Ransom county.

To be trustees of the state agricultural college at Fargo: Byron N. Stone of LaMoure county; Erick Ramstad of Ward county; Leonard M. Wallin of McLean county, each for the term of four years from the first Tuesday in April, 1905.

To be trustees of the State Penitentiary at Bismarck: C. D. Edick of Burleigh county; W. J. Westergard of Barnes county, each for the term of four years from the first Tuesday in April, 1905; Fred Snore of Ransom county, for the term of two years from the first Tuesday in April, 1905.

To be trustees of the Deaf School at Devils Lake: M. F. Falahy of Towner county; A. E. Hodgkinson of Ramsey county; L. A. Larson of Pierce county, each for the term of four years from the first Tuesday in April, 1905.

To be trustees of the State Hospital for the Insane at Jamestown: James Grady of Barnes county; Harry Cornwall of Stutsman county, each for the term of four years from the first Tuesday in April, 1905.

To be trustees of the State Soldiers' Home at Lisbon: R. H. Hankinson of Richland county; Steen Hanson of Ransom county, each for the term of four years from the first Tuesday in April, 1905.

MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,

BISMARCK, NORTH DAKOTA,

February 25, 1905.

Mr. President:

I have the honor to transmit herewith

House Bill No. 260,

A bill for an act relating to the dismissal of civil actions

and providing when and how such actions may be dismissed, and when the judgment of dismissal shall be on its merits.

Also,

House Bill No. 96,

A bill for an act amending section 3261 of the revised codes of the State of North Dakota, of 1899, relating to foreign corporations doing business in this state.

Also,

House Bill No. 158,

A bill for an act to regulate the manufacture and sale of dairy products and imitations and substitutes therefor, prescribing penalties for violations, to create the office of assistant dairy commissioner, prescribing his duties and

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

Also,

Senate Bill No. 3,

A bill for an act to reimburse district judges for expenses incurred by them in holding court in counties other than those embraced in the judicial district for which they were elected, and for expenses while in attendance at sessions of the supreme court.

As requested by the senate.

Very respectfully,

M. A. LILES,

Acting Chief Clerk.

The secretary announced that the president was about to sign

House Bill No. 26,

A bill for an act to amend sections 1243 and 1244 of the revised codes of North Dakota, 1899, relating to delinquent personal taxes, and amending chapter 134 of the session laws of 1903.

Also,

House Bill No. 188,

A bill for an act to amend section 3094 of the revised codes of North Dakota for 1899, relating to investments of funds of domestic insurance corporations.

And the president signed the same in the presence of the senate.

Mr. Crane moved
That the senate do now adjourn until Monday, February
27, 1905, at 2 p. m.

Which motion prevailed, and
The senate adjourned.

L. M. McGLASHAN,
Secretary.

FIFTY-SIXTH DAY

SENATE CHAMBER.

BISMARCK, NORTH DAKOTA.

February 27, 1905.

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. Brown, who was excused.

The courtesies of the floor were extended to the following: E. C. Folley, Hon. Andrew Sandager, Hon. J. S. Greene, F. W. Vail, J. D. McKenzie.

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 of the fifty-fourth day, have carefully examined the same, and recommend that the same be corrected as follows:

By striking out the word "senate" in line 33 on page 20, and insert the word "house" in lieu thereof.

And when so amended recommend that the same be approved.

R. W. MAIN,
Chairman.

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

REPORT OF STANDING COMMITTEES.

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

Mr President:

Your committee on enrolled and engrossed bills have examined

Senate Bill No. 2,

A bill for an act concerning land titles.

Also,

Senate Bill No. 216,

A bill for an act providing for the service of process upon the sheriff when such officer is a party to any action or proceeding by virtue of his office.

Also,

Senate Bill No. 221,

A bill for an act to amend sections 670 and 674, of the revised codes of the state of North Dakota, 1899, relating to the election of school officers and notice of annual election.

Also,

Senate Bill No. 217,

A bill for an act to amend section 2989 of the revised codes of North Dakota, 1899, relating to the licensing of ticket agents.

Also,

Senate Bill No. 222,

A bill for an act to amend section 1, of chapter 123, session laws, 1901, being an act to amend section 1549, revised codes 1899, relating to time when lawful for stock to run at large.

Also,

Senate Bill No. 229,

A bill for an act to amend chapter 88, of the session laws of 1901, relating to desecration of the flag.

And find the same correctly engrossed.

GEORGE M. YOUNG,

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. 230,

A bill for an act to authorize certain municipal corporations of this state to issue bonds for the purpose of refunding or paying outstanding bonds; regulating the issuance and providing for the payment thereof.

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

Also,

Senate Bill No. 86,

A bill for an act to amend and re-enact section 2358, of the revised codes of 1899, relating to the election of village officers, and to amend and re-enact section 2385 of the revised codes of 1899, relating to the settlement of the village treasurer.

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

After the word "person" in the last line of section 1, add the following "The board of trustees shall at the first meeting after their election appoint the village marshal, who shall hold his office for one year and until his successor is appointed and qualified."

And when so amended recommend that the same do pass.

J. D. BACON,
Chairman.

Mr. Bacon moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred

Senate Bill No. 232,

A bill for an act to amend section 7569 of the revised codes of 1899, relative to malicious injury to freehold.

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

C. B. LITTLE,
Chairman.

The committee on railroads made the following report:
Mr. President:

Your committee on railroads to whom was referred
Senate Bill No. 227,

A bill for an act to amend section 2947, of the revised codes of North Dakota for the year 1899, relating to the powers of railroad corporations.

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

Also,

Senate Bill No. 228,

A bill for an act requiring railroad companies to protect railroad crossings with interlocking or other safety devices in certain cases.

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

Also,

Senate Bill No. 204,

A bill for a concurrent resolution amending the state constitution.

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

Also,

Senate Bill No. 25,

A bill for an act to regulate hours of employment of locomotive engineers and locomotive firemen, and provide a penalty for violation thereof.

Have had the same under consideration and recommend that the same be referred to the steering committee.

L. A. SIMPSON,
Chairman.

Mr. Simpson moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

And the bill was so referred.

The committee on railroads made the following report:
Mr. President:

Your committee on railroads to whom was referred
Senate Bill No. 181,

A bill for an act to regulate the transportation of persons by common carriers operating railroads within or through

the state of North Dakota, and the furnishing and use of free transportation.

Have had the same under consideration and recommend that the same be referred to the steering committee.

L. A. SIMPSON,
Chairman.

Mr. Simpson moved,
That the report be adopted,
Which motion prevailed, and
The report of the committee was adopted.
And the bill was so referred.

The committee on state affairs made the following report:

Mr. President:

Your committee on state affairs to whom was referred
Senate Bill No. 124,

A bill for an act declaring damage from weed-infested lands to be a cause of action.

Have had the same under consideration and recommend that the same be re-referred to the judiciary committee.

J. B. SHARPE,
Chairman.

Mr. Sharpe moved
That the report be adopted,
Which motion prevailed and
The report of the committee was adopted.
And the bill was so referred.

The committee on state affairs made the following report:

Mr. President:

Your committee on state affairs to whom was referred
Senate Bill No. 98,

A bill for an act to prohibit the use of any free pass or frank or privilege, withheld from any person for the traveling, accommodation or transportation of any person or property, or the transmission of any message or communication.

Have had the same under consideration and recommend that the same be re-referred to the judiciary committee.

J. B. SHARPE,
Chairman.

Mr. Sharpe moved
That the report be adopted,
Which motion prevailed, and
The report of the committee was adopted.
And the bill was so referred.

The committee on state affairs made the following report:

Mr. President:

Your committee on state affairs to whom was referred
Senate Bill No. 44,

A bill for an act to amend section 2068 of the revised
statutes of the state of North Dakota, 1899, relating to the
salary of county judge.

Have had the same under consideration and recommend
that the same be re-ferred to the judiciary committee.

J. B. SHARPE,
Chairman.

Mr. Sharpe moved
That the report be adopted,
Which motion prevailed, and
The report of the committee was adopted.
And the bill was so referred.

The committee on state affairs made the following report:

Mr. President:

Your committee on state affairs to whom was referred
Senate Bill No. 81,

A bill for an act to regulate the employment of legislative
lobby counsel, and agents, and to provide for the return of
legislative expenses.

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 of the committee was adopted.
And the further consideration of the bill was indefinitely
postponed.

The committee on state affairs made the following report:

Mr. President:

Your committee on state affairs to whom was referred
House Bill No. 148,

A bill for an act to amend section 1728 of the revised
codes of North Dakota for 1899, relating to weights and
measures.

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 of the committee was adopted.

And the further consideration of the bill was indefinitely
postponed.

The committee on state affairs made the following re-
port:

Mr. President:

Your committee on state affairs to whom was referred
House Bill No. 253,

A bill for an act to provide for the enforcement of sec-
tion 7560, and other laws relating to cruelty to animals.

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

Also,

House Bill No. 244,

A bill for an act to amend section 1605 of the revised
codes of 1899, relating to compensation, bonds and qualifi-
cation of district-veterinarians.

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

Also,

House Bill No. 184,

A bill for an act making it unlawful for boards of trus-
tees, commissioners, directors, regents, person or persons
to expend amounts in excess of appropriation, providing
for monthly reports to the governor and repealing section
1023 of the revised codes.

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

J. B. SHARPE,
Chairman.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred

House Bill No. 224,

A bill for an act to amend chapter 204 of the session laws of 1901 being section 2564 of the revised codes of 1899. That chapter 204 of the session laws of 1901 shall be amended and re-enacted to read as follows:

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

Also,

House Bill No. 122,

A bill for an act to prevent the abandonment and neglect of wife or children by persons charged by law with the maintenance thereof; to make such abandonment and neglect a felony; and to prescribe the punishment therefor.

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

C. B. LITTLE.

Chairman.

The committee on railroads made the following report:

Mr. President:

Your committee on railroads to whom was referred

House Bill No. 79,

A bill for an act to amend section 2967, chapter 12, of the civil code, relating to railway corporations.

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

L. A. SIMPSON,

Chairman.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred

House Bill No. 21,

A bill for an act requiring corporations to make annual report to the secrtary of state, and providing for the cancellation of articles of incorporation for failures to do so.

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

Amend section 2 as follows:

By striking out the words "and shall work the forfeiture of the charter, license to do business, or corporate rights of such corporation" in lines 5, 6 and 7 of the engrossed bill, page 2.

By inserting the words "notify such corporation by registered letter of its default, and unless such corporation shall within sixty days thereafter file such report and pay such fee, he shall" between the word "to" and the word "enter" in line 8, page 2, of the engrossed bill: and by striking out the words "as soon as practicable after the default in making said report" in lines 9 and 10 of page 2 of the engrossed bill.

By amending section 4 as follows:

By striking out the words "twenty-five dollars (\$25.00)" in line 7, section 4, of the engrossed bill and inserting in lieu thereof the words "five dollars (\$5.00)."

By striking out all of section 4 after the word "Dakota" in line 12 of the engrossed section.

By striking out all of section 7, the emergency 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 of the committee 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. 10,

A bill for an act authorizing the construction or reconstruction and repairing of sidewalks in incorporated villages in this state and the manner of assessment and levy thereof and collection of the same.

Also,

Senate Bill No. 139,

A bill for an act authorizing the board of capital commissioners created for the re-construction of the capitol building, and the erection of an executive mansion for the state of North Dakota, and to utilize such labor of the convicts in the state penitentiary as can be used profitably in erecting said capitol and executive mansion, or in the manufacture of material to be used therein.

And find the same correctly enrolled.

GEO. M. YOUNG,
Chairman.

MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 27, 1905.

Mr. President:

I have the honor to transmit herewith:

Senate Bill No. 29,

A concurrent resolution, amending the constitution of the state of North Dakota relating to the investment of school funds.

Which the house has amended by striking out lines 1 to 7, inclusive, and inserting in lieu thereof, the following:

That the following amendment to the constitution of the state of North Dakota, adopted by the eighth legislative assembly of the state of North Dakota, and by it referred to the ninth legislative assembly of said state for approval, or rejection, is hereby agreed to, and such amendment shall be submitted to the qualified electors of the state for approval or rejection, in accordance with the provisions of section 202 of the constitution of the state of North Dakota.

And passed as amended.

Also,

Senate Bill No. 136,

A bill for an act to amend section 6771 of the revised codes of this state, relating to appeals in civil actions in justice's courts.

Which the house has passed unchanged

Also,

Senate Bill No. 160,

A bill for an act amending section 6315 of the revised codes of 1899, making a provision as to whom letters of administration shall be granted.

Also,

Senate Bill No. 183,

A bill for an act to amend section 185 of the revised codes of North Dakota for 1899, relating to the publication of notices of sale of school and state lands.

Also,

Senate Bill No. 85,

A bill for an act to amend and re-enact section 6213 of the

revised codes of North Dakota for the year 1899, relating to appearance in county courts.

Which the house has indefinitely postponed.

Very respectfully,

OTTO SOUGSTAD,

Chief Clerk.

MOTIONS AND RESOLUTIONS.

Mr. Movious moved that

Senate Bill No. 121,

A bill for an act to repeal section 3924 of the revised codes, 1899.

Be transmitted to the house, pursuant to house message of the fifty-fourth day.

Which motion prevailed, and

The bill was transmitted to the house.

Mr. Little moved

That all bills be messaged to the house as soon as passed.

Which motion prevailed.

Mr. LaMoure moved

That all bills for first reading, receive also their second reading, and reference.

Which motion prevailed.

Mr. Little moved

That the senate now concur in the house amendments of Senate Bill No. 29,

A concurrent resolution, amending the constitution of the state of North Dakota relating to the investment of school funds.

Which motion prevailed, and

The house amendments of the bill were concurred in.

COMMUNICATION FROM THE GOVERNOR.

The following communication was received from the governor:

GOVERNOR'S OFFICE,
BISMARCK, NORTH DAKOTA,
February 27, 1905.

To the Senate:

Mr. President: I have the honor to inform you that I have approved and filed with the secretary of state:

Senate Bill No. 19,

A bill for an act to amend section 2071 of the revised codes of 1899, relating to reimbursing counties for salaries

Also,

Senate Bill No. 22,

A bill for an act to amend section 2365 of the revised codes of 1899 relating to the powers and duties of boards of trustees, and the levy and collection of taxes in villages. paid judges of county courts.

I have the honor to be

E. Y. SARLES,

Governor.

INTRODUCTION, FIRST AND SECOND READING OF SENATE BILLS.

Mr. Simpson introduced

Senate Bill No. 233,

A bill for an act fixing the maximum rates that it shall be lawful for railroad companies operating lines of railroad in North Dakota to charge for transporting coal.

Which was read the first and second times and

Referred to the committee on railroads.

Mr. LaMoure introduced

Senate Bill No. 234,

A bill for an act to provide for borrowing money to defray the extraordinary expenditures of the state government.

Which was read the first and second times and

Referred to the committee on judiciary.

THIRD READING OF SENATE BILLS.

Senate Bill No. 216,

A bill for an act providing for the service of process upon the sheriff when such officer is a party to any action or proceeding by virtue of his office.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were: Ayes, 32; nays, none; absent and not voting, 8.

Those who voted in the affirmative were :

Messrs.—	Messrs.—	Messrs.—
Benson	Kirkeide	Spoonheim
Carroll	Kraabel	Stade
Cashel	Little	Steele
Crane	Macdonald	Swenson
Dyste	McArthur	Talcott
Garnett	McLean	Taylor
Gulack	Movius	Thatcher
Hagen	Pierce	Voss
Hanna	Plain	Wagner
Herbrandson	Regan	Young
Johnson of McLean	Sifton	

Absent and not voting :

Messrs.—	Messrs.—	Messrs.—
Bacon	Johnson of Walsh	Sharpe
Brown	LaMoure	Simpson
Fox	Main	

Messrs. Bacon, Brown, Fox, Johnson of Walsh, La Moure, Main and Simpson, being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 191,

A bill for an act to amend and re-enact section 1146, revised codes of 1899, relating to roads in incorporated towns, villages and cities.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were: Ayes, 34; nays, none; absent and not voting, 6.

Those who voted in the affirmative were :

Messrs.—	Messrs.—	Messrs.—
Bacon	Johnson of McLean	Sharpe
Benson	Kirkeide	Sifton
Carroll	LaMoure	Spoonheim
Cashel	Little	Stade
Crane	Macdonald	Steele
Dyste	McArthur	Talcott
Fox	McLean	Taylor
Garnett	Movius	Thatcher
Gulack	Pierce	Voss
Hagen	Plain	Wagner
Hanna	Regan	Young
Herbrandson		

Absent and not voting :

Messrs.—	Messrs.—	Messrs.—
Brown	Kraabel	Simpson
Johnson of Walsh	Main	Swenson

Messrs. Brown, Johnson of Walsh, Kraabel, Main, Simpson and Swenson, being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 222,

A bill for an act to amend section 1, of chapter 123, session laws, 1901, being an act to amend section 1549, revised codes 1899, relating to time when lawful for stock to run at large.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were: Ayes, 34; nays, 1; absent and not voting, 5.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bacon	LaMoure	Simpson
Brown	Macdonald	Spoonheim
Carroll	Main	Stade
Cashel	McArthur	Steele
Crane	McLean	Swenson
Fox	Movius	Talcott
Garnett	Pierce	Taylor
Gulack	Plain	Thatcher
Hagen	Regan	Voss
Hanna	Sharpe	Wagner
Herbrandson	Sifton	Young
Kirkeide		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Benson	Johnson of Walsh	Little
Dyste	Kraabel	

Mr. Johnson of McLean, voting in the negative.

Messrs. Benson, Dyste, Johnson of Walsh, Kraabel and Little, being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 148,

A bill for an act creating and establishing an agricultural experiment station at or near Linton, in Emmons county, providing for its management and making an appropriation therefor.

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, 2; absent and not voting, 11.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bacon	Herbrandson	Simpson
Carroll	Kirkeide	Spoonheim
Cashel	Macdonald	Stade
Crane	Main	Steele
Dyste	Movius	Talcott
Fox	Plain	Taylor
Garnett	Regan	Voss
Gulack	Sharpe	Wagner
Hanna	Sifton	Young

Those who voted in the negative were:

Messrs.—	Messrs.—
Hagen	Kraabel

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Benson	LaMoure	Pierce
Brown	Little	Swenson
Johnson of McLean	McArthur	Thatcher
Johnson of Walsh	McLean	

Messrs. Benson, Brown, Johnson of McLean, Johnson of Walsh, LaMoure, Little, McArthur, McLean, Pierce and Thatcher, being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 229,

A bill for an act to amend chapter 88, of the session laws of 1901, relating to desecration of the flag.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were: Ayes, 33; nays, none; absent and not voting, 7.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Benson	Kirkeide	Sifton
Carroll	Kraabel	Spoonheim
Cashel	Little	Stade
Crane	Macdonald	Steele
Dyste	Main	Swenson
Fox	McArthur	Talcott
Garnett	McLean	Taylor
Gulack	Movius	Thatcher
Hagen	Plain	Voss
Hanna	Regan	Wagner
Herbrandson	Sharpe	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Bacon	Johnson of Walsh	Pierce
Brown	LaMoure	Simpson
Johnson of McLean		

Messrs. Brown, Johnson of McLean, Johnson of Walsh, LaMoure, Pierce and Simpson, being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 232,

A bill for an act to amend section 7569 of the revised codes of 1899, relative to malicious injury to freehold.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were: Ayes, 35; nays, none; absent and not voting, 5.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bacon	Kraabel	Sifton
Cashel	LaMoure	Spoonheim
Crane	Little	Stade
Dyste	Macdonald	Steele
Fox	Main	Swenson
Garnett	McArthur	Talcott
Gulack	McLean	Taylor
Hagen	Movius	Thatcher
Hanna	Pierce	Voss
Herbrandson	Plain	Wagner
Johnson of McLean	Regan	Young
Kirkeide	Sharpe	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Benson	Carroll	Simpson
Brown	Johnson of Walsh	

Messrs. Benson, Brown, Carroll, Johnson of Walsh, and Simpson, being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 227,

A bill for an act to amend section 2947, of the revised codes of North Dakota for the year 1899, relating to the powers of railroad corporations.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were: Ayes, 31; nays, none; absent and not voting, 9.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bacon	Kraabel	Sharpe
Carroll	LaMoure	Sifton
Cashel	Little	Stade

Messrs.—	Messrs.—	Messrs.—
Crane	Macdonald	Steele
Dyste	Main	Talcott
Garnett	McLean	Taylor
Gulack	Movius	Thatcher
Hagen	Pierce	Voss
Hanna	Plain	Wagner
Herbrandson	Regan	Young
Kirkeide		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Benson	Johnson of McLean	Simpson
Brown	Johnson of Walsh	Spoonheim
Fox	McArthur	Swenson

Messrs. Benson, Brown, Fox, Johnson of McLean, Johnson of Walsh, McArthur, Simpson, Spoonheim and Swenson, being excused.

So the bill passed and the title was agreed to.

FIRST AND SECOND READING OF HOUSE BILLS

House Bill No. 260,

A bill for an act relating to the dismissal of civil actions and providing when and how such actions may be dismissed, and when the judgment of dismissal shall be on its merits.

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

House Bill No. 96,

A bill for an act amending section 3261 of the revised codes of the State of North Dakota, of 1899, relating to foreign corporations doing business in this state.

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

House Bill No. 158,

A bill for an act to regulate the manufacture and sale of dairy products and imitations and substitutes therefor, prescribing penalties for violations, to create the office of assistant dairy commissioner, prescribing his duties and fixing his salary.

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

THIRD READING OF HOUSE BILLS.

House Bill No. 69,

A bill for an act to provide for the organization of mutual insurance companies for the purpose of insuring

against loss to pure bred registered live stock, by reason of the death of the property insured.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were: Ayes, 22; nays, 1; absent and not voting 17.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Garnett	Macdonald	Stade
Gulack	Movius	Swenson
Hagen	Pierce	Taylor
Hanna	Plain	Thatcher
Kirkeide	Sharpe	Voss
Kraabel	Sifton	Wagner
LaMoure	Spoonheim	Young
Little		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Bacon	Fox	McLean
Benson	Herbrandson	Regan
Brown	Johnson of McLean	Simpson
Carroll	Johnson of Walsh	Steele
Cashel	Main	Talcott
Dyste	McArthur	

Mr. Crane voting in the negative.

Messrs. Bacon, Benson, Brown, Carroll, Cashel, Dyste, Fox, Herbrandson, Johnson of McLean, Johnson of Walsh, Main, McArthur, McLean, Regan, Simpson, Steele and Thatcher, being excused.

So the bill passed and the title was agreed to.

House Bill No. 78,

A bill for an act to amend and re-enact section 2041 of the revised codes of 1899, relating to election of township officers and their terms of office.

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, 13.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Benson	Kraabel	Spoonheim
Cashel	LaMoure	Stade
Crane	McLean	Steele
Dyste	Movius	Swenson
Gulack	Pierce	Talcott
Hagen	Plain	Taylor

Messrs.— Hanna Herbrandson Kirkeide	Messrs.— Regan Sifton Simpson	Messrs.— Thatcher Wagner Young
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Absent and not voting :

Messrs.— Bacon Brown Carroll Fox Garnett	Messrs.— Johnson of McLean Johnson of Walsh Little Macdonald	Messrs.— Main McArthur Sharpe Voss
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Messrs. Bacon, Brown, Carroll, Fox, Garnett, Johnson of McLean, Johnson of Walsh, Little, La Moure, Main, McArthur, Sharpe and Voss, being excused.

So the bill passed and the title was agreed to.

House Bill No. 14,

A bill for an act entitled an act to amend subdivision 3 of section 3563 of the revised codes of North Dakota of 1899, relating to the recording of instruments in the office of the register of deeds.

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, 13.

Those who voted in the affirmative were:

Messrs.— Benson Cashel Crane Dyste Gulack Hagen Hanna Herbrandson Johnson of McLean	Messrs.— Kirkeide Kraabel LaMoure Little Macdonald McLean Movius Pierce Sharpe	Messrs.— Sifton Simpson Stade Steele Swenson Talcott Thatcher Wagner Young
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Absent and not voting :

Messrs.— Bacon Brown Carroll Fox Garnett	Messrs.— Johnson of Walsh Main McArthur Plain	Messrs.— Regan Spoonheim Taylor Voss
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Messrs. Bacon, Brown, Carroll, Fox, Garnett, Johnson of Walsh, Main, McArthur, Plain, Regan, Spoonheim, Taylor and Voss, being excused.

So the bill passed and the title was agreed to.

House Bill No. 129,

Establishing a state board of embalmers.

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, 12.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Benson	Kraabel	Spoonheim
Carroll	LaMoure	Stade
Cashel	Little	Steele
Crane	McLean	Swenson
Dyste	Movius	Talcott
Gulack	Plain	Taylor
Hagen	Regan	Thatcher
Hanna	Sharpe	Wagner
Johnson of McLean	Sifton	Young
Kirkeide		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Bacon	Herbrandson	McArthur
Brown	Johnson of Walsh	Pierce
Fox	Macdonald	Simpson
Garnett	Main	Voss

Messrs. Bacon, Brown, Fox, Garnett, Herbrandson, Johnson of Walsh, Macdonald, Main, McArthur, Pierce, Simpson and Voss, being excused.

So the bill passed and the title was agreed to.

House Bill No. 115,

A bill for an act to amend section 1 of chapter 162 of the laws of 1903, relating to the expenditure of money by contract for road improvements in counties organized into civil townships, and in counties not so organized, and prescribing the duties of supervisors of townships and boards of county commissioners with reference thereto; also to repeal sections 2 and 3 of said chapter.

Was read the third time.

The question being on the final passage of the bill:

The roll was called and there were: Ayes, 26; nays, none; absent and not voting, 14.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bacon	Herbrandson	Sharpe
Benson	Johnson of McLean	Sifton
Carroll	Kirkeide	Stade
Cashel	Kraabel	Swenson
Crane	LaMoure	Talcott
Dyste	Macdonald	Taylor

Messrs.—	Messrs.—	Messrs.—
Gulack	McLean	Thatcher
Hagen	Movius	Young
Hanna	Regan	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Brown	Main	Spoonheim
Fox	McArthur	Steele
Garnett	Pierce	Voss
Johnson of Walsh	Plain	Wagner
Little	Simpson	

Messrs. Brown, Fox, Garnett, Johnson of Walsh, Little, Main, McArthur, Pierce, Plain, Simpson, Spoonheim, Steele, Voss and Wagner, being excused.

So the bill passed and the title was agreed to.

House Bill No. 77,

A bill for an act to correct errors in town, village or city plats.

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, 12.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bacon	Kirkeide	Sifton
Benson	Kraabel	Spoonheim
Carroll	LaMoure	Stade
Cashel	Macdonald	Steele
Crane	McLean	Swenson
Dyste	Movius	Taylor
Gulack	Plain	Thatcher
Hagen	Regan	Wagner
Herbrandson	Sharpe	Young
Johnson of McLean		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Brown	Johnson of Walsh	Pierce
Fox	Little	Simpson
Garnett	Main	Talcott
Hanna	McArthur	Voss

Messrs. Bacon, Fox, Garnett, Hanna, Johnson of Walsh, Little, Main, McArthur, Pierce, Simpson, Talcott and Voss, being excused.

So the bill passed and the title was agreed to.

House Bill No. 47,

A bill for an act to amended chapter 21 of the political code of North Dakota, relating to drains.

Was read the third time.

The question being on the final passage of the bill;

The roll was called and there were: Ayes, 30; nays, none; absent and not voting, 10.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bacon	Kirkeide	Sharpe
Benson	Kraabel	Sifton
Carroll	LaMoure	Simpson
Cashel	Little	Spoonheim
Crane	Macdonald	Stade
Gulack	Main	Swenson
Hagen	McLean	Taylor
Hanna	Movius	Thatcher
Herbrandson	Plain	Wagner
Johnson of McLean	Regan	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Brown	Johnson of Walsh	Steele
Dyste	McArthur	Talcott
Fox	Pierce	Voss
Garnett		

Messrs. Brown, Dyste, Fox, Garnett, Johnson of Walsh, McArthur, Pierce, Steele, Talcott and Voss, being excused.

So the bill passed and the title was agreed to.

House Bill No. 133,

A bill for an act to repeal sections 2209 to 2247, both inclusive, of the revised codes of 1899, relating to municipal courts.

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, 11.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bacon	Johnson of McLean	Sifton
Benson	Kirkeide	Simpson
Carroll	Kraabel	Spoonheim
Cashel	LaMoure	Stade
Crane	Little	Talcott
Dyste	Macdonald	Taylor
Gulack	Main	Thatcher
Hagen	McLean	Wagner
Hanna	Plain	Young
Herbrandson	Sharpe	

Absent and not voting:

Messrs.—
Brown
Fox
Garnett
Johnson of Walsh

Messrs.—
McArthur
Movius
Pierce
Regan

Messrs.—
Steele
Swenson
Voss

Messrs. Brown, Fox, Garnett, Johnson of Walsh, McArthur, Movius, Pierce, Regan, Steele, Swenson and Voss, 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 27, 1905.

Mr. President:

I have the honor to transmit herewith

House Bill No. 192,

A bill for an act appropriating \$2,000, or so much thereof as may be necessary, out of any funds in the state treasury not otherwise appropriated, to defray expenses of irrigation investigations and the per diem and expenses of State Engineer Chandler, and providing for the reimbursement of the counties of Ransom, Ward, McLean, La Moure and Williams for money advanced by them to defray irrigation investigation expenses.

Also,

House Bill No. 172,

A bill for an act that railroads shall bulletin the time of arrival and departure of passenger trains.

Also,

House Bill No. 174,

A bill for an act amending section 2581 of the revised codes relating to board of health.

Also,

House Bill No. 1,

A bill for an act making appropriations for the current and contingent expenses of the Soldiers' Home, located at Lisbon, North Dakota, and for making permanent improvement, additions thereto and erecting a monument.

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

Very respectfully,
 OTTO SOUGSTAD,
 Chief Clerk.

EXECUTIVE SESSION.

Mr. Crane moved

That the senate do now go into executive session.

Which motion prevailed, and

The senate went into executive session.

OPEN SESSION.

In open session announcement was made of the confirmation by the senate of the following nominations by the governor:

To be trustees of the academy of science at Wahpeton: James Purdon, of Richland county; Ole Arnegard, of Traill county; John H. Movius, of Richland county, for the term of two years from the first Tuesday in April, 1905; W. D. Gillespie, of Williams county, and James E. Hill, of Cass county, for the term of four years from the first Tuesday in April, 1905.

To be trustees of the state normal school at Mayville: Gilbert L. Elkin, of Traill county, and Alfred Blaisdell, of Ward county, for the term of four years from the second Tuesday in April, 1905, and A. Steenson, of Traill county, for the term of two years from the second Tuesday in April, 1905.

To be trustees of the state normal school at Valley City: E. A. Pray, of Barnes county; C. W. Paulson, Barnes county, and Walter R. Reed, of Cass county, for the term of four years from the second Tuesday in April, 1905.

To be state oil inspector: T. W. Jackman, of Cass county, for the term of two years from the first Tuesday in April, 1905.

The secretary announced that the president was about to sign

House Bill No. 99,

A bill for an act to amend section 1595 and 1596 of the revised code as amended by chapter 207 of the session laws of 1901 and section 1600 of the revised code of 1899, relating to district veterinarians.

Also,

House Bill No. 22,

A bill for an act to promote forest tree culture.

Also,

House Bill No. 120,

A bill for an act to fix dates for holding term of district court in the county of Billings.

Also,

House Bill No. 27,

A bill for an act to prevent the adulteration, misbranding and selling of adulterated and insufficiently labeled drugs or medicines, prescribing a penalty of the violation hereof, providing for the inspection, testing and analyzing of said drugs and medicines, charging the North Dakota Experiment Station with the duty thereof, and charging the state's attorney with the enforcement hereof.

Also,

House Bill No. 152,

A bill for an act to amend and re-enact section 681 of the revised codes of 1899, relating to education.

Also,

House Bill No. 222,

A bill for an act for the organization and government of cities.

Also,

Senate Bill No. 10,

A bill for an act authorizing the construction or reconstruction and repairing of sidewalks in incorporated villages in this state and the manner of assessment and levy thereof and collection of the same.

Also,

Senate Bill No. 139,

A bill for an act authorizing the board of capital commissioners created for the re-construction of the capitol building, and the erection of an executive mansion for the state of North Dakota, and to utilize such labor of the convicts in the state penitentiary as can be used profitably in erecting said capitol and executive mansion, or in the manufacture of material to be used therein.

And the president signed the same in the presence of the senate.

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

L. M. McGLASHAN,
Secretary.

FIFTY-SEVENTH DAY

SENATE CHAMBER.

BISMARCK, NORTH DAKOTA.

February 28, 1905.

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

The president presiding.

Prayer by the chaplain.

Roll call.

All members present.

The courtesies of the floor were extended to the following: Gunder Olson, B. T. Kraabel, J. Beattie, C. F. Bayard, W. P. Rose, D. Artchison, Jenó Smith, Wm. Lakey, W. J. Morrish, Omer Grey and Wm. Wallace.

Mr. Little moved

That Doctor Henry W. Coe, a former member of the North Dakota legislature, and now representing the Lewis and Clark Exposition to be held in Portland, be invited to address the senate.

Which motion prevailed, and

The senate was addressed by Mr. Coe.

MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,

BISMARCK, NORTH DAKOTA,

February 28, 1905.

Mr. President:

I have the honor to transmit herewith:

House Bill No. 245,

A bill for an act to repeal chapter 34, of session laws of 1903, relating to expositions.

Also,

House Bill No. 68,

A bill for an act requiring railroad companies to maintain station houses and to provide suitable waiting rooms at all stations where passenger trains stop.

Also,

House Bill No. 274,

A bill for an act amending section 1, of chapter 83, session laws of 1901, relating to engrossing and enrolling bills.

Also,

House Bill No. 272,

A bill for an act to amend section 1259 of the political code of the state of North Dakota.

Also,

House Bill No. 48,

A bill for an act to amend sections 2 and 4 of chapter 172 of the laws of 1901, entitled 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, as the same was amended by chapter 11 of the laws of 1903.

Also,

House Bill No. 185,

A bill for an act to amend section 3, of chapter 34, of the laws of 1901, relating to the time when the board of pardons shall meet.

Also,

House Bill No. 97,

A bill for an act to legalize the incorporation of certain cities, towns, villages, townships and school districts, and acts of officers of the same.

Also,

House Bill No. 205,

A bill for an act providing that the register of deeds shall give a receipt for instruments left in his office to be filed or recorded therein.

Also,

House Bill No. 255,

A bill for an act to amend and re-enact section 1855, re-

vised codes of 1899, relating to the formation of new counties.

Also,

House Bill No. 280,

A bill for an act authorizing the state, through the board of university and school lands, and the counties, townships, cities, towns and villages of the state, through their corporate authorities, to become members of water users' associations, and authorizing them to purchase and hold certificates of stock therein, and granting rights of way over state and schools lands for irrigation flumes, ditches and canals, and the right to construct reservoirs thereon for the storage of water for irrigation purposes.

Also.

House Bili No. 87

A bill for an act making an appropriation for purchasing a site, erecting a building, furnishing and equipping the same, for the use of the North Dakota school of forestry, located at Bottineau, North Dakota, and to provide funds for the maintenance of said school.

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

Also,

I have the honor to transmit herewith the following concurrent resolution which the house has adopted and your concurrence therein is respectfully requested.

CONCURRENT RESOLUTION.

Whereas, Under the present laws of Minnesota the Governor of Minnesota appoints prior to August 1st, six members of the Grain Board of Appeals, three in Duluth and three in Minneapolis, and

Whereas, To them are referred all questions of grades of grain, when the shippers and receivers are unable to agree upon the grade of such grain, now, therefore, be it

Resolved, By the House of Representatives, the Senate concurring, That we hereby petition the Honorable Governor of the state of Minnesota to use due caution and judgment in appointing said Grain Board of Appeals, and see that the interests of the Northwestern Grain Growers are carefully represented on this board, as well as the Minneapolis and Duluth chambers of commerce.

Inasmuch as the state of North Dakota is one of the largest shippers of grain to these terminal points and markets,

Resolved, That a copy of this resolution be sent to the Honorable Governor of the state of Minnesota and his careful consideration asked for same.

Also,

I have the honor to request the return to the house of

Senate Bill No. 183,

A bill for an act to amend section 185 of the revised codes of North Dakota for 1899, relating to the publication of notices of sale of school and state lands.

Also,

I have the honor to transmit herewith
Senate Bill No. 65,

A bill for an act to provide for consolidation or re-insurance of risks of life insurance companies or associations with or by companies or associations authorized to transact business within the state, and providing a plan for such consolidation or re-insurance.

Which the house has indefinitely postponed.

Very respectfully,

OTTO SOUGSTAD,
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 Journals of the 54th and 56th days have carefully examined the same and recommend that the same be corrected as follows;

Of the fifty-fourth day: After line 41 on page 29 insert the following, "The president administered the oath of office to Mabel Penwarden, assistant enrolling and engrossing clerk."

Of the 56th day: In line 15, page 1, change the name "Hon. J. S. Greene" to "Hon. J. L. Greene." In line 20, page 13, insert the name "Sharpe" after the name "Main." In line 22, page 15, insert the name "Swenson" after the name "Pierce." In line 1, page 16, insert the name "Bacon" after the word "Messrs." In line 33, page 18, change the name "Thatcher" to "Talcott." In line 20, page 19, change the name "LaMoure" to "Macdonald."

And when so amended recommend that he same be approved.

R. W. MAIN,
Chairman.

Mr. Main moved

That the report be adopted,

Which motion prevailed, and

The report of the committee was adopted.

REPORTS OF STANDING COMMITTEES.

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

Mr. President:

Your committee on engrossed and enrolled bills have examined

Senate Bill No. 218,

A bill for an act to amend chapter 57, of the session laws of 1903, relating to the appointment of commissioners of deeds.

Also,

Senate Bill No. 224,

A bill for an act making it unlawful for justices of the peace to issue summons in certain cases, prescribing penalties therefor.

Also,

Senate Bill No. 210,

A concurrent resolution for an amendment to the constitution, providing for direct legislation by the electors, shall be referred to the next legislative assembly, and with the approval of said legislative assembly be submitted to the qualified electors for adoption or rejection.

Also,

Senate Bill No. 223,

An act providing for the publication by the county treasurer of a list of names of personal property tax-payers, and the amount taxed against each, and providing compensation therefor.

Also,

House Bill No. 21,

A bill for an act requiring corporations to make annual report to the secretary of state, and providing for the cancellation of articles of incorporation for failures to do so.

Also,

Senate Bill No. 86,

A bill for an act to amend and re-enact section 2358, of the revised codes of 1899, relating to the election of village officers, and to amend and re-enact section 2385 of the revised codes of 1899, relating to the settlement of the village treasurer.

Also,

Senate Bill No. 230,

A bill for an act to authorize certain municipal corporations of this state to issue bonds for the purpose of refunding or paying outstanding bonds; regulating the issuance and providing for the payment thereof.

Also,

House Bill No. 163,

A bill for an act fixing the time of holding the term of the district court in the county of McIntosh.

Also,

House Bill No. 177,

A bill for an act to amend section 6315 of the revised codes of 1899, relating to letters of administration, and who entitled to the same.

Also,

House Bill No. 160,

A bill for an act to amend section 1791 of the revised codes of 1899, relating to public warehouses.

Also,

Senate Bill No. 204,

A bill for a concurrent resolution amending the state constitution.

Also,

Senate Bill No. 228,

A bill for an act requiring railroad companies to protect railroad crossings with interlocking or other safety devices in certain cases.

Also,

Senate Bill No. 234,

A bill for an act to provide for borrowing money to defray the extraordinary expenditures of the state government.

And find the same correctly engrossed.

GEO. M. YOUNG,

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. 176,

A bill for an act to amend chapter 107 of the session laws of 1901, relating to gopher tax.

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

By inserting the words "one-half of" before the word "one" in line 4 of the engrossed bill.

By changing the words "twenty-five" in section 2 of the engrossed bill to read "thirty-five."

By striking out the word "June" in section 2 of the same.

And when so amended recommend that the same do pass.

A. GARNETT,

Chairman.

Mr. Garnett moved

That the report be adopted.

Which motion prevailed, and

The report of the committee 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. 131,

A bill for an act to amend section 1283 of the revised codes and to repeal chapter 156 of the laws of 1903.

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

A. GARNETT,

Chairman.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred

Senate Bill No. 234,

A bill for an act to provide for borrowing money to defray the extraordinary expenditures of the state government.

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

By striking out the word "fifteen" in line 5 section 1 of the printed bill 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 of the committee was adopted.

The committee on railroads made the following report:

Mr. President:

Your committee on railroads to whom was referred

House Bill No. 80,

A bill for an act to amend sections 3003, 3006 and 3008 of the revised codes of 1899, relating to powers and duties of the commissioners of railroads.

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

By striking out the word "reside" in the first line of the second page of the original bill and inserting in lieu thereof the following words, viz: "maintain an office" and also by striking out of section 1 all after the word "work" in line 47 of said section 1.

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

L. A. SIMPSON,
Chairman.

Mr. Simpson moved

That the report be adopted,

Which motion prevailed, and

The report of the committee was adopted.

The committee on railroads made the following report:

Mr. President:

Your committee on railroads to whom was referred

House Bill No. 110,

A bill for an act to prohibit the obstruction of public highways by railroad cars within this state; and fixing the penalty for violation thereof.

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

L. A. SIMPSON,
Chairman.

The committee on railroads made the following report:

Mr. President:

Your committee on railroads to whom was referred

Senate Bill No. 76,

A bill for an act to provide for the taxation of railroad companies.

Have had the same under consideration and recommend that the same be referred to the committee on ways and means.

L. A. SIMPSON,
Chairman.

Mr. Simpson moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

And the bill was so referred.

The committee on railroads made the following report:

Mr. President:

Your committee on railroads to whom was referred
Senate Bill No. 231,

A bill for an act to amend section 3023 of the revised codes of 1899, and chapter 13 of the session laws of 1903, relating to long and short hauls upon railroads and common carriers.

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 86,

A bill for an act to provide for the levy of a tax in certain counties to aid in establishment and maintenance of county agricultural fair associations.

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

In line three of section 1 of the printed bill strike out the word "shall" and in lieu thereof insert the word "may." And in line 23 of section 1 of the printed bill after the word "one" insert the words "half of a." In line 19 of section 2 strike out the word "half" and in lieu thereof insert the word "fourth." In line three of section 5 strike out the word "may" and in lieu thereof insert the word "shall."

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 of the committee 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. 97,

A bill for an act authorizing county commissioners in
counties having a regular organized live stock protective
association to create a special fund and to appropriate and
set aside moneys to be expended and used for the protec-
tion of live stock from theft.

Also,

Senate Bill No. 142,

A bill for an act to provide for paving, curbing or macad-
amizing the highways in civil townships adjoining incorpo-
rated cities of not less than 6,000 inhabitants, and for the
construction of sewers and water mains therein, connecting
with such city sewers and water mains.

Also,

Senate Bill No. 132,

A bill for an act to amend section 2911 of the revised
codes, relating to changing corporate headquarters.

Also,

Senate Bill No. 29,

A concurrent resolution, amending the constitution of the
state of North Dakota, relating to the investment of school
funds.

Also,

Senate Bill No. 136,

A bill for an act to amend section 6771 of the revised
codes of this state, relating to appeals in civil actions in jus-
tice's courts.

Also,

Senate Bill No. 72,

A bill for an act to promote anatomical knowledge and
the science of medicine and surgery and to provide for
anatomical material for such purposes, and penalties for
neglecting to comply with the provisions of this act.

Also,

Senate Bill No. 103,

A bill for an act to amend and re-enact section 3134 of chapter 14 of the revised codes of 1899, relating to the organization of county mutual fire insurance companies.

Also,

Senate Bill No. 1,

A bill for an act prescribing regulations for the appropriation, distribution and use of water in the construction and maintaining of canals, ditches and storage reservoirs for the purpose of irrigation, evaporation and water power; for the diversion and confining, retention, storage and distribution of water; the condemnation of lands for the right of way of works for such purposes; providing for a state engineer and one or more assistant state engineers, and the appointment of officers for the surveying and measurement, fixing their compensation and providing for the payment of the same and making an appropriation therefor, prescribing their duties, powers and qualifications, and the appropriation of the streams of the state and controlling the distribution of water throughout the state in the several water divisions thereof, prescribing water divisions, and the management of water regulations and adjudicating the rights and the priority of rights of those diverting, carrying or storing water for irrigation or other beneficial purposes in the water districts in the several water divisions. providing for the expense of such adjudication and for the apportionment and payment thereof, prescribing regulations and ascertaining the rights and priorities of those entitled to water for use for the irrigation of lands, and to provide penalties and for punishing persons for interfering with it or maliciously trespassing upon the ditches, reservoirs or irrigation works for the storage and conveyance of water and to regulate the rights to the use of water for agricultural and manufacturing and other purposes, to provide for a board of water commissioners, prescribing their duties, pay, compensation, providing for water masters, their duties, compensation, providing for change of place or use of diversion, measuring devices, bridges over ditches or canals, providing for constructing works, the disposition of seepage water, and providing for the disposition of state lands and right of way over same, and that the

state engineer assist county commissioners in establishing and constructing drains.

And find the same correctly enrolled.

GEO. M. YOUNG,
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

House Bill No. 252,

A bill for an act providing for proposals for loaning city and school funds, and defining the duties of the various officers of the city or school districts with reference thereto.

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

Also,

House Bill No. 265,

A bill for an act for the consolidation of a fractional or one or more townships attached to another civil township, by the county commissioners.

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

J. D. BACON,
Chairman.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred

House Bill No. 51,

A bill for an act to amend chapter 4 of the session laws of 1903, which amended chapter 61 of the session laws of 1901, being section 6633 of the revised codes of North Dakota, 1899, relating to procedure in civil actions.

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 of the committee was adopted.

And the further consideration of the bill was indefinitely postponed.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred

House Bill No. 54,

A bill for an act to amend section 6643 of the revised codes of North Dakota, 1899, relating to service by publication.

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

Also,

House Bill No. 53,

A bill for an act to amend section 6676c of the revised codes of the state of North Dakota, 1899, relating to how summons shall be served in garnishment.

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

C. B. LITTLE.

Chairman.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred

House Bill No. 113,

A bill for an act to cure defective acknowledgments.

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 of the committee was adopted.

And the further consideration of the bill was indefinitely postponed.

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 declaring damage from weed-infested lands to be a cause of action.

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 of the committee was adopted.

And the further consideration of the bill was indefinitely postponed.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred

House Bill No. 136,

Concurrent resolution to amend section 176 of the constitution.

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 of the committee was adopted.

And the further consideration of the bill was indefinitely postponed.

MOTIONS AND RESOLUTIONS.

Mr. Little moved that

Senate Bill No. 183,

A bill for an act to amend section 185 of the revised codes of North Dakota for 1899, relating to the publication of notices of sale of school and state lands.

Be returned to the house, pursuant to its request.

Which motion prevailed, and

The bill was returned to the house.

Mr. LaMoure moved

That all bills be messaged to the house as soon as passed.

Which motion prevailed.

Mr. Little moved

That all bills for first reading receive also their second reading and reference.

Which motion prevailed.

Mr. Regan moved

That the secretary have printed the substitute for House Bill No. 245,

Which motion prevailed.

Mr. Talcott offered the following:

CONCURRENT RESOLUTION

Be It Resolved, By the Senate of the Ninth Legislative Assembly of the State of North Dakota, the House of Representatives concurring, That the secretary of state be, and is hereby, instructed to codify and publish one thousand copies of the laws of the state of North Dakota, affecting townships and township government, and to send one copy to the clerk of each township in the state of North Dakota; and that the remaining copies be sold at such price as is reasonable and will in the opinion of the secretary of state compensate the state for the expense of the publication thereof.

Mr. Talcott moved

That the resolution be adopted.

Which motion prevailed and

The resolution was adopted.

Mr. Taylor offered the following:

CONCURRENT RESOLUTION.

Whereas, the exhibit of clays and the pottery exhibit at the St. Louis exposition during the year 1904, was manufactured and perfected from clays found in the state of North Dakota, under the direction of the state university and school of mines, and shows the result of the work of such institution, therefore, be it

Resolved, by the senate, the house of representatives concurring, That such exhibit, together with the cases used for displaying the same, shall become the property of the state university and the school of mines, to be by that institution placed in its museum and held permanently, subject at all times, however, to being placed on exhibition at such fairs and expositions as the governor may direct.

Mr. Taylor moved

That the resolution be adopted.

Which motion prevailed, and

The resolution was adopted.

THIRD READING OF SENATE BILLS.

Senate Bill No. 234,

A bill for an act to provide for borrowing money to defray the extraordinary expenditures of the state government.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were: Ayes, 33; nays, none; absent and not voting, 7.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bacon	Johnson of McLean	Sifton
Brown	Johnson of Walsh	Spoonheim
Carroll	Kirkeide	Stade
Cashel	LaMoure	Steele
Crane	Little	Swenson
Dyste	Macdonald	Talcott
Fox	McLean	Taylor
Garnett	Movius	Thatcher
Gulack	Pierce	Voss
Hagen	Plain	Wagner
Herbrandson	Sharpe	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Benson	Main	Regan
Hanna	McArthur	Simpson
Kraabel		

Messrs. Benson, Hanna, Kraabel, Main, McArthur, Regan and Simpson, being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 217,

A bill for an act to amend section 2989 of the revised codes of North Dakota, 1899, relating to the licensing of ticket agents.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were: Ayes, 32; nays, none; absent and not voting, 8.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bacon	Johnson of McLean	Sifton
Benson	Johnson of Walsh	Spoonheim
Brown	Kirkeide	Steele
Cashel	LaMoure	Swenson
Crane	Little	Talcott
Dyste	Macdonald	Taylor
Fox	McLean	Thatcher
Garnett	Movius	Voss
Gulack	Pierce	Wagner
Hagen	Plain	Young
Herbrandson	Sharpe	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Carroll	Main	Simpson
Hanna	McArthur	Stade
Kraabel	Regan	

Messrs. Carroll, Hanna, Kraabel, Main, McArthur, Regan, Simpson and Stade, being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 221,

A bill for an act to amend sections 670 and 674, of the revised codes of the state of North Dakota, 1899, relating to the election of school officers and notice of annual election.

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, 11.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Brown	Kirkeide	Sifton
Cashel	LaMoure	Spoonheim
Craze	Little	Stade
Dyste	Macdonald	Steele
Fox	McLean	Swenson
Garnett	Movius	Talcott
Gulack	Pierce	Taylor
Hagen	Plain	Thatcher
Johnson of McLean	Regan	Voss
Johnson of Walsh	Sharpe	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Bacon	Herbrandson	Simpson
Benson	Kraabel	Wagner
Carroll	Main	Young
Hanna	McArthur	

Messrs. Bacon, Benson, Carroll, Hanna, Herbrandson, Kraabel, Main, McArthur, Simpson, Wagner and Young, being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 218,

A bill for an act to amend chapter 57, of the session laws of 1903, relating to the appointment of commissioners 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, 23; nays, none; absent and not voting, 12.

Those voting in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Benson	Johnson of Walsh	Sifton
Brown	Kirkeide	Spoonheim
Cashel	LaMoure	Stade

Messrs.—	Messrs.—	Messrs.—
Crane	Little	Steele
Dyste	Macdonald	Swenson
Fox	McLean	Talcott
Garnett	Pierce	Taylor
Gulack	Regan	Thatcher
Hagen	Sharpe	Young
Johnson of McLean		

Absent and not voting :

Messrs.—	Messrs.—	Messrs.—
Bacon	Kraabel	Plain
Carroll	Main	Simpson
Hanna	McArthur	Voss
Herbrandson	Movius	Wagner

Messrs. Bacon, Carroll, Hanna, Herbrandson, Kraabel, Main, McArthur, Movius, Plain, Simpson, Voss and Wagner, being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 230,

A bill for an act to authorize certain municipal corporations of this state to issue bonds for the purpose of refunding or paying outstanding bonds; regulating the issuance and providing for the payment thereof.

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, 12.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Benson	Kirkeide	Spoonheim
Brown	Kraabel	Stade
Cashel	LaMoure	Steele
Crane	Little	Swenson
Dyste	Macdonald	Talcott
Fox	McLean	Taylor
Garnett	Plain	Thatcher
Gulack	Sharpe	Voss
Hagen	Sifton	Wagner
Johnson of McLean		

Absent and not voting :

Messrs.—	Messrs.—	Messrs.—
Bacon	Johnson of Walsh	Pierce
Carroll	Main	Regan
Hanna	McArthur	Simpson
Herbrandson	Movius	Young

Messrs. Bacon, Carroll, Hanna, Herbrandson, Johnson

of Walsh, Main, McArthur, Movius, Pierce, Regan, Simpson and Young, being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 224,

A bill for an act making it unlawful for justices of the peace to issue summons in certain cases, prescribing penalties therefor.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were: Ayes, 23; nays, none; absent and not voting, 17.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Berson	Johnson of Walsh	Stade
Brown	Kirkeide	Steele
Cashel	Kraabel	Talcott
Crane	Macdonald	Taylor
Fox	McLean	Thatcher
Gulack	Sharpe	Voss
Hagen	Sifton	Wagner
Johnson of McLean	Spoonheim	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Bacon	LaMoure	Pierce
Carroll	Little	Regan
Dyste	Main	Simpson
Garnett	McArthur	Swenson
Hanna	Movius	Young
Herbrandson	Plain	

Messrs. Bacon, Carroll, Dyste, Garnett, Hanna, Herbrandson, LaMoure, Little, Main, McArthur, Movius, Pierce, Plain, Regan, Simpson, Swenson and Young, being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 86,

A bill for an act to amend and re-enact section 2358, of the revised codes of 1899, relating to the election of village officers, and to amend and re-enact section 2385 of the revised codes of 1899, relating to the settlement of the village treasurer.

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, 12.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Benson	Kirkeide	Spoonheim
Brown	LaMoure	Stade
Cashel	Little	Steele
Crane	Macdonald	Swenson
Dyste	McLean	Taylor
Fox	Plain	Thatcher
Gulack	Regan	Voss
Hagen	Sharpe	Wagner
Johnson of McLean	Sifton	Young
Johnson of Walsh		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Bacon	Herbrandson	Movius
Carroll	Kraabel	Pierce
Garnett	Main	Simpson
Hanna	McArthur	Talcott

Messrs. Bacon, Carroll, Garnett, Hanna, Herbrandson, Kraabel, Main, McArthur, Movius, Pierce, Simpson and Talcott, being excused.

Mr. Voss moved

That the title of Senate Bill No. 86 be amended so as to read as follows: "A bill for an act to amend and re-enact section 2358 and section 2385 of the revised codes of 1899, relating to village officers, and providing for the appointment of a village marshal."

Which motion prevailed, and

The title of the bill was so amended.

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

FIRST AND SECOND READING OF HOUSE BILLS

House Bill No. 174,

A bill for an act amending section 2581 of the revised codes relating to board of health.

Was read the first and second times, and

Referred to the committee on public health.

House Bill No. 172,

A bill for an act that railroads shall bulletin the time of arrival and departure of passenger trains.

Was read the first and second times, and

Referred to the committee on railroads.

House Bill No. 1,

A bill for an act making appropriations for the current and contingent expenses of the Soldiers' Home, located at

Lisbon, North Dakota, and for making permanent improvement, additions thereto and erecting a monument.

Was read the first and second time, and

Referred to the committee on appropriations.

House Bill No. 192,

A bill for an act appropriating \$2,000, or so much thereof as may be necessary, out of any funds in the state treasury not otherwise appropriated, to defray expenses of irrigation investigations and the per diem and expenses of State Engineer Chandler, and providing for the reimbursement of the counties of Ransom, Ward, McLean, La Moure and Williams for money advanced by them to defray irrigation investigation expenses.

Was read the first and second times, and

Referred to the committee on appropriations.

Substitute for House Bill No. 245.

A bill for an act to amend chapter 34 of session laws of 1903, to provide for the collection, arrangement and display of the products and resources of the state of North Dakota, at the Lewis and Clark Centennial and Pacific Exposition and Oriental Fair to be held in 1905, at the City of Portland, Oregon, and providing for a board of commissioners therefor and making an appropriation for the purpose.

Was read the first and second times, and

Referred to the committee on appropriations.

House Bill No. 68,

A bill for an act requiring railroad companies to maintain station houses and to provide suitable waiting rooms at all stations where passenger trains stop.

Was read the first and second times and

Referred to the committee on railroads.

House Bill No. 274,

A bill for an act amending section 1, of chapter 83, session laws of 1901, relating to engrossing and enrolling bills.

Was read the first and second times, and

Referred to the committee on enrolled and engrossed bills.

House Bill No. 272,

A bill for an act to amend section 1259 of the political code of the state of North Dakota.

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

House Bill No. 48,

A bill for an act to amend sections 2 and 4 of chapter 172 of the laws of 1901, entitled 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, as the same was amended by chapter 11 of the laws of 1903.

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

House Bill No. 185,

A bill for an act to amend section 3, of chapter 34, of the laws of 1901, relating to the time when the board of pardons shall meet.

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

House Bill No. 97,

A bill for an act to legalize the incorporation of certain cities, towns, villages, townships and school districts, and acts of officers of the same.

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

House Bill No. 205,

A bill for an act providing that the register of deeds shall give a receipt for instruments left in his office to be filed or recorded therein.

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

House Bill No. 255,

A bill for an act to amend and re-enact section 1855, revised codes of 1899, relating to the formation of new counties.

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

House Bill No. 280,

A bill for an act authorizing the state, through the board of university and school lands, and the counties, townships, cities, towns and villages of the state, through their corporate authorities, to become members of water users' associations, and authorizing them to purchase and hold certificates of stock therein, and granting rights of way over

state and schools lands for irrigation flumes, ditches and canals, and the right to construct reservoirs thereon for the storage of water for irrigation purposes.

Was read the first and second times, and

Referred to the committee on judiciary.

House Bill No. 87

A bill for an act making an appropriation for purchasing a site, erecting a building, furnishing and equipping the same, for the use of the North Dakota school of forestry, located at Bottineau, North Dakota, and to provide funds for the maintenance of said school.

Was read the first and second times, and

Referred to the committee on appropriations.

House Bill No. 289,

A bill for an act to protect beavers in the state of North Dakota.

Was read the first and second times and

Referred to the committee on game and fish.

House Bill No. 284,

A bill for an act to amend sections 1944 and 1949 of the revised codes of North Dakota of 1899, relating to depositories of county funds.

Was read the first and second times and

Referred to the committee on judiciary.

House Bill No. 288,

A joint resolution to provide for the compilation and publication of the revised codes of North Dakota of 1905, providing for the payment and directing the manner of sale of the same.

Was read the first and second times and

Referred to the committee on judiciary.

House Bill No. 286,

A bill for an act defining criminal libel and conspiracy to libel, and providing punishment therefor.

Was read the first and second times and

Referred to the committee on judiciary.

Mr. Movious moved

That the senate take a recess of ten minutes.

Which motion prevailed, and

The senate took a recess for ten minutes.

The senate reconvened.

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. 86,

A bill for an act to amend and re-enact section 2358, and section 2385 of the revised codes of 1899, relating to village officers, and providing for the appointment of a village marshal.

And find the same correctly engrossed.

GEORGE M. YOUNG,
Chairman.

EXECUTIVE SESSION.

Mr. Sharpe moved

That the senate do now go into executive session.

Which motion prevailed, and

The senate went into executive session.

OPEN SESSION.

In open session announcement was made of the confirmation by the senate of the following nominations by the governor:

As trustees of the department of agriculture: George Marelius, of Williams county; A. L. Wentworth, of Traill county, and Nels Sorstrum, of Pierce county; for the term of two years from the first Tuesday in April, 1905.

As district veterinarians for the districts indicated: George Fitzgerald, of Grand Forks county, for the first district; W. F. Crewe, of Ramsey county, for the second district; T. D. Hinebaugh, of Cass county, for the third district; S. W. Teal, of Dickey county, for the fourth district; L. C. L'Moore, of Stutsman county, for the fifth district; William Mackin, of Morton county, for the sixth district; A. F. Elliott, of Cavalier county, for the seventh district; R. H. Treacy, of Burleigh county, for the eighth district; Thomas Sims, of Bottineau county, for the ninth district; F. W. Tompkins, of Benson county, for the tenth district; for the terms of two years from the 5th day of March, 1905.

MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 28, 1905.

Mr. President:

I have the honor to transmit herewith
House Bill No. 284,

A bill for an act to amend sections 1944 and 1949 of the revised codes of North Dakota of 1899, relating to depositories of county funds.

Also,

House Bill No. 286,

A bill for an act defining criminal libel and conspiracy to libel, and providing punishment therefor.

Also,

House Bill No. 288,

A joint resolution to provide for the compilation and publication of the revised codes of North Dakota of 1905, providing for the payment and directing the manner of sale of the same.

Also,

House Bill No. 289,

A bill for an act to protect beavers in the state of North Dakota.

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

Also,

I have the honor to transmit herewith

Senate Bill No. 67,

A bill for an act for the protection of fish, game, wild birds, and fur-bearing wild animals, and creating the offices of state district game and fish wardens and deputies, and defining their duties and jurisdiction.

Which the house has indefinitely postponed.

Very respectfully,

OTTO SOUGSTAD,

Chief Clerk.

The secretary announced that the president was about to sign

Senate Bill No. 97,

A bill for an act authorizing county commissioners in counties having a regular organized live stock protective association to create a special fund and to appropriate and set aside moneys to be expended and used for the protection of live stock from theft.

Also,

Senate Bill No. 29,

A concurrent resolution, amending the constitution of the state of North Dakota relating to the investment of school funds.

Also,

Senate Bill No. 142,

A bill for an act to provide for paving, curbing or macadamizing the highways in civil townships adjoining incorporated cities of not less than 6,000 inhabitants, and for the construction of sewers and water mains therein, connecting with such city sewers and water mains.

Also,

Senate Bill No. 103,

A bill for an act to amend and re-enact section 3134 of chapter 14 of the revised codes of 1899, relating to the organization of county mutual fire insurance companies.

Also,

Senate Bill No. 72,

A bill for an act to promote anatomical knowledge and the science of medicine and surgery and to provide for anatomical material for such purposes, and penalties for neglecting to comply with the provisions of this act.

Also,

Senate Bill No. 136,

A bill for an act to amend section 6771 of the revised codes of this state, relating to appeals in civil actions in justice's courts.

Also,

Senate Bill No. 132,

A bill for an act to amend section 2911 of the revised codes, relating to changing corporate headquarters.

Also,

Senate Bill No. 1,

A bill for an act prescribing regulations for the appropriation, distribution and use of water in the construction

and maintaining of canals, ditches and storage reservoirs for the purpose of irrigation, evaporation and water power; for the diversion and confining, retention, storage and distribution of water; the condemnation of lands for the right of way of works for such purposes; providing for a state engineer and one or more assistant state engineers, and the appointment of officers for the surveying and measurement, fixing their compensation and providing for the payment of the same and making an appropriation therefor, prescribing their duties, powers and qualifications, and the appropriation of the streams of the state and controlling the distribution of water throughout the state in the several water divisions thereof, prescribing water divisions, and the management of water regulations and adjudicating the rights and the priority of those diverting, carrying or storing water for irrigation or other beneficial purposes in the water districts in the several water divisions, providing for the expense of such adjudication and for the apportionment and payment thereof, prescribing regulations and ascertaining the rights and priorities of those entitled to water for use for the irrigation of lands, and to provide penalties and for punishing persons for interfering with it or maliciously trespassing upon the ditches, reservoirs or irrigation works for the storage and conveyance of water and to regulate the rights to the use of water for agricultural and manufacturing and other purposes, to provide for a board of water commissioners, prescribing their duties, pay, compensation, providing for water masters, their duties, compensation, providing for change of place or use of diversion, measuring devices, bridges over ditches or canals, providing for constructing works, the disposition of seepage water, and providing for the disposition of state lands and right of way over same, and that the state engineer assist county commissioners in establishing and constructing drains.

Also,

House Bill No. 47,

A bill for an act to amend chapter 21 of the political code of North Dakota, relating to drains.

Also,

House Bill No. 69,

A bill for an act to provide for the organization of mutual insurance companies for the purpose of insuring

against loss to pure bred registered live stock, by reason of the death of the property insured.

Also,

House Bill No. 78,

A bill for an act to amend and re-enact section 2041 of the revised codes of 1899, relating to election of township officers and their terms of office.

Also,

House Bill No. 129,

Establishing a state board of embalmers.

Also,

House Bill No. 133,

A bill for an act to repeal sections 2209 to 2247, both inclusive, of the revised codes of 1899, relating to municipal courts.

And the president signed the same in the presence of the senate.

Mr. LaMoure moved

That the senate do now adjourn

Which motion prevailed, and

The senate adjourned.

L. M. McGLASHAN,
Secretary.

FIFTY-EIGHTH DAY

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
March 1, 1905.

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

The president presiding.

Prayer by the Reverend Jesse D. Sarles.

Roll call.

All members present except Messrs. Gulack and Herbrandson, who were excused.

The courtesies of the floor were extended to W. I. Irvine.

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 of the fifty-seventh day, have carefully examined the same, find no corrections to make therein, and recommend that the same be approved.

R. W. MAIN,
Chairman.

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. 23,

A bill for an act making an appropriation for a deficiency in the appropriation for the institution for the feeble minded.

Also,

Senate Bill No. 78,

A bill for an act making an appropriation for the erection of a building for the blind asylum, located at Bathgate, Pembina county, and for the proper furnishing and equipment of the same, and to provide for its maintenance and operation.

Also,

Senate Bill No. 51,

A bill for an act to amend section 8 and section 12 of chapter 108, session laws of 1903, entitled an act to establish an institution for the feeble minded and provide for its support and management.

Also,

Senate Bill No. 176,

A bill for an act providing for the amount of clerk hire to be allowed various state offices, and making an appropriation therefor.

Also,

Senate Bill No. 79,

A bill for an act making an appropriation for the purchase of the law library of the late John M. Cochrane, of Grand Forks, North Dakota, for the use of the college of law of the university of North Dakota.

Also,

Senate Bill No. 62,

A bill for an act creating and establishing an agricultural experiment station at or near Dickinson in Stark county, providing for its management and making an appropriation therefor.

Also,

Senate Bill No. 112,

A bill for an act to amend section 338 of the revised codes of 1899, as amended by chapter 28 of the session laws of 1903, providing for an appropriation for supplies for the capitol building, executive mansion and the public grounds and parks connected therewith and for necessary repairs upon the capitol building and executive mansion.

Also,

Senate Bill No. 77,

A bill for an act making an appropriation to pay certain indebtedness incurred by the trustees of the state univer-

sity, and school of mines at Grand Forks, the agricultural college at Fargo, and state normal school at Valley City, the deaf and dumb asylum at Devils Lake.

Also,

Senate Bill No. 16,

A bill for an act making appropriations for the current and contingent expenses of the state penitentiary, and for making permanent improvements thereto.

And find the same correctly enrolled.

GEO. M. YOUNG,
Chairman.

The committee on appropriations made the following report:

Mr. President:

Your committee on appropriations to whom was referred Senate Bill No. 177,

A bill for an act providing for the recommendation by the governor of North Dakota of a member of the grain and warehouse commission for the city of Superior, Wisconsin, and providing for his compensation for the period of two years.

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

That section 2 of the bill be amended to read as follows:

"Sec. 2. The person appointed by the governor of Wisconsin, if he has been recommended by the governor of North Dakota, shall be paid the sum of \$300 per annum from the date of his appointment, for the period of two years, which shall be in addition to all sums paid him under the laws of the state of Wisconsin."

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

JUDSON LA MOURE,
Chairman.

Mr. LaMoire moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on appropriations made the following report:

Mr. President:

Your committee on appropriations to whom was referred House Bill No. 1;

A bill for an act making appropriations for the current and contingent expenses of the Soldiers' Home, located at Lisbon, North Dakota, and for making permanent improvement, additions thereto and erecting a monument.

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

Also,

House Bill No. 48,

A bill for an act to amend sections 2 and 4 of chapter 172 of the laws of 1901, entitled 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, as the same was amended by chapter 11 of the laws of 1903.

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

Also,

House Bill No. 192,

A bill for an act appropriating \$2,000, or so much thereof as may be necessary, out of any funds in the state treasury not otherwise appropriated, to defray expenses of irrigation investigations and the per diem and expenses of State Engineer Chandler, and providing for the reimbursement of the counties of Ransom, Ward, McLean, La Moure and Williams for money advanced by them to defray irrigation investigation expenses.

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

JUDSON LA MOURE,

Chairman.

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

Mr. President:

Your committee on enrolled and engrossed bills have examined

House Bill No 86,

A bill for an act to provide for the levy of a tax in certain counties to aid in establishment and maintenance of county agricultural fair associations.

Also,

Senate Bill No. 177,

A bill for an act providing for the recommendation by the governor of North Dakota of a member of the grain and warehouse commission for the city of Superior, Wisconsin, and providing for his compensation for the period of two years.

Also,

House Bill No. 80,

A bill for an act to amend sections 3003, 3006 and 3008 of the revised codes of 1899, relating to powers and duties of the commissioners of railroads.

Also,

House Bill No. 176,

A bill for an act to amend chapter 107 of the session laws of 1901, relating to gopher tax.

Also,

Senate Bill No. 231,

A bill for an act to amend section 3023 of the revised codes of 1899, and chapter 13 of the session laws of 1903, relating to long and short hauls upon railroads and common carriers.

And find the same correctly engrossed.

GEORGE M. YOUNG.

Chairman.

The committee on state affairs made the following report:

Mr. President:

Your committee on state affairs to whom was referred

House Bill No. 158,

A bill for an act to regulate the manufacture and sale of dairy products and imitations and substitutes therefor, prescribing penalties for violations, to create the office of assistant dairy commissioner, prescribing his duties and fixing his salary.

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

J. B. SHARPE,

Chairman.

The committee on public health made the following report:

Mr. President:

Your committee on public health to whom was referred House Bill No. 174,

A bill for an act amending section 2581 of the revised codes relating to board of health.

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. 185,

A bill for an act to amend section 3, of chapter 34, of the laws of 1901, relating to the time when the board of pardons shall meet.

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

J. B. SHARPE,
Chairman.

The committee on game and fish made the following report:

Mr. President:

Your committee on game and fish to whom was referred House Bill No. 289,

A bill for an act to protect beavers in the state of North Dakota.

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

[Section 3. Emergency.] An emergency exists in this that there is nothing in the present laws prohibiting the trapping or killing of beavers in this state, therefore this act shall take effect immediately after its passage and approval.

And when so amended recommend that the same do pass.

R. W. MAIN,
Chairman.

Mr. Main moved

That the report be adopted,

Which motion prevailed, and

The report of the committee 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. 272,

A bill for an act to amend section 1259 of the political code of the state of North Dakota.

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

J. B. SHARPE,
Chairman.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred
House Bill No. 280,

A bill for an act authorizing the state, through the board of university and school lands, and the counties, townships, cities, towns and villages of the state, through their corporate authorities, to become members of water users' associations, and authorizing them to purchase and hold certificates of stock therein, and granting rights of way over state and schools lands for irrigation flumes, ditches and canals, and the right to construct reservoirs thereon for the storage of water for irrigation purposes.

Have had the same under consideration and recommend tha^t the same be amended as follows:

At the end of the title of said bill add the following, "and providing for the recording of subscriptions of water users' associations."

Add at the end of section 1 of said bill the following: "That the register of deeds is hereby authorized to accept from water users' associations organized in conformity with the requirements of the United States under the reclamation act, books containing printed copies of their articles of incorporation and forms of subscription to stock, and to use such books for recording the stock subscriptions of such association; and the charges for the recording thereof, shall be made on the basis of the number of words actually written therein."

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 of the committee was adopted.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred
House Bill No. 205,

A bill for an act providing that the register of deeds shall give a receipt for instruments left in his office to be filed or recorded therein.

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

Also,

House Bill No. 97,

A bill for an act to legalize the incorporation of certain cities, towns, villages, townships and school districts, and acts of officers of the same.

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

Also,

House Bill No. 24,

A bill for act to amend section 1267 of the revised codes relating to redemption from sale of real estate for taxes, time of payment of subsequent taxes, and rate of interest thereon.

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

Also,

House Bill No. 284,

A bill for an act to amend sections 1944 and 1949 of the revised codes of North Dakota of 1899, relating to depositories of county funds.

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

Also,

House Bill No. 220,

A bill for an act to amend section 354 of the revised codes of North Dakota, 1899, relating to offices and officers, and the qualification of officer.

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

Also,

House Bill No. 82,

A bill for an act to amend chapter 4, of the session laws of 1903, being section 6633 of the revised codes of North

Dakota, 1899, relating to procedure in civil actions in justice court.

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 of the committee was adopted.

And the further consideration of the bill was indefinitely postponed.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred

House Bill No. 214,

A bill for an act to amend section 5578 of the revised codes of 1899, relating to taxation of costs in civil actions.

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 of the committee was adopted.

And further consideration of the bill was indefinitely postponed.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred

House Bill No. 221,

A bill for an act to amend section 1. of chapter 158, of the session laws of 1899, being section 3491a, of the revised codes of North Dakota, 1899, relating to titles to real property.

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

By adding to said bill section 3 to read as follows:

Section 3. This act shall not become operative as a law until January 1, 1907.

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 of the committee was adopted.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred
House Bill No. 286,

A bill for an act defining criminal libel and conspiracy to
libel, and providing punishment therefor.

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

C. B. LITTLE,
Chairman.

Mr. Regan objected to the present consideration of the
judiciary committee's report on

House Bill No. 286,

A bill for an act defining criminal libel and conspiracy to
libel, and providing punishment therefor.

And the report went over one day.

Mr. LaMoure objected to the present consideration of
the judiciary committee's report on

House Bill No. 288,

A joint resolution to provide for the compilation and
publication of the revised codes of North Dakota of 1905,
providing for the payment and directing the manner of
sale of the same.

And the report went over one day.

MOTIONS AND RESOLUTIONS.

Mr. LaMoure moved

That the postmaster and assistant postmaster of the
senate, and the messenger of the senate each receive \$20.00
extra compensation for expense incurred in the perform-
ance of their duties.

Which motion prevailed.

Mr. Little moved

That all bills for first reading receive also their second
reading and reference.

Which motion prevailed.

Mr. Phelan moved

That all bills be messaged to the house as soon as passed.

Which motion prevailed.

Mr. Simpson offered the following:

CONCURRENT RESOLUTION.

Resolved, By the Senate, the House of Representatives concurring, That there be published with the session laws of this session of the legislative assembly, the following:

The Magna Charta,
 The Declaration of Independence,
 The Articles of Confederation,
 The Ordinance of 1787 Providing Government for the Territory of the United States Northwest of the River Ohio.
 The Constitution of the United States,
 The Enabling Act,
 The Constitution of North Dakota, and
 The Reclamation Act.

Mr. Simpson moved

That the resolution be adopted.

Which motion prevailed, and

The resolution was adopted.

Mr. Simpson offered the following resolution:

Be It Resolved, By the Senate, That the four witnesses subpoenaed and in attendance before the railroad committee of the senate, in the matter of the lignite coal rate investigation—authorized by resolution of the senate on the first day of February, 1905, as certified by the railroad committee—be allowed mileage at the rate of five cents per mile, both ways, for each mile actually and necessarily traveled, and three dollars per diem for each day actually occupied in attendance upon said committee.

Mr. Simpson moved

That the resolution be adopted.

Which motion prevailed, and

The resolution was so referred.

Mr. Simpson offered the following resolution:

Be It Resolved, By the Senate of the state of North Dakota, the House of Representatives concurring, That the samples and articles of pottery manufactured from the clays found in the vicinity of Dickinson, North Dakota, and now located in the state capitol at Bismarck, be, under the direction of the governor, subject to such rules for their safeguarding as he may prescribe, exhibited at the Minnesota state fair during the year 1905, and, during the same year, that they may be also exhibited at the state fair to be held in North Dakota at the place in said state where said fair may be held pursuant to the laws of this state.

Mr. Simpson moved

The resolution was adopted.

Which motion prevailed, and

The resolution was adopted.

By direction of the senate committee on appropriations, Mr. LaMoure introduced the following resolution:

Whereas, Acting under the direction of the senate committee on appropriations, several members of said committee did visit some of the charitable and educational institutions of the state, for the purpose of informing said committee of the actual needs of said institutions, and performed said labors at their own expense for hotel bills, etc., therefore, be it

Resolved, By the Senate, That the president and secretary be instructed to approve for payment, as compensation to each of said members that performed said services, an amount computed at a rate of ten cents per mile for each mile necessarily traveled in going from and returning to the capitol, said compensation to be in lieu of all expenses incurred.

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

That the employes of the senate who have been elected and sworn in, receive compensation from the day and date of their election and that vouchers be drawn for the amounts.

Which motion prevailed.
Mr. Talcott offered the following resolution:

CONCURRENT RESOLUTION.

Be It Resolved, By the Senate of the state of North Dakota, the House of Representatives concurring, That no bills be placed upon their third reading and final passage after 3 p. m., Friday, March 3d, 1905.

Mr. Talcott moved
That the resolution be adopted.
Which motion prevailed, and
The resolution was adopted.
Mr. Bacon offered the following resolution:

Resolved, That the president be requested to appoint one member of the senate and the secretary of the senate, together with one assistant, as a committee to correct the journal of the sixtieth day, and compare the journal of the session with the written journal, and that they be each 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.

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

COMMUNICATION FROM THE GOVERNOR.

The following communication was received from the governor:

GOVERNOR'S OFFICE,
BISMARCK, NORTH DAKOTA,
March 1, 1905.

To the Senate:

Mr. President: I have the honor to inform you that I have this day approved and filed with the secretary of state:

Senate Bill No. 1,

A bill for an act prescribing regulations for the appropriation, distribution and use of water in the construction and maintaining of canals, ditches and storage reservoirs for the purpose of irrigation, evaporation and water power; for the diversion and confining, retention, storage and distribution of water; the condemnation of lands for the right of way of works for such purposes; providing for a state engineer and one or more assistant state engineers, and the appointment of officers for the surveying and measurement, fixing their compensation and providing for the payment of the same and making an appropriation therefor, prescribing their duties, powers and qualifications, and the appropriation of the streams of the state and controlling the distribution of water throughout the state in the several water divisions thereof, prescribing water divisions, and the management of water regulations and adjudicating the rights and the priority of rights of those diverting, carrying or storing water for irrigation or other beneficial purposes in the water districts in the several water divisions, providing for the expense of such adjudication and for the apportionment and payment thereof, prescribing regulations and ascertaining the rights and priorities of those entitled to water for use for the irrigation of lands, and to provide penalties and for punishing persons for interfering with it or maliciously trespassing upon the ditches, reservoirs or irrigation works for the storage and conveyance of water and to regulate the rights to the use of water for agricultural and manufacturing and other purposes, to provide for a board of water commissioners, prescribing their duties, pay, compensation, providing for water masters, their duties, compensation, providing for change of place or use of diversion, measuring devices, bridges over

ditches or canals, providing for constructing works, the disposition of seepage water, and providing for the disposition of state lands and right of way over same, and that the state engineer assist county commissioners in establishing and constructing drains.

E. Y. SARLES,
Governor.

MESSAGE FROM THE HOUSE.

The following message was received from the house.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
March 1, 1905.

Mr. President:

I have the honor to transmit herewith
Senate Bill No. 187,

A bill for an act providing for the payment by the county of a portion of the expense whenever a person is sent to the hospital for the insane, to the institution for the feeble minded, the school for the deaf and dumb and to the blind asylum, and to provide for reimbursing said county.

Which the house has amended as follows:

By striking out in line 3 of the title in the printed bill, after the word "minded" the words "the school for the deaf and dumb and to the blind asylum."

By striking out after the word "Grafton" the following in line 3 of section 1 of the printed bill: "To the school for the deaf and dumb at Devils Lake and to the blind asylum at Bathgate," and inserting the word "and" after the word "Jamestown" in line 3 of section 1.

Also,

Senate Bill No. 82,

A bill for an act establishing the state fair, locating it at Grand Forks, and making appropriations therefor.

Which the house has amended as follows:

In line 1 of the title of the printed bill strike out the word "the"; in the same line add the letter "s" to the word "fair" and in the same line strike out the word "it" and insert in lieu thereof the word "them." In the first line of the title of the printed bill after the words "Grand Forks" insert the words "and Fargo."

Strike out all after the enacting clause and insert in lieu thereof the following:

“Section 1. For the purpose of promoting and improving the condition of agriculture, horticulture, mechanical, manufacturing and household arts, a state fair or exposition shall be held biennially at or near the city of Grand Forks, in the state of North Dakota, during each odd numbered year, and biennially at or near the city of Fargo, in the state of North Dakota, during each even numbered year, subject to the conditions hereinafter named, and the location of the state fairs as herein provided is hereby declared to be permanent.

Sec. 2. If an organization to be known and designated as the North Dakota State Fair Association for Grand Forks, or by some similar name, shall be, during the year 1905, created and organized under and pursuant to the general laws of this state, in relation to corporations, with a paid up capital stock of not less than \$20,000, such association shall become entitled to receive the appropriations hereinafter named, upon the conditions set forth in this act. The said association may acquire the title to not less than seventy (70) nor more than one hundred and sixty (160) acres of ground at or near the city of Grand Forks, in said state, and such association may, and is hereby empowered and authorized to convey the title to the land so acquired by it, unto the state of North Dakota, which property, when so conveyed, shall be held by the state of North Dakota forever for the following purposes, and none other: For the purpose of exhibiting thereon under the management of such association, or its successors, biennially, during each odd numbered year the agricultural, stock breeding, horticultural, mining, mechanical, industrial, and other products and resources of the state of North Dakota, including proper exhibits of the arts, sciences and all other public displays pertinent to and dependent upon exhibitions and expositions of human art, industry and skill. The said association may use so much of its paid up capital stock as may be necessary for the acquisition of title to the land so to be purchased by it for use as fair grounds, and the balance thereof shall be and constitute a fund toward the construction of buildings and other permanent improvements thereon.

Sec. 3. If an organization, to be known and designated as the North Dakota State Fair Association for Fargo, or by some similar name, shall be, during the year 1905, created and organized under and pursuant to the general laws of this state, in relation to corporations, with a paid up capital

stock of not less than \$20,000, such association shall become entitled to receive the appropriations hereinafter named upon the conditions set forth in this act. The said association may acquire the title to not less than seventy (70) nor more than one hundred and sixty (160) acres of ground at or near the city of Fargo, in this state, and such association may, and it is hereby empowered and authorized to convey the title to the land so acquired by it, unto the state of North Dakota, which property when so conveyed shall be held by the state of North Dakota forever, for the following purposes and none other: For the purpose of exhibiting thereon under the management of such association, or its successors, biennially, during each even numbered year, the agricultural, stock breeding, horticultural, mining, mechanical, industrial, and other products and resources of the state of North Dakota, including proper exhibits of the arts, sciences and all other public displays pertinent to and dependent upon exhibitions and expositions of human art, industry and skill. The said association may use so much of its paid up capital stock as may be necessary for the acquisition of title to the land so to be purchased by it for use as fair grounds, and the balance thereof shall be and constitute a fund toward the construction of buildings and other permanent improvements thereon.

Sec. 4. The custody and control of the premises upon which said fair at Grand Forks is located shall be vested in said North Dakota State Fair Association for Grand Forks, and the general offices thereof shall be located and maintained either upon the premises so acquired or at some suitable place in the city of Grand Forks, and said association is hereby authorized, required and empowered to maintain its said offices as aforesaid, wherein shall be contained the property and records of said association and the entire care, custody, management and control of said premises, and the structure thereon, shall be vested in said association.

Sec. 5. The custody and control of the premises upon which said fair at Fargo is located shall be vested in said North Dakota State Fair Association for Fargo, and the general offices thereof shall be located and maintained either upon the premises so acquired or at some suitable place in the city of Fargo, and said association is hereby authorized, required and empowered to maintain its said offices as aforesaid, wherein shall be contained the property and records of said association, and the entire care, custody,

management and control of said premises, and the structures thereon, shall be vested in said association.

Sec. 6. When the state of North Dakota accepts the title to the land so acquired by either of said associations, which acceptance shall be made by the governor and attorney general, thereupon and not before such time, shall the deed of conveyance of said property to the state be accepted and recorded. Should the state of North Dakota cease to appropriate the sum of at least five thousand (\$5,000) dollars annually to be awarded as premiums in connection with said fair then the title of said premiums shall revert to and become the property of the association that transferred the same to the state; provided, further, that the state shall never become liable for any of the debts and liabilities of said associations, save as appropriations shall be made therefor from time to time by the legislature.

This act shall not become binding upon the state as to either fair association until the stockholders of such association shall adopt and file with the secretary of state an irrevocable by-law, consenting and providing that its board of directors shall consist of fifteen persons; that the governor, commissioner of agriculture and labor and the state auditor shall, ex-officio, constitute three of such directors; that five of the directors of such association shall be residents of the judicial district in which said fair is to be held, and that one director shall be selected from each other judicial district of this state, and shall be a resident of the same.

Sec. 7. The board of directors of each association shall appoint an executive committee which shall keep an accurate account of the expenditures of all moneys appropriated to it by the state, and of all other receipts and expenditures, and shall collect, arrange and collate all the information in their power in relation to the nature and preparation of soils, the cultivation and growth of crops, the breeding and management of stock, the application and character of manure and fertilizers, the introduction of new cereals and other grains and other agricultural subjects, and report the same together with a statement of their doings, and such account of their expenditures, to the governor on or prior to the first day of January each year following the holding of a state fair, such report to be audited by the governor, commissioner of agriculture and labor and

the auditor, and by the governor laid before the legislative assembly. All moneys hereby appropriated shall be paid over to the treasurer of the association entitled to the same on the order of the president attested by the secretary.

Sec. 8. For the purpose of enabling said associations to suitably enclose their grounds and to aid them in the erection thereon of proper buildings, structures and other improvements suitable for the purposes of giving expositions or fairs the sum of ten thousand dollars is hereby appropriated out of the moneys in the state treasury not otherwise appropriated, one-half of which amount shall go to each association, provided, nevertheless, that no part of said appropriation shall be payable until after a deed of conveyance of the premises upon which the fair is to be held, has been made and accepted by the state as hereinbefore provided, and provided, further, that this appropriation shall lapse and shall only be available to the association whose conveyance is made and accepted by the state on or prior to June 1, 1906.

Sec. 9. There is hereby appropriated out of any funds in the treasury of the state of North Dakota not otherwise appropriated, the sum of \$10,000, annually, to be expended by the directors of said associations as follows: Not more than \$5,000 thereof in any one year for the erection of buildings and making of other permanent improvements upon the fair grounds; not less than \$5,000 in any one year as premiums to the exhibitors at said fair; such appropriation to be paid to the North Dakota State Fair Association for Grand Forks in odd numbered years and to the North Dakota State Fair Association for Fargo in even numbered years.

Sec. 10. This act shall not become binding or effective upon the state as to either of such associations until the stockholders of such association shall adopt a by-law expressly accepting and agreeing to all of the conditions hereof, and file a certified copy of said by-law with the secretary of state.

Sec. 11. In the event of the failure of either of such associations to comply with the provisions of this act then the other association shall be entitled to hold a state fair upon its grounds during each year and receive the appro-

priation herein made for the associaion failing thus to comply with this act, and such failure on the part of either association shall operate to permanently establish the state fair grounds of the other association.

Sec. 12. Provided, that nothing in this act contained shall be construed to prohibit the fair association leasing said grounds and buildings for the purpose of holding stock and agricultural exhibits when they deem advisable.

Sec. 13. All acts and parts of acts in conflict with this are hereby expressly repealed.

Sec. 14. Whereas, an emergency exists in this that there is no adequate law providing for the holding of a state fair in the state of North Dakota, and it is desirable that the needed steps be taken to the end that a state fair may be held during the year 1905, therefore, this act shall take effect and be in force from and after its approval.

Also,

Senate Bill. No. 165,

A bill for an act to create and organize the county of McKenzie, to fix the county seat of said county, to provide for the appointment of county officers in said county for transcribing a portion of the records of Stark and Williams counties and for terms of the district court therein.

Which the house has amended as follows:

By striking out the word "sixth" in line 2 of section 6 of the original bill as passed by the senate and inserting in lieu thereof the word "eighth."

And inserting after the word "to" in line 2 of section 3 the following, "locate a temporary county seat and."

And passed as amended.

Also,

I have the honor to advise you that the house has concurred in the senate concurrent resolution relating to the St. Louis exhibit of North Dakota pottery.

CONCURRENT RESOLUTION

Whereas, The exhibit of clays and the pottery exhibited at the St. Louis exposition during the year 1904, was manufactured and perfected from clays found in the state of North Dakota, under the direction of the state university and school of mines, and shows the result of the work of such institution, therefore,

Be it Resolved by the Senate, the House of Representatives concurring, That such exhibit, together with the cases used for displaying the same, shall become the property of the state university and the school of mines, to be by that institution placed in its museum and held permanently, subject at all times, however, to being placed on exhibition at such fairs and expositions as the governor may direct.

Also,

I have the honor to advise you that the house has refused to concur in senate concurrent resolution, relating to codifying of township laws.

CONCURRENT RESOLUTION

Be It Resolved, By the senate of the Ninth Legislative Assembly of the state of North Dakota, the House of Representatives concurring, that the secretary of state be, and is hereby, instructed to codify and publish one thousand copies of the laws of the state of North Dakota, affecting townships and township government, and to send one copy to the clerk of each township in the state of North Dakota; and that the remaining copies be sold at such price as is reasonable and will in the opinion of the secretary of state compensate the state for the expense of the publication thereof.

Also,

I have the honor to transmit herewith
Senate Bill No. 176,

A bill for an act providing for the amount of clerk hire to be allowed various state offices, and making an appropriation therefor.

Also,

Senate Bill No. 77,

A bill for an act making an appropriation to pay certain indebtedness incurred by the trustees of the state university, and school of mines at Grand Forks, the agricultural college at Fargo, and state normal school at Valley City, the deaf and dumb asylum at Devils Lake, and the industrial school and school for manual training at Ellendale.

Also,

Senate Bill No. 78,

A bill for an act making an appropriation for the erection of a building for the blind asylum, located at Bathgate, Pembina county, and for the proper furnishing and equipment of the same, and to provide for its maintenance and operation.

Also,

Senate Bill No. 79,

A bill for an act making an appropriation for the purchase of the law library of the late John M. Cochrane, of Grand Forks, North Dakota, for the use of the college of law of the university of North Dakota.

Also,

Senate Bill No. 23,

A bill for an act making an appropriation for a deficiency

in the appropriation for the institution for the feeble minded.

Also,

Senate Bill No. 16,

A bill for an act making appropriations for current and contingent expenses of the state penitentiary, and for making permanent improvements thereto.

Also,

Senate Bill No. 112,

A bill for an act to amend section 338 of the revised codes of 1899, as amended by chapter 28 of the session laws of 1903, providing for an appropriation for supplies for the capitol building, executive mansion and the public grounds and parks connected therewith and for necessary repairs upon the capitol building and executive mansion.

Also,

Senate Bill No. 164,

A bill for an act making an appropriation for carrying into effect provisions of law relating to the duties of the commissioner of agriculture and labor.

Also,

Senate Bill No. 51,

A bill for an act to amend section 8 and section 12 of chapter 108, session laws of 1903, entitled an act to establish an institution for the feeble minded and provide for its support and management.

Also,

Senate Bill No. 34,

A bill for an act to provide for new buildings and for making needed permanent improvements for the school of deaf and dumb, located at Devils Lake, North Dakota, and making an appropriation therefor.

Also,

Senate Bill No. 41,

A bill for an act to provide an appropriation for the current and contingent expenses of the state hospital for the insane at Jamestown.

Also,

Senate Bill No. 104,

A bill for an act to provide for the erection of necessary additional buildings and other improvements at the state hospital for the insane at Jamestown, North Dakota.

Also,

Senate Bill No. 106,

A bill for an act to make an appropriation for the current and concurrent expenses of the state reform school at Mandan, for additional buildings for said school and furnishing and equipping the same.

Also,

Senate Bill No. 123,

A bill for an act to amend sections 870 and 871 of the revised codes of North Dakota for 1899, relating to the appropriation for aid to state high schools.

Also,

Senate Bill No. 167,

A bill for an act to appropriate the sum of \$6,997.59 to pay expenses incurred by the chief state veterinarian and the state board of auditors in connection with the erection, equipment and maintaining of state dipping tanks for dipping live stock in the prevention of the spread of scabbies.

Also,

Senate Bill No. 168,

A bill for an act making an appropriation for purchasing or erecting a building, furnishing and equipping the same, for the use of North Dakota academy of science, located at Wahpeton, North Dakota, and to provide funds for the maintenance of said school.

Also

Senate Bill No. 169,

A bill for an act to provide the maintenance of summer school, and for new buildings and for making needed and permanent improvements for the state normal school at Valley City, North Dakota, and making an appropriation therefor.

Also,

Senate Bill No. 37,

A bill for an act to provide an appropriation for the current and contingent expenses of the institution for the feeble minded at Grafton, North Dakota.

Also,

Senate Bill No. 62,

A bill for an act creating and establishing an agricultural experiment station at or near Dickinson in Stark county,

providing for its management and making an appropriation therefor.

Also,

Senate Bill No. 69,

A bill for an act creating and establishing an agricultural experiment station at or near Leeds in Benson county, providing for its management and making an appropriation therefor.

Also,

Senate Bill No. 148,

A bill for an act creating and establishing an agricultural experiment station at or near Linton, in Emmons county, providing for its management and making an appropriation therefor.

Also,

Senate Bill No. 137,

A bill for an act defining the status, and providing for the duties of the State Historical Society of North Dakota, and making an appropriation therefor.

Also,

Senate Bill No. 52,

A bill for an act to amend section 1375 of the revised codes, relating to additional duties of the adjutant general.

Also,

Senate Bill No. 4,

A bill for an act appropriating money for the building and equipping of a chemical laboratory and green house for the North Dakota Agricultural College and Experiment Station at Fargo.

Also,

Senate Bill No. 12,

A bill for an act providing for the creation of a state bacteriological and pathological laboratory, for the control of such laboratory, and duties of the director, for the appointment of a director of such laboratory, who shall be ex-officio state bacteriologist and for an appropriation for the support of such laboratory.

Also,

Senate Bill No. 100,

A bill for an act to provide for the maintenance of the industrial school and school for manual training, located at

Ellendale, for making necessary improvements, providing for the payment of interest on certificates of indebtedness, and making an appropriation therefor.

Also,

Senate Bill No. 31,

A bill for an act appropriating money for the enforcement of the pure food and other health and sanitary laws and for investigating the strength and purity of drugs and formaldehyde.

Also,

Senate Bill No. 113,

A bill for an act to provide for the care and improvement of the "White Stone Hills Battle Field," and making an appropriation to pay for the same.

Also,

Senate Bill No. 155,

A bill for an act appropriating to James G. Saunders, clerk of the district court of Stark county, North Dakota, \$2 00 clerk's fees for services rendered in the unorganized territory attached to Stark county for judicial purposes during the years 1903 and 1904.

Also,

Senate Bill No. 154,

A bill for an act appropriating to James G. Campbell, state's attorney for Stark county, \$3 00 attorney's fees for services rendered in the unorganized territory attached to Stark county for judicial purposes during the years 1903 and 1904.

Also,

Senate Bill No. 135,

A bill for an act to provide an appropriation for the repairing of and the building of an addition to the present building and heating plant and for the erection and equipment of a dormitory building for the state normal school at Mayville.

Which the house has passed unchanged.

Also,

House Bill No. 237,

A bill for an act to amend section 6613 of the revised codes of 1899, of the state of North Dakota.

Also,

House Bill No. 257,

A bill for an act to amend chapter 165, session laws of 1903, relating to hawkers and peddlers.

Also,

House Bill No. 287,

A bill for an act to provide for the removal of the county seat in organized counties within this state, which prior to the taking effect of this act have constructed no court house.

Also,

House Bill No. 281,

A bill for an act amending section 8279 of the revised codes of 1899, relating to criminal procedure.

Also,

House Bill No. 230,

A bill for an act to amend section 5577 of the revised codes, relating to costs on foreclosure of liens.

Also,

House Bill No. 139,

A bill for an act repealing sections 7001 and 7002 of the revised codes of 1899, relative to the buying and selling of titles.

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

Very respectfully,

OTTO SOUGSTAD,

Chief Clerk.

Mr. Bacon moved

That the senate now concur in the house amendments of Senate Bill No. 82,

A bill for an act establishing state fairs, locating them at Grand Forks and Fargo.

Mr. Voss moved

As a substitute motion,

That Senate Bill No. 82 be amended by striking out the words "and the location of the state fairs as herein provided is hereby declared to be permanent," in the last 2 lines of the engrossed bill.

Which motion was lost.

The question being upon the original motion to concur in the house amendments of the bill.

The motion prevailed, and

The amendments of the house were concurred in.

The question being on the final passage of Senate Bill No. 82, as amended.

The roll was called and there were ayes 30, nays 7, absent and not voting 3.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bacon	Kirkeide	Sifton
Brown	Kraabel	Spoonheim
Carroll	LaMoure	Stade
Cashel	Macdonald	Steele
Dyste	Main	Swenson
Fox	McArthur	Talcott
Garnett	McLean	Taylor
Hanna	Movius	Thatcher
Johnson of McLean	Pierce	Wagner
Johnson of Walsh	Plain	Young

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Crane	Regan	Simpson
Hagen	Sharpe	Voss
Little		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Benson	Gulack	Herbrandson

Messrs. Benson, Gulack and Herbrandson being excused. So the bill passed and the title was agreed to.

Mr. Bacon moved

That the vote by which Senate Bill No. 82 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, 1905.

Mr. President:

I have the honor to transmit herewith

House Bill No. 277,

A bill for an act to amend section 2947, of the revised codes of North Dakota for the year 1899, relating to the powers of railroad corporations.

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

Very respectfully,
 OTTO SOUGSTAD,
 Chief Clerk.

INTRODUCTION AND FIRST READING OF SENATE BILLS.

Mr. Thatcher introduced

Senate Bill No. 235,

A bill for an act prescribing duties of state depositories.

Which was read the first and second times and

Referred to the committee on judiciary.

THIRD READING OF SENATE BILLS.

Senate Bill No. 177,

A bill for an act providing for the recommendation by the governor of North Dakota of a member of the grain and warehouse commission for the city of Superior, Wisconsin, and providing for his compensation for the period of two years.

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 13.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Benson	Kirkeide	Spoonheim
Brown	Little	Stade
Carroll	Main	Steele
Cashel	McLean	Talcott
Crane	Pierce	Taylor
Dyste	Plain	Thatcher
Hagen	Regan	Voss
Hanna	Sharpe	Wagner
Johnson of Walsh	Sifton	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Bacon	Johnson of McLean	McArthur
Fox	Kraabel	Movius

Messrs.—	Messrs.—	Messrs.—
Garnett	LaMoure	Simpson
Gulack	Macdonald	Swenson
Herbrandson		

Messrs. Bacon, Fox, Garnett, Gulack, Herbrandson, Johnson of McLean, Kraabel, LaMoure, Macdonald, McArthur, Movius, Simpson and Swenson being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 2.

A bill for an act concerning land titles.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 23, nays 2, absent and not voting 15.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bacon	Kirkeide	Plain
Benson	LaMoure	Regan
Brown	Little	Sharpe
Cashel	Main	Spoonheim
Crane	McArthur	Talcott
Hagen	McLean	Voss
Hanna	Movius	Young
Johnson of Walsh	Pierce	

Those who voted in the negative were:

Messrs.—	Messrs.—
Sifton	Wagner

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Carroll	Herbrandson	Stade
Dyste	Johnson of McLean	Steele
Fox	Kraabel	Swenson
Garnett	Macdonald	Taylor
Gulack	Simpson	Thatcher

Messrs. Carroll, Dyste, Fox, Gulack, Herbrandson, Johnson of McLean, Kraabel, Macdonald, Simpson, Stade, Steele, Swenson, Taylor and Thatcher being excused.

So the bill passed and the title was agreed to.

Mr. Plain moved

That the vote by which Senate Bill No. 2 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Senate Bill No. 231,

A bill for an act to amend section 3023 of the revised codes of 1899, and chapter 13 of the session laws of 1903, relating to long and short hauls upon railroads and common carriers.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 26, nays none, absent and not voting 14.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Benson	Johnson of Walsh	Spoonheim
Brown	Kirkeide	Stade
Cashel	Little	Swenson
Crane	Main	Talcott
Dyste	movius	Taylor
Fox	Pierce	Thatcher
Hagen	Regan	Wagner
Hanna	Sharpe	Young
Johnson of McLean	Sifton	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Bacon	Kraabel	Plain
Carroll	LaMoure	Simpson
Garnett	Macdonald	Steele
Gulack	McArthur	Voss
Herbrandson	McLean	

Messrs. Bacon, Carroll, Garnett, Gulack, Herbrandson, Kraabel, LaMoure, Macdonald, McArthur, McLean, Plain, Simpson, Steele and Voss being excused.

So the bill passed and the title was agreed to.

FIRST AND SECOND READING OF HOUSE BILLS

House Bill No. 237,

A bill for an act to amend section 6613 of the revised codes of 1899, of the state of North Dakota.

Which was read the first and second times and

Referred to the committee on judiciary.

House Bill No. 257,

A bill for an act to amend chapter 165, session laws of 1903, relating to hawkers and peddlers.

Which was read the first and second times, and

Referred to the committee on judiciary.

House Bill No. 287,

A bill for an act to provide for the removal of the county seat in organized counties within this state, which prior to the taking effect of this act have constructed no court house.

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

House Bill No. 281.

A bill for an act amending section 8279 of the revised codes of 1899, relating to criminal procedure.

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

House Bill No. 230,

A bill for an act to amend section 5577 of the revised codes, relating to costs on foreclosure of liens.

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

House Bill No. 139,

A bill for an act repealing sections 7001 and 7002 of the revised codes of 1899, relative to the buying and selling of titles.

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

House Bill No. 277,

A bill for an act to amend section 2947, of the revised codes of North Dakota for the year 1899, relating to the powers of railroad corporations.

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

MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
March 1, 1905.

Mr. President:

I have the honor to transmit herewith
Senate Bill No. 157,

A bill for an act appropriating money for the building and equipping of an administration and gymnasium build-

ing for the North Dakota agricultural college and experiment station at Fargo.

Also,

Senate Bill No. 153,

A bill for an act appropriating money for the building and equipping of an administration and gymnasium building for the state university and school of mines at Grand Forks.

Which the house has passed unchanged

Also,

Senate Bill No. 161,

A bill for an act relating to banks and banking, providing for the organization, management, control, regulation and supervision of banking corporations, providing penalties for the violation of the provisions of the same, and repealing laws inconsistent therewith.

Which the house has amended as follows:

In line 2 of section 1 of the engrossed copy, strike out the words "state auditor" and insert the words "attorney general."

In line 4 of article 8 of section 5, strike out the word "deposits" and insert the words "capital stock."

In line 3 of article 1 of section 8, strike out the words "fifty per cent of its capital stock," and insert the following: "twenty-five per cent of the capital stock of banks having a capital of over ten thousand dollars."

In line 6 of article 4 of section 8, strike out the word "ten" and insert the word "five."

In line 5 of section 7, strike out the word "twenty" and insert the word "ten."

In line 7 of section 7, strike out the word "twenty-five" and insert the word "twenty."

In line 4 of section 15, strike out the word "ten" and insert the word "five."

In line 7 of section 23, strike out the word "seventy-five" and insert the word "fifteen."

In line 8 of section 23, after the word "in" insert the following: "Provided, no stockholder shall become principal surety for any loan or loans made by such bank for a sum greater than the capital stock held by him."

In line 11 of section 23, after the word "or" insert the word "actually."

In line 11 of section 30, strike out the word "twenty" where it first appears, and insert the word "ten."

In line 12 of section 30, strike out the word "twenty" and insert the word "ten."

In line 14 of section 32, after the word "officers" add the following: "Provided, such bonds shall be in such sums for the several persons bonded as such board shall prescribe, taking into consideration the positions held by such bonded person, such bonds to be surety bonds of some reputable company."

In line 9 of section 39, strike out the word "deem" and insert the word "declare."

In section 42, strike out the words "chapter twenty of the revised codes of North Dakota, of 1899, being sections 3226 to 3258 both inclusive, and."

In line 4 of section 42, after the word "laws" insert the following: "Repugnant to and."

And passed as amended.

Also,

I have the honor to transmit herewith Senate Bill No. 207 which the house has passed with the following amendments:

By adding at the end of the title thereto the following words: "And providing who can sue and maintain actions against corporate authorities acting as trustees under the townsite laws."

That section 1 of said bill was amended by inserting in line 6½ of the printed bill between the words "aside" and "a" the words "if it has not been done."

That section 4 of said bill was amended by striking out all after the word "unclaimed" in the 7th line to and including the word "valuation" and by inserting "without reference to the appraisement before mentioned." And, further, by inserting in line 18 of the printed bill between the words "sale" and "and" the words "without reference to the appraisement before mentioned" and by adding at the end of said section 4 the following: "Provided, further, that no person not a beneficiary under the townsite laws of the United States and this state at the time of the entry of the townsite shall be permitted to sue or maintain any action in the courts of this state against the corporate authorities or their grantees, nor shall any city, town or village attorney be authorized to institute or maintain any action against the corporate authorities or their grantees without first having been authorized so to do by a majority vote of the city council or board of trustees of such city, town or village, as the case may be, nor shall any law of this state regulating the sale of trust property be held to apply to sales by the corporate authorities made under the provisions of this act."

And said bill is further amended by adding at the end of section 5 the following: "Provided, further, that when any city, town or village holding property in trust for the use and benefits of the occupants under any law of the United States or this state, has sold any or a part of such trust property and the deed of conveyance thereof, for any cause, has not been executed and delivered to the purchaser or purchasers by the proper officer or officers of

such city, town or village, the purchaser or purchasers having deposited with the treasurer of such city, town or village, the purchase price therefor, the successors in office of such officers may at any time within five years from the date of sale execute to such purchaser or purchasers of such property, a deed of such property in the name of such city, town or village, or the purchaser or purchasers of such property is empowered to get from the proper officer of such city, town or village, an exemplified copy of the record of the sale of such property and to file the same with the register of deeds of the county in which such city, town or village is located and such recorded record of the proceedings of sale shall be considered by all courts of this state as sufficient evidence of the sale and transfer of such trust property to the purchaser or purchasers."

Very respectfully,

OTTO SOUGSTAD,

Chief Clerk.

Mr. Pierce moved

That the senate decline to concur in the house amendments of

Senate Bill No. 161,

A bill for an act relating to banks and banking, providing for the organization, management, control, regulation and supervision of banking corporations, providing penalties for the violation of the provisions of the same, and repealing laws inconsistent therewith.

And that the president appoint a conference committee of five on said amendments, and that the appointment of a similar committee by the house be requested.

Which motion prevailed, and

The president appointed Messrs. Pierce, Cashel, Regan, Sharpe and Little, as such committee.

Mr. Simpson moved

That the senate refuse to concur in the house amendment of

Senate Bill. No. 165,

A bill for an act to create and organize the county of McKenzie, to fix the county seat of said county, to provide for the appointment of county officers in said county for transcribing a portion of the records of Stark and Williams counties and for terms of the district court therein.

And that the president appoint a conference committee of 3 on said amendments, and that the appointment of a similar committee by the house be requested.

Which motion prevailed, and

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

THIRD READING OF HOUSE BILLS.

House Bill No. 23,

A bill for an act to fix the salary of deputies in county offices.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 26, nays none, absent and not voting 14.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Benson	Johnson of Walsh	Simpson
Brown	Kirkeide	Spoonheim
Cashel	LaMoure	Staele
Crane	Little	Steele
Dyste	Main	Swenson
Fox	Pierce	Talcott
Hagen	Plain	Taylor
Hanna	Sharpe	Thatcher
Johnson of McLean	Sifton	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Bacon	Kraabel	Regan
Carroll	Macdonald	Voss
Garnett	McArthur	Wagner
Gulack	McLean	Young
Herbrandson	Movius	

Messrs. Bacon, Carroll, Garnett, Gulack, Herbrandson, Kraabel, Macdonald, McArthur, McLean, Movius, Regan, Voss, Wagner and Young being excused.

So the bill passed and the title was agreed to.

House Bill No. 34,

A bill for an act to amend section 648 and 750 of the revised codes of 1899, relating to education.

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 12.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Benson	Johnson of Walsh	Sifton
Brown	Kirkeide	Spoonheim
Carroll	LaMoure	Steele
Cashel	Little	Swenson
Crane	Main	Talcott
Dyste	Pierce	Thatcher
Fox	Plain	Voss
Hagen	Regan	Wagner
Hanna	Sharpe	Young
Johnson of McLean		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Bacon	Kraabel	Movius
Garnett	Macdonald	Simpson
Gulack	McArthur	Stade
Herbrandson	McLean	Taylor

Messrs. Bacon, Garnett, Gulack, Herbrandson, Kraabel, Macdonald, McArthur, McLean, Movius, Simpson, Stade and Taylor being excused.

So the bill passed and the title was agreed to.

House Bill No. 6,

A bill for an act for the relief of Clarence M. Cole, a member of Battery A, North Dakota National Guard.

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 1, absent and not voting 12.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Benson	Johnson of Walsh	Spoonheim
Brown	Kirkeide	Stade
Carroll	Kraabel	Steele
Cashel	LaMoure	Swenson
Dyste	McLean	Talcott
Fox	Pierce	Taylor
Hagen	Plain	Thatcher
Hanna	Regan	Wagner
Johnson of McLean	Sharpe	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Bacon	Little	Movius
Garnett	Macdonald	Sifton
Gulack	Main	Simpson
Herbrandson	McArthur	Voss

Mr. Crane voting in the negative.

Messrs. Bacon, Garnett, Gulack, Herbrandson, Little, Macdonald, Main, McArthur, Movius, Sifton, Simpson and Voss being excused.

So the bill passed and the title was agreed to.

House Bill No. 131,

A bill for an act to amend section 1283 of the revised codes and to repeal chapter 156 of the laws of 1903.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 30, nays none, absent and not voting 10.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bacon	Johnson of Walsh	Sharpe
Benson	Kirkeide	Spoonheim
Brown	Kraabel	Stade
Cashel	LaMoure	Steele
Crane	Macdonald	Swenson
Dyste	Main	Talcott
Fox	Movius	Taylor
Hagen	Pierce	Thatcher
Hanna	Plain	Voss
Johnson of McLean	Regan	Wagner

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Carroll	Little	Sifton
Garnett	McArthur	Simpson
Gulack	McLean	Young
Herbrandson		

Messrs. Carroll, Garnett, Gulack, Herbrandson, Little, McArthur, McLean, Sifton, Simpson and Young being excused.

So the bill passed and the title was agreed to.

House Bill No. 252,

A bill for an act providing for proposals for loaning city and school funds, and defining the duties of the various officers of the city or school districts with reference thereto.

Was read the third time.

Mr. LaMoure moved

That House Bill No. 252 be amended by striking out the word "or" in line 3 of the engrossed bill, after the word "city," and inserting in lieu thereof the words "county or;" by striking out the word "five" in line 6 of section 9 of the engrossed bill, and inserting the word "two" in lieu

thereof; by striking out the word "three" in line 8 of section 14 of the engrossed bill, and inserting in lieu thereof the word "two;" by striking out the words "five hundred" in line 5 of section 16 of the engrossed bill, and inserting in lieu thereof the words "one thousand;" by striking out the emergency clause.

Which motion prevailed, and

The bill was so amended.

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

The roll was called and there were ayes 31, nays none, absent and not voting 9.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bacon	Little	Simpson
Brown	Main	Spoonheim
Cashel	McArthur	Stade
Crane	McLean	Steele
Dyste	Movius	Swenson
Fox	Pierce	Talcott
Garnett	Plain	Taylor
Hanna	Regan	Voss
Kirkeide	Sharpe	Wagner
Kraabel	Sifton	Young
LaMoure		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Benson	Hagen	Johnson of Walsh
Carroll	Herbrandson	Macdonald
Gulack	Johnson of McLean	Thatcher

Messrs. Benson, Carroll, Gulack, Hagen, Herbrandson, Johnson of McLean, Johnson of Walsh, Macdonald and Thatcher being excused.

So the bill passed and the title was agreed to.

House Bill No. 286,

A bill for an act defining criminal libel and conspiracy to libel, and providing punishment therefor.

Was read the third time.

Mr. Regan arose to a point of order.

The president announced that the point of order was not well taken.

Mr. Regan moved

That House Bill No. 286 be amended by striking out the word "malicious" in the first line of section 1 of the

printed bill, and the word "false" be inserted in lieu thereof.

Which motion was lost.

Mr. Spoonheim moved

That House Bill No. 286 be amended by striking out the words "tending to provoke him to wrath."

Which motion was lost.

Mr. Talcott moved

That House Bill No. 286 be amended by striking out in line 3 of section 1 of printed bill the words "provoke him to wrath or."

Which motion prevailed, and

The bill was so amended.

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

The roll was called and there were ayes 24, nays 3, absent and not voting 8.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bacon	Hagen	Sifton
Brown	Hanna	Simpson
Carroll	Johnson of McLean	Swenson
Cashel	LaMoure	Talcott
Craze	Little	Taylor
Dyste	McLean	Thatcher
Fox	Pierce	Voss
Garnett	Plain	Young

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Benson	McArthur	Spoonheim
Johnson of Walsh	Regan	Wagner
Main	Sharpe	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Gulack	Kraabel	Stade
Herbrandson	Macdonald	Steele
Kirkeide	Movius	

Messrs. Gulack and Herbrandson 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 levy of a tax in certain counties to aid in establishment and maintenance of county agricultural fair associations.

Was read the third time.

Mr. Steele moved

That House Bill No. 86 be amended as follows: After section 5 insert section 6.

Section 6. Tax Herein Provided for Submitted to Vote. When.) Whenever the county commissioners shall have voted and ordered a tax levied in aid of an agricultural fair then at the next general election the question of continuing the annual levy and collection of said tax shall be submitted to vote of the people affected thereby, and the county auditor shall certify and give notice of the submission to vote of said question as in such cases provided by law.

The ballots to be used at such election shall be in the following form:

Yes
 For tax in aid of county fair,
 No

In voting upon such question the elector in favor of continuing said tax shall place a cross "X" in the square marked yes, and the electors opposed to continuing such tax shall place a cross in the square marked no. If a majority of the ballots cast at such election is in favor of continuing said tax the county commissioners may continue to levy the same annually, but if a majority is against levying said tax the county commissioners shall not thereafter levy any tax under this act; provided, however, the provisions of this act may be submitted by said county commissioners to the electors of the county at any general election, but the result of any election held under the provisions hereof shall remain in force until changed at some subsequent election held hereunder.

That emergency clause be numbered section 7.

Which motion was lost.

Mr. Cashel moved

That House Bill No. 86 be referred to committee on judiciary.

Which motion prevailed.

House Bill No. 178,

A bill for an act defining trusts and conspiracy against trade, declaring contracts in violation of the provisions of this act void, and making certain acts in violation thereof

misdemeanors, and prescribing the punishment therefor and matters connected therewith.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 34, nays none, absent and not voting 6.

Those voting in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Benson	Kirkeide	Sifton
Brown	Kraabel	Spoonheim
Carroll	LaMoure	Stade
Cashel	Little	Steele
Crane	Macdonald	Swenson
Dyste	Main	Talcott
Fox	Movius	Taylor
Garnett	Pierce	Thatcher
Hagen	Plain	Voss
Hanna	Regan	Wagner
Johnson of McLean	Sharpe	Young
Johnson of Walsh		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Bacon	Herbrandson	McLean
Gulack	McArthur	Simpson

Messrs. Bacon, Gulack, Herbrandson, McArthur, McLean and Simpson being excused.

So the bill passed and the title was agreed to.

House Bill No. 158,

A bill for an act to regulate the manufacture and sale of dairy products and imitations and substitutes therefor, prescribing penalties for violations, to create the office of assistant dairy commissioner, prescribing his duties and fixing his salary.

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 11.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Benson	Kirkeide	Spoonheim
Brown	LaMoure	Stade
Cashel	Little	Swenson
Crane	McLean	Talcott
Fox	Pierce	Taylor
Garnett	Plain	Thatcher
Hagen	Regan	Voss

Messrs.—	Messrs.—	Messrs.—
Hanna	Sharpe	Wagner
Johnson of McLean	Sifton	Young
Johnson of Walsh	Simpson	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Bacon	Herbrandson	McArthur
Carroll	Kraabel	Movius
Dyste	Macdonald	Steele
Gulack	Main	

Messrs. Bacon, Carroll, Dyste, Gulack, Herbrandson, Kraabel, Macdonald, Main, McArthur, Movius and Steele being excused.

So the bill passed and the title was agreed to.

Mr. Little moved

That the senate now concur in the house amendments of Senate Bill No. 207,

Which motion prevailed.

And the house amendments were concurred in.

Senate Bill No. 207,

A bill for an act to amend sections 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, of chapter 30, article 19, entitled "Townsites located on public lands," as published in the revised codes of 1895, and providing who can sue, and maintain actions against corporate authorities acting as trustees under the townsite laws.

Was read the third time.

The question being on the final passage of Senate Bill No. 207, as amended.

The roll was called and there were ayes 25, nays none, absent and not voting 15.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Cashel	Little	Stade
Crane	McLean	Steele
Fox	Pierce	Talcott
Hagen	Plain	Taylor
Johnson of McLean	Regan	Thatcher
Johnson of Walsh	Sharpe	Voss
Kirkeide	Sifton	Wagner
Kraabel	Simpson	Young
LaMoure		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Bacon	Garnett	Main
Benson	Gulack	McArthur
Brown	Hanna	Movius
Carroll	Herbrandson	Spoonheim
Dyste	Macdonald	Swenson

Messrs. Bacon, Benson, Brown, Carroll, Dyste, Garnett, Gulack, Hanna, Herbrandson, Macdonald, Main, McArthur, Movius, Spoonheim and Swenson 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 1, 1905.

Mr. President:

I have the honor to transmit herewith:

House Bill No. 15,

A bill for an act to encourage elementary education.

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

Very respectfully,
OTTO SOUGSTAD,
Chief Clerk.

EXECUTIVE SESSION.

Mr. Little moved

That the senate do now go into executive session.

Which motion prevailed, and

The senate went into executive session.

OPEN SESSION.

In open session announcement was made of the confirmation by the senate of the following nominations by the governor:

To be trustees of the State Reform School at Mandan: C. A. Heegard of Morton county, and V. H. Stickney of Stark county, for the term of four years from the first Tuesday in April, 1905; H. W. Grambs of Morton county for the term of two years from the first Tuesday in April, 1905.

The secretary announced that the president was about to sign

House Bill No. 115,

A bill for an act to amend section 1 of chapter 162 of the laws of 1903, relating to the expenditure of money by contract for road improvements in counties organized into civil

townships, and in counties not so organized, and prescribing the duties of supervisors of townships and boards of county commissioners with reference thereto; also to repeal sections 2 and 3 of said chapter.

Also,

House Bill No. 77,

A bill for an act to correct errors in town, village or city plats.

Also,

House Bill No. 25,

A bill for an act to provide for the cancellation of judgments against persons discharged under the United States bankruptcy law, and the mode of procedure to obtain such relief.

Also,

House Bill No. 14,

A bill for an act to amend subdivision 3 of section 3563 of the revised codes of North Dakota of 1899, relating to the recording of instruments in the office of the register of deeds.

Also,

Senate Bill No. 62.

A bill for an act creating and establishing an agricultural experiment station at or near Dickinson in Stark county, providing for its management and making an appropriation therefor.

Also,

Senate Bill No. 79,

A bill for an act making an appropriation for the purchase of the law library of the late John M. Cochrane, of Grand Forks, North Dakota, for the use of the college of law of the university of North Dakota.

Also,

Senate Bill No. 176,

A bill for an act providing for the amount of clerk hire to be allowed various state offices, and making an appropriation therefor.

Also,

Senate Bill No. 51,

A bill for an act to amend section 8 and section 12 of chapter 108, session laws of 1903, entitled an act to estab-

lish an institution for the feeble minded and provide for its support and management.

Also,

Senate Bill No. 112,

A bill for an act to amend section 338 of the revised codes of 1899, as amended by chapter 28 of the session laws of 1903, providing for an appropriation for supplies for the capitol building, executive mansion and the public grounds and parks connected therewith and for necessary repairs upon the capitol building and executive mansion.

Also,

Senate Bill No. 16,

A bill for an act making appropriations for the current and contingent expenses of the state penitentiary, and for making permanent improvements thereto.

Also,

Senate Bill No. 77,

A bill for an act making an appropriation to pay certain indebtedness incurred by the trustees of the state university, and school of mines at Grand Forks, the agricultural college at Fargo, and state normal school at Valley City, the deaf and dumb asylum at Devils Lake.

Also,

Senate Bill No. 78.

A bill for an act making an appropriation for the erection of a building for the blind asylum, located at Bathgate, Pembina county, and for the proper furnishing and equipment of the same, and to provide for its maintenance and operation.

Also,

Senate Bill No. 23.

A bill for an act making an appropriation for a deficiency in the appropriation for the institution for the feeble minded.

And the president signed the same in the presence of the senate.

Mr. Voss moved

That the senate do now adjourn.

Which motion prevailed, and

The senate adjourned.

L. M. McGLASHAN,
Secretary.

FIFTY-NINTH DAY.

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
March 2, 1905.

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. Gulack, who was excused.

The courtesies of the floor were extended to the following: Messrs. Geo. D. Kelly, M. B. Keck, Andrew Miller, Chas. Spink, T. O. Thompson, O. O. Golberg and H. F. Larson.

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 of the fifty-eighth day, have carefully examined the same and recommend that the same be corrected as follows:

After line 25, page 1, insert the words:

Mr. Main moved

That the report be adopted,

Which motion prevailed, and

The report was adopted.

In line 1, page 11, change the name "Phelan" to "Plain."

In line 34, page 11, strike out the words "so referred," and insert in lieu thereof the words, "adopted."

In line 46, page 11, strike out said line and insert the words, "That the resolution be adopted," in lieu thereof.

After line 40, page 20, insert the words, "Which the house has passed unchanged."

After line 2, page 21, insert the following: "Which the house has amended as follows, and passed as amended:

By striking out the words 'eight thousand two hundred and fifty' in line three of section one of the original bill and inserting in lieu thereof the words 'nine thousand three hundred and forty-five'."

After line 26, page 21, insert the following: "Which the house has passed unchanged."

After line 32, page 21, insert the following: "Which the house has amended as follows, and passed as amended:

By striking out the figures '2,660' in line seven of section one of the original bill and inserting in lieu thereof the figures '660' and by striking out the figures '42,257' in line 14 of section 1 of the original bill and inserting in lieu thereof the figures '40,257'."

In line 39, of page 25, insert the words "of section 1" between the words "lines" and "of."

On page 44, strike out lines 34, 35, 36 and 37.

And when so amended recommend that the same be approved.

R. W. MAIN,
Chairman.

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

REPORT OF STANDING COMMITTEES.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred
House Bill No. 288,

A joint resolution to provide for the compilation and publication of the revised codes of North Dakota of 1905, providing for the payment and directing the manner of sale of the same.

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. 169,

A bill for an act to provide the maintenance of summer school, and for new buildings and for making needed and permanent improvements for the state normal school at

Valley City, North Dakota, and making an appropriation therefor.

Also,

Senate Bill No. 23,

A bill for an act making an appropriation for a deficiency in the appropriation for the institution for the feeble minded.

Also,

Senate Bill No. 167,

A bill for an act to appropriate the sum of \$6,997.59 to pay expenses incurred by the chief state veterinarian and the state board of auditors in connection with the erection, equipment and maintaining of state dipping tanks for dipping live stock in the prevention of the spread of scabbies.

Also,

Senate Bill No. 69,

A bill for an act creating and establishing an agricultural experiment station at or near Leeds in Benson county, providing for its management and making an appropriation therefor.

Also,

Senate Bill No. 4,

A bill for an act appropriating money for the building and equipping of a chemical laboratory and green house for the North Dakota Agricultural College and Experiment Station at Fargo.

Also,

Senate Bill No. 104,

A bill for an act to provide for the erection of necessary additional buildings and other improvements at the state hospital for the insane at Jamestown, North Dakota.

Also,

Senate Bill No. 137,

A bill for an act defining the status, and providing for the duties of the State Historical Society of North Dakota, and making an appropriation therefor.

Also,

Senate Bill No. 123,

A bill for an act to amend sections 870 and 871 of the revised codes of North Dakota for 1899, relating to the appropriation for aid to state high schools.

Also,

Senate Bill No. 113,

A bill for an act to provide for the care and improvement of the "White Stone Hills Battle Field," and making an appropriation to pay for the same.

Also,

Senate Bill No. 41,

A bill for an act to provide an appropriation for the current and contingent expenses of the state hospital for the insane at Jamestown.

Also,

Senate Bill No. 157,

A bill for an act appropriating money for the building and equipping of an administration and gymnasium building for the North Dakota agricultural college and experiment station at Fargo.

Also,

Senate Bill No. 37,

A bill for an act to provide an appropriation for the current and contingent expenses of the institution for the feeble minded at Grafton, North Dakota.

Also,

Senate Bill No. 164,

A bill for an act making an appropriation for carrying into effect provisions of law relating to the duties of the commissioner of agriculture and labor.

Also,

Senate Bill No. 100,

A bill for an act to provide for the maintenance of the industrial school and school for manual training, located at Ellendale, for making necessary improvements, providing for the payment of interest on certificates of indebtedness, and making an appropriation therefor.

Also,

Senate Bill No. 153,

A bill for an act appropriating money for the building and equipping of an administration and gymnasium building for the state university and school of mines at Grand Forks.

Also,

Senate Bill No. 135,

A bill for an act to provide an appropriation for the repairing of and the building of an addition to the present

building and heating plant and for the erection and equipment of a dormitory building for the state normal school at Mayville.

Also,

Senate Bill No. 154,

A bill for an act appropriating to James G. Campbell, state's attorney for Stark county, \$3 00 attorney's fees for services rendered in the unorganized territory attached to Stark county for judicial purposes during the years 1903 and 1904.

Also,

Senate Bill No. 12,

A bill for an act providing for the creation of a state bacteriological and pathological laboratory, for the control of such laboratory, and duties of the director, for the appointment of a director of such laboratory, who shall be ex-officio state bacteriologist and for an appropriation for the support of such laboratory.

Also,

Senate Bill No. 52,

A bill for an act to amend section 1375 of the revised codes, relating to additional duties of the adjutant general.

Also,

Senate Bill No. 155,

A bill for an act appropriating to James G. Saunders, clerk of the district court of Stark county, North Dakota, \$2 00 clerk's fees for services rendered in the unorganized territory attached to Stark county for judicial purposes during the years 1903 and 1904.

Also,

Senate Bill No. 168,

A bill for an act making an appropriation for purchasing or erecting a building, furnishing and equipping the same, for the use of North Dakota academy of science, located at Wahpeton, North Dakota, and to provide funds for the maintenance of said school.

Also,

Senate Bill No. 106,

A bill for an act to make an appropriation for the current and contingent expenses of the state reform school at Mandan and authorizing the trustees of said reform school to purchase six hundred acres of land.

Also,

Senate Bill No. 31,

A bill for an act appropriating money for the enforcement of the pure food and other health and sanitary laws and for investigating the strength and purity of drugs and formaldehyde.

Also,

Senate Bill No. 148,

A bill for an act creating and establishing an agricultural experiment station at or near Linton, in Emmons county, providing for its management and making an appropriation therefor.

Also,

Senate Bill No. 34,

A bill for an act to provide for new buildings and for making needed permanent improvements for the school of deaf and dumb, located at Devils Lake, North Dakota, and making an appropriation therefor.

And find the same correctly enrolled.

GEORGE M. YOUNG.

Chairman.

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

Mr President:

Your committee on enrolled and engrossed bills have examined

House Bill No. 280,

A bill for an act authorizing the state, through the board of university and school lands, and the counties, townships, cities, towns and villages of the state, through their corporate authorities, to become members of water users' associations, and authorizing them to purchase and hold certificates of stock therein, and granting rights of way over state and school lands for irrigation flumes, ditches and canals, and the right to construct reservoirs thereon for the storage of water for irrigation purposes.

Also,

House Bill No. 289,

A bill for an act to protect beavers in the state of North Dakota.

Also,

House Bill No. 221,

A bill for an act to amend section 1, of chapter 158, of the session laws of 1899, being section 3491a, of the revised codes of North Dakota, 1899, relating to titles to real property.

And find the same correctly engrossed.

GEORGE M. YOUNG,
Chairman.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred
House Bill No. 194,

A bill for an act to amend sections 3532, 3533, 3534, 3535 and 3584, paragraph 2, of the revised codes of North Dakota, 1899, relating to the execution by corporations of instruments affecting titles to real estate, prescribing the manner of execution and the form of acknowledgment, validating instruments heretofore executed, and enacting other provisions relating thereto.

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 of the committee was adopted.

And the further consideration of the bill was indefinitely postponed.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred
House Bill No. 117,

A bill for an act regulating the sale of poisons and disinfectants, and to amend section 7283 of chapter 39 of the penal code of 1899, relating to other injuries to persons, and exempting certain sales from the penalties of the same.

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 of the committee was adopted.
 And the further consideration of the bill was indefinitely postponed.

The committee on railroads made the following report:

Mr. President:

Your committee on railroads to whom was referred
 House Bill No. 277,

A bill for an act to amend section 2947, of the revised codes of North Dakota for the year 1899, relating to the powers of railroad corporations.

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

Also,

House Bill No. 68,

A bill for an act requiring railroad companies to maintain station houses and to provide suitable waiting rooms at all stations where passenger trains stop.

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

L. A. SIMPSON,
 Chairman.

The committee on railroads made the following report:

Mr. President:

Your committee on railroads to whom was referred
 House Bill No. 172,

A bill for an act that railroads shall bulletin the time of arrival and departure of passenger trains.

Have had the same under consideration and recommend that the same be referred to the steering committee of the senate.

L. A. SIMPSON,
 Chairman.

Mr. Simpson moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

And the bill was so referred.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred
House Bill No. 179,

A bill for an act to amend section 4797 of the revised codes of 1899 of the state of North Dakota.

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

By striking out the words "provided all actions under this chapter must be commenced within twelve months from the filing of any lien, or in case of a lien heretofore filed within twelve months from the time this act becomes effective as a law" in lines 8, 9, 10 and 11 of section 1 of the bill as printed.

And by adding to section 1 at the end thereof the following clause: "Provided, also, that in all cases where liens have been heretofore, or may be hereafter filed against any railway, telegraph or telephone line or any irrigation canal or plant, or any part thereof, all actions to enforce the same must be commenced within twelve months from the filing of such lien, or in case of a lien heretofore filed, within twelve months from the time this act becomes effective, otherwise such lien shall become absolutely void."

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 of the committee was adopted.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred
House Bill No. 287,

A bill for an act to provide for the removal of the county seat in organized counties within this state, which prior to the taking effect of this act have constructed no court house

Have had the same under consideration and recommend that the same be amended by adding to section 5 the following:

"Provided, however, that this act shall not apply in counties having more than six thousand five hundred inhabitants."

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 of the committee was adopted.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred
House Bill No. 55,

A bill for an act to amend section 5382 of the revised codes of North Dakota, 1899, relating to creditors may proceed by garnishment.

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

Also,

Senate Bill No. 235,

A bill for an act prescribing duties of state depositories.

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

C. B. LITTLE,
Chairman.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred
House Bill No. 225,

A bill for an act concerning the transferring of a person's business.

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 of the committee was adopted.

And the further consideration of the bill was indefinitely postponed.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred
House Bill No. 75,

A bill for an act requiring each county officer who receives from any county a stated salary for his services, to keep a record of the fees received by him, as such officer, and to pay such fees into the county treasury, and making

it a misdemeanor for any such officer to neglect or omit to charge or collect the fees which he is by law allowed to charge or collect, or to fail to keep a record of the same, or to fail to turn over or pay the same into the treasury.

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

By adding at the close of section 1 of said act the following clause: "Provided, however, that the provisions of this act shall apply only to those officers whose salaries have reached the maximum as prescribed by law."

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 of the committee was adopted.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred

House Bill No. 139,

A bill for an act repealing sections 7001 and 7002 of the revised codes of 1899, relative to the buying and selling of titles.

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

Also,

House Bill No. 237,

A bill for an act to amend section 6613 of the revised codes of 1899, of the state of North Dakota.

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

Also,

House Bill No. 230,

A bill for an act to amend section 5577 of the revised codes, relating to costs on foreclosure of liens.

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

Also,

House Bill No. 260,

A bill for an act relating to the dismissal of civil actions and providing when and how such actions may be dismiss-

ed, and when the judgment of dismissal shall be on its merits.

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

C. B. LITTLE,
Chairman.

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 levy of a tax in certain counties to aid in establishment and maintenance of county agricultural fair associations.

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

By adding to section 4 of said act the following: "Provided, however, that should there be two such Agricultural Fair Associations in any county that have held fairs for three successive years prior to the going into effect of this act, then and in that case the amount of taxes so collected shall be divided equally between each of such Agricultural Fair Associations." And by inserting section 6 to read as follows:

Section 6. Tax Herein Provided for Submitted to Vote. When.) Whenever the county commissioners shall have voted and ordered a tax levied in aid of an agricultural fair then at the next general election the question of continuing the annual levy and collection of said tax shall be submitted to vote of the people affected thereby, and the county auditor shall certify and give notice of the submission to vote of said question as in such cases provided by law.

The ballots to be used at such election shall be in the following form:

Yes

For tax in aid of county fair,
No

In voting upon such question the elector in favor of continuing said tax shall place a cross "X" in the square marked yes, and the electors opposed to continuing such tax shall place a cross in the square marked no. If a majority of the ballots cast at such election is in favor of con-

tinuing said tax the county commissioners may continue to levy the same annually, but if a majority is against levying said tax the county commissioners shall not thereafter levy any tax under this act; provided, however, the provisions of this act may be submitted by said county commissioners to the electors of the county at any general election, but the result of any election held under the provisions hereof shall remain in force until changed at some subsequent election held hereunder.

That emergency clause be numbered section 7.

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 of the committee 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. 207,

A bill for an act to amend sections 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525 of chapter 30, article 19, entitled "townsites located on public lands," as published in the revised codes of 1895.

Also,

Senate Bill No. 82,

A bill for an act establishing the state fair, locating it at Grand Forks, and making appropriations therefor.

And find the same correctly enrolled.

GEO. M. YOUNG,
Chairman.

The committee on appropriations made the following report:

Mr. President:

Your committee on appropriations to whom was referred House Bill No. 87

A bill for an act making an appropriation for purchasing a site, erecting a building, furnishing and equipping the

same, for the use of the North Dakota school of forestry, located at Bottineau, North Dakota, and to provide funds for the maintenance of said school.

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

JUDSON LA MOURE,
Chairman.

The committee on education made the following report:
Mr. President:

Your committee on education to whom was referred
House Bill No. 251,

A bill for an act to amend section 786 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 the word "all" and insert in lieu thereof the words "two-thirds of" in line 13 of the printed bill.

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

F. S. TALCOTT,
Chairman.

Mr. Talcott moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Mr. Steele objected to the present consideration of the report of the committee on counties on house bill No. 255, and the report went over one day.

REPORT OF SELECT COMMITTEES.

To the Senate and the House:

Your conference committee to which was referred Senate bill No. 161 and the house amendments thereto adopted at the session of the 57th day.

Have had the same under consideration and recommended as follows, to-wit:

First. That the senate concur in the house amendment to line 2 of section 1 of the engrossed bill.

Second. That the house recede from its amendment to line 4 of article 8 of section 5 of the engrossed bill, and that in lieu thereof the said line be amended by striking out the words "one fourth," and inserting in lieu thereof the words "one half," and by striking out the word "deposits," and inserting in lieu thereof the words "capital stock and surplus."

Third. That the senate concur in the house amendment to article 1 of section 8 of the engrossed bill.

Fourth. That the senate concur in the house amendment to line 6 of article 4 of section 6 of the engrossed bill.

Fifth. That the house recede from its amendment to line 5 of section 7, and that said line be amended by striking out the word "twenty" and inserting in lieu thereof the word "fifteen."

Sixth. That the senate concur in the house amendment to line 7 of section 7 of the engrossed bill.

Seventh. That the house recede from its amendments to line 4 of section 15 of the engrossed bill.

Eighth. That the senate concur in the house amendments to line 7 of section 23 of the engrossed bill.

Ninth. That the house recede from its amendment to line 8 of section 23 of the engrossed bill.

Tenth. The senate concur in the house amendment to line 11 of section 23 of the engrossed bill.

Eleventh. That the house recede from its amendment to line 11 of section 30 of the engrossed bill, and that the same be amended by striking out the word "twenty" and inserting in lieu thereof the word "fifteen."

Twelfth. That the senate concur in the house amendment to line 12 of section 30 of the engrossed bill.

Thirteenth. That the house recede from its amendment to line 14 of section 32 of the engrossed bill.

Fourteenth. That the senate concur in the house amendment to line 9 of section 39 of the engrossed bill.

Fifteenth. That the senate concur in the house amendment to section 42 of the engrossed bill.

All of which is respectfully submitted.

GEO. A. M'CREA,

Chairman of the House Conference Committee.

ED. PIERCE,

Chairman of the Senate Conference Committee.

Mr. Pierce moved

That the report be adopted,

Which motion prevailed, and

The report of the committee was adopted.

Mr. Pierce moved

That Senate Bill No. 161, as amended, be placed upon its third reading and final passage.

Which motion prevailed,

Senate Bill No. 161,

A bill for an act relating to banks and banking, providing for the organization, management, control, regulation and supervision of banking corporations, providing penalties for the violation of the provisions of the same, and repealing laws inconsistent therewith.

Was read the third time.

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

The roll was called and there were ayes 35, nays 1, absent and not voting 4.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bacon	Kirkeide	Sifton
Brown	Kraabel	Simpson
Cashel	LaMoure	Spoonheim
Crane	Little	Stade
Dyste	Macdonald	Steele
Fox	Main	Talcott
Garnett	McArthur	Taylor
Hagen	Movius	Thatcher
Hanna	Pierce	Voss
Herbrandson	Plain	Wagner
Johnson of McLean	Regan	Young
Johnson of Walsh	Sharpe	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Benson	Gulack	McLean
Carroll		

Mr. Swenson voting in the negative.

Messrs. Benson, Carroll, Gulack and McLean being excused.

So the bill passed and the title was agreed to.

REPORT OF SELECT COMMITTEES.

To the Senate and House of Representatives:

Your joint conference committee, to whom was referred Senate bill No. 165, make the following report, namely:

Your committee recommend that the senate concur in the following amendment to section 3 of said bill, which amendment was made by the house, namely:

By inserting after the word "to" in line 2 of section 3 of the original bill the following words: "Locate a temporary county seat and to."

Your committee further recommend that the house recede from its amendment made in line 2 of section 6 of the original bill, which said amendment struck out the word "sixth" in said line 2 and inserted in lieu thereof the word "eighth" and that the word "sixth" in said line remain as appears by the original bill passed by the senate.

Very respectfully,

L. A. SIMPSON,
 J. B. SHARPE,
 H. W. VOSS,
 Senate Committee.
 F. B. CHAPMAN,
 J. E. PHELAN,
 GEO. W. H. DAVIS,
 House Committee.

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

That senate bill No. 165, as amended, be placed upon its third reading and final passage.

Which motion prevailed.

Senate Bill. No. 165,

A bill for an act to create and organize the county of McKenzie, to fix the county seat of said county, to provide for the appointment of county officers in said county for transcribing a portion of the records of Stark and Williams counties and for terms of the district court therein.

Was read the third time.

The question being on the final passage of the bill, as amended.

The roll was called and there were ayes 36, nays none, absent and not voting 4.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bacon	Johnson of Walsh	Sharpe
Benson	Kirkeide	Sifton
Brown	Kraabel	Simpson
Cashel	LaMoure	Spoonheim
Crane	Little	Stade
Dyste	Macdonald	Steele
Fox	Main	Talcott
Garnett	McLean	Taylor
Hagen	Movius	Thatcher
Hanna	Pierce	Voss
Herbrandson	Plain	Wagner
Johnson of McLean	Regan	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Carroll	McArthur	Swenson
Gulack		

Messrs. Carroll, Gulack, McArthur and Swenson 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 2, 1905.

Mr. President:

I have the honor to transmit herewith the following:

CONCURRENT RESOLUTION.

Be It Resolved, By the House of Representatives of the state of North Dakota, the Senate concurring, That the Roosevelt cabin and such others

of the exhibits and displays of the state at the St. Louis exposition, be, and the same are hereby, given into the custody of the State Historical society, to be preserved at the capitol as historical relics and as displays showing the resources and advantages of the state of North Dakota and as the nucleus for a collection of historical materials and materials tending to set forth the advantages of the state and the nature of its industries.

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

Also,

I have the honor to inform you that the house has concurred in the senate resolution relating to the printing of certain documents in the printed copies of the session laws for the year 1905.

CONCURRENT RESOLUTION.

Resolved, By the Senate, the House of Representatives concurring, That there be published with the session laws of this session of the legislative assembly, the following:

The Magna Charta,
 The Declaration of Independence,
 The Articles of Confederation,
 The Ordinance of 1787 Providing Government for the Territory of the United States Northwest of the River Ohio.
 The Constitution of the United States,
 The Enabling Act,
 The Constitution of North Dakota, and
 The Reclamation Act.

Also,

I have the honor to inform you that the house has amended the senate concurrent resolution relating to exhibition of the display of pottery at certain state fairs by striking out the words "the Minnesota state fair" and inserting in lieu thereof "the Portland exhibition," and adopted as amended.

CONCURRENT RESOLUTION.

Be It Resolved, By the Senate of the state of North Dakota, the House of Representatives concurring, That the samples and articles of pottery manufactured from the clays found in the vicinity of Dickinson, North Dakota, and now located in the state capitol at Bismarck, be, under the direction of the governor, subject to such rules for their safeguarding as he may prescribe, exhibited at the Minnesota state fair during the year 1905, and, during the same year, that they may be also exhibited at the state fair to be held in North Dakota at the place in said state where said fair may be held pursuant to the laws of this state.

Also,

I have the honor to inform you that the house has reconsidered its action upon senate concurrent resolution relating to the transfer of the pottery display to the state university at Grand Forks and has amended the same to

read "that said pottery display shall remain on exhibiton at the state capitol."

CONCURRENT RESOLUTION

Whereas, The exhibit of clays and the pottery exhibited at the St. Louis exposition during the year 1904, was manufactured and perfected from clays found in the state of North Dakota, under the direction of the state university and school of mines, and shows the result of the work of such institution, therefore,

Be it Resolved by the Senate, the House of Representatives concurring, That such exhibit, together with the cases used for displaying the same, shall become the property of the state university and the school of mines, to be by that institution placed in its museum and held permanently, subject at all times, however, to being placed on exhibition at such fairs and expositions as the governor may direct.

Also,

I have the honor to inform you that the house has appointed as members of the conference committee on Senate Bill No. 161, Messrs. McCrea, Cooper of Stutsman, Johnson of Ward, Piper and Clendening.

And as conference committee on Senate Bill No. 165 Messrs. Davis, Phelan and Chapman.

Also,

I have the honor to inform you that the house has concurred in the senate concurrent resolution relating to the passing of bills.

CONCURRENT RESOLUTION

Be It Resolved, By the Senate of the state of North Dakota, the House of Representatives concurring, That no bills be placed upon their third reading and final passage after 3 p. m., Friday, March 3d, 1905.

Also,

I have the honor to trasmit herewith the following:

CONCURRENT RESOLUTION.

Whereas, the state of North Dakota is preparing to make a fine display of the products and resources of the state, and

Whereas, said exhibit will not be closed until late in the year 1905, therefore, be it

Resolved, by the house of representatives, the senate concurring, that the commissioners of the Lewis and Clarke exposition for this state be directed after the close of said exposition to ship said exhibit to the state fair at Fargo to be exhibited at the state fair in 1906 and thereafter to be shipped to Bismarck and stored in the state capitol building.

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

Also the following

CONCURRENT RESOLUTION.

Be it resolved by the House of Representatives, the Senate concurring herein, That it shall be the duty of the superintendent of public instruction

before the convening of the next legislative assembly, under such rules and regulations as may be prescribed by him, and with a view of getting the expression of every school child resident in the state of North Dakota as to what flower shall be adopted as the flower of the state of North Dakota.

No suggestion shall in any manner be made as to the performance of any person connected with the getting of the expression of the school children as aforesaid.

The regulation shall be so made that every child of school age in the state of North Dakota shall cast one vote for his choice of flower uninfluenced save by his individual desires.

Whenever the vote shall have been taken as aforesaid it shall be the duty of the superintendent of public instruction to certify to the secretary of state the name of all flowers receiving one thousand or more votes, and the secretary of state shall transmit to the tenth legislative assembly such votes for their action in the same.

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

Also,

House Bill No. 114,

A bill for an act to amend section 237 of the revised codes, 1899, and to amend section 238 of chapter 169 of session laws, 1901, relating to state depositories.

Also,

House Bill No. 138,

A bill for an act to amend section 5210 of the revised codes of 1899, relating to the time of commencement of actions.

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

Also,

Senate Bill No. 33,

A bill for an act to provide for the census of enumeration of the inhabitants of this state.

Also,

Senate Bill No. 116,

A bill for an act to amend section 146 of the revised codes, relating to official bonds of state examiner and his

Also,

Senate Bill No. 73,

A bill for an act to provide a record for perpetuating proceedings and instruments in applications for tax deeds, and for payment of services connected therewith.

Also,

Senate Bill No. 140,

A bill for an act amending section 1313 of the revised

railroad property in this state, and prescribing the manner of levying and collecting the tax on the same.

Also,

Senate Bill No. 55,

A bill for an act to re-enact section 2526 of the revised codes of 1897, relating to organization of townships.

Also,

Senate Bill No. 215,

A bill for an act regulating weights and measures, creating the office of inspector of weights and measures, providing for the appointment of inspector and, prescribing his powers, duties and compensation.

Also,

Senate Bill No. 110,

A bill for an act to limit the time within which an action may be commenced, or a defense or counterclaim interposed, founded upon a claim of right to a homestead heretofore or hereafter conveyed or incumbered, otherwise than as provided by the law in force at the time of the execution of the conveyance or incumbrance thereof.

Which the house has passed unchanged.

Very respectfully,

OTTO SOUGSTAD,

Chief Clerk.

COMMUNICATION FROM THE GOVERNOR.

The following communication was received from the governor:

GOVERNOR'S OFFICE,

BISMARCK, NORTH DAKOTA,

March 2, 1905.

To the Senate:

Mr. President: I have the honor to inform you that I have this day approved and filed with the secretary of state:

Senate Bill No. 62,

A bill for an act creating and establishing an agricultural experiment station at or near Dickinson in Stark county, providing for its management and making an appropriation therefor.

Also,

Senate Bill No. 142,

A bill for an act to provide for paving, curbing or macadamizing the highways in civil townships adjoining incorporated cities of not less than 6,000 inhabitants, and for the construction of sewers and water mains therein, connecting with such city sewers and water mains.

Also.

Senate Bill No. 103,

A bill for an act to amend and re-enact section 3134 of chapter 14 of the revised codes of 1899, relating to the organization of county mutual fire insurance companies.

Also.

Senate Bill No. 136,

A bill for an act to amend section 6771 of the revised codes of this state, relating to appeals in civil actions in justice's courts.

Also,

Senate Bill No. 72,

A bill for an act to promote anatomical knowledge and the science of medicine and surgery and to provide for anatomical material for such purposes, and penalties for neglecting to comply with the provisions of this act.

Also,

Senate Bill No. 97,

A bill for an act authorizing county commissioners in counties having a regular organized live stock protective association to create a special fund and to appropriate and set aside moneys to be expended and used for the protection of live stock from theft.

Also,

Senate Bill No. 132,

A bill for an act to amend section 2911 of the revised codes, relating to changing corporate headquarters.

Also

Senate Bill No. 10,

A bill for an act authorizing the construction or reconstruction and repairing of sidewalks in incorporated villages in this state and the manner of assessment and levy thereof and collection of the same.

Also,

Senate Bill No. 139,

A bill for an act authorizing the board of capital commissioners created for the re-construction of the capitol building, and the erection of an executive mansion for the state of North Dakota, and to utilize such labor of the convicts in the state penitentiary as can be used profitably in erecting said capitol and executive mansion, or in the manufacture of material to be used therein.

I have the honor to be

E. Y. SARLES,

Governor.

MOTIONS AND RESOLUTIONS.

Mr. Regan moved

That Senate Bill No. 3,

A bill for an act to reimburse district judges for expenses incurred by them in holding court in counties other than those embraced in the judicial district for which they were elected, and for expenses while in attendance at sessions of the supreme court,

Be messaged to the house.

Which motion prevailed.

Mr. Little moved

That all bills for first reading receive their second reading and reference.

Which motion prevailed.

Mr. Cashel moved

That the senate now concur in the house amendments of Senate Bill No. 23,

A bill for an act making an appropriation for a deficiency in the appropriation for the institution for the feeble minded.

Which motion prevailed, and

The house amendments were concurred in.

The question being on the final passage of the bill as amended

The roll was called and there were ayes 33, nays none, absent and not voting 7.

Those who voted in the affirmative were:

Messrs.—
Bacon

Messrs.—
Johnson of Walsh

Messrs.—
Regan

Messrs.—	Messrs.—	Messrs.—
Brown	Kirkeide	Sharpe
Cashel	Kraabel	Sifton
Crane	LaMoure	Spoonheim
Dyste	Little	Stade
Fox	Macdonald	Swenson
Garnett	McArthur	Taylor
Hagen	McLean	Thatcher
Hanna	Movius	Voss
Herbrandson	Pierce	Wagner
Johnson of McLean	Plain	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Benson	Main	Steele
Carroll	Simpson	Talcott
Gulack		

Messrs. Benson, Carroll, Gulack, Main, Simpson, Steele and Talcott being excused.

So the bill passed and the title was agreed to.

Mr. LaMoure moved

That the senate now concur in the house amendments of Senate Bill No. 187,

A bill for an act providing for the payment by the county of a portion of the expense whenever a person is sent to the hospital for the insane, to the institution for the feeble minded, the school for the deaf and dumb and to the blind asylum, and to provide for reimbursing said county.

Which motion prevailed, and

The house amendments were concurred in.

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

The roll was called and there were ayes 33, nays none, absent and not voting 7.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bacon	Johnson of McLean	Sharpe
Benson	Johnson of Walsh	Sifton
Brown	Kirkeide	Spoonheim
Cashel	Kraabel	Stade
Crane	LaMoure	Steele
Dyste	Macdonald	Swenson
Fox	McLean	Talcott
Garnett	Movius	Taylor
Hagen	Pierce	Thatcher
Hanna	Plain	Wagner
Herbrandson	Regan	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Carroll	Main	Simpson
Gulack	McArthur	Voss
Little		

Messrs. Carroll, Gulack, Little, Main, McArthur, Simpson and Voss being excused.

So the bill passed and the title was agreed to.

Mr. Stade moved

That the senate now concur in house amendments of Senate Bill No. 34,

A bill for an act to provide for new buildings and for making needed permanent improvements for the school of deaf and dumb, located at Devils Lake, North Dakota, and making an appropriation therefor.

Which motion prevailed, and

The house amendments were concurred in.

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

The roll was called and there were ayes 34, nays 0, absent and not voting 6.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bacon	Johnson of Walsh	Sharpe
Benson	Kirkeide	Sifton
Brown	Kraabel	Spoonheim
Cashel	LaMoure	Stade
Crane	Macdonald	Steele
Dyste	Main	Swenson
Fox	McArthur	Talcott
Garnett	McLean	Taylor
Hagen	Movius	Thatcher
Hanna	Pierce	Wagner
Herbrandson	Plain	
Johnson of McLean	Regan	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Carroll	Little	Voss
Gulack	Simpson	Young

Messrs. Carroll, Gulack, Little, Simpson, Voss and Young being excused.

So the bill passed and the title was agreed to.

Mr. Young offered the following:

CONCURRENT RESOLUTION

Resolved, that the world's fair commission be requested to loan the educational exhibit used at the St. Louis exhibition to the Valley City State Normal school, such exhibit together with cases used for displaying the same, to be carefully preserved by the said normal school; subject, however, to being placed on exhibition at such fairs and expositions as the governor may direct, and subject also to the disposition thereof by the superintendent of public instruction or the legislature of North Dakota.

Mr. Young moved

That the resolution be adopted.

Which motion prevailed, and

The resolution was adopted.

Mr. Garnett offered the following:

CONCURRENT RESOLUTION.

Whereas, there is now in the possession of the state certain pieces of pottery manufactured from native clays, which said pottery is the first attempt made to exploit the mineral resources of the state in the direction of pottery and kindred use, and

Whereas, the said pottery has an historical value as being the first definite attempt made in the direction of permanent utility of the vast clay beds of the state, now, therefore,

Be it resolved by the senate, the house of representatives concurring,

That there is hereby donated to the Old Settlers' Associations of Fort Abercrombie and Walhalla each a sample of said work, the same to be preserved in the museums of said associations as an historical relic.

Mr. Garnett moved

That the resolution be adopted.

Which motion prevailed, and

The resolution was adopted.

Mr. Young moved

That all concurrent resolutions messaged from the house, relating to the St. Louis Fair exhibits, be referred to the committee on education.

Which motion prevailed.

Mr. Johnson of McLean moved

That the rules be suspended and that the report of the committee on counties covering House Bill No. 255 be received and adopted and that the bill do now receive its third reading and be placed upon its final passage.

Which motion prevailed.

And the report was laid before the senate.

The committee on counties made the following report:

Mr. President:

Your committee on counties to whom was referred

House Bill No. 255,

A bill for an act to amend and re-enact section 1855, revised codes of 1899, relating to the formation of new counties.

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

AUG. E. JOHNSON,
Chairman.

House Bill No. 255,

A bill for an act to amend and re-enact section 1855, revised codes of 1899, relating to the formation of new counties.

Was read the third time. .

Mr. Steele moved

That House Bill No. 255 be amended by inserting in line 5 of the printed bill between the words "counties" and "proposed" the word "and," and by striking out the words "and the remaining part of the county or counties interested" in lines 5 and 6 of the printed bill.

Which motion was lost.

The question being on the final passage of the bill.

The roll was called and there were ayes 23, nays 6, absent and not voting 11.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bacon	Kirkelde	Sharpe
Benson	Kraabel	Spoonheim
Crane	LaMoure	Swenson
Fox	Macdonald	Thatcher
Hagen	Main	Voss
Herbrandson	McArthur	Wagner
Johnson of McLean	McLean	Young
Johnson of Walsh	Plain	

Those voting in the negative were:

Messrs.—	Messrs.—	Messrs.—
Brown	Little	Steele
Garnett	Stade	Taylor

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Carroll	Hanna	Sifton
Cashel	Movius	Simpson
Dyste	Pierce	Talcott
Gulack	Regan	

Messrs. Carroll, Cashel, Dyste, Gulack, Hanna, Movius, Pierce, Regan, Sifton, Simpson and Talcott being excused.

So the bill passed and the title was agreed to.

Mr. Johnson of McLean moved

That the vote by which House Bill No. 255 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 2, 1905.

Mr. President:

I have the honor to transmit herewith
Senate Bill No. 115,

A bill for an act to amend chapter 125 of the session laws of 1901, to amend section 4719 of the revised codes of North Dakota, 1899, relative to discharge of real estate mortgages.

Which the house has passed unchanged

Also,

House Bill No. 291,

A bill for an act repealing chapter 88 of the revised codes of 1899, relating to negotiable instruments in general.

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

Very respectfully,
OTTO SOUGSTAD,
Chief Clerk.

INTRODUCTION, FIRST AND SECOND READING OF
SENATE BILLS.

Mr. Macdonald introduced
Senate Bill No. 236,

A bill for an act to regulate the employment and occupation of railway telegraphers and establishing a board of telegraph examiners.

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

Mr. Brown (by request) introduced
Senate Bill No. 237,

A bill for an act to prevent fraud in the sale of dairy products and lard, and lard substitutes and of food prepared therefrom and to preserve the public health; providing a penalty for the violation hereof and providing for the enforcement of the law.

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

THIRD READING OF SENATE BILLS.

Senate Bill No. 235,

A bill for an act prescribing duties 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 24, nays none, absent and not voting 16.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Brown	Johnson of McLean	McLean
Cashel	Johnson of Walsh	Plain
Crane	Kraabel	Spoonheim
Dyste	LaMoure	Stade
Garnett	Little	Talcott
Hagen	Macdonald	Thatcher
Hanna	Main	Voss
Herbrandson	McArthur	Wagner

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Bacon	Movius	Simpson
Benson	Pierce	Steele
Carroll	Regan	Swenson
Fox	Sharpe	Taylor
Gulack	Sifton	Young
Kirkeide		

Messrs. Bacon, Benson, Carroll, Fox, Gulack, Kirkeide, Movius, Pierce, Regan, Sharpe, Sifton, Steele, Swenson, Taylor and Young being excused.

So the bill passed and the title was agreed to.

FIRST AND SECOND READING OF HOUSE BILLS

House Bill No. 15,

A bill for an act to encourage elementary education.

Was read the first and second times, and

Referred to the committee on education.

House Bill No. 138,

A bill for an act to amend section 5210 of the revised codes of 1899, relating to the time of commencement of actions.

Was read the first and second times, and

Referred to the committee on judiciary.

House Bill No. 291,

A bill for an act repealing chapter 88 of the revised codes of 1899, relating to negotiable instruments in general,

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

House Bill No. 114,

A bill for an act to amend section 237 of the revised codes, 1899, and to amend section 238 of chapter 169 of session laws, 1901, relating to state depositories.

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

THIRD READING OF HOUSE BILLS.

House Bill No. 166,

A bill for an act to amend section 1257 of the revised codes of 1899 and to repeal section 1245 of the revised codes of 1899, relating to the lien of taxes.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 23, nays none, absent and not voting 17.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Brown	Johnson of Walsh	Spoonheim
Cashel	Kirkeide	Stade
Crane	Kraabel	Swenson
Dyste	Little	Talcott
Garnett	Main	Thatcher
Hagen	McLean	Voss
Hanna	Plain	Wagner
Herbrandson	Sharpe	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Bacon	LaMoure	Sifton
Benson	Macdonald	Simpson
Carroll	McArthur	Steele
Fox	Movius	Taylor
Gulack	Pierce	Young
Johnson of McLean	Regan	

Messrs. Bacon, Benson, Carroll, Fox, Gulack, Johnson of McLean, LaMoure, Macdonald, McArthur, Movius, Pierce, Regan, Sifton, Simpson, Steele, Taylor and Young being excused.

So the bill passed and the title was agreed to.

House Bill No. 163,

A bill for an act fixing the time of holding the term of the district court in the county of McIntosh.

Was read the third time.

The question being on the final passage of the bill;

The roll was called and there were ayes 22, nays none, absent and not voting 18.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Brown	Kirkeide	Spoonheim
Cashel	Kraabel	Swenson
Crane	Little	Talcott
Dyste	Main	Taylor
Hagen	McLean	Voss
Hanna	Plain	Wagner
Herbrandson	Sifton	Young
Johnson of Walsh		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Bacon	Johnson of McLean	Regan
Benson	LaMoure	Sharpe
Carroll	Macdonald	Simpson
Fox	McArthur	Stade
Garnett	Movius	Steele
Gulack	Pierce	Thatcher

Messrs. Bacon, Benson, Carroll, Fox, Garnett, Gulack, Johnson of McLean, LaMoure, Macdonald, McArthur, Movius, Pierce, Regan, Sharpe, Simpson, Stade, Steele and Thatcher being excused.

So the bill passed and the title was agreed to.

House Bill No. 79,

A bill for an act to amend section 2967, chapter 12, of the civil code, relating to railway corporations.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 24, nays none, absent and not voting 16.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Brown	Kirkeide	Stade
Cashel	Kraabel	Swenson
Crane	Little	Talcott
Dyste	Macdonald	Taylor
Hagen	McLean	Thatcher
Hanna	Plain	Voss
Herbrandson	Sifton	Wagner
Johnson of Walsh	Spoonheim	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Bacon	Johnson of McLean	Pierce
Benson	LaMoure	Regan

Messrs.—
Carroll
Fox
Garnett
Gulack

Messrs.—
Main
McArthur
Movius

Messrs.—
Sharpe
Simpson
Steele

Messrs. Bacon, Benson, Carroll, Fox, Garnett, Gulack, Johnson of McLean, LaMoure, Main, McArthur, Movius, Pierce, Regan, Sharpe, Simpson and Steele being excused.

So the bill passed and the title was agreed to.

House Bill No. 21,

A bill for an act requiring corporations to make annual report to the secretary of state, and providing for the cancellation of articles of incorporation for failures to do so.

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 16.

Those who voted in the affirmative were:

Messrs.—

Brown
Cashel
Crane
Dyeste
Garnett
Hagen
Hanna
Herbrandson

Messrs.—

Johnson of Walsh
Kirkeide
Little
Macdonald
McLean
Pierce
Plain
Sifton

Messrs.—

Spoonheim
Stade
Swenson
Talcott
Taylor
Thatcher
Wagner
Young

Absent and not voting:

Messrs.—

Bacon
Benson
Carroll
Fox
Gulack
Johnson of McLean

Messrs.—

Kraabel
LaMoure
Main
McArthur
Movius

Messrs.—

Regan
Sharpe
Simpson
Steele
Voss

Messrs. Bacon, Benson, Carroll, Fox, Gulack, Johnson of McLean, Kraabel, LaMoure, Main, McArthur, Movius, Regan, Sharpe, Simpson, Steele and Voss being excused.

So the bill passed and the title was agreed to.

House Bill No. 185,

A bill for an act to amend section 3, of chapter 34, of the laws of 1901, relating to the time when the board of pardons shall meet.

Was read the third time.

The question being on the final passage of the bill;

The roll was called and there were ayes 24, nays none, absent and not voting 16.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Brown	Johnson of McLean	Spoonheim
Cashel	Kirkeide	Stade
Crane	Little	Swenson
Dyste	Macdonald	Talcott
Garnett	McLean	Taylor
Hagen	Plain	Thatcher
Hanna	Regan	Wagner
Herbrandson	Sifton	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Bacon	Kraabel	Pierce
Benson	LaMoure	Sharpe
Carroll	Main	Simpson
Fox	McArthur	Steele
Gulack	Movius	Voss
Johnson of Walsh		

Messrs. Bacon, Benson, Carroll, Fox, Gulack, Johnson of Walsh, Kraabel, LaMoure, Main, McArthur, Movius, Pierce, Sharpe, Simpson, Stade and Voss being excused.

So the bill passed and the title was agreed to.

House Bill No. 201,

A bill for an act to amend section 1804 of the revised codes, prescribing the requirements of newspapers qualified to do legal printing.

Was read the third time.

The question being on the final passage of the bill;

The roll was called and there were ayes 26, nays none, absent and not voting 14.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Brown	Kirkeide	Stade
Cashel	Little	Steele
Crane	Macdonald	Swenson
Dyste	McLean	Talcott
Garnett	Plain	Taylor
Hagen	Regan	Thatcher
Hanna	Sharpe	Wagner
Herbrandson	Sifton	Young
Johnson of Walsh	Spoonheim	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Bacon	Johnson of McLean	Movius
Benson	Kraabel	Pierce
Carroll	LaMoure	Simpson
Fox	Main	Voss
Gulack	McArthur	

Messrs. Bacon, Benson, Carroll, Fox, Gulack, Johnson of McLean, Kraabel, LaMoure, Main, McArthur, Movius, Pierce, Simpson and Voss being excused.

So the bill passed and the title was agreed to.

House Bill No. 17,

A bill for an act to provide for the establishment, construction and maintenance of public dipping stations for live stock in the various counties of the state.

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 13.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Brown	Kirkeide	Stade
Cashel	LaMoure	Steele
Crane	Little	Swenson
Dyste	McLean	Talcott
Garnett	Plain	Taylor
Hagen	Regan	Thatcher
Hanna	Sharpe	Voss
Johnson of McLean	Sifton	Wagner
Johnson of Walsh	Spoonheim	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Bacon	Herbrandson	McArthur
Benson	Kraabel	Movius
Carroll	Macdonald	Pierce
Fox	Main	Simpson
Gulack		

Messrs. Bacon, Benson, Carroll, Fox, Gulack, Herbrandson, Kraabel, Macdonald, Main, McArthur, Movius, Pierce and Simpson being excused.

So the bill passed and the title was agreed to.

House Bill No. 24,

A bill for act to amend section 1267 of the revised codes relating to redemption from sale of real estate for taxes, time of payment of subsequent taxes, and rate of interest thereon.

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 15.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Brown	Kirkeide	Steele
Cashel	LaMoure	Swenson
Crane	Little	Talcott
Dyste	McLean	Taylor
Garnett	Plain	Thatcher
Hagen	Sharpe	Voss
Hanna	Sifton	Wagner
Johnson of McLean	Spoonheim	Young
Johnson of Walsh	Stade	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Bacon	Herbrandson	Movius
Benson	Kraabel	Pierce
Carroll	Macdonald	Regan
Fox	Main	Simpson
Gulack	McArthur	Voss

Messrs. Bacon, Benson, Carroll, Fox, Gulack, Herbrandson, Kraabel, Macdonald, Main, McArthur, Movius, Pierce, Regan, Simpson and Voss being excused.

So the bill passed and the title was agreed to.

House Bill No. 176,

A bill for an act to amend chapter 107 of the session laws of 1901, relating to gopher tax.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 25, nays none, absent and not voting 15.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Brown	Kirkeide	Sifton
Cashel	Kraabel	Stade
Crane	LaMoure	Steele
Dyste	Little	Swenson
Garnett	McLean	Talcott
Hagen	Plain	Thatcher
Hanna	Regan	Wagner
Johnson of McLean	Sharpe	Young
Johnson of Walsh		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Bacon	Herbrandson	Pierce
Benson	Macdonald	Simpson
Carroll	Main	Spoonheim
Fox	McArthur	Taylor
Gulack	Movius	Voss

Messrs. Bacon, Benson, Carroll, Fox, Gulack, Herbrand-

son, Macdonald, Main, McArthur, Movius, Pierce, Simpson, Spoonheim, Taylor and Voss being excused.

So the bill passed and the title was agreed to.

House Bill No. 48,

A bill for an act to amend sections 2 and 4 of chapter 172 of the laws of 1901, entitled 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, as the same was amended by chapter 11 of

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 16.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Brown	Kirkeide	Sharpe
Cashel	Kraabel	Sifton
Crane	LaMoure	Stade
Dyste	Macdonald	Swenson
Hanna	Main	Talcott
Hagen	McArthur	Thatcher
Johnson of McLean	McLean	Wagner
Johnson of Walsh	Plain	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Bacon	Herbrandson	Simpson
Benson	Little	Spoonheim
Carroll	Movius	Steele
Fox	Pierce	Taylor
Garnett	Regan	Voss
Gulack		

Messrs. Bacon, Benson, Carroll, Fox, Garnett, Gulack, Herbrandson, Little, Movius, Pierce, Regan, Simpson, Spoonheim, Steele, Taylor and Voss being excused.

So the bill passed and the title was agreed to.

House Bill No. 174,

A bill for an act amending section 2581 of the revised codes relating to board of health.

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 17.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Brown	Kirkeide	Stade
Cashel	Kraabel	Swenson
Crane	LaMoure	Talcott
Dyste	Macdonald	Taylor
Hagen	McLean	Thatcher
Hanna	Plain	Wagner
Johnson of McLean	Sharpe	Young
Johnson of Walsh	Sifton	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Bacon	Herbrandson	Regan
Benson	Little	Simpson
Carroll	Main	Spoonheim
Fox	McArthur	Steele
Garnett	Movius	Voss
Gulack	Pierce	

Messrs. Bacon, Benson, Carroll, Fox, Garnett, Gulack, Herbrandson, Little, Main, McArthur, Movius, Pierce, Regan, Simpson, Spoonheim, Steele and Voss 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 2, 1905.

Mr. President:

I have the honor to inform you that the house has adopted the report of the conference committee on Senate Bill No. 165.

Also,

That the house has refused to adopt the report of the conference committee on Senate Bill No. 161 and respectfully request that a new conference committee be appointed from the senate to meet with a like committee from the house and that the members of such committee from the house are Messrs. McCrea, Phelan and Stevens of Burleigh.

Very respectfully,
OTTO SOUGSTAD,
Chief Clerk.

Mr. Little moved

That the president appoint a committee of five members as a conference committee on the part of the senate, on Senate Bill No. 161,

A bill for an act relating to banks and banking, providing for the organization, management, control, regulation and supervision of banking corporations, providing penalties for the violation of the provisions of the same, and repealing laws inconsistent therewith.

To meet with a like committee on the part of the house.

Which motion prevailed, and

The president appointed Messrs. Pierce, Crane, Taylor, Talcott and Little as such committee.

Mr. Little moved

That the senate take a recess of twenty minutes.

Which motion prevailed, and

The senate took a recess of twenty minutes.

The senate reconvened.

MESSAGE FROM THE HOUSE.

The following message was received from the house.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
March 2, 1905.

Mr. President:

I have the honor to transmit herewith

Senate Bill No. 120,

A bill for an act providing for the procuring of official bonds of county officers, and for acceptance of bids therefor, and payment of premiums on same.

Also,

Senate Bill No. 119,

A bill for an act providing for procuring of official bonds of state officers and for acceptance of bids therefor, and the payment of premiums upon same.

Also,

Senate Bill No. 133,

A bill for a concurrent resolution amending the constitution of the state of North Dakota, relating to the sale of university and school lands.

Also,

Senate Bill No. 144,

A bill for an act to amend sections 1, 2, 4, 5, 8, 13 and 16,

of chapter 130, of the session laws of North Dakota of 1903, regulating practice of optometry.

Also,

Senate Bill No. 150,

A bill for an act to ratify and confirm the conveyance of the family homestead in any case in which the same has been heretofore deeded by both husband and wife in separate instruments, neither having joined in the deed with the other, where the respective deeds purport to convey to the same persons or their grantees, and validating such deeds.

Also,

Senate Bill No. 166,

A concurrent resolution amending the state constitution. Which the house has passed unchanged.

Very respectfully,

OTTO SOUGSTAD,

Chief Clerk.

REPORT OF STANDING COMMITTEES.

The committee on railroads submitted the following report:

Mr. President:

Your committee on railroads to whom was referred the resolution concerning the inquiry as to transportation rates on the shipment of coal within this state, report the following named persons appeared before said committee to testify as witnesses therein, upon subpoena duly issued by said committee, and that the said witnesses traveled the number of miles and attended the number of days set opposite their respective names, and are entitled to receive from the state the sum of money set opposite their respective names pursuant to resolution of the senate passed March 2, 1905.

D. W. Defsy, Williston, 605 miles,	
days attendance, total mileage	\$60.50
3 days attendance	9.00
	\$69.50
E. C. Tolley, Kenmare, N. D., 381 miles,	
3 days attendance, total mileage	\$38.11
3 days attendance	9.00
	\$47.11

James F. Shea, Wahpeton, N. D., 240 miles, 4 days attendance, total mileage	\$24.00	
4 days attendance	12.00	
		\$36.00
John F. Brodie, Dickinson, N. D., 115 miles, 3 days attendance, total mileage	\$11.50	
3 days attendance	9.00	
		\$21.50

COMMITTEE ON RAILROADS.

To the Senate of the State of North Dakota:

Gentlemen: Your committee on railroads to whom was referred the resolution relating to the maximum coal rates on coal mined within this state as fixed by chapter 146 of the laws of 1903, beg leave to report that we have had the same under consideration, and held several sessions with reference to the same; have examined witnesses and taken proof for the purpose of ascertaining whether the state law is reasonable or unreasonable. We find from the examination of the witnesses who appeared before us, the same being miners and shippers of lignite coal within this state and also by a comparison of rates in other states that said chapter 146 is unreasonable and incapable of enforcement.

We further find from the testimony of all the witnesses appearing before our committee, that the present rates given and now in force by the railroads within the state of North Dakota are equitable and reasonable, and satisfactory to the shippers of lignite coal who appeared before us. We recommend, as the judgment of this committee, from all the evidence taken and from legal advice given to us that it would be unwise to attempt while the present rates are in force, as given by the roads, to enforce the provisions of such chapter 146, as such action could only result, in the judgment of the committee, in great and useless expense to the state.

Respectfully submitted,

COMMITTEE ON RAILROADS.

Mr. Steele moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

THIRD READING OF HOUSE BILLS.

House Bill No. 277,

A bill for an act to amend section 2947, of the revised codes of North Dakota for the year 1899, relating to the powers of railroad corporations.

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 13.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bacon	Johnson of Walsh	Stade
Cashel	LaMoure	Steele
Crane	Little	Swenson
Dyste	Main	Talcott
Garnett	Plain	Taylor
Hagen	Regan	Thatcher
Hanna	Sharpe	Voss
Herbrandson	Sifton	Wagner
Johnson of McLean	Simpson	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Benson	Kirkeide	McLean
Brown	Kraabel	Movius
Carroll	Macdonald	Pierce
Fox	McArthur	Spoonheim
Gulack		

Messrs. Bacon, Brown, Carroll, Fox, Gulack, Kirkeide, Kraabel, Macdonald, McArthur, McLean, Movius, Pierce and Spoonheim being excused.

So the bill passed and the title was agreed to.

House Bill No. 287,

A bill for an act to provide for the removal of the county seat in organized counties within this state, which prior to the taking effect of this act have constructed no court house.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 24, nays none, absent and not voting 16.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bacon	Kraabel	Simpson
Cashel	LaMoure	Steele
Crane	Little	Swenson
Dyste	Main	Talcott

Messrs.—	Messrs.—	Messrs.—
Garnett	McLean	Thatcher
Hagen	Plain	Voss
Hanna	Regan	Wagner
Herbrandson	Sifton	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Benson	Johnson of Walsh	Pierce
Brown	Kirkeide	Sharpe
Carroll	Macdonald	Spoonheim
Fox	McArthur	Stade
Gulack	Movius	Taylor
Johnson of McLean		

Messrs. Benson, Brown, Carroll, Fox, Gulack, Johnson of McLean, Johnson of Walsh, Kirkeide, Macdonald, McArthur, Movius, Pierce, Sharpe, Spoonheim, Stade and Taylor being excused.

So the bill passed and the title was agreed to.

House Bill No. 184,

A bill for an act making it unlawful for boards of trustees, commissioners, directors, regents, person or persons to expend amounts in excess of appropriation, providing for monthly reports to the governor and repealing section 1023 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 24, nays none, absent and not voting 16.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bacon	Johnson of Walsh	Stade
Crane	Kraabel	Steele
Dyste	LaMoure	Swenson
Garnett	Little	Talcott
Hagen	Plain	Thatcher
Hanna	Regan	Voss
Herbrandson	Sifton	Wagner
Johnson of McLean	Simpson	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Benson	Kirkeide	Movius
Brown	Macdonald	Pierce
Carroll	Main	Sharpe
Cashel	McArthur	Spoonheim
Fox	McLean	Taylor
Gulack		

Messrs. Benson, Brown, Carroll, Cashel, Fox, Gulack,

Kirkeide, Macdonald, Main, McArthur, MacLean, Movius, Pierce, Sharpe, Spoonheim and Taylor being excused.

So the bill passed and the title was agreed to.

House Bill No. 40,

A bill for an act to repeal section 2531 of the revised codes, 1899, of North Dakota, relating to changing the names of certain townships.

Was read the third time.

The question being on the final passage of the bill;

The roll was called and there were ayes 25, nays none, absent and not voting 15.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bacon	Johnson of Walsh	Stade
Benson	Kraabel	Steele
Crane	LaMoure	Swenson
Dyste	Little	Talcott
Fox	Plain	Thatcher
Garnett	Regan	Voss
Hagen	Sifton	Wagner
Hanna	Simpson	Young
Herbrandson		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Brown	Kirkeide	Movius
Carroll	Macdonald	Pierce
Cashel	Main	Sharpe
Gulack	McArthur	Spoonheim
Johnson of McLean	McLean	Taylor

Messrs. Brown, Carroll, Cashel, Gulack, Johnson of McLean, Kirkeide, Macdonald, Main, McArthur, McLean, Movius, Pierce, Sharpe, Spoonheim and Taylor being excused.

So the bill passed and the title was agreed to.

House Bill No. 160,

A bill for an act to amend section 1791 of the revised codes of 1899, relating to public warehouses.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 23, nays none, absent and not voting 17.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bacon	Johnson of McLean	Stade
Crane	Johnson of Walsh	Steele
Dyste	Kraabel	Swenson

Messrs.—	Messrs.—	Messrs.—
Fox	LaMoure	Talcott
Garnett	Little	Thatcher
Hagen	Plain	Voss
Hanna	Regan	Wagner
Herbrandson	Simpson	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Benson	Macdonald	Sharpe
Brown	Main	Sifton
Carroll	McArthur	Spoonheim
Cashel	McLean	Taylor
Gulack	Movius	Young
Kirkeide	Pierce	

Messrs. Benson, Brown, Carroll, Cashel Gulack, Kirkeide, Macdonald, Main, McArthur, McLain, Movius, Pierce, Sharpe, Sifton, Spoonheim, Taylor and Young being excused.

So the bill passed and the title was agreed to.

House Bill No. 157

A bill for an act to amend section 1114 of the revised codes of North Dakota, 1899, relating to the duty of supervisors.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 22, nays none, absent and not voting 18.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bacon	Herbrandson	Steele
Benson	Johnson of Walsh	Talcott
Crane	Kraabel	Taylor
Dyste	LaMoure	Thatcher
Fox	Plain	Voss
Garnett	Regan	Wagner
Hagen	Stade	Young
Hanna		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Brown	Little	Pierce
Carroll	Macdonald	Sharpe
Cashel	Main	Sifton
Gulack	McArthur	Simpson
Johnson of McLean	McLean	Spoonheim
Kirkeide	Movius	Swenson

Messrs. Brown, Carroll, Cashel, Gulack, Johnson of McLean, Kirkeide, Little, Macdonald, Main, McArthur, McLean, Movius, Pierce, Sharpe, Sifton, Simpson, Spoonheim and Swenson being excused.

So the bill passed and the title was agreed to.

House Bill No. 122,

A bill for an act to prevent the abandonment and neglect of wife or children by persons charged by law with the maintenance thereof; to make such abandonment and neglect a felony; and to prescribe the punishment therefor.

Was read the third time.

The question being on the final passage of the bill:

The roll was called and there were ayes 26, nays none, absent and not voting 14.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Benson	Johnson of Walsh	Stade
Crane	Kirkeide	Steele
Dyste	Kraabel	Swenson
Fox	LaMoure	Talcott
Garnett	McLean	Thatcher
Hagen	Pierce	Voss
Hanna	Plain	Wagner
Herbrandson	Regan	Young
Johnson of McLean	Sharpe	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Bacon	Little	Sifton
Brown	Macdonald	Simpson
Carroll	Main	Spoonheim
Cashel	McArthur	Taylor
Gulack	Movius	

Messrs. Bacon, Brown, Carroll, Cashel, Gulack, Little, Macdonald, Main, McArthur, Movius, Sifton, Simpson, Spoonheim and Taylor being excused.

So the bill passed and the title was agreed to.

House Bill No. 96,

A bill for an act amending section 3261 of the revised codes of the State of North Dakota, of 1899, relating to foreign corporations doing business in this state.

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 13.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Cashel	Johnson of Walsh	Spoonheim
Crane	Kirkeide	Stade
Dyste	Kraabel	Steele
Fox	LaMoure	Swenson
Garnett	Little	Talcott

Messrs.—	Messrs.—	Messrs.—
Hagen	McLean	Taylor
Hanna	Plain	Thatcher
Herbrandson	Regan	Voss
Johnson of McLean	Sharpe	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Bacon	Macdonald	Pierce
Benson	Main	Sifton
Brown	McArthur	Simpson
Carroll	Movius	Wagner
Gulack		

Messrs. Bacon, Benson, Brown, Carroll, Gulack, Macdonald, Main, McArthur, Movius, Pierce, Sifton, Simpson, and Wagner being excused.

So the bill passed and the title was agreed to.

House Bill No. 94,

A bill for an act to amend section 3218 of the revised codes of 1899 as amended by chapter 46 of the session laws of 1901.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 32, nays none, absent and not voting 8.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Brown	Kraabel	Simpson
Carroll	LaMoure	Stade
Crane	Little	Steele
Dyste	Macdonald	Swenson
Fox	Main	Talcott
Garnett	McArthur	Taylor
Hagen	Movius	Thatcher
Hanna	Pierce	Voss
Herbrandson	Plain	Wagner
Johnson of Walsh	Regan	Young
Kirkeide	Sharpe	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Bacon	Gulack	Sifton
Benson	Johnson of McLean	Spoonheim
Cashel	McLean	

Messrs. Bacon, Benson, Cashel, Gulack, Johnson of McLean, Sifton and Spoonheim being excused.

So the bill passed and the title was agreed to.

House Bill No. 289,

A bill for an act to protect beavers in the state of North Dakota.

Was read the third time.

The question being on the final passage of the bill;

The roll was called and there were ayes 31, nays none, absent and not voting 9.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Benson	Kirkeide	Simpson
Brown	LaMoure	Spoonheim
Cashel	Little	Stade
Crane	Macdonald	Steele
Dyste	Main	Swenson
Fox	McArthur	Talcott
Garnett	McLean	Taylor
Hagen	Plain	Thatcher
Hanna	Regan	Wagner
Herbrandson	Sharpe	Young
Johnson of Walsh		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Bacon	Johnson of McLean	Pierce
Carroll	Kraabel	Sifton
Gulack	Movius	Voss

Messrs. Bacon, Carroll, Gulack, Johnson of McLean, Movius, Pierce, Sifton and Voss 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 2, 1905.

Mr. President:

I have the honor to transmit herewith

Senate Bill No. 151,

A bill for an act to repeal chapter 82, of the session laws of the state of North Dakota, for the year 1903, and to amend and re-enact section 7594 and section 7596 of the revised codes of North Dakota, 1899, relating to the method of obtaining druggist's permits to sell liquor, regulating sales of liquor under such permit and prescribing a penalty for the violation thereof.

Which the house has passed unchanged.

Very respectfully,

OTTO SOUGSTAD,
Chief Clerk.

REPORT OF CONFERENCE COMMITTEE.

Mr. President:

Your conference committee to whom was referred Senate Bill No. 161, beg leave to report that they have had the same under consideration with a like committee from the house and that the senate declined to recede from the amendments agreed upon by the former conference committee and recommended that the house be requested to adopt and approve the report of the former conference committee, which recommendation was unanimously concurred in by the conference from the house.

Very respectfully,

ED. PIERCE,

Chairman.

Mr. Pierce moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

EXECUTIVE SESSION.

Mr. Sharpe moved

That the senate do now go into executive session.

The senate went into executive session.

OPEN SESSION.

In open session announcement was made of the confirmation by the senate of the following nominations by the governor:

To be a director of the Grass Experiment Station to be located at or near Dickinson in Stark county: J. F. Brodie of Stark county.

To be trustees of the State Institute for the Feeble Minded at Grafton: Grant S. Hager of Pembina county, and Fred O. Olson of Barnes county, for the term of four years from the first Tuesday in April, 1905, and Stephenson Dunlap of Cass county, for the term of two years from the first Tuesday in April, 1905.

To be state irrigation engineer under section 5 of Senate Bill No. 1, passed by this legislative assembly and approved by the governor, A. L. Fellows; to be district veterinarian for the Eleventh district, F. W. Weston of Stark county; to be district veterinarian for the Twelfth

district, J. W. Robinson of McLean county; to be superintendent of public health, Dr. H. H. Healy of Grand Forks county, for the term of two years from the first Tuesday in April, 1905.

MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES.

BISMARCK, NORTH DAKOTA,

March 2, 1905.

Mr. President:

I have the honor to transmit herewith

Senate Bill No. 18,

A bill for an act to amend section 407 of the revised codes of 1899 with reference to the boundaries and terms of court in the Fifth judicial district.

Also,

Senate Bill No. 99,

A bill for an act to legalize the execution and acknowledgment of certain deeds, mortgages and other instruments in writing, and the record thereof, and making the same or certified copies thereof admissible in evidence.

Also,

Senate Bill No. 35,

A bill for an act to amend section 2673, revised codes of North Dakota, relating to townhsip boards.

Which the house has passed unchanged.

Very respectfully,

OTTO SOUGSTAD,

Chief Clerk.

The president announced that he appointed under Mr. Bacon's resolution of the 58th day, as members of a committee to compare and complete the journal of the senate, Messrs. McGlashan, Bacon and Twamley.

The secretary announced that the president was about to sign

House Bill No. 131,

A bill for an act to amend section 1283 of the revised codes and to repeal chapter 156 of the laws of 1903.

Also,

House Bill No. 6,

A bill for an act for the relief of Clarence M. Cole, a member of Battery A, North Dakota National Guard.

Also,

House Bill No. 286,

A bill for an act defining criminal libel and conspiracy to libel, and providing punishment therefor.

Also,

House Bill No. 34,

A bill for an act to amend section 648 and 750 of the revised codes of 1899, relating to education.

Also,

House Bill No. 23.

A bill for an act to fix the salary of deputies in county offices.

Also,

Senate Bill No. 4,

A bill for an act appropriating money for the building and equipping of a chemical laboratory and green house for the North Dakota Agricultural College and Experiment Station at Fargo.

Also,

Senate Bill No. 23,

A bill for an act making an appropriation for a deficiency in the appropriation for the institution for the feeble minded.

Also,

Senate Bill No. 37,

A bill for an act to provide an appropriation for the current and contingent expenses of the institution for the feeble minded at Grafton, North Dakota.

Also,

Senate Bill No. 104,

A bill for an act to provide for the erection of necessary additional buildings and other improvements at the state hospital for the insane at Jamestown, North Dakota.

Also,

Senate Bill No. 157,

A bill for an act appropriating money for the building and equipping of an administration and gymnasium build-

ing for the North Dakota agricultural college and experiment station at Fargo.

Also,

Senate Bill No. 164,

A bill for an act making an appropriation for carrying into effect provisions of law relating to the duties of the commissioner of agriculture and labor.

Also,

Senate Bill No. 148,

A bill for an act creating and establishing an agricultural experiment station at or near Linton, in Emmons county, providing for its management and making an appropriation therefor.

Also,

Senate Bill No. 106,

A bill for an act to make an appropriation for the current and contingent expenses of the state reform school at Mandan, for additional buildings for said school and furnishing and equipping the same.

Also,

Senate Bill No. 31,

A bill for an act appropriating money for the enforcement of the pure food and other health and sanitary laws and for investigating the strength and purity of drugs and formaldehyde.

Also,

Senate Bill No. 168,

A bill for an act making an appropriation for purchasing or erecting a building, furnishing and equipping the same, for the use of North Dakota academy of science, located at Wahpeton, North Dakota, and to provide funds for the maintenance of said school.

Also,

Senate Bill No. 34,

A bill for an act to provide for new buildings and for making needed permanent improvements for the school of deaf and dumb, located at Devils Lake, North Dakota, and making an appropriation therefor.

Also,

Senate Bill No. 169,

A bill for an act to provide the maintenance of summer school, and for new buildings and for making needed and

permanent improvements for the state normal school at Valley City, North Dakota, and making an appropriation therefor.

Also,

Senate Bill No. 69,

A bill for an act creating and establishing an agricultural experiment station at or near Leeds in Benson county, providing for its management and making an appropriation therefor.

Also,

Senate Bill No. 167,

A bill for an act to appropriate the sum of \$6,997.59 to pay expenses incurred by the chief state veterinarian and the state board of auditors in connection with the erection, equipment and maintaining of state dipping tanks for dipping live stock in the prevention of the spread of scabbies.

Also,

Senate Bill No. 123,

A bill for an act to amend sections 870 and 871 of the revised codes of North Dakota for 1899, relating to the appropriation for aid to state high schools.

Also,

Senate Bill No. 137,

A bill for an act defining the status, and providing for the duties of the State Historical Society of North Dakota, and making an appropriation therefor.

Also,

Senate Bill No. 113,

A bill for an act to provide for the care and improvement of the "White Stone Hills Battle Field," and making an appropriation to pay for the same.

Also,

Senate Bill No. 41,

A bill for an act to provide an appropriation for the current and contingent expenses of the state hospital for the insane at Jamestown.

Also,

Senate Bill No. 100,

A bill for an act to provide for the maintenance of the industrial school and school for manual training, located at Ellendale, for making necessary improvements, providing

for the payment of interest on certificates of indebtedness, and making an appropriation therefor.

Also,

Senate Bill No. 155,

A bill for an act appropriating to James G. Saunders, clerk of the district court of Stark county, North Dakota, \$2 00 clerk's fees for services rendered in the unorganized territory attached to Stark county for judicial purposes during the years 1903 and 1904.

Also,

Senate Bill No. 154,

A bill for an act appropriating to James G. Campbell, state's attorney for Stark county, \$3 00 attorney's fees for services rendered in the unorganized territory attached to Stark county for judicial purposes during the years 1903 and 1904.

Also,

Senate Bill No. 52,

A bill for an act to amend section 1375 of the revised codes, relating to additional duties of the adjutant general.

Also,

Senate Bill No. 12,

A bill for an act providing for the creation of a state bacteriological and pathological laboratory, for the control of such laboratory, and duties of the director, for the appointment of a director of such laboratory, who shall be ex-officio state bacteriologist and for an appropriation for the support of such laboratory.

Also,

Senate Bill No. 135,

A bill for an act to provide an appropriation for the repairing of and the building of an addition to the present building and heating plant and for the erection and equipment of a dormitory building for the state normal school at Mayville.

Also,

Senate Bill No. 153,

A bill for an act appropriating money for the building and equipping of an administration and gymnasium building for the state university and school of mines at Grand Forks.

Also,

House Bill No. 158,

A bill for an act to regulate the manufacture and sale of dairy products and imitations and substitutes therefor, prescribing penalties for violations, to create the office of assistant dairy commissioner, prescribing his duties and fixing his salary.

Also,

House Bill No. 178,

A bill for an act defining trusts and conspiracy against trade, declaring contracts in violation of the provisions of this act void, and making certain acts in violation thereof misdemeanors, and prescribing the punishment therefor and matters connected therewith.

Also,

House Bill No. 252,

A bill for an act providing for proposals for loaning city and school funds, and defining the duties of the various officers of the city or school districts with reference thereto.

Also,

Senate Bill No. 82,

A bill for an act establishing state fairs, locating them at Grand Forks and Fargo.

Also,

Senate Bill No. 207,

A bill for an act to amend sections 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, of chapter 30, article 19, entitled "Townsites located on public lands," as published in the revised codes of 1895, and providing who can sue, and maintain actions against corporate authorities acting as trustees under the townsite laws.

And the president signed the same in the presence of the senate.

Mr. Steele moved

That the senate take a recess until 10 a. m. tomorrow.

Which motion prevailed, and

The senate took a recess until 10 a. m., March 3, 1905.

L. M. McGLASHAN,

Secretary.

FIFTY-NINTH DAY—AFTER RECESS

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
March 3, 1905.

The senate assembled at 10 o'clock a. m., pursuant to recess taken.

THIRD READING OF HOUSE BILLS.

House Bill No. 192,

A bill for an act appropriating \$2,000, or so much thereof as may be necessary, out of any funds in the state treasury not otherwise appropriated, to defray expenses of irrigation investigations and the per diem and expenses of State Engineer Chandler, and providing for the reimbursement of the counties of Ransom, Ward, McLean, La Moure and Williams for money advanced by them to defray irrigation investigation expenses.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 22, nays none, absent and not voting 18.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bacon	Kirkeide	Pierce
Brown	Kraabel	Sharpe
Cashel	LaMoure	Sifton
Crane	Little	Spoonheim
Hanna	Macdonald	Taylor
Herbrandson	McArthur	Voss
Johnson of McLean	McLean	Young
Johnson of Walsh		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Benson	Hagen	Stade
Carroll	Main	Steele

Messrs.—	Messrs.—	Messrs.—
Dyste	Movius	Swenson
Fox	Plain	Talcott
Garnett	Regan	Thatcher
Gulack	Simpson	Wagner

Messrs. Benson, Carroll, Dyste, Fox, Garnett, Gulack, Hagen, Main, Movius, Plain, Regan, Simpson, Stade, Steele, Swenson, Talcott, Thatcher and Wagner being excused.

So the bill passed and the title was agreed to.

House Bill No. 114,

A bill for an act to amend section 237 of the revised codes, 1899, and to amend section 238 of chapter 169 of session laws, 1901, 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 26, nays none, absent and not voting 14.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bacon	Larkeide	Sifton
Brown	Kraabel	Spoonheim
Carroll	LaMoure	Stade
Crane	Macdonald	Steele
Fox	McArthur	Talcott
Hagen	McLean	Taylor
Hanna	Pierce	Thatcher
Herbrandson	Plain	Wagner
Johnson of McLean	Sharpe	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Benson	Johnson of Walsh	Simpson
Cashel	Little	Swenson
Dyste	Main	Voss
Garnett	Movius	Young
Gulack	Regan	

Messrs. Benson, Cashel, Dyste, Garnett, Gulack, Johnson of Walsh, Little, Main, Movius, Regan, Simpson, Swenson, Voss and Young being excused.

So the bill passed and the title was agreed to.

House Bill No. 1,

A bill for an act making appropriations for the current and contingent expenses of the Soldiers' Home, located at Lisbon, North Dakota, and for making permanent improvement, additions thereto and erecting a monument.

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 12.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bacon	Hanna	Plain
Benson	Johnson of McLean	Spoonheim
Brown	Johnson of Walsh	Stade
Carroll	Kirkeide	Steele
Cashel	LaMoure	Swenson
Crane	Macdonald	Taylor
Dyste	McArthur	Thatcher
Fox	McLean	Wagner
Garnett	Pierce	Young
Hagen		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Gulack	Main	Sifton
Herbrandson	Movius	Simpson
Kraabel	Regan	Talcott
Little	Sharpe	Voss

Messrs. Gulack, Herbrandson, Kraabel, Little, Main, Movius, Regan, Sharpe, Sifton, Simpson, Talcott and Voss being excused.

So the bill passed and the title was agreed to.

House Bill No. 291,

A bill for an act repealing chapter eighty-eight of the revised codes of 1899, relating to negotiable instruments in general.

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 13.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Benson	Herbrandson	Spoonheim
Carroll	Johnson of McLean	Stade
Cashel	Johnson of Walsh	Steele
Crane	Kirkeide	Swenson
Dyste	LaMoure	Talcott
Fox	Little	Taylor
Garnett	McLean	Voss
Hagen	Pierce	Wagner
Hanna	Plain	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Bacon	Main	Sharpe
Brown	McArthur	Sifton
Gulack	Movius	Simpson
Kraabel	Regan	Thatcher
Macdonald		

Messrs. Bacon, Brown, Gulack, Kraabel, Macdonald, Main, McArthur, Movius, Regan, Sharpe, Sifton, Simpson and Thatcher being excused.

So the bill passed and the title was agreed to.

House Bill No. 87

A bill for an act making an appropriation for purchasing a site, erecting a building, furnishing and equipping the same, for the use of the North Dakota school of forestry, located at Bottineau, North Dakota, and to provide funds for the maintenance of said school.

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 13.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bacon	Herbrandson	Spoonheim
Benson	Johnson of McLean	Stade
Brown	Johnson of Walsh	Steele
Cashel	Kirkeide	Swenson
Dyste	LaMoure	Talcott
Fox	McArthur	Taylor
Garnett	McLean	Thatcher
Hagen	Pierce	Voss
Hanna	Plain	Wagner

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Carroll	Macdonald	Sharpe
Crane	Main	Sifton
Gulack	Movius	Simpson
Kraabel	Regan	Young
Little		

Messrs. Carroll, Crane, Gulack, Kraabel, Little, Macdonald, Main, Movius, Regan, Sharpe, Sifton, Simpson and Young being excused.

So the bill passed and the title was agreed to.

House Bill No. 15,

A bill for an act to encourage elementary education.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 25, nays 7, absent and not voting 8.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Benson	Kirkeide	Sharpe
Brown	Kraabel	Spoonheim
Cashel	LaMoure	Stade
Crane	Macdonald	Steele
Dyste	McArthur	Swenson
Fox	McLean	Talcott
Hanna	Pierce	Taylor
Herbrandson	Plain	
Johnson of Walsh	Regan	

Those voting in the negative were:

Messrs.—	Messrs.—	Messrs.—
Garnett	Sifton	Voss
Hagen	Simpson	Wagner
Johnson of McLean		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Bacon	Little	Thatcher
Carroll	Main	Young
Gulack	Movius	

Messrs. Bacon, Carroll, Gulack, Little, Main, Movius, Thatcher and Young being excused.

So the bill passed and the title was agreed to.

House Bill No. 284,

A bill for an act to amend sections 1944 and 1949 of the revised codes of North Dakota of 1899, relating to depositories of county funds.

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 12.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Benson	Johnson of Walsh	Sifton
Cashel	Kirkeide	Simpson
Crane	Kraabel	Spoonheim
Dyste	LaMoure	Stade
Fox	Macdonald	Swenson
Garnett	McLean	Talcott
Hagen	Pierce	Thatcher
Hanna	Plain	Voss
Herbrandson	Sharpe	Wagner
Johnson of McLean		

Absent and not voting :

Messrs.—
 Bacon
 Brown
 Carroll
 Gulack

Messrs.—
 Little
 Main
 McArthur
 Movius

Messrs.—
 Regan
 Steele
 Taylor
 Young

Messrs, Bacon, Brown, Carroll, Gulack, Little, Main, McArthur, Movius, Regan, Steele, Taylor and Young 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 3, 1905.

Mr. President:

I have the honor to advise you that the house refuses to adopt the report of the second conference committee on

Senate Bill No. 161,

A bill for an act relating to banks and banking, providing for the organization, management, control, regulation and supervision of banking corporations, providing penalties for the violation of the provisions of the same, and repealing laws inconsistent therewith.

And asks for a new conference and have appointed as committee on part of the house Messrs. Streeter, Rose and Stevens of Burleigh.

Very respectfully,
 OTTO SOUGSTAD,
 Chief Clerk.

THIRD READING OF HOUSE BILLS.

House Bill No. 179,

A bill for an act to amend section 4797 of the revised codes of 1899 of the state of North Dakota.

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 13.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Benson	Johnson of Walsh	Sifton
Carroll	Kirkeide	Stade
Cashel	LaMoure	Steele
Crane	McArthur	Swenson
Dyste	McLean	Taylor
Fox	Pierce	Thataher
Garnett	Plain	Voss
Hanna	Regan	Wagner
Johnson of McLean	Sharpe	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Bacon	Kraabel	Movius
Brown	Little	Simpson
Gulack	Macdonald	Spoonheim
Hagen	Main	Talcott
Herbrandson		

Messrs. Bacon, Brown, Gulack, Hagen, Herbrandson, Kraabel, Little, Macdonald, Main, Movius, Simpson, Spoonheim and Talcott being excused.

So the bill passed and the title was agreed to.

House Bill No. 162,

A bill for an act to amend section 286 of the revised codes of North Dakota of 1899, relating to the registration of pharmacists.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 26, nays none, absent and not voting 14.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Benson	Johnson of Walsh	Spoonheim
Carroll	Kirkeide	Stade
Cashel	LaMoure	Swenson
Crane	Little	Talcott
Dyste	McLean	Taylor
Fox	Plain	Thatcher
Garnett	Regan	Voss
Hagen	Sharpe	Young
Hanna	Sifton	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Bacon	Kraabel	Pierce
Brown	Macdonald	Simpson
Gulack	Main	Steele
Herbrandson	McArthur	Wagner
Johnson of McLean	Movius	

Messrs. Bacon, Brown, Gulack, Herbrandson, Johnson of McLean, Kraabel, Macdonald, Main, McArthur, Movius, Pierce, Simpson, Steele and Wagner 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 3, 1905.

Mr. President:

I have the honor to transmit herewith

Senate Bill No. 234,

A bill for an act to provide for borrowing money to defray the extraordinary expenditures of the state government.

Also,

Senate Bill No. 174,

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. 209,

A bill for an act directing the state auditor to pay over funds belonging to the soldiers' home at Lisbon to the institution treasurer, and providing for the application of such funds.

Also,

Senate Bill No. 214,

A bill for an act to provide for the granting of the right-of-way by municipal corporations for constructing and maintaining electric and other railways on, over, and upon public grounds and highways, and regulating the use of

Also,

Senate Bill No. 152,

A bill for an act to amend section 7280 and section 7285 of the revised codes of North Dakota, 1899, relating to violations of the pharmacy law, and prescribing penalties therefor.

Also,

Senate Bill No. 205,

A bill for an act amending section 180 of the revised codes of 1899, relating to salary of commissioners of university and school lands.

Also,

Senate Bill No. 183,

A bill for an act to amend section 185 of the revised codes of North Dakota for 1899, relating to the publication of notices of sale of school and state lands.

Also,

Senate Bill No. 46,

A bill for an act to amend sections 370, 652, 653, 657, 695, 757 and 761 of the revised codes of 1899.

Also,

Senate Bill No. 186,

A bill for an act to amend section 1774 of the revised codes of the state of North Dakota for 1899, relating to abstractors.

Also,

Senate Bill No. 156,

A bill for an act authorizing the secretary of state to secure copyright of session laws.

Also,

Senate Bill No. 177,

A bill for an act providing for the recommendation by the governor of North Dakota of a member of the grain and warehouse commission for the city of Superior, Wisconsin, and providing for his compensation for the period of two years.

Also,

Senate Bill No. 143,

A bill for an act to amend section 1925 of chapter 26 of the revised codes of 1899, relating to contracts for county buildings and improvements.

Also,

Senate Bill No. 230,

A bill for an act to authorize certain municipal corporations of this state to issue bonds for the purpose of refunding or paying outstanding bonds; regulating the issuance and providing for the payment thereof.

Also,

Senate Bill No. 145,

A bill for an act providing that a system of humane treatment of animals shall be taught in the public schools of North Dakota.

Which the house has passed unchanged.

Also,

Senate Bill No. 149,

A bill for an act to amend sections 5908 and 5909, of the revised codes of 1899, as amended by section 1, of chapter 5, of the laws of 1901, relating to unknown persons defendant in certain actions and service of summons upon the same.

Which the house has amended as follows:

In section 2, of the engrossed bill, in line 9 between the words "not" and "appearing" insert "in possession or not."

And passed as amended.

Very respectfully,

OTTO SOUGSTAD,

Chief Clerk.

THIRD READING OF HOUSE BILLS.

House Bill No. 230,

A bill for an act to amend section 5577 of the revised codes, relating to costs on foreclosure of liens.

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 13.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Benson	Johnson of McLean	Sharpe
Carroll	Johnson of Walsh	Sifton
Cashel	Kirkeide	Simpson
Crane	LaMoure	Stade
Dyste	Little	Talcott
Fox	McLean	Thatcher
Garnett	Pierce	Voss
Hagen	Plain	Wagner
Hanna	Regan	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Bacon	Macdonald	Spoonheim
Brown	Main	Steele

Messrs.—	Messrs.—	Messrs.—
Gulack	McArthur	Swenson
Herbrandson	Movius	Taylor
Kraabel		

Messrs. Bacon, Brown, Gulack, Herbrandson, Kraabel, Macdonald, Main, McArthur, Movius, Spoonheim, Stade, Swenson and Taylor being excused.

So the bill passed and the title was agreed to.

House Bill No. 159,

A bill for an act to amend section 1030 of the revised codes of 1899, relating to public institutions.

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 18.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bacon	Hanna	Stade
Brown	Johnson of Walsh	Steele
Cashel	Kirkeide	Talcott
Crane	Kraabel	Taylor
Dyste	Macdonald	Voss
Fox	McLean	Wagner
Garnett	Sharpe	Young
Hagen		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Benson	Little	Regan
Carroll	Main	Sifton
Gulack	McArthur	Simpson
Herbrandson	Movius	Spoonheim
Johnson of McLean	Pierce	Swenson
LaMoure	Plain	Thatcher

Messrs. Benson, Carroll, Gulack, Herbrandson, Johnson of McLean, LaMoure, Little, Main, McArthur, Movius, Pierce, Plain, Regan, Sifton, Simpson, Spoonheim, Swenson and Thatcher 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 3, 1905.

Mr. President:

I have the honor to transmit herewith:

Senate Bill No. 70,

A bill for an act providing a contingent fund in each county of the state of North Dakota, for the use of the state's attorney, for the payment of such expenses as are necessary and not otherwise provided for in the investigation, preparation for trial and trial of criminal cases, and providing for the auditing and payment of such expenditures.

Also,

Concurrent resolution relating to publication of primary election measure.

Which the house has indefinitely postponed.

Very respectfully,
OTTO SOUGSTAD,
Chief Clerk.

Mr. Little moved

That the chair appoint a new conference committee of three on

Senate Bill No. 161,

A bill for an act relating to banks and banking, providing for the organization, management, control, regulation and supervision of banking corporations, providing penalties for the violation of the provisions of the same, and repealing laws inconsistent therewith.

Which motion prevailed, and

The president appointed as such committee Messrs. Pierce, Sharpe and Little.

Mr. Little moved

That the senate take a recess until 12:45 p. m.,

Which motion prevailed.

The senate took a recess.

The senate reconvened at 12:45 p. m.

THIRD READING OF HOUSE BILLS.

House Bill No. 288,

A bill for an act for a joint resolution to provide for the compilation and publication of the revised codes of North Dakota of 1905, providing for the payment and directing the manner of sale of the same.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 21, nays 7, absent and not voting 12.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Brown	Herbrandson	Sifton
Carroll	Johnson of McLean	Simpson
Cashel	Kirkeide	Stade
Fox	LaMoure	Steele
Garnett	Little	Taylor
Hagen	Pierce	Wagner
Hanna	Sharpe	Young

Those voting in the negative were:

Messrs.—	Messrs.—	Messrs.—
Benson	Kraabel	Regan
Crane	Plain	Swenson
Johnson of Walsh		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Bacon	Main	Spoonheim
Dyste	McArthur	Talcott
Gulack	McLean	Thatcher
Macdonald	Movius	Voss

Messrs. Bacon, Dyste, Gulack, Macdonald, Main, McArthur, McLean, Movius, Spoonheim, Talcott, Thatcher and Voss 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 3, 1905.

Mr. President:

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

CONCURRENT RESOLUTION.

Resolved by the House of Representatives, the Senate concurring, that the governor be requested to cause an investigation, through some appropriate department, of the feasibility of having a quantity of the pottery clays of this state shipped to some pottery manufacturing plant and made into vases, cuspidors, ornamental bricabrac, dishes, pitchers, mugs and other receptacles, and, if in the judgment of the executive it is deemed advisable, that the governor's residence, the capitol and other state institutions be furnished with such articles manufactured from North Dakota clays as may be needed and useful and such as would otherwise be secured from eastern firms and manufactured from foreign products.

Also,

Senate Bill No. 193,

A bill for an act to amend section 1 of chapter 53 of session laws of 1901, relating to compensation of county commissioners and fixing the hours of meeting.

Which the house has indefinitely postponed.

Also,

Senate Bill No. 213,

A bill for an act to amend section 707 of the revised codes of 1899.

Also,

Senate Bill No. 122,

A bill for an act to amend section 3128 of the revised codes of 1899, relating to the revocation of authority of foreign and domestic insurance corporations to transact business in this state, and providing for the revocation of authority of foreign insurance corporations to transact business within the state of North Dakota, upon the removal by any such foreign insurance corporation, of certain cases from the state to the United States courts.

Also,

Senate Bill No. 180,

A bill for an act creating park districts, and for the government thereof, creating a board of park commissioners, conferring power and authority upon such board and district, and providing rules for the government thereof.

Also,

Senate Bill No. 211,

A bill for an act to amend section 4737 of the revised codes of North Dakota, of 1899, relating to renewal of mortgages of personal property.

Also,

Senate Bill No. 49,

A bill for an act to prevent the adulteration of and deception in the sale of white lead and mixed paints.

Also,

Senate Bill No. 206,

A bill for an act to amend section 137 of the revised codes of 1899, relating to the examination of the accounts of public officers by the state examiner.

Also,

Senate Bill No. 7.

A bill for an act to amend chapter 4 of the laws of 1903, relating to procedure in civil actions in justice court.

Which the house has passed unchanged.

Also,

Senate Bill No. 63,

A bill for an act concerning the inspection of illuminating oils and gasoline; for the appointment of a state inspector and deputies of oils and gasoline, prescribing their duties, designating their salaries; providing for the making of chemical tests; providing penalties for the violation of this act; requiring the state inspector and deputies to make reports of entry, where illuminating oils and gasoline shipped into this state shall be inspected and repealing conflicting laws.

Which the house has amended as follows:

First. Amend the title so as to read as follows:

For an act concerning the inspection of illuminating oils and gasoline; providing for the making of chemical tests, providing penalties for the violation of this act; requiring the state inspector and deputies to make reports, designate ports of entry where illuminating oils and gasoline shipped into this state shall be inspected, and repealing conflicting and inconsistent laws.

Also, by striking out all of section 1, and then renumber section 2 section 1, section 3 section 2, section 4 section 3, section 5 section 4, section 6 section 5, section 7 section 6, section 8 section 7, section 9 section 8, section 10 section 9, section 11 section 10, section 12 section 11, section 13 section 12, section 14 section 13, section 15 section 14, section 16 section 15.

And passed as amended.

Very respectfully,

OTTO SOUGSTAD,

Chief Clerk.

Mr. Little moved

That the senate concur in the resolution relating to investigation of native clays for manufacture of pottery.

Which motion prevailed, and

The concurrent resolution was adopted.

Mr. La Moure moved

That the senate do not concur in the house amendments of

Senate Bill No. 63,

A bill for an act concerning the inspection of illuminating oils and gasoline; for the appointment of a state inspector and deputies of oils and gasoline, prescribing their duties, designating their salaries; providing for the making of chemical tests; providing penalties for the violation of this act; requiring the state inspector and deputies to make reports of entry, where illuminating oils and gasoline shipping laws.

And that the president appoint a conference committee on the bill to meet with a like committee on the part of the house.

Which motion prevailed, and

The president appointed as such committee Messrs. La-Moure, Simpson and Crane.

THIRD READING OF HOUSE BILLS.

House Bill No. 15,

A bill for an act to encourage elementary education.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 21, nays 10, absent and not voting 9.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bacon	Hagen	Keegan
Benson	Herbrandson	Spoonheim
Cashel	Johnson of Walsh	Stade
Crane	Kirkéide	Swenson
Dyste	McLean	Talcott
Fox	Pierce	Taylor
Garnett	Plain	Thatcher

Those voting in the negative were:

Messrs.—	Messrs.—	Messrs.—
Brown	LaMoure	Simpson
Carroll	Sharpe	Voss
Hanna	Sifton	Wagner
Johnson of McLean		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Gulack	Macdonald	Movius
Kraabel	Main	Steele
Little	McArthur	Young

Messrs. Gulack, Kraabel, Little, Macdonald, Main, McArthur, Movius, Steele and Young being excused.

So the bill passed and the title was agreed to.

Mr. Pierce moved

That the senate concur in the house amendments of Senate Bill No. 149,

A bill for an act to amend sections 5908 and 5909, of the revised codes of 1899, as amended by section 1, of chapter 5, of the laws of 1901, relating to unknown persons defendant in certain actions and service of summons upon the same.

Which motion prevailed, and

The house amendments were concurred in.

The question being on the final passage of the bill, as amended.

The roll was called and there were ayes 32, nays none, absent and not voting 8.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bacon	Herbrandson	Sifton
Benson	Johnson of McLean	Simpson
Brown	Johnson of Walsh	Spoonheim
Carroll	Kirkeide	Stade
Cashel	Kraabel	Steele
Crane	LaMoure	Swenson
Dyste	Little	Taylor
Fox	McLean	Thatcher
Garnett	Plain	Wagner
Hagen	Regan	Young
Hanna	Sharpe	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Gulack	McArthur	Talcott
Macdonald	Movius	Voss
Main	Pierce	

Messrs. Gulack, Macdonald, Main, McArthur, Movius, Pierce, Talcott and Voss being excused.

So the bill passed and the title was agreed to.

House Bill No. 280,

A bill for an act authorizing the state, through the board of university and school lands, and the counties, townships, cities, towns and villages of the state, through their corporate authorities, to become members of water users' associations, and authorizing them to purchase and hold certificates of stock therein, and granting rights of way over state and school lands for irrigation flumes, ditches and canals, and the right to construct reservoirs thereon for the storage of water for irrigation purposes.

Was read the third time.

Mr. Regan moved

That house bill No. 280 be amended by striking out the words "become purchasers and holders of certificates of stock therein," in lines 5 and 6 of section 1 of the engrossed bill; and by striking out the words "become holders of stock therein," in lines 3 and of section 3 of the engrossed bill.

Which motion prevailed, and

The bill was so amended.

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

The roll was called and there were ayes 35, nays none, absent and not voting 5.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bacon	Johnson of McLean	Simpson
Benson	Johnson of Walsh	Spoonheim
Brown	Kirkeide	Stade
Carroll	LaMoure	Steele
Cashel	Little	Swenson
Crane	Macdonald	Talcott
Dyste	McLean	Taylor
Fox	Pierce	Thatcher
Garnett	Plain	Voss
Hagen	Regan	Wagner
Hanna	Sharpe	Young
Herbrandson	Sifton	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Gulack	Main	Movius
Kraabel	McArthur	

Messrs. Gulack, Kraabel, Main, McArthur and Movius being excused.

Mr. Regan moved

That the title of the bill be amended.

By striking out the words "then to purchase and hold certificates of stock therein," in lines 6 and 7 of the title of the engrossed bill.

Which motion prevailed, and

The title was so amended.

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

House Bill No. 105,

A bill for an act to amend section 1619 of the revised codes of 1899, relating to diplomas and certificates for veterinarians.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 33, nays none, absent and not voting 7.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Benson	Kirkeide	Sifton
Brown	Kraabel	Simpson
Carroll	LaMoure	Spoonheim
Cashel	Little	Steele
Crane	Macdonald	Swenson
Dyste	Main	Talcott
Fox	McArthur	Taylor
Garnett	McLean	Thatcher
Hanna	Plain	Voss
Johnson of McLean	Regan	Wagner
Johnson of Walsh	Sharpe	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Bacon	Herbrandson	Pierce
Gulack	Movius	Stade
Hagen		

Messrs. Bacon, Gulack, Hagen, Herbrandson, Movius, Pierce and Stade being excused.

So the bill passed and the title was agreed to.

House Bill No. 251,

A bill for an act to amend section 786 of the revised codes of 1899, relating to education.

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 12.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Baco	Johnson of Walsh	Spoonheim
Benson	Kirkeide	Stade
Carroll	Kraabel	Steele
Cashel	LaMoure	Swenson
Crane	Macdonald	Taylor
Fox	McLean	Voss
Garnett	Regan	Wagner
Hagen	Sharpe	Young
Hanna	Sifton	
Johnson of McLean	Simpson	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Brown	Little	Pierce
Dyste	Main	Plain
Gulack	McArthur	Talcott
Herbrandson	Movius	Thatcher

Messrs. Brown, Dyste, Gulack, Herbrandson, Little, Main, McArthur, Movius, Pierce, Plain, Talcott and Thatcher being excused.

So the bill passed and the title was agreed to.

House Bill No. 138,

A bill for an act to amend section 5210 of the revised codes of 1899, relating to the time of commencement of actions.

Was read the third time.

Mr. Voss moved

That House bill No. 138 be amended by adding the following at the end of the last section thereof:

Provided further that actions against trustees acting under the townsite laws of the United States and this state, must be commenced within two years of the date when the cause of action accrued.

Which motion prevailed. and

The bill was so amended.

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

The roll was called and there were ayes 30, nays none, absent and not voting 10.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bacon	Herbrandson	Sharpe
Benson	Johnson of Walsh	Sifton
Brown	Kirkeide	Simpson

Messrs.—	Messrs.—	Messrs.—
Carroll	Kraabel	Spoonheim
Cashel	LaMoure	Stade
Crane	Macdonald	Steele
Dyste	Main	Swenson
Fox	McLean	Taylor
Garnett	Plain	Wagner
Hanna	Regan	Young

Absent and not voting :

Messrs.—	Messrs.—	Messrs.—
Gulack	McArthur	Talcott
Hagen	Movius	Thatcher
Johnson of McLean	Pierce	Voss
Little		

Messrs. Gulack, Hagen, Johnson of McLean, Little, McArthur, Movius, Pierce, Talcott, Thatcher and Voss being excused.

So the bill passed and the title was agreed to.

House Bill No. 227,

A bill for an act to amend section 6615 of the revised codes of North Dakota.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 30, nays none, absent and not voting 10.

Those who voted in the affirmative were :

Messrs.—	Messrs.—	Messrs.—
Bacon	Hanna	Sifton
Benson	Herbrandson	Spoonheim
Brown	Johnson of Walsh	Stade
Carroll	Kirkeide	Steele
Cashel	LaMoure	Swenson
Crane	Little	Talcott
Dyste	Main	Taylor
Fox	Plain	Voss
Garnett	Regan	Wagner
Hagen	Sharpe	Young

Absent and not voting :

Messrs.—	Messrs.—	Messrs.—
Gulack	McArthur	Pierce
Johnson of McLean	McLean	Simpson
Kraabel	Movius	Thatcher
Macdonald		

Messrs. Gulack, Johnson of McLean, Kraabel, Macdonald, McArthur, McLean, Movius, Pierce, Simpson and Thatcher being excused.

So the bill passed and the title was agreed to.

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

L. M. McGLASHAN,
Secretary.

SIXTIETH DAY

SENATE CHAMBER.
BISMARCK, NORTH DAKOTA.
March 3, 1905.

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. Gulack, who was excused.

The courtesies of the floor were extended to the following: Messrs. A. P. Paulson, Mrs. Sarah Gibson and W. G. Mitchell.

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 of the fifty-ninth day, have carefully examined the same and recommend that the same be corrected as follows:

By striking out in line 39 on page 25, the word "concurrence."

And when so amended recommend that the same be approved.

R. W. MAIN,
Chairman.

Mr. Main moved

That the report be adopted,

Which motion prevailed and

The report of the committee was adopted.

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 fifty-eighth day, have carefully examined the same and recommend that the same be corrected as follows:

By inserting on page 34, after line 6, the following:

I have the honor to transmit herewith Senate Bill No. 207, which the house has passed with the following amendments:

By adding at the end of the title thereto the following words:

"And providing who can sue and maintain actions against corporate authorities acting as trustees under the townsite laws."

That section 1 of said bill was amended by inserting in line 6½ of the printed bill between the words "aside" and "a" the words "if it has not been done."

That section 4 of said bill was amended by striking out all after the word "unclaimed," in the seventh line, to and including the word "valuation," and by inserting "without reference to the appraisalment before mentioned." And further, by inserting in line 18 of the printed bill between the words "sale" and "and" the words "without reference to the appraisalment before mentioned," and by adding at the end of said section 4 the following: "Provided further, that no person not a beneficiary under the townsite laws of the United States and this state at the time of the entry of the townsite shall be permitted to sue or maintain any action in the courts of this state against the corporate authorities or their grantees, nor shall any city, town or village attorney be authorized to institute or maintain any action against the corporate authorities or their grantees without first having been authorized so to do by a majority vote of the city council or board of trustees of such city, town or village, as the case may be, nor shall any law of this state regulating the sale of trust property be held to apply to sales by the corporate authorities made under the provisions of this act."

And said bill is further amended by adding at the end of section 5 the following:

"Provided further, that when any city, town or village holding property in trust for the use and benefits of the occupants under any law of the United States or this state, has sold any or a part of such trust property, and the deed of conveyance thereof, for any cause, has not been executed and delivered to the purchaser or purchasers by the proper officer or officers of such city, town or village, the purchaser or purchasers having deposited with the treasurer of such city, town or village, the purchase price therefor, the successors in office of such officers may at any time within five years from the date of sale execute to such purchaser or purchasers of such property, a deed of such property in the name of such city, town or village, or the purchaser or purchasers of such property is empowered to get from the proper officer of such city, town or village, an exemplified copy of the record of the sale of such property and to file the same with the register of deeds of the county in which such city, town or village is located, and such recorded record of the proceedings of sale shall be considered by all courts of this state as sufficient evidence of the sale and transfer of such trust property to the purchaser or purchasers."

Also,

Your committee on revision and correction of the journal of the first day, have carefully examined the same and recommend that the same be corrected as follows:

By striking out the word "three" and inserting the word "four" in line 12 on page 10, and by adding to line 15 on page 10 the following: "and Mr. S. G. Skulason."

And when so amended recommend that the same be approved.

R. W. MAIN,
Chairman.

Mr. Main moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

REPORT OF STANDING COMMITTEES.

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

Mr President:

Your committee on enrolled and engrossed bills have examined

Senate Bill No. 144,

A bill for an act to amend sections 1, 2, 4, 5, 8, 13 and 16, of chapter 130, of the session laws of North Dakota of 1903, regulating practice of optometry.

Also,

Senate Bill No. 151,

A bill for an act to amend sections 7594 and 7596 of the revised codes of North Dakota, 1899, as amended by chapter 82 of the session laws of 1903, relating to the method of obtaining druggists' permits to sell liquor, regulating sales of liquor under such permit and regulating life of same.

Also,

Senate Bill No. 110,

A bill for an act to limit the time within which an action may be commenced, or a defense or counterclaim interposed, founded upon a claim of right to a homestead heretofore or hereafter conveyed or incumbered, otherwise than as provided by the law in force at the time of the execution of the conveyance or incumbrance thereof.

Also,

Senate Bill No. 140,

A bill for an act amending section 1313 of the revised codes of North Dakota, providing for the assessment of

railroad property in this state, and prescribing the manner of levying and collecting the tax on the same.

Also,

Senate Bill No. 33,

A bill for an act to provide for the census of enumeration of the inhabitants of this state.

Also,

Senate Bill No. 55,

A bill for an act to re-enact section 2526 of the revised codes of 1897, relating to organization of townships.

Also,

Senate Bill No. 119,

A bill for an act providing for procuring of official bonds of state officers and for acceptance of bids therefor, and the payment of premiums upon same.

Also,

Senate Bill No. 215,

A bill for an act regulating weights and measures, creating the office of inspector of weights and measures, providing for the appointment of inspector, and prescribing his powers, duties and compensation.

Also,

Senate Bill No. 73,

A bill for an act to provide a record for perpetuating proceedings and instruments in applications for tax deeds, and for payment of services connected therewith.

Also,

House Bill No 86,

A bill for an act to provide for the levy of a tax in certain counties to aid in establishment and maintenance of county agricultural fair associations.

Also,

House Bill No. 251,

A bill for an act to amend section 786 of the revised codes of 1899, relating to education.

Also,

Senate Bill No. 232,

A bill for an act to amend section 7569 of the revised codes of 1899, relative to malicious injury to freehold.

Also,

Senate Bill No. 184,

A bill for an act to amend sections 3532, 3533, 3534, 3535 and 3584, paragraph 2, of the revised codes of North Dakota, 1899, relating to the execution by corporations of instruments affecting titles to real estate, prescribing the manner of execution, and the form of acknowledgment, validating instruments heretofore executed and enacting other provisions relating thereto.

And find the same correctly enrolled.

Also,

House Bill No. 75,

A bill for an act requiring each county officer, who receives from any county a stated salary for his services, to keep a record of the fees received by him as such officer, and to pay such fees into the county treasury, and making it a misdemeanor for any such officer to neglect or omit to charge or collect the fees which he is by law allowed to charge or collect or to fail to keep a record of the same, or to fail to turn over or pay the same into the county treasury.

Also,

House Bill No. 274,

A bill for an act amending section 1, of chapter 83, session laws of 1901, relating to engrossing and enrolling bills.

And find the same correctly engrossed.

GEORGE M. YOUNG,

Chairman.

The committee on education made the following report:
Mr President:

Your committee on education to whom was referred

House Bill No. 15,

A bill for an act to encourage elementary education.

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

F. S. TALCOTT,

Chairman.

The committee on public health made the following report:

Mr. President:

Your committee on public health to whom was referred
Senate Bill No. 237,

A bill for an act to prevent fraud in the sale of dairy products and lard, and lard substitutes and of food prepared therefrom and to preserve the public health; providing a penalty for the violation hereof and providing for the enforcement of the law.

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

J. D. TAYLOR,
Chairman.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred
House Bill No. 227,

A bill for an act to amend section 6615 of the revised codes of North Dakota.

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

By inserting the words "five hundred" in line 8 of the bill as printed, after the word "thousand."

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 of the committee was adopted.

The committee on education made the following report:

Mr. President:

Your committee on education to whom was referred

All concurrent resolutions in relation to exhibits used at the St. Louis Exposition.

Have had the same under consideration and recommend that the same

Be laid upon the table,

And that the concurrent resolution by Mr. Talcott accompanying this report be adopted.

CONCURRENT RESOLUTION.

Whereas, it is desirable that the exhibits at the St. Louis Exposition be preserved and made of permanent historical and educational value to this state; now therefore,

Be it resolved by the Senate, the House of Representatives concurring, That the commission for the Louisiana Purchase Exposition be and is hereby directed to distribute and locate the exhibits as follows:

The pottery, earthenware and mineral exhibit, including the show cases used therewith, to the School of Mines; the agricultural exhibit, including the cases therewith, to the Agricultural College; the Roosevelt cabin and its contents and all exhibits of a purely historical nature, to the Historical Society; the manual training exhibit, including the installation cases used therewith, to the Manual Training School; the educational exhibit, including the installation cases and the remainder of the furniture and fixtures, to the Valley City State Normal School, and the said exhibits are hereby permanently located as above set forth, excepting that the governor shall have power to direct the same to be used at expositions held outside of the state of North Dakota. It is hereby made the duty of said commission to take receipts for such exhibits and file the same with their final report.

Be it further resolved, That the capitol commission be and is hereby directed to set aside a suitable location near the capitol building on which to place the Roosevelt cabin, and said capitol commission is further directed to make proper regulations in order to preserve and perpetuate the same and its contents from loss or injury.

F. S. TALCOTT,
Chairman.

Mr. Talcott moved

That the resolution be adopted.

Mr. Little moved,

As a substitute motion,

That the resolution be laid on the table.

Which motion was lost.

The question being on the original motion for the adoption of the resolution,

The motion prevailed, and

The resolution was adopted.

Mr. Simpson offered the following:

CONCURRENT RESOLUTION.

Resolved by the Senate, the House concurring, That the secretary of state, during the month of April, 1906, shall cause to be published in the official county papers in each county, the primary election measure that has passed the legislature this session, said publication to be for one time only and paid for at the same rates as provided in the publication of amendments to the constitution.

Mr. Simpson moved

That the resolution be adopted.

Mr. Regan moved
As a substitute motion

That the primary election measure be printed in pamphlet form, and 100 copies of the pamphlets be distributed among the members of the present legislative assembly.

Which motion was lost.

The question being on the original motion for the adoption of the resolution.

The motion was lost, and the resolution was not adopted.

Mr. Plain moved

That the senate now concur in the house amendments of Senate Bill No. 134,

A bill for an act to allow township boards to perpetuate the government surveys, and to authorize the erection of permanent monuments on section corners.

Which motion prevailed, and

The house amendments to Senate Bill No. 134 were concurred in.

The question being upon the final passage of the bill.

The roll was called and there were ayes 33, nays none, absent and not voting 7.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bacon	Johnson of Walsh	Sifton
Brown	Kraabel	Simpson
Carroll	Little	Spoonheim
Cashel	Macdonald	Stade
Crane	Main	Swenson
Dyste	McArthur	Talcott
Fox	McLean	Taylor
Hagen	Pierce	Thatcher
Hanna	Plain	Voss
Herbrandson	Regan	Wagner
Johnson of McLean	Sharpe	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Benson	Kirkeide	Movius
Garnett	LaMoure	Steele
Gulack		

Messrs. Benson, Garnett, Gulack, Kirkeide, LaMoure, Movius and Steele being excused.

So the bill passed and the title was agreed to.

THIRD READING OF HOUSE BILLS.

House Bill No. 265,

A bill for an act for the consolidation of a fractional or one or more townships attached to another civil township, by the county commissioners.

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 12.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bacon	Hanna	Sifton
Benson	Herbrandson	Simpson
Brown	Johnson of McLean	Stade
Carroll	Johnson of Walsh	Swenson
Cashel	Kirkeide	Talcott
Crane	Kraabel	Taylor
Dyste	LaMoure	Thatcher
Fox	Main	Voss
Garnett	McLean	Wagner
Hagen		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Gulack	Movius	Sharpe
Little	Pierce	Spoonheim
Macdonald	Plain	Steele
McArthur	Regan	Young

Messrs. Gulack, Little, Macdonald, McArthur, Movius, Pierce, Plain, Regan, Sharpe, Spoonheim, Steele and Young being excused.

So the bill passed and the title was agreed to.

House Bill No. 149,

A bill for an act making it a misdemeanor to move personal property from the state or dispose of the same, with the intention of avoiding the payment of personal property taxes.

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 10.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Benson	Johnson of Walsh	Simpson
Brown	Kirkeide	Spoonheim
Carroll	Kraabel	Stade

Messrs.—	Messrs.—	Messrs.—
Cashel	LaMoure	Swenson
Crane	Little	Talcott
Dyste	McLean	Taylor
Fox	Pierce	Thatcher
Hagen	Plain	Voss
Hanna	Regan	Wagner
Johnson of McLean	Sifton	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Bacon	Macdonald	Movius
Garnett	Main	Sharpe
Gulack	McArthur	Steele
Herbrandson		

Messrs. Bacon, Garnett, Gulack, Herbrandson, Macdonald, Main, McArthur, Movius, Sharpe and Steele 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 3, 1905.

Mr. President:

I have the honor to transmit herewith

Senate Bill No. 163,

A bill for an act to provide for the making of tests of wheat and flour to determine the comparative milling values of the different grades of wheat.

Also,

Senate Bill No. 184,

A bill for an act to amend sections 3532, 3533, 3534, 3535 and 3584, paragraph 2, of the revised codes of North Dakota, 1899, relating to the execution by corporations of instruments affecting titles to real estate, prescribing the manner of execution, and the form of acknowledgment, validating instruments heretofore executed and enacting other provisions relating thereto.

Which the house has passed unchanged.

Also,

Senate Bill No. 171,

A bill for an act to amend section 118 of the revised codes of North Dakota, 1899, relating to the official bond of the state treasurer.

Which the house has amended as follows:

By adding the following after "\$500,000.00" in line 3 of section 118: "which bond shall be paid for by the state."

And passed as amended.

Also,

Senate Bill No. 17,

A bill for an act to provide for the licensing of auctioneers.

Which the house has indefinitely postponed.

Very respectfully,
OTTO SOUGSTAD,
 Chief Clerk.

THIRD READING OF HOUSE BILLS.

House Bill No 86,

A bill for an act to provide for the levy of a tax in certain counties to aid in establishment and maintenance of county agricultural fair 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 12.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bacon	Johnson of Walsh	Stade
Brown	Kirkeide	Steele
Cashel	Kraabel	Swenson
Dyste	Little	Talcott
Fox	Macdonald	Taylor
Garnett	McLean	Thatcher
Hagen	Plain	Voss
Hanna	Regan	Wagner
Herbrandson	Spoonheim	Young
Johnson of McLean		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Benson	LaMoure	Pierce
Carroll	Main	Sharpe
Crane	McArthur	Sifton
Gulack	Movius	Simpson

Messrs. Benson, Carroll, Crane, Gulack, LaMoure, Main, McArthur, Movius, Pierce, Sharpe, Sifton and Simpson being excused.

So the bill passed and the title was agreed to.

Mr. Pierce moved

That the vote by which the report of the first conference committee on

Senate Bill No. 161,

A bill for an act relating to banks and banking, providing for the organization, management, control, regulation and supervision of banking corporations, providing penalties for the violation of the provisions of the same, and repealing laws inconsistent therewith.

Was adopted be reconsidered,

Which motion prevailed.

Mr. Pierce presented the following report:

Mr. President:

Your conference committee on Senate Bill No. 161, have had the same under consideration with a like committee from the house and beg leave to report as follows:

Your committee recommends that the report of the first conference committee of the 59th day be amended as follows:

That paragraph "Fifth of said report be amended so as to read as follows:

"Fifth. That the senate concur in the house amendment to line 5 of section 7 of the engrossed bill."

Also that paragraph eleventh of said former conference committee report be amended so as to read as follows:

"Eleventh. That the senate concur in the house amendment to line 11 of section 30 of the engrossed bill."

Very respectfully,

ED. PIERCE,

C. B. LITTLE,

J. B. SHARPE,

Committee.

Mr. Pierce moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Mr. Pierce moved

That the report of the first conference committee on Senate Bill No. 161, as amended by the report just adopted, be adopted.

Which motion prevailed, and

The report of the first conference committee, as amended, was adopted.

The question being on the final passage of Senate Bill No. 161, as amended;

The roll was called and there were ayes 27, nays none, absent and not voting 13.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Benson	Johnson of McLean	Spoonheim
Brown	Johnson of Walsh	Stade
Carroll	Little	Steele
Cashel	Macdonald	Swenson
Dyste	McLean	Talcott
Garnett	Plain	Thatcher
Hagen	Regan	Voss
Hanna	Sharpe	Wagner
Herbrandson	Sifton	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Bacon	Kraabel	Movius
Crane	LaMoure	Pierce
Fox	Main	Simpson
Gulack	McArthur	Taylor
Kirkeide		

Messrs. Bacon, Crane, Fox, Gulack, Kirkeide, Kraabel, LaMoure, Main, McArthur, Movius, Pierce, Simpson and Taylor being excused.

So the bill passed and the title was agreed to.

House Bill No. 81,

A bill for an act to provide for copies of the assessment rolls to be furnished township clerks by the county auditor.

Was read the third time.

The question being on the final passage of the bill;

The roll was called and there were ayes 23, nays 2, absent and not voting 15.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Benson	Herbrandson	Sharpe
Brown	Johnson of Walsh	Spoonheim
Carroll	Kirkeide	Stade
Cashel	Little	Swenson
Dyste	Main	Talcott
Fox	Pierce	Thatcher
Garnett	Plain	Wagner
Hanna	Regan	

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Johnson of McLean	Voss	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Bacon	LaMoure	Sifton
Crane	Macdonald	Simpson
Gulack	McArthur	Steele
Hagen	McLean	Taylor
Kraabel	Movius	Young

Messrs. Bacon, Crane, Gulack, Hagen, Kraabel, LaMoure, Macdonald, McArthur, McLean, Movius, Sifton, Simpson, Steele, Taylor and Young being excused.

So the bill passed and the title was agreed to.

House Bill No. 97,

A bill for an act to legalize the incorporation of certain cities, towns, villages, townships and school districts, and acts of officers of the same.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 24, nays none, absent and not voting 16.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bacon	Johnson of McLean	Sifton
Brown	Kirkeide	Spoonheim
Cashel	Little	Stade
Dyste	Macdonald	Steele
Fox	Main	Swenson
Garnett	McLean	Taylor
Hagen	Plain	Thatcher
Hanna	Regan	Wagner

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Benson	Kraabel	Sharpe
Carroll	LaMoure	Simpson
Crane	McArthur	Talcott
Gulack	Movius	Voss
Herbrandson	Pierce	Young
Johnson of Walsh		

Messrs. Benson, Carroll, Crane, Gulack, Herbrandson, Johnson of Walsh, Kraabel, LaMoure, McArthur, Movius, Pierce, Sharpe, Simpson, Talcott, Voss and Young being excused.

So the bill passed and the title was agreed to.

House Bill No. 73,

A bill for an act for the destruction of all weeds on all graded or cultivated highways.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 25, nays none, absent and not voting 15.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bacon	Johnson of Walsh	Stade
Brown	Little	Steele
Cashel	Main	Swenson
Dyste	McLean	Talcott
Fox	Plain	Taylor
Garnett	Regan	Thatcher
Hagen	Sifton	Voss
Herbrandson	Spoonheim	Wagner
Johnson of McLean		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Benson	Kirkeide	Movius
Carroll	Kraabel	Pierce
Crane	LaMoure	Sharpe
Gulack	Macdonald	Simpson
Hanna	McArthur	Young

Messrs. Benson, Carroll, Crane, Gulack, Hanna, Kirkeide, Kraabel, LaMoure, Macdonald, McArthur, Movius, Pierce, Sharpe, Simpson and Young being excused.

So the bill passed and the title was agreed to.

House Bill No. 112,

A bill for an act to provide for the filing of satisfaction of mechanic's lien, and penalty for failure to do so.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 23, nays none, absent and not voting 17.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bacon	Little	Steele
Cashel	Macdonald	Swenson
Dyste	Main	Talcott
Hagen	McLean	Taylor
Hanna	Plain	Thatcher
Herbrandson	Regan	Voss
Johnson of McLean	Sifton	Wagner
Johnson of Walsh	Stade	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Benson	Gulack	Pierce
Brown	Kirkeide	Sharpe
Carroll	Kraabel	Simpson
Crane	LaMoure	Spoonheim
Fox	McArthur	Young
Garnett	Movius	

Messrs. Benson, Brown, Carroll, Crane, Fox, Garnett, Gulack, Kirkeide, Kraabel, LaMoure, McArthur, Movius, Pierce, Sharpe, Simpson, Spoonheim and Young being excused.

So the bill passed and the title was agreed to.

House Bill No. 18,

A bill for an act to amend section 1 of chapter 96 of the laws of 1903 (being an amendment of section 1572 of the revised codes) relative to giving notice upon taking up estrays and providing penalties for failure to give such notice.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 22, nays none, absent and not voting 18.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bacon	Johnson of Walsh	Sifton
Benson	Little	Stade
Carroll	Macdonald	Steele
Cashel	Main	Talcott
Dyste	McLean	Thatcher
Hagen	Plain	Voss
Hanna	Regan	Wagner
Johnson of McLean		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Brown	Kirkeide	Sharpe
Crane	Kraabel	Simpson
Fox	LaMoure	Spoonheim
Garnett	McArthur	Swenson
Gulack	Movius	Taylor
Herbrandson	Pierce	Young

Messrs. Brown, Crane, Fox, Garnett, Gulack, Herbrandson, Kirkeide, Kraabel, LaMoure, McArthur, Movius, Pierce, Sharpe, Simpson, Spoonheim, Swenson, Taylor and Young 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 3, 1905.

Mr. President:

I have the honor to transmit herewith
Senate Bill No. 125,

A bill for an act to amend sections 737, 738, 739, 741, 742
and 744 of the revised codes of North Dakota of 1899, re-
lating to education.

Also,

Senate Bill No. 235,

A bill for an act prescribing duties of state depositories.
Which the house has passed unchanged.

Also,

I have the honor to transmit herewith

Senate Bill No. 134,

A bill for an act to allow township boards to perpetuate
the government surveys, and to authorize the erection of
permanent monuments on section corners.

Which the house has amended as follows:

Section 5. The board of county commissioners shall have the same
authority to establish, fix and erect monuments in unorganized townships
as is given township boards of supervisors under the provisions of this
act, and also for the establishment of lost corners.

And passed as amended.

Also,

Senate Bill No. 130,

A bill for an act to amend section 992 of the revised
codes of North Dakota, 1899, relating to powers and duties
of the board of trustees of the state hospital for the insane.

Also,

Senate Bill No. 221,

A bill for an act to amend sections 670 and 674, of the re-
vised codes of the state of North Dakota, 1899, relating to
the election of school officers and notice of annual election.

Which the house has passed unchanged.

Very respectfully,

OTTO SOUGSTAD,

Chief Clerk.

THIRD READING OF HOUSE BILLS.

House Bill No. 260,

A bill for an act relating to the dismissal of civil actions and providing when and how such actions may be dismissed, and when the judgment of dismissal shall be on its merits.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 22, nays none, absent and not voting 18.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Benson	Johnson of Walsh	Sifton
Carroll	Little	Stade
Cashel	Macdonald	Swenson
Dyste	Main	Taylor
Hagen	McLean	Thatcher
Hanna	Plain	Voss
Herbrandson	Regan	Wagner
Johnson of McLean		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Bacon	Kirkeide	Sharpe
Brown	Kraabel	Simpson
Crane	LaMoure	Spoonheim
Fox	McArthur	Steele
Garnett	Movius	Talcott
Gulack	Pierce	Young

Messrs. Bacon, Brown, Crane, Fox, Garnett, Gulack, Kirkeide, Kraabel, LaMoure, McArthur, Movius, Pierce, Sharpe, Simpson, Spoonheim, Steele, Talcott and Young being excused.

So the bill passed and the title was agreed to.

House Bill No. 244,

A bill for an act to amend section 1605 of the revised codes of 1899, relating to compensation, bonds and qualification of district veterinarians.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 22, nays none, absent and not voting 18.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bacon	Johnson of Walsh	Stade
Carroll	Little	Swenson

Messrs.—	Messrs.—	Messrs.—
Cashel	Macdonald	Talcott
Fox	McLean	Taylor
Garnett	Plain	Thatcher
Hanna	Regan	Voss
Herbrandson	Sifton	Wagner
Johnson of McLean		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Ber son	Kirkeide	Pierce
Brown	Kraabel	Sharpe
Crane	LaMoure	Simpson
Dyste	Main	Spoonheim
Gulack	McArthur	Steele
Hagen	Movius	Young

Messrs. Benson, Brown, Crane, Dyste, Gulack, Hagen, Kirkeide, Kraabel, LaMoure, Main, McArthur, Movius, Pierce, Sharpe, Simpson, Spoonheim, Steele and Young 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 3, 1905.

Mr. President:

I have the honor to transmit herewith

Senate Bill No. 232,

A bill for an act to amend section 7569 of the revised codes of 1899, relative to malicious injury to freehold.

Also,

Senate Bill No. 216,

A bill for an act providing for the service of process upon the sheriff when such officer is a party to any action or proceeding by virtue of his office.

Which the house has passed unchanged.

Very respectfully,

OTTO SOUGSTAD,

Chief Clerk.

THIRD READING OF HOUSE BILLS.

House Bill No. 220,

A bill for an act to amend section 354 of the revised codes of North Dakota, 1899, relating to offices and officers, and the qualification of officer.

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 19.

Those voting in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Brown	LaMoure	Stade
Carroll	Little	Swenson
Cashel	Macdonald	Talcott
Dyste	McLean	Taylor
Garnett	Plain	Voss
Herbrandson	Sifton	Wagner
Kirkeide	Spoonheim	Young

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Bacon	Johnson of McLean	Pierce
Benson	Johnson of Walsh	Regan
Crane	Kraabel	Sharpe
Fox	Main	Simpson
Gulack	McArthur	Steele
Hagen	Movius	Thatcher
Hanna		

Messrs. Bacon, Benson, Crane, Fox, Gulack, Hagen, Hanna, Johnson of McLean, Johnson of Walsh, Kraabel, Main, McArthur, Movius, Pierce, Regan, Sharpe, Simpson, Steele and Thatcher being excused.

So the bill passed and the title was agreed to.

House Bill No. 55,

A bill for an act to amend section 5382 of the revised codes of North Dakota, 1899, relating to creditors may proceed by garnishment.

Was read the third time.

Mr. Taylor moved

That House Bill No. 55 be amended as follows:

In line 6 strike out word "including" and insert the word "excluding."

In line 11 after the word "debtor" add the words "provided, however, that cities having more than 6,000 inhabit-

ants may be proceeded against by garnishment the same as individuals.”

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

The roll was called and there were ayes 25, nays none, absent and not voting 15.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bacon	LaMoure	Spoonheim
Carroll	Macdonald	Steele
Cashel	Main	Swenson
Crane	McLean	Talcott
Fox	Plain	Taylor
Garnett	Regan	Thatcher
Hagen	Sharpe	Voss
Herbrandson	Simpson	Wagner
Johnson of Walsh		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Benson	Johnson of McLean	Movius
Brown	Kirkeide	Pierce
Dyste	Kraabel	Sifton
Gulack	Little	Stade
Hanna	McArthur	Young

Messrs. Benson, Brown, Dyste, Gulack, Hanna, Johnson of McLean, Kirkeide, Kraabel, Little, McArthur, Movius, Pierce, Sifton, Stade and Young being excused.

So the bill passed and the title was agreed to.

Mr. LaMoure announced as chairman of the conference committee on

Senate Bill No. 63,

A bill for an act providing for the appointment of a state oil inspector, fixing the salary for such officer, designating the fees for the inspection of illuminating oils and gasoline, and repealing conflicting laws.

That a majority of the joint conference committee report in favor of the house receding from its amendments of the bill.

Mr. Crane moved

That the chair appoint a new conference committee on

Senate Bill No. 63,

A bill for an act providing for the appointment of a state oil inspector, fixing the salary for such officer, designating the fees for the inspection of illuminating oils and gasoline, and repealing conflicting laws.

Which motion prevailed, and
The president appointed as such committee Messrs.
Crane, Cashel and Taylor.

MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
March 3, 1905.

Mr. President:

I have the honor to inform you that the house refuses to adopt the report of the conference committee on Senate Bill No. 63 and asks for another conference with the same committee on part of the house.

Also,

I have the honor to inform you that the house refuses to concur in the resolution relating to the St. Louis exhibit.

Very respectfully,
OTTO SOUGSTAD,
Chief Clerk.

Mr. Main moved

That the senate now concur in house amendments of
Senate Bill No. 171,

A bill for an act to amend section 118 of the revised codes of North Dakota, 1899, relating to the official bond of the state treasurer.

Which motion prevailed, and

The house amendments of the bill were concurred in.

The question being on the final passage of the bill, as amended.

The roll was called and there were ayes 24, nays none, absent and not voting 16.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bacon	Herbrandson	Sharpe
Brown	Kirkeide	Simpson
Cashel	LaMoure	Spoonheim
Crane	Little	Stade
Dyste	Macdonald	Steele
Fox	Main	Taylor
Garnett	Plain	Voss
Hagen	Regan	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Benson	Kraabel	Swenson
Carroll	McArthur	Talcott
Gulack	McLean	Thatcher
Hanna	Movius	Wagner
Johnson of McLean	Pierce	Young
Johnson of Walsh	Sifton	

Messrs. Benson, Carroll, Gulack, Hanna, Johnson of McLean, Johnson of Walsh, Kraabel, McArthur, McLean, Movius, Pierce, Sifton, Swenson, Talcott, Thatcher and Young 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 3, 1905.

Mr. President:

I have the honor to inform you that the speaker has appointed Messrs. McClure, Chapman and Stevens of Burleigh as a new conference committee on Senate Bill No. 63.

Very respectfully,
OTTO SOUGSTAD,
Chief Clerk.

Mr. Crane, as chairman of the second conference committee on Senate Bill No. 63, reported that the senate conference committee had agreed with the house conference committee to report verbally to each body the fact that they could not agree, and that they recommended the appointment by the presiding officer of the house and senate respectively of a new conference committee.

The president appointed as a new conference committee on Senate Bill No. 63, Messrs. Pierce, Bacon and Regan.

MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
March 3, 1905.

Mr. President:

I have the honor to advise you that the house has adopted the conference report on Senate Bill No. 63 and passed the bill same as amended.

Very respectfully,
OTTO SOUGSTAD,
Chief Clerk.

REPORT OF SELECT COMMITTEE.

Mr. President:

Your conference committee to which was referred the house amendments to Senate Bill No. 63 have had the same under consideration with a like committee from the house and beg leave to report the following, viz:

A majority of your committee and of the joint committee recommend:

First. That the house recede from its amendments.

Second. Then add the following section: Sec. 14a. "The provisions of section one of this act in so far as it relates to the salary of the oil inspector and his deputies shall not take effect until April 1, 1906."

Third. Then amend section 15 so as to read as follows, viz:

Sec. 15. Repeal.] All acts and parts of acts in conflict with this act are hereby repealed except as provided therein relating to the fees of the oil inspector and his deputies, and as to such fees the present existing laws shall remain in force until April 1, 1906.

Very respectfully yours,
ED. PIERCE,
J. AUSTIN REGAN,
J. D. BACON.

Committee.

Mr. Pierce moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The question being on the final passage of Senate Bill No. 63 as amended;

The roll was called and there were ayes 31, nays none, absent and not voting 9.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Bacon	LaMoure	Simpson
Brown	Little	Spoonheim
Carroll	Macdonald	Stade
Cashel	Main	Steele
Crane	McLean	Swenson
Dyste	Pierce	Talcott
Fix	Plain	Taylor
Garnett	Regan	Thatcher
Hanna	Sharpe	Voss
Johnson of McLean	Sifton	Young
Kirkeide		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Benson	Herbrandson	McArthur
Gulack	Johnson of Walsh	Movius
Hagen	Kraabel	Wagner

Messrs. Benson, Gulack, Hagen, Herbrandson, Johnson of Walsh, Kraabel, McArthur, Movius and Wagner being excused.

So the bill passed and the title was agreed to.

MOTIONS AND RESOLUTIONS.

Mr. Little moved

That the senate, as a slight token of its esteem for its presiding officer, and of its appreciation of his uniform courtesy and impartiality, present to him the chair which he occupies.

Which motion prevailed.

The committee appointed to draft resolutions concerning the resignation of former Secretary R. M. Tuttle presented the following:

Whereas, Mr. R. M. Tuttle, of Morton county, has tendered to the senate his resignation as secretary thereof, which said resignation has been accepted, and

Whereas, Mr. Tuttle has long been a citizen of this state, ever prominent and active in its affairs and one who by voice and pen and example has contributed to its settlement and upbuilding, and

Whereas, Mr. Tuttle has concluded to leave North Dakota to make his permanent home in another state where his talents and business capabilities will have a broader field for operation; therefore

Be it Resolved, That it is with feelings of regret that the Senate accepts the resignation of Mr. Tuttle; that this body wishes for him in his new home the prosperity and happiness that surely follows one who possesses energy and talents such as he is endowed with; and

Be it further Resolved, That this resolution be properly engrossed, signed by the presiding officer and secretary of the Senate and mailed to Mr. Tuttle.

Mr. Simpson moved

That the resolution be adopted.

Which motion prevailed unanimously.

Mr. LaMoure moved

That Dr. J. D. Taylor be elected as president pro tem of the senate.

Which motion prevailed unanimously, and

Mr. Taylor was declared elected.

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. 235,

A bill for an act prescribing duties of state depositories.

Also,

Senate Bill No. 130,

A bill for an act to amend section 992 of the revised codes of North Dakota, 1899, relating to powers and duties of the board of trustees of the state hospital for the insane.

Also,

Senate Bill No. 163,

A bill for an act to provide for the making of tests of wheat and flour to determine the comparative milling values of the different grades of wheat.

Also,

Senate Bill No. 180,

A bill for an act creating park districts and for the government thereof, creating a board of park commissioners, conferring power and authority upon such board and district and providing rules for the government thereof.

Also,

Senate Bill No. 216,

A bill for an act providing for the service of process upon the sheriff when such officer is a party to any action or proceeding by virtue of his office.

Also,

Senate Bill No. 171,

A bill for an act to amend section 118 of the revised codes of North Dakota, 1899, relating to the official bond of the state treasurer.

Also,

Senate Bill No. 63,

A bill for an act concerning the inspection of illuminating oils and gasoline; for the appointment of a state inspector and deputies of oils and gasoline, prescribing their duties, designating their salaries; providing for the making of chemical tests; providing penalties for the violation of this act; requiring the state inspector and deputies to make reports of entry, where illuminating oils and gasoline shipped into this state shall be inspected and repealing conflicting laws.

Also,

Senate Bill No. 225.

A bill for an act to amend sections 737, 738, 739, 741, 742 and 744 of the revised codes of North Dakota of 1899, relating to education.

Also,

Senate Bill No. 161,

A bill for an act relating to banks and banking, providing for the organization, management, control, regulation and supervision of banking corporations, providing penalties for the violation of the provisions of the same, and repealing laws inconsistent therewith.

Also,

Senate Bill No. 221,

A bill for an act to amend sections 670 and 674, of the revised codes of the state of North Dakota, 1899, relating to the election of school officers and notice of annual election.

Also,

Senate Bill No. 133,

A bill for a concurrent resolution amending the constitution of the state of North Dakota, relating to the sale of university and school lands.

Also,

Senate Bill No. 205,

A bill for an act amending section 180 of the revised codes of 1899, relating to salary of commissioners of university and school lands.

Also,

Senate Bill No. 152;

A bill for an act to amend section 7280 and section 7285 of the revised codes of North Dakota, 1899, relating to violations of the pharmacy law, and prescribing penalties therefor.

Also,

Senate Bill No. 166,

A concurrent resolution amending the state constitution.

Also,

Senate Bill No. 150,

A bill for an act to ratify and confirm the conveyance of the family homestead in any case in which the same has been heretofore deeded by both husband and wife in separate instruments, neither having joined in the deed with the other, where the respective deeds purport to convey to the same persons or their grantees, and validating such deeds.

Also,

Senate Bill No. 99,

A bill for an act to legalize the execution and acknowledgment of certain deeds, mortgages and other instruments in writing, and the record thereof, and making the same or certified copies thereof admissible in evidence.

Also,

Senate Bill No. 156,

A bill for an act authorizing the secretary of state to secure copyright of session laws.

Also,

Senate Bill No. 145,

A bill for an act providing that a system of humane treatment of animals shall be taught in the public schools of North Dakota.

Also,

Senate Bill No. 18,

A bill for an act to amend section 407 of the revised codes of 1899 with reference to the boundaries and terms of court in the Fifth judicial district.

Also,

Senate Bill No. 174,

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. 183,

A bill for an act to amend section 185 of the revised codes of North Dakota for 1899, relating to the publication of notices of sale of school and state lands.

Also,

Senate Bill No. 177,

A bill for an act providing for the recommendation by the governor of North Dakota of a member of the grain and warehouse commission for the city of Superior, Wisconsin, and providing for his compensation for the period of two years.

Also,

Senate Bill No. 230,

A bill for an act to authorize certain municipal corporations of this state to issue bonds for the purpose of refunding or paying outstanding bonds; regulating the issuance and providing for the payment thereof.

Also,

Senate Bill No. 234,

A bill for an act to provide for borrowing money to defray the extraordinary expenditures of the state government.

Also,

Senate Bill No. 120,

A bill for an act providing for the procuring of official bonds of county officers, and for acceptance of bids therefor, and payment of premiums on same.

Also,

Senate Bill No. 186,

A bill for an act to amend section 1774 of the revised codes of the state of North Dakota for 1899, relating to abstractors.

Also,

Senate Bill No. 209,

A bill for an act directing the state auditor to pay over funds belonging to the soldiers' home at Lisbon to the institution treasurer, and providing for the application of such funds.

Also,

Senate Bill No. 214,

A bill for an act to provide for the granting of the right-of-way by municipal corporations for constructing and maintaining electric and other railways on, over, and upon public grounds and highways, and regulating the use of same.

Also,

Senate Bill No. 35,

A bill for an act to amend section 2673, revised codes of North Dakota, relating to townhsip boards.

Also,

Senate Bill No. 143,

A bill for an act to amend section 1925 of chapter 26 of the revised codes of 1899, relating to contracts for county buildings and improvements.

Also,

Senate Bill No. 46,

A bill for an act to amend sections 370, 652, 653, 657, 695, 757 and 761 of the revised codes of 1899.

Also,

Senate Bill No. 49,

A bill for an act to prevent the adulteration of and deception in the sale of white lead and mixed paints.

Also,

Senate Bill No. 122,

A bill for an act to amend section 3128 of the revised codes of 1899, relating to the revocation of authority of foreign and domestic insurance corporations to transact business in this state, and providing for the revocation of authority of foreign insurance corporations to transact business within the state of North Dakota, upon the removal by any such foreign insurance corporation, of certain cases from the state to the United States courts.

Also,

Senate Bill No. 213,

A bill for an act to amend section 707 of the revised codes of 1899.

Also,

Senate Bill No. 134,

A bill for an act to allow township boards to perpetuate the government surveys, and to authorize the erection of

permanent monuments on section corners, and providing penalties for the destruction of, damage to, or removing of monuments when so erected.

Also,

Senate Bill No. 7,

A bill for an act to amend chapter 4 of the laws of 1903, relating to procedure in civil actions in justice court.

Also,

Senate Bill No. 206,

A bill for an act to amend section 137 of the revised codes of 1899, relating to the examination of the accounts of public officers by the state examiner.

Also,

Senate Bill No. 211,

A bill for an act to amend section 4737 of the revised codes of North Dakota, of 1899, relating to renewal of mortgages of personal property.

Also,

Senate Bill No. 187,

A bill for an act providing for the payment by the county of a portion of the expense whenever a person is sent to the hospital for the insane, to the institution for the feeble minded, the school for the deaf and dumb and to the blind asylum, and to provide for reimbursing said county.

Also,

Senate Bill No. 149,

A bill for an act to amend sections 5908 and 5909, of the revised codes of 1899, as amended by section 1, of chapter 5, of the laws of 1901, relating to unknown persons defendant in certain actions and service of summons upon the same.

Also,

Senate Bill No. 116,

A bill for an act to amend section 146 of the revised codes, relating to official bonds of state examiner and his deputies.

Also,

Senate Bill No. 115,

A bill for an act to amend chapter 125 of the session laws of 1901, to amend section 4719 of the revised codes of North Dakota, 1899, relative to discharge of real estate mortgages.

Also,

Senate Bill. No. 165,

A bill for an act to create and organize the county of McKenzie, to fix the county seat of said county, to provide for the appointment of county officers in said county for transcribing a portion of the records of Stark and Williams counties and for terms of the district court therein.

And find the same correctly enrolled.

GEORGE M. YOUNG,

Chairman.

Mr. Little moved

That a committee of three be appointed to wait upon the governor and inform him that the senate was about to adjourn sine die and to inquire if he had any further communications to make to the senate.

Which motion prevailed, and

The president appointed as such committee Messrs. Little, Pierce and Crane.

Mr. Little moved

That a committee of three be appointed to inform the house that the senate was about to adjourn sine die,

Which motion prevailed, and

The president appointed Messrs. Little, Crane and Pierce as such committee.

The secretary announced that the president was about to sign

House Bill No. 255,

A bill for an act to amend and re-enact section 1855, revised codes of 1899, relating to the formation of new counties.

Also,

House Bill No. 201,

A bill for an act to amend section 1804 of the revised codes, prescribing the requirements of newspapers qualified to do legal printing.

Also,

House Bill No. 185,

A bill for an act to amend section 3, of chapter 34, of the laws of 1901, relating to the time when the board of pardons shall meet.

Also,

House Bill No. 176,

A bill for an act to amend chapter 107 of the session laws of 1901, relating to gopher tax.

Also,

House Bill No. 174,

A bill for an act amending section 2581 of the revised codes relating to board of health.

Also,

House Bill No. 166,

A bill for an act to amend section 1257 of the revised codes of 1899 and to repeal section 1245 of the revised codes of 1899, relating to the lien of taxes.

Also,

House Bill No. 163,

A bill for an act fixing the time of holding the term of the district court in the county of McIntosh.

Also,

House Bill No. 79,

A bill for an act to amend section 2967, chapter 12, of the civil code, relating to railway corporations.

Also,

House Bill No. 48,

A bill for an act to amend sections 2 and 4 of chapter 172 of the laws of 1901, entitled 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, as the same was amended by chapter 11 of the laws of 1903.

Also,

House Bill No. 24,

A bill for act to amend section 1267 of the revised codes relating to redemption from sale of real estate for taxes, time of payment of subsequent taxes, and rate of interest thereon.

Also,

House Bill No. 21,

A bill for an act requiring corporations to make annual report to the secretary of state, and providing for the cancellation of articles of incorporation for failures to do so.

Also,

House Bill No. 17,

A bill for an act to provide for the establishment, construction and maintenance of public dipping stations for live stock in the various counties of the state.

Also,

Senate Bill No. 33,

A bill for an act to provide for the census of enumeration of the inhabitants of this state.

Also,

Senate Bill No. 140,

A bill for an act amending section 1313 of the revised codes of North Dakota, providing for the assessment of railroad property in this state, and prescribing the manner of levying and collecting the tax on the same.

Also,

Senate Bill No. 110,

A bill for an act to limit the time within which an action may be commenced, or a defense or counterclaim interposed, founded upon a claim of right to a homestead heretofore or hereafter conveyed or incumbered, otherwise than as provided by the law in force at the time of the execution of the conveyance or incumbrance thereof.

Also,

Senate Bill No. 151,

A bill for an act to repeal chapter 82, of the session laws of the state of North Dakota, for the year 1903, and to amend and re-enact section 7594 and section 7596 of the revised codes of North Dakota, 1899, relating to the method of obtaining druggist's permits to sell liquor, regulating sales of liquor under such permit and prescribing a penalty for the violation thereof.

Also,

Senate Bill No. 73,

A bill for an act to provide a record for perpetuating proceedings and instruments in applications for tax deeds, and for payment of services connected therewith.

Also,

Senate Bill No. 144.

A bill for an act to amend sections 1, 2, 4, 5, 8, 13 and 16, of chapter 130, of the session laws of North Dakota of 1903, regulating practice of optometry.

Also,

Senate Bill No. 119,

A bill for an act providing for procuring of official bonds of state officers and for acceptance of bids therefor, and the payment of premiums upon same.

Also,

Senate Bill No. 215,

A bill for an act regulating weights and measures, creating the office of inspector of weights and measures, providing for the appointment of inspector and, prescribing his powers, duties and compensation.

Also,

Senate Bill No. 55,

A bill for an act to re-enact section 2526 of the revised codes of 1897, relating to organization of townships.

Also,

House Bill No. 287,

A bill for an act to provide for the removal of the county seat in organized counties within this state, which prior to the taking effect of this act have constructed no court

Also,

House Bill No. 40,

A bill for an act to repeal section 2531 of the revised codes, 1899, of North Dakota, relating to changing the names of certain townships.

Also,

House Bill No. 94,

A bill for an act to amend section 3218 of the revised codes of 1899 as amended by chapter 46 of the session laws of 1901.

Also,

House Bill No. 96,

A bill for an act amending section 3261 of the revised codes of the State of North Dakota, of 1899, relating to foreign corporations doing business in this state.

Also,

House Bill No. 122,

A bill for an act to prevent the abandonment and neglect of wife or children by persons charged by law with the maintenance thereof; to make such abandonment and neglect a felony; and to prescribe the punishment therefor.

Also,

House Bill No. 157

A bill for an act to amend section 1114 of the revised codes of North Dakota, 1899, relating to the duty of supervisors.

Also,

House Bill No. 160,

A bill for an act to amend section 1791 of the revised codes of 1899, relating to public warehouses.

Also,

House Bill No. 184,

A bill for an act making it unlawful for boards of trustees, commissioners, directors, regents, person or persons to expend amounts in excess of appropriation, providing for monthly reports to the governor and repealing section 1023 of the revised codes.

Also,

House Bill No. 277,

A bill for an act to amend section 2947, of the revised codes of North Dakota for the year 1899, relating to the powers of railroad corporations.

Also,

Senate Bill. No. 165,

A bill for an act to create and organize the county of McKenzie, to fix the county seat of said county, to provide for the appointment of county officers in said county for transcribing a portion of the records of Stark and Williams counties and for terms of the district court therein.

Also,

Senate Bill No. 116,

A bill for an act to amend section 146 of the revised codes, relating to official bonds of state examiner and his deputies.

Also,

Senate Bill No. 115,

A bill for an act to amend chapter 125 of the session laws of 1901, to amend section 4719 of the revised codes of North Dakota, 1899, relative to discharge of real estate mortgages.

Also,

Senate Bill No. 46,

A bill for an act to amend sections 370, 652, 653, 657, 695, 757 and 761 of the revised codes of 1899.

Also,

Senate Bill No. 143,

A bill for an act to amend section 1925 of chapter 26 of the revised codes of 1899, relating to contracts for county buildings and improvements.

Also,

Senate Bill No. 35,

A bill for an act to amend section 2673, revised codes of North Dakota, relating to township boards.

Also,

Senate Bill No. 214,

A bill for an act to provide for the granting of the right-of-way by municipal corporations for constructing and maintaining electric and other railways on, over, and upon public grounds and highways, and regulating the use of same.

Also,

Senate Bill No. 209,

A bill for an act directing the state auditor to pay over funds belonging to the soldiers' home at Lisbon to the institution treasurer, and providing for the application of such funds.

Also,

Senate Bill No. 186,

A bill for an act to amend section 1774 of the revised codes of the state of North Dakota for 1899, relating to abstractors.

Also,

Senate Bill No. 120,

A bill for an act providing for the procuring of official bonds of county officers, and for acceptance of bids therefor, and payment of premiums on same.

Also,

Senate Bill No. 234,

A bill for an act to provide for borrowing money to defray the extraordinary expenditures of the state government.

Also,

Senate Bill No. 230,

A bill for an act to authorize certain municipal corporations of this state to issue bonds for the purpose of refund-

ing or paying outstanding bonds; regulating the issuance and providing for the payment thereof.

Also,

Senate Bill No. 177,

A bill for an act providing for the recommendation by the governor of North Dakota of a member of the grain and warehouse commission for the city of Superior, Wisconsin, and providing for his compensation for the period of two years.

Also,

Senate Bill No. 184,

A bill for an act to amend sections 3532, 3533, 3534, 3535 and 3584, paragraph 2, of the revised codes of North Dakota, 1899, relating to the execution by corporations of instruments affecting titles to real estate, prescribing the manner of execution, and the form of acknowledgment, validating instruments heretofore executed and enacting other provisions relating thereto.

Also,

Senate Bill No. 160,

A bill for an act amending section 6315 of the revised codes of 1899, making a provision as to whom letters of administration shall be granted.

Also,

Senate Bill No. 157,

A bill for an act appropriating money for the building and equipping of an administration and gymnasium building for the North Dakota agricultural college and experiment station at Fargo.

Also,

Senate Bill No. 122,

A bill for an act to amend section 3128 of the revised codes of 1899, relating to the revocation of authority of foreign and domestic insurance corporations to transact business in this state, and providing for the revocation of authority of foreign insurance corporations to transact business within the state of North Dakota, upon the removal by any such foreign insurance corporation, of certain cases from the state to the United States courts.

Also,

Senate Bill No. 96,

A bill for an act to create the office of state fire marshal;

and providing for the appointment of state fire marshal; term, oath, bond, removal; deputy and his duties; vacancies; duties of marshal in connection with other officers to investigate fires; notification of fire to marshal; record of fires; testimony under oath; arrest of suspected persons; report to insurance commissioner; power of marshal and deputy to summon and enforce attendance of witnesses; false swearing; contempt; power to enter buildings; investigation may be in private; right of marshal and other officers upon complaint to enter buildings for purposes of investigation; may order removal of inflammable or explosive material; penalty for non-compliance; sheriff or constable or witnesses, how paid; state fire marshal authorized to employ stenographer, salary of; office help, salary of; state fire marshal to be state chief of fire departments; duty of commissioner of insurance, governor and auditor; withholding funds; penalty for neglect of official duty; salaries of marshal and deputy; tax on insurance companies to defray expenses of department; itemized statement of expenses; annual report; marshal not to engage in other business; compensation of various officers for reporting fires.

Also,

Senate Bill No. 94,

A concurrent resolution to amend section 182 of the constitution of the state of North Dakota, relating to a public debt and public works.

Also,

Senate Bill No. 40,

A bill for an act to provide for reimbursing the several counties of the state forms neys paid for officers fees, care, transportation and sustenance of insane persons, prior to June 30, 1903.

Also,

House Bill No. 149,

A bill for an act making it a misdemeanor to move personal property from the state or dispose of the same, with the intention of avoiding the payment of personal property taxes.

Also,

House Bill No. 291,

A bill for an act repealing chapter 88 of the revised codes of 1899, relating to negotiable instruments in general.

Also,

House Bill No. 227,

A bill for an act to amend section 6615 of the revised codes of North Dakota.

Also,

House Bill No. 138,

A bill for an act to amend section 5210 of the revised codes of 1899, relating to the time of commencement of actions.

Also,

Senate Bill No. 133,

A bill for a concurrent resolution amending the constitution of the state of North Dakota, relating to the sale of university and school lands.

Also,

Senate Bill No. 205,

A bill for an act amending section 180 of the revised codes of 1899, relating to salary of commissioners of university and school lands.

Also,

Senate Bill No. 152,

A bill for an act to amend section 7280 and section 7285 of the revised codes of North Dakota, 1899, relating to violations of the pharmacy law, and prescribing penalties therefor.

Also,

Senate Bill No. 166,

A concurrent resolution amending the state constitution.

Also,

Senate Bill No. 150,

A bill for an act to ratify and confirm the conveyance of the family homestead in any case in which the same has been heretofore deeded by both husband and wife in separate instruments, neither having joined in the deed with the other, where the respective deeds purport to convey to the same persons or their grantees, and validating such deeds.

Also,

Senate Bill No. 99,

A bill for an act to legalize the execution and acknowledgment of certain deeds, mortgages and other instruments in writing, and the record thereof, and making the same or certified copies thereof admissible in evidence.

Also,

Senate Bill No. 156,

A bill for an act authorizing the secretary of state to secure copyright of session laws.

Also,

Senate Bill No. 145,

A bill for an act providing that a system of humane treatment of animals shall be taught in the public schools of North Dakota.

Also,

Senate Bill No. 134,

A bill for an act to allow township boards to perpetuate the government surveys, and to authorize the erection of permanent monuments on section corners.

Also,

Senate Bill No. 213,

A bill for an act to amend section 707 of the revised codes of 1899.

Also,

Senate Bill No. 122,

A bill for an act to amend section 3128 of the revised codes of 1899, relating to the revocation of authority of foreign and domestic insurance corporations to transact business in this state, and providing for the revocation of authority of foreign insurance corporations to transact business within the state of North Dakota, upon the removal by any such foreign insurance corporation, of certain cases from the state to the United States courts.

Also

Senate Bill No. 49,

A bill for an act to prevent the adulteration of and deception in the sale of white lead and mixed paints.

Also,

Senate Bill No. 18,

A bill for an act to amend section 407 of the revised codes of 1899 with reference to the boundaries and terms of court in the Fifth judicial district.

Also,

Senate Bill No. 174,

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. 183,

A bill for an act to amend section 185 of the revised codes of North Dakota for 1899, relating to the publication of notices of sale of school and state lands.

Also,

Senate Bill No. 187,

A bill for an act providing for the payment by the county of a portion of the expense whenever a person is sent to the hospital for the insane, to the institution for the feeble minded, the school for the deaf and dumb and to the blind asylum, and to provide for reimbursing said county.

Also,

Senate Bill No. 149,

A bill for an act to amend sections 5908 and 5909, of the revised codes of 1899, as amended by section 1, of chapter 5, of the laws of 1901, relating to unknown persons defendant in certain actions and service of summons upon the same.

Also,

Senate Bill No. 206,

A bill for an act to amend section 137 of the revised codes of 1899, relating to the examination of the accounts of public officers by the state examiner.

Also,

Senate Bill No. 7,

A bill for an act to amend chapter 4 of the laws of 1903, relating to procedure in civil actions in justice court.

Also,

Senate Bill No. 211,

A bill for an act to amend section 4737 of the revised codes of North Dakota, of 1899, relating to renewal of mortgages of personal property.

Also,

House Bill No. 289,

A bill for an act to protect beavers in the state of North Dakota.

Also,

House Bill No. 265,

A bill for an act for the consolidation of a fractional or one or more townships attached to another civil township, by the county commissioners.

Also,

House Bill No. 81,

A bill for an act to provide for copies of the assessment rolls to be furnished township clerks by the county auditor.

Also,

House Bill No. 280,

A bill for an act authorizing the state, through the board of university and school lands, and the counties, townships, cities, towns and villages of the state, through their corporate authorities, to become members of water users' associations, and authorizing them to purchase and hold certificates of stock therein, and granting rights of way over state and school lands for irrigation flumes, ditches and canals, and the right to construct reservoirs thereon for the storage of water for irrigation purposes.

Also,

House Bill No. 97,

A bill for an act to legalize the incorporation of certain cities, towns, villages, townships and school districts, and acts of officers of the same.

Also,

House Bill No. 105,

A bill for an act to amend section 1619 of the revised codes of 1899, relating to diplomas and certificates for veterinarians.

Also,

House Bill No. 251,

A bill for an act to amend section 786 of the revised codes of 1899, relating to education.

Also,

House Bill No. 162,

A bill for an act to amend section 286 of the revised codes of North Dakota of 1899, relating to the registration of pharmacists.

Also,

House Bill No. 230,

A bill for an act to amend section 5577 of the revised codes, relating to costs on foreclosure of liens.

Also,

House Bill No. 87,

A bill for an act making an appropriation for purchasing.

a site, erecting a building, furnishing and equipping the same, for the use of the North Dakota school of forestry, located at Bottineau, North Dakota, and to provide funds for the maintenance of said school.

Also,

House Bill No. 1,

A bill for an act making appropriations for the current and contingent expenses of the Soldiers' Home, located at Lisbon, North Dakota, and for making permanent improvement, additions thereto and erecting a monument.

Also,

House Bill No. 18,

A bill for an act to amend section 1 of chapter 96 of the laws of 1903 (being an amendment of section 1572 of the revised codes) relative to giving notice upon taking up estrays and providing penalty for failure to give such notice.

Also,

House Bill No. 284,

A bill for an act to amend sections 1944 and 1949 of the revised codes of North Dakota of 1899, relating to depositories of county funds.

Also,

House Bill No. 86,

A bill for an act to provide for the levy of a tax in certain counties to aid in establishment and maintenance of county agricultural fair associations.

Also,

Senate Bill No. 163,

A bill for an act to provide for the making of tests of wheat and flour to determine the comparative milling values of the different grades of wheat.

Also,

Senate Bill No. 130,

A bill for an act to amend section 992 of the revised codes of North Dakota, 1899, relating to powers and duties of the board of trustees of the state hospital for the insane.

Also,

Senate Bill No. 235,

A bill for an act prescribing duties of state depositories.

Also,

Senate Bill No. 171,

A bill for an act to amend section 118 of the revised codes of North Dakota, 1899, relating to the official bond of the state treasurer.

Also,

Senate Bill No. 216,

A bill for an act providing for the service of process upon the sheriff when such officer is a party to any action or proceeding by virtue of his office.

Also,

Senate Bill No. 180,

A bill for an act creating park districts, and for the government thereof, creating a board of park commissioners, conferring power and authority upon such board and district, and providing rules for the government thereof.

Also,

House Bill No. 112,

A bill for an act to provide for the filing of satisfaction of mechanic's lien, and penalty for failure to do so.

Also,

House Bill No. 260,

A bill for an act relating to the dismissal of civil actions and providing when and how such actions may be dismissed.

Also,

House Bill No. 114,

A bill for an act to amend section 237 of the revised codes of 1899.

Also,

House Bill No. 55,

A bill for an act to amend section 5382 of the revised codes of North Dakota, 1899, relating to creditors may proceed by garnishment.

Also,

House Bill No. 192,

A bill for an act appropriating \$2,000, or so much thereof as may be necessary, out of any funds in the state treasury not otherwise appropriated, to defray expenses of irrigation investigations and the per diem and expenses of State Engineer Chandler, and providing for the reimbursement of the counties of Ransom, Ward, McLean, LaMoure

and Williams for money advanced by them to defray irrigation investigation expenses.

Also,

House Bill No. 159,

A bill for an act to amend section 1030 of the revised codes of 1899, relating to public institutions.

Also,

House Bill No. 73,

A bill for an act for the destruction of all weeds on all graded or cultivated highways.

Also,

House Bill No. 15,

A bill for an act to encourage elementary education.

Also,

Senate Bill No. 232,

A bill for an act to amend section 7569 of the revised codes of 1899, relative to malicious injury to freehold.

Also,

Senate Bill No. 184,

A bill for an act to amend sections 35332, 3533, 3534, 3535 and 33584, paragraph 2 of the revised codes of North Dakota, 1899, relating to the execution by corporations of instruments affecting titles to real estate, prescribing the manner of execution and the form of acknowledgment, validating instruments heretofore executed and enacting other provisions relating thereto.

Senate Bill No. 125,

A bill for an act to amend sections 737, 738, 739, 741, 742 and 744 of the revised codes of North Dakota of 1899, relating to education.

Also,

Senate Bill No. 63,

A bill for an act providing for the appointment of a state oil inspector, fixing the salary for such officer, designating the fee for the inspection of illuminating oils and gasoline, and repealing conflicting laws.

Also,

Senate Bill No. 221,

A bill for an act to amend sections 670 and 674, of the revised codes of the state of North Dakota, 1899, relating to the election of school officers and notice of annual election.

Also,

Senate Bill No. 161,

A bill for an act to appropriate the sum of \$6,997.59 to pay expenses incurred by the chief state veterinarian and the state board of auditors in connection with the erection, equipment and maintaining of state dipping tanks for dipping live stock in the prevention of the spread of scabies.

Also,

House Bill No. 288,

A bill for a joint resolution to provide for the compilation and publication of the revised codes of North Dakota of 1905, providing for the payment and directing the manner of sale of the same.

Also,

House Bill No. 220,

A bill for an act to amend section 354 of the revised codes of North Dakota, 1899, relating to offices and officers, and the qualification of officer.

Also,

House Bill No. 179,

A bill for an act to amend section 4797 of the revised codes of 1899, of the state of North Dakota.

Also,

House Bill No. 204,

A bill for an act creating and establishing an agricultural experiment station in Tower county, and providing for its management and making an appropriation therefor.

And the president signed the same in the presence of the senate.

REPORT OF SELECT COMMITTEES.

Mr. Little announced, as chairman of the committee appointed to notify the governor and the house that the senate was about to adjourn sine die, that the committee had performed its duty and was informed that neither the governor or the house had any further communications to make.

Mr. Talcott moved

That the senate do now adjourn sine die.

Which motion prevailed, and

The senate adjourned sine die.

L. M. McGLASHAN,
Secretary.

REPORT OF SPECIAL COMMITTEE

CORRECTIONS IN PRINTED JOURNAL

The special committee appointed, under the resolution appearing on page 650 of the 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 1, insert the word "district" after the word "nineteen" in line 29.

On page 9, line 1, change the name "Wawness" to "Wagness."

On page 12, line 23, change the name "Lisle" to "Liles."

On page 19, line 10, insert the word, "members" after the word "all."

On page 23, after line 11, insert the words "Which was read the first time."

On page 23, after line 15, insert the words "Which was read the first time."

On page 23, after line 23, insert the words "Which was read the first time."

On page 23, line 9, strike out the word "apportionment" and insert in lieu thereof the word "appointment."

On page 23, after line 27 insert the words, "Which was read the first time."

On page 26, line 1, change the name "Wielam" to "Weiland."

On page 26, line 2, strike out the words "committee clerk," and insert in lieu thereof the word "stenographer."

On page 28, strike out line 1 and insert after line 4 the words "Motions and Resolutions."

On page 31, in line 33, change the name "Follos" to "Follis."

On page 32, in line 22, change the word "senate" to "senators."

On page 36, line 7, strike out the word "apportionment" and insert in lieu thereof the word "appointment."

On page 45, line 7, insert the words "of McLean" after the name "Johnson."

On page 47, line 7, strike out the letter "P."

On page 56, line 30, change the name "J. B. Gunderson" to "J. G. Gunderson."

On page 62, in line 11, strike out the word "engrossed" and insert in lieu thereof the word "enrolled."

On page 62, after line 25, insert the words "have examined the same."

On page 65, in line 34, strike out the word "corporations" and insert in lieu thereof the word "appropriations."

On page 68, line 12, change the name "Hangeberg" to "Haugeberg."

On page 75, line 4, change the word "pursuant" to "pursuance."

On page 71, line 3, insert the words "of McLean" after the name "Johnson."

On page 73, line 19, change the name "Ryan" to "Regan."

On page 87, in line 14, strike out the word "judiciary" and insert in lieu thereof the words "state affairs."

On page 91, after line 12, and before line 13, insert the following: "State's Attorney for the payment of such expenses as are."

On page 105, strike out lines 39 and 40.

On page 129, strike out line 7.

On page 131, in line 8, change the name "McDonald" to "Macdonald."

On page 140, strike out lines 16, 17, 18, 19, 20 and 21; (see page 131.)

On page 163, in line 25, strike out the figures "2nd" and insert in lieu thereof "29th."

On page 206, in line 10, strike out the word "and."

On page 207, in line 39, strike out the figures "1893" and insert in lieu thereof the figures "1903."

On page 212, strike out lines 37, 38, 39, 40, and on page 213, strike out lines 1, 2 and 3, and insert in lieu thereof the following: "A bill for an act requiring each county officer who receives from any county a stated salary for his services to keep a record of the fees received by him, as such officer, and to pay such fees into the county treasury, and making it a misdemeanor for any such officer to neglect or omit to charge or collect the fees which he is by law allowed to charge or collect, or to fail to keep a record of the same, or to fail to turn over or pay the same into the county treasury."

On page 301, in lines 10 and 11, strike out the words "concurrence in the house amendment to the bill" and insert in lieu thereof "final passage of the bill as amended."

On page 301, in line 34, strike out the words "house amendment to the bill was concurred in" and insert in lieu thereof "bill passed and the title was agreed to."

On page 336, after line 8, add the word "abstractors."

On page 229, in line 34, strike out the word "code" where it first appears in said line.

On page 245, strike out line 36.

On page 265, strike out the word "that" in line 20 and in said line strike out the word "be" and insert in lieu thereof the word "was."

On page 277, at the end of line 19, add the following, "the death of the property insured."

On page 281, after line 15, insert "Presentation of Petitions and Communications."

On page 344, in line 35, after the word "be" insert "set."

On page 353, after the last line, add the following: "The report of the committee was adopted."

On page 362 strike out line 41, and insert in lieu thereof the following: "Mr. President."

On page 384, after line 20, insert the following: "Mr. Pierce moved that the report be adopted, Which motion prevailed, and the report was adopted."

On page 394 strike out line 23 and the letters "ments" at the beginning of line 24.

On page 394, in line 8, strike out the word "of" and insert in lieu thereof the word "for."

On page 398 strike out lines 10 to 30 inclusive; (see page 384.)

On page 400, in line 27, strike out the words "first and second reading of senate bills," and insert in lieu thereof the words "and first reading of senate bills."

On page 428, after the word "municipal" in line 31, add the word "courts."

On page 435, in line 39, after the word "for" insert the word "senate."

On page 459, after the word "intoxicating" in line 2, insert the word "liquors."

On page 459 strike out the word "in" in line 32 and insert in lieu thereof the word "no."

On page 463 add to line 2 the following: "North Dakota."

On page 534, at the end of line 5, add the words "to the qualified electors."

On page 583, after line 14, add the following, "fixing his salary."

On page 608, in line 1, strike out the word "senate" and insert in lieu thereof the word "house."

On page 639, after line 23, insert the following: "Mr. Main moved that the report be adopted, which motion prevailed, and the report of the committee was adopted."

On page 665, in line 10, after the word "first" insert the words "and second."

On page 702, after line 37, add the word "deputies."

On page 702, after the last line on that page add the following: "Codes of North Dakota providing for the assessment of."

On page 715, in line 23, strike out the name "Stade" and insert in lieu thereof the name "Steele."

On page 717, in line 8, strike out the name "Voss."

On page 718, after line 19, add the following, "the laws of 1903."

On page 730, following line 21, add "Which motion prevailed and."

On page 752 strike out all after line 24, and on page 753 strike out the first eight lines; (see page 741.)

On page 754 insert the figure "4" in line 17 after the word "and."

On page 760 strike out lines 1 to 51 inclusive.

On page 796 strike out lines 19, 20, 21, 22 and 23, and lines 40, 41 and 42.

On page 797 strike out lines 1 to 32 inclusive.

On page 765, following line 37, insert the words "Motions and Resolutions."

On page 799 strike out lines 19, 20, 21, 22, 23, 24, 25, 26, 27 and 28.

On page 770, after the word adopted in line 10, insert the words "and the vote by which the bill, as amended, passed."

On page 764, following line 29, insert the following: Mr. President: Your committee on judiciary, to whom was referred House Bill No. 114, A bill for an act to amend section 237 of the revised codes, 1899; Have had the same under consideration and recommend that the same do pass. Also, House Bill No. 138, A bill for an act to amend section 5210 of the revised codes of 1899, relating to the time of commencement of actions; Have had the same under consideration and recommend that the same do pass. Also, House Bill No. 291, A bill for an act repealing chapter 88 of the revised codes of 1899, relating to negotiable instruments in general; Have had the same under consideration and recommend that the same do pass. C. B. Little, Chairman.

On page 803, after the word "dismissed," in line 24, insert "and when the judgment of dismissal shall be on its merits."

On page 805, strike out lines 2, 3, 4, 5 and 6 and insert in lieu thereof the following: "Senate Bill No. 161, A bill for an act relating to banks and banking, providing for the organization, management, control, regulation and supervision of banking corporations, providing penalties for the violation of the provisions of the same, and repealing laws inconsistent therewith."

On page 805 strike out lines 24, 25, 26 and 27 and insert in lieu thereof the following: "House Bill No. 244, A bill for an act to amend section 1605 of the revised codes of 1899, relating to compensation, bonds and qualifications of district veterinarians."

Your committee beg to report that with the foregoing corrections they believe the written and printed journals of the Ninth Legislative Assembly are substantially correct.

JAMES TWAMLEY,
S. G. SKULASON,
L. M. McGLASHAN.

INDEX

RECORD OF BILLS IN THE SENATE

SENATE BILLS

Senate Bill No. 1—(Little)

A bill for an act prescribing regulations for the appropriation, distribution and use of water in the construction and maintaining of canals, ditches and storage reservoirs for the purpose of irrigation, evaporation and water power for the diversion and confining, retention, storage and distribution of water; the condemnation of lands for the right of way of work for such purposes; providing for a state engineer and an assistant state engineer and the appointment of officers for the surveying and measurement, fixing their compensation and providing for the payment of the same and making an appropriation therefore, prescribing their duties, powers and qualifications, and the appropriation of the streams of the state and controlling the distribution of water throughout the state in the several water divisions thereof, prescribing water divisions, and the management of water regulations and adjudicating the rights and the priority of rights of those diverting, carrying or storing water for irrigation or other beneficial purposes in the water districts in the several water divisions, providing for the expense of such adjudication and for the apportionment and payment thereof, prescribing regulations and ascertaining the rights of priorities of those entitled to water for use for the irrigation of lands and to provide penal-

Senate Bill No. 1—Continued.

ties and for punishing persons for interfering with it or maliciously trespassing upon the ditches, reservoirs or irrigation works for the storage and conveyance of water and to regulate the rights to the use of water for agricultural and manufacturing and other purposes, to provide for a board of water commissioners, prescribing their duties, pay, compensation, providing for water masters, their duties, compensation, providing for change of place or use of diversion, measuring devices, bridges over ditches or canals, providing for constructing works, the disposition of seepage water, and providing for the disposition of state lands and right of way over same.

Introduced, 13.

Read second time and referred 29.

Reported back with amendments, 124.

Re-referred, 126.

Reported back, 203.

Passed the senate, 250.

Received from the house, 573.

Senate Bill No. 2—(Plain)

A bill for an act concerning land titles.

Introduced, 14.

Read second time and referred, 52.

Reported back with amendments, 500.

Passed senate, 666.

Senate Bill No. 3—(Simpson)

A bill for an act fixing the salaries and providing for the payment of the necessary expenses for the judges of the district courts of the state of North Dakota.

Introduced, 21.

Read second time and referred, 34.

Reported back, amended, 69.

Re-referred, 140.

Reported back with amendments, 242.

Referred, 322.

Reported back, 392.

Passed senate, 537.

Received from house, 583.

Senate Bill No. 4—(Hanna)

A bill for an act appropriating money for the building and equipping of a chemical laboratory and green house for the North Dakota agricultural college and experiment station at Fargo.

Introduced, 21.

Read second time and referred, 34.

Reported back, 350.

Passed the senate, 468.

Received from the house, 661.

Senate Bill No. 5—(Hanna)

A bill for an act to establish the live stock sanitary board of North Dakota and to provide for the suppression and control of dangerous, contagious and infectious diseases of domestic animals.

Introduced, 22.

Read second time and referred, 34.

Senate Bill No. 6—(Kraabel)

A bill for an act to amend section 2876 of the revised codes of North Dakota of the revision of 1899, relating to the issuance of certificates of stock of corporations and transfer thereof.

Introduced, 22.

Read second time and referred, 35.

Reported back, 104.

Passed the senate, 114.

Senate Bill No. 7—(Kraabel)

A bill for an act to amend chapter 4 of the laws of 1903, relating to procedure in civil actions in justice court.

Introduced, 22.

Read second time and referred, 35.

Senate Bill No. 7—Continued.

Reported back with amendments, 261.

Passed the senate, 419.

Received from the house, 751.

Senate Bill No. 8—(Kraabel)

A bill for an act to provide police for towns and villages not organized for civil government and to provide revenue to support the same.

Introduced, 22.

Read second time and referred, 35.

Reported back with amendment, 111.

Passed the senate, 142.

Received from the house, 235.

Senate Bill No. 9—(LaMoire)

A bill for an act making an appropriation of \$1,500.00 for the payment of the expenses of Prof. E. F. Ladd, state pure food commissioner, in defending a suit brought against him by an association of food manufacturers.

Introduced, 22.

Read second time and referred, 35.

Referred back, 129, 254.

Passed the senate, 143.

Received from the house, 381.

Senate Bill No. 10—(Sharpe)

A bill for an act authorizing the construction or reconstruction and repairing of sidewalks in incorporated villages in this state and the manner of assessment and levy thereof and collection of the same.

Introduced, 22.

Read second time and referred, 35.

Reported back, 153.

Passed the senate, 193.

Received from house, 574.

Senate Bill No. 11—(Pierce)

A bill for an act providing for specific performance by guardians of contracts for sale of real estate in certain cases.

Introduced, 22.

Read second time and reported, 35.

Reported back with amendment, 41.

Passed the senate, 53.

Received from the house, 100.

Senate Bill No. 12—(Taylor)

A bill for an act providing for the creating of a state bacteriological and pathological laboratory, for the control of such laboratory, and duties of the director, for the appointment of a director of such laboratory, who shall be ex-officio state bacteriologist and for an appropriation for the support of such laboratory.

Introduced, 23.
 Read second time and referred, 36.
 Reported back, 126.
 Re-referred, 126.
 Reported back, 350.
 Passed the senate, 469.
 Received from house, 661.

Senate Bill No. 13—(Pierce)

A bill for an act to amend subdivision 2 of section 5653 of the Revised Codes.

Introduced, 23.
 Read second time and referred, 36.
 Reported back with amendment, 57.
 Passed the senate, 107.

Senate Bill No. 14—(Pierce)

A bill for an act to authorize courts of competent jurisdiction to cancel satisfactions of judgment, liens, or mortgages obtained by fraud, error or mistake or when the title to the property fails or satisfaction is not realized from the sale of the property under execution.

Introduced, 23.
 Read second time and referred, 36.

Senate Bill No. 15—(Steele)

A bill for an act to amend section 4791 of the Revised Codes, relating to the filing of mechanics' liens and giving notice of intention to file a lien.

Introduced, 23.
 Read second time and referred, 36.

Senate Bill No. 16—(Little)

A bill for an act making appropriations for current and contingent expenses of the state peniten-

Senate Bill No. 16—Continued.

tiary, and for making permanent improvements thereto.

Introduced, 29.
 Read twice and referred, 29.
 Reported back with amendment, 359.
 Passed senate, 478.
 Received from house, 659.

Senate Bill No. 17—(Sharpe)

A bill for an act to provide for the licensing of auctioneers.

Introduced, 29.
 Read twice and referred, 29.
 Reported back with amendment, 87.
 Passed the senate, 115.
 Received from house, lost, 769.

Senate Bill No. 18—(Regan)

A bill for an act to amend section 407 of the revised codes of 1899 with reference to the boundaries and terms of court in the Fifth judicial district.

Introduced, 29.
 Read twice and referred, 29.
 Reported back with amendment, 185.
 Passed senate, 230.
 Received from house, 731.

Senate Bill No. 19—(Regan)

A bill for an act to amend section 2071 of the revised codes of 1899, relating to reimbursing counties for salaries paid judges of county courts.

Introduced, 29.
 Read twice and referred, 29.
 Reported back with amendment, 42.
 Passed the senate, 67.
 Received from house with amendments, 490.
 House amendments concurred in 505.

Senate Bill No. 20—(Dyste)

A bill for an act to amend and reenact section 2365 of the revised codes of North Dakota, 1899, relating to the powers of board of trustees of villages.

Introduced, 33.
 Read second time and referred, 52.

Senate Bill No. 21—(Little)

A bill for an act providing for the reconstruction of the capitol building of the state of North Dakota; and for that purpose, creating a board of capitol commissioners, defining its powers and duties, providing for and appropriating the proceeds of sales of the capitol building lands, and authorizing the issuance of interest bearing certificates against said fund.

Introduced, 33.

Read second time and referred, 52.

Reported back with amendment, 85.

Passed the senate, 105.

Received from house, 187.

Senate Bill No. 22—(Cashel)

A bill for an act to amend section 2365 of the revised codes of 1899, relating to the powers and duties of boards of trustees, and the levy and collection of taxes in villages.

Introduced, 33.

Read second time and referred, 52.

Reported back, 86.

Passed the senate, 132.

Received from house with amendments, 38.

Other actions, 505.

Senate Bill No. 23—(Cashel)

A bill for an act making an appropriation for a deficiency in the appropriation for the institution for the feeble minded.

Introduced, 33.

Read second time and referred, 52.

Reported back with amendment, 128.

Passed senate, 177.

Received from house with amendments, 658.

Passed senate as amended, 705.

Senate Bill No. 24—(Fox)

A bill for an act to amend section 4788, revised codes of North Dakota, for 1899, relating to mechanics' liens.

Introduced, 33.

Read second time and referred, 52.

Reported back with amendments, 151.

Senate Bill No. 24—Continued.

Passed senate, 193.

Received from house amended, 406.

Other actions, 414.

Senate Bill No. 25—(Spoonheim)

A bill for an act to regulate hours of employment of locomotive engineers and locomotive firemen, and provide a penalty for violation thereof.

Introduced, 34.

Read second time and referred, 53.

Reported back, 588.

Senate Bill No. 26—(Hagen)

A bill for an act entitled an act to prohibit persons under the age of eighteen years to be allowed to play in, or visit, any pool, billiard or card resorts.

Introduced, 34.

Read second time and referred, 53.

Reported back amended, 86.

Re-referred, 112.

Reported back amended, 154.

Passed senate, 194.

Received from house, 380.

Senate Bill No. 27—(Hanna)

A bill for an act to amend and re-enact sections 1, 2 and 3 of chapter 8 of the session laws of 1903, the same being an act to prevent the adulteration, misbranding and selling of adulterated and unwholesome foods and beverages, proscribing a penalty for the violation, providing for the inspection and analysis of foods, charging the North Dakota Government Agricultural Experiment station with the duty thereof, charging the state's attorney with the enforcement hereof, and making appropriation therefor.

Introduced, 34.

Read second time and referred, 53.

Reported back, 153.

Passed senate, 178.

Received from house, 381.

Senate Bill No. 28—(Kirkeide)

A concurrent resolution fixing time of payments of school and institution lands.

Introduced, 44.

Read second time and referred, 65.

Senate Bill No. 29—(Secretary of State)

A concurrent resolution, amending the constitution of the state of North Dakota relating to the investment of school funds.
 Introduced, 44.
 Read second time and referred, 65.
 Reported back, 88.
 Passed senate, 144.
 Received from house amended, 594.
 Other action, 595.

Senate Bill No. 30—Spoonheim)

A bill for an act to amend section 717 of chapter 86 of the session laws of 1901, being same as section 717 of the revised codes of 1899, relating to education.
 Introduced, 44.
 Read second time and referred, 65.
 Reported back indefinitely postponed, 102.

Senate Bill No. 31—(Hanna)

A bill for an act appropriating money for the enforcement of the pure food and other health and sanitary laws and for investigating the strength and purity of drugs and formaldehyde.
 Introduced, 44.
 Read second time and referred, 65.
 Reported back with amendment, 355.
 Passed senate, 474.
 Received from house, 662.

Senate Bill No. 32—(Pierce)

A bill for an act to provide for the appointment of a board of trustees of the soldiers' home and prescribing the qualification of the members thereof.
 Introduced, 45.
 Read second time and referred, 65.
 Reported back, 87.
 Passed senate, 115.
 Received from house, 187.

Senate Bill No. 33—(Johnson of McLean)

A bill for an act to provide for the census of enumeration of the inhabitants of this state.
 Introduced, 45.
 Read second time and referred, 66.
 Reported back, 218.
 Passed senate, 273.
 Received from house, 702.

Senate Bill No. 34—(Stade)

A bill for an act to provide for new buildings and for making needed permanent improvements for the school of deaf and dumb, located at Devils Lake, North Dakota, and making an appropriation therefor.

Introduced, 45.
 Read second time and referred, 94.
 Reported back with amendment, 358.
 Passed senate, 477.
 Received from house with amendment, 659.
 Other action, 707.

Senate Bill No. 35—(Fox)

A bill for an act to amend section 2673, revised codes of North Dakota, relating to township boards.

Introduced, 45.
 Read second time and referred, 94.
 Reported back, 312.
 Passed senate, 422.
 Received from house, 731.

Senate Bill No. 36—(Steele)

• A bill for an act providing for establishment of grades and highways in certain cases.

Introduced, 45.
 Read second time and referred, 94.
 Reported back with amendments, 168.
 Passed senate, 195.
 Received from house, 381.

Senate Bill No. 37—(Cashel)

A bill for an act to provide an appropriation for the current and contingent expenses of the institution for the feeble minded at Grafton, North Dakota.

Introduced, 45.
 Read second time and referred, 95.
 Reported back with amendment, 356.
 Passed senate, 476.
 Received from house, 660.

Senate Bill No. 38—(Sharpe)

A bill for an act to amend section 6596 of the revised codes, relating to the issue of process in the county courts with increased jurisdiction.

Introduced, 45.
 Read second time and referred, 95.
 Reported back indefinitely postponed, 101.

Senate Bill No. 39—(Sharpe)

A bill for an act to amend section 6608 of the revised codes, relating to the issue of summons in county court with increased jurisdiction.
 Introduced, 46.
 Read second time and referred, 95.
 Reported back with amendment, 110.
 Passed senate, 144.
 Received from house, 380.

Senate Bill No. 40—(Movius)

A bill for an act to provide for reimbursing the several counties of the state for moneys paid for officers' fees, care transportation and sustenance of insane persons, prior to June 30, 1903.
 Introduced, 46.
 Read second time and referred, 95.
 Reported back indefinitely postponed, 126.

Senate Bill No. 41—(Sifton)

A bill for an act to provide an appropriation for the current and contingent expenses for the state hospital for the insane at Jamestown.
 Introduced, 46.
 Read second time and referred, 95.
 Reported back with amendments, 357.
 Passed senate, 476.
 Received from house, 659.

Senate Bill No. 42—(Hagen)

A bill for an act to regulate the sale of binding twine manufactured at the state twine and cordage plant at Bismarck, North Dakota.
 Introduced, 46.
 Read second time and referred, 95.
 Reported back indefinitely postponed, 127.

Senate Bill No. 43—(Wagner)

A bill for an act regulating the fees to be charged and collected by the register of deeds.
 Introduced, 46.
 Read second time and referred, 96.
 Reported back, 127.
 Passed senate, 145.
 Received from house indefinitely postponed, 270.

Senate Bill No. 44—(Wagner)

A bill for an act to amend section 2068 of the revised statutes of the state of North Dakota, 1899, relating to the salary of county judge.
 Introduced, 46.
 Read second time and referred, 96.
 Reported back, 590.
 Re-referred, 590.

Senate Bill No. 45—(Wagner)

A bill for an act to amend sections 6341, 6342 and 6343 of article 6 of chapter 4 of the probate code of the revised codes of the state of North Dakota, 1899, relating to special proceedings for probate of heirship.
 Introduced, 46.
 Read second time and referred, 96.

Senate Bill No. 46—(Talcott)

A bill for an act to amend sections 370, 652, 653, 657, 695, 757 and 761 of the revised codes of 1899.
 Introduced, 51.
 Read second time and referred, 66.
 Reported back with amendment, 238.
 Amended, 293.
 Passed senate, 294.
 Reconsidered, amended, passed senate, 300.
 Received from house, 745.

Senate Bill No. 47—(Talcott)

A bill for an act to encourage elementary education.
 Introduced, 51.
 Read second time and referred, 66.
 Reported back with amendments, 102.
 Re-referred, 112.

Senate Bill No. 48—(Young)

A bill for an act to amend section 1270 of the revised codes of 1899, with reference to void tax sales, void taxes and repayment of the same.
 Introduced, 51.
 Read second time and referred, 66.
 Reported back with amendments, 240.
 Passed senate, 295.

Senate Bill No. 49—(McArthur)

A bill for an act to prevent the adulteration of and deception in the sale of white lead and mixed paints.

Introduced, 51.
Read second time and referred, 66.
Reported back amended, 165.
Passed senate, 195.
Received from the house, 751.

Senate Bill No. 50—(Stade)

A bill for an act to amend chapter 206 of the session laws of 1901, amending section 7671 of the revised codes of 1899, relating to unlawful obligations.

Introduced, 51.
Read second time and referred, 66.
Reported back, 86.
Passed senate, 116.
Received from house, 380.

Senate Bill No. 51—(Cashel)

A bill for an act to amend section 8 and section 12 of chapter 108, session laws of 1903, entitled an act to establish an institution for feeble minded and provide for its support and management.

Introduced, 51.
Read second time and referred, 66.
Reported back, 152.
Re-referred, 205.
Reported back, 218.
Passed senate, 273.
Received from house, 659.

Senate Bill No. 52—(Sharpe)

A bill for an act to amend section 1375 of the revised codes, relating to additional duties of the adjutant general.

Introduced, 51.
Read second time and referred, 66.
Reported back, 134.
Re-referred, 171.
Re-referred, 246.
Reported back with amendments, 351.
Passed senate, 470.
Received from house, 661.

Senate Bill No. 53—(Simpson)

A bill for an act providing for the redistricting of commissioner districts in organized counties which have enlarged their

Senate Bill No. 53—Continued.

boundaries by the addition thereto of unorganized territory.
Introduced, 64.
Read second time and referred, 96.
Reported back, 169.
Passed the senate, 210.
Received from house, 437.

Senate Bill No. 54—(Johnson of McLean)

A bill for an act to amend and re-enact section 5887, revised codes of 1899, providing for sale of personal property under foreclosure of mortgage.

Introduced, 64.
Read second time and referred, 96.
Reported back with amendments, 102.
Passed the senate, 117.
Received from house amended, 303.
Other actions, 301.

Senate Bill No. 55—(Johnson of McLean)

A bill for an act to re-enact section 2526 of the revised codes of 1897, relating to organization of townships.

Introduced, 64.
Read second time and referred, 96.
Reported back with amendments, 244.
Passed the senate, 324.
Received from house, 703.

Senate Bill No. 56—(Garnet)

A concurrent resolution amending section 162 of the state constitution relating to investment of school funds.

Introduced, 64.
Read second time and referred, 96.
Reported back, 102.
Passed the senate, 117.
Received from house, 381.

Senate Bill No. 57—(Hagen)

A bill for an act for the destruction of all weeds on all graded or otherwise cultivated highways.

Introduced, 64.
Read second time and referred, 97.

Senate Bill No. 58—(Young)

A bill for an act to amend section 3104 of the revised codes of North Dakota of 1899 relating to the amount of insurance required to be subscribed before a policy may be issued by a mutual insurance company.

Introduced, 64.

Read second time and referred, 97.
Reported back with amendments, 138.

Passed the senate, 179.

Received from house indefinitely postponed 313.

Senate Bill No. 59—(Hanna)

A bill for an act appropriating money for the purchase of live stock for breeding purposes and for feeding experiments and for enlarging the scope of investigation by the station staff of the agricultural experiment station at Fargo and for making needed improvements.

Introduced, 64.

Read second time and referred, 97.

Senate Bill No. 60—(Young)

A bill for an act to provide for the organization and regulation of domestic mutual insurance companies.

Introduced, 65.

Read second time and referred, 97.
Reported back indefinitely postponed, 286.

Senate Bill No. 61—(Pierce)

A bill for an act to provide for the care and disposition of estates of deceased inmates of the soldiers' home.

Introduced, 72.

Read second time and referred, 97.
Reported back with amendments, 101.

Re-referred, 112.

Reported back with amendments, 166.

Passed the senate, 196.

Received from house, 380.

Senate Bill No. 62—(Simpson)

A bill for an act creating and establishing an agricultural experiment station at or near Dickinson in Stark county, providing for its

Senate Bill No. 62—Continued.

management and making an appropriation therefor.

Introduced, 72.

Read second time and referred, 97.

Reported back with amendments, 362.

Passed the senate, 481.

Received from house, 660.

Senate Bill No. 63—(Simpson)

A bill for an act providing for the appointment of a state oil inspector, fixing the salary for such officer, designating the fees for the inspection of illuminating oils and gasoline, and repealing conflicting laws.

Introduced, 72.

Read second time and referred, 97.

Reported back, 165.

Referred to committee on judiciary, 288.

Reported back with amendments, 384.

Passed the senate, 511.

Received from the house, 751.

Further actions, 752, 779, 780, 781, 782, 783.

Senate Bill No. 64—(Hagen)

A bill for an act to amend and reenact chapter 127, laws of 1903, relating to the bonding of certain officers.

Introduced, 72.

Read second time and referred, 98.

Reported back with amendments, 127.

Passed the senate, 179.

Received from house indefinitely postponed, 270.

Senate Bill No. 65—(Spoonheim)

A bill for an act to provide for consolidation or re-insurance of risks of life insurance companies or associations with or by companies or associations authorized to transact business within the state, and providing a plan for such consolidation or re-insurance.

Introduced, 73.

Read second time and referred, 98.

Reported back, 220.

Passed the senate, 274.

Received from house indefinitely postponed, 614.

Senate Bill No. 66—(Swenson)

A bill for an act to amend section 5845 of the revised codes for North Dakota, for 1899, relating to foreclosure of mortgages upon real estate by advertisement and manner of enjoining same.

Introduced, 73.

Read second time and referred, 98.

Senate Bill No. 67—(Game and Fish Committee)

A bill for an act for the protection of fish, game, wild birds, and furbearing wild animals, and creating the offices of state district game and fish wardens and deputies, and defining their duties and jurisdiction.

Introduced, 90.

Read twice and referred, 90.

Reported back with amendments, 447.

Passed the senate, 538.

Received from house indefinitely postponed, 635.

Senate Bill No. 68—(Voss)

A bill for an act authorizing the trustees of the state reform school to purchase six hundred acres of land, contiguous to the present site of said reform school, and making an appropriation therefor.

Introduced, 90.

Read twice and referred, 90.

Senate Bill No. 69—(Kirkeide)

A bill for an act creating and establishing an agricultural experiment station at or near Leeds in Benson county, providing for its management and making appropriation therefor.

Introduced, 91.

Read twice and referred, 91.

Reported back with amendments, 361.

Passed the senate, 480.

Received from house, 661.

Senate Bill No. 70—(Simpson)

A bill for an act providing a contingent fund in each county of the state of North Dakota, for the use of the necessary and not otherwise provided for in the investigation, preparation for trial and trial of criminal cases, and providing for the auditing

Senate Bill No. 70—Continued.

and payment of such expenditures.

Introduced, 91.

Read twice and referred, 91.

Reported back with amendments, 152.

Passed the senate, 209.

Received from the house, lost, 748.

Senate Bill No. 71—(Taylor)

A bill for an act amending section 8497 of the revised codes of North Dakota, relating to criminal procedure.

Introduced, 91.

Read twice and referred, 91.

Reported back, 315.

Passed the senate, 540.

Senate Bill No. 72—(Taylor)

A bill for an act to promote anatomical knowledge and the science of medicine and surgery and to provide for anatomical material for such purposes, and penalties for neglecting to comply with the provisions of this act.

Introduced, 91.

Read twice and referred, 91.

Reported back, 184.

Passed the senate, 231.

Received from house, 573.

Senate Bill No. 73—(Carroll)

A bill for an act to provide a record for perpetuating proceedings and instruments in applications for tax deeds, and for payment of services connected therewith.

Introduced, 91.

Read twice and referred, 91.

Reported back with amendments, 166.

Passed the senate, 197.

Received from house, 702.

Senate Bill No. 74—(Talcott)

A bill for an act to amend section 701, 703 and 706 of the revised codes of North Dakota for 1899, relating to education.

Introduced, 91.

Read twice and referred, 91.

Reported back with amendments, 320.

Passed the senate, 516.

Senate Bill No. 75—(Cashel)

A bill for an act amending section 5 of chapter 140 of the laws of 1903, entitled an act to create the office of public administrator, provide for the election of an officer thereto, his compensations and qualification of estates of decedents and as guardian of the person or persons and estates of minors and insane persons, and to define his relations to other civil officers and their relation to him.

Introduced, 92.

Read twice and referred, 92.

Reported back, 136.

Senate Bill No. 76—(Cashel)

A bill for an act to provide for the taxation or railroad companies.

Introduced, 92.

Read twice and referred, 92.

Reported back, 618.

Senate Bill No. 77—(LaMoure)

A bill for an act making an appropriation to pay certain indebtedness incurred by the trustees of the state university and school of mines at Grand Forks, the agricultural college at Fargo, the state normal school at Valley City, the deaf and dumb asylum at Devils Lake and the industrial school and school for manual training at Ellendale.

Introduced, 92.

Read twice and referred, 92.

Reported back with amendments, 135.

Passed the senate, 146.

Received from house, 658.

Senate Bill No. 78—(LaMoure)

A bill for an act making an appropriation for the erection of a building for the blind asylum, located at Bathgate, Pembina county, and for the proper furnishing and equipment of the same and to provide for its maintenance and operation.

Introduced, 92.

Read twice and referred, 92.

Reported back, 135.

Passed the senate, 146.

Received from house, 658.

Senate Bill No. 79—(LaMoure)

A bill for an act making an appropriation for the purchase of the law library of the late John M. Cochrane, of Grand Forks, North Dakota, for the use of the college of law of the university of North Dakota.

Introduced, 93.

Read twice and referred, 93.

Reported back, 129.

Passed the senate, 147.

Received from house, 658.

Senate Bill No. 80—(Stade)

A bill for an act to amend sections 6207, 6208 and 6210, of the revised codes, relating to the services of citations and other papers in the county court.

Introduced, 93.

Read twice and referred, 93.

Reported back, 167.

Passed the senate, 197.

Received from house, 381.

Senate Bill No. 81—(Spoonheim)

A bill for an act to regulate the employment of legislative lobby counsel, and agents, and to provide for the return of legislative expenses.

Introduced, 93.

Read twice and referred, 93.

Reported back indefinitely postponed, 590.

Senate Bill No. 82—(Bacon)

A bill for an act establishing the state fair, locating it at Grand Forks, and making appropriations therefor.

Introduced, 93.

Read twice and referred, 93.

Reported back with amendments,

Passed the senate, 482.

Received from house, passed, 652.

Passed the senate, 664.

Senate Bill No. 83—(Benson)

A bill for an act to amend section 7460a of the revised codes, relating to reward for conviction of persons for stealing live stock.

Introduced, 93.

Read twice and referred, 93.

Reported back indefinitely postponed, 286.

Senate Bill No. 84—(Movius)

A bill for an act to amend and re-enact section 6644 of the revised codes of North Dakota for the year 1899, relating to appearances in justice courts.

Introduced, 93.

Read twice and referred, 93.

Reported back amended, 136.

Passed the senate, 190.

Received from house indefinitely postponed, 270.

Senate Bill No. 85—(Movius)

A bill for an act to amend and re-enact section 6213 of the revised codes of North Dakota for the year 1899, relating to appearances in county courts.

Introduced, 94.

Read twice and referred, 94.

Reported back amended, 243.

Passed the Senate, 295.

Received from house indefinitely postponed, 594.

Senate Bill No. 86—(Voss)

A bill for an act to amend and re-enact section 2358 of the revised codes of 1899, relating to the election of village officers, and to amend and re-enact section 2385 of the revised codes of 1899, relating to the settlement of the village treasurer.

Introduced, 94.

Read twice and referred, 94.

Reported back with amendments, 587.

Passed the senate, 629.

Senate Bill No. 87—(Kraabel)

A bill for an act to amend chapter 118 of the laws of 1901, being an amendment of section 4680 of the revised codes, relating to liens in general.

Introduced, 94.

Read twice and referred, 94.

Reported back with amendments, 187.

Re-referred, 205.

Reported back indefinitely postponed, 241.

Reconsidered and re-referred, 267.

Senate Bill No. 88—(Sharpe by request)

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

Introduced, 105.

Read twice and referred, 105.

Reported back, 154.

Passed the senate, 175.

Received from house with amendments, 340.

Other actions, 365, 366.

Senate Bill No. 89—(Johnson of McLean)

A bill for an act to amend and re-enact section 2073, revised codes of 1899, relating to salary of county auditors.

Introduced, 105.

Read twice and referred, 105.

Senate Bill No. 90—(Johnson of McLean)

A bill for an act fixing the jurisdiction of justice courts in cases of arrest and bail as provided in section 5304, revised codes of 1899.

Introduced, 105.

Read twice and referred, 105.

Reported back indefinitely postponed, 409.

Senate Bill No. 91—(Dyste)

A bill for an act to amend chapter 21 of the political code of North Dakota, relating to drains.

Introduced, 113.

Read twice and referred, 113.

Reported back with amendments, 335.

Senate Bill No. 92—(Steele)

A bill for an act to amend section 86 of the revised codes of North Dakota, 1899, relating to salary and expenses of governor.

Introduced, 113.

Read twice and referred, 113.

Senate Bill No. 93—(Little)

A bill for an act to amend section 2264 of the revised codes of the state of North Dakota, relating

Senate Bill No. 93—Continued.

to power of city council to make contracts for water for fire protection.

Introduced, 113.

Read twice and referred, 113.

Reported back with amendments, 137.

Passed the senate, 191.

Received from house, 303.

Senate Bill No. 94—(Pierce)

A concurrent resolution to amend section 182 of the constitution of the state of North Dakota, relating to public debt and public works.

Introduced, 114.

Read twice and referred, 114.

Reported back with amendments, 137.

Passed the senate, 192.

Received from house indefinitely postponed, 572.

Senate Bill No. 95—(Gulack)

A bill for an act to amend sections 1787, 1788, 1789 of the revised codes of North Dakota, 1899, relating to public warehouses.

Introduced, 114.

Read twice and referred, 114.

Reported back, 264.

Passed the senate, 420.

Senate Bill No. 96—(Kraabel)

A bill for an act to create the office of the state fire marshal and providing for the appointment of state fire marshal; term, oath, bond, removal; deputy and his duties; vacancies; duties of marshal in connection with other officers to investigate fires; notification of fire to marshal; record of fires; testimony under oath; arrest of suspected persons; report to insurance commissioner; power of marshal and deputy to summon and enforce attendance of witnesses; false swearing; contempt; power to enter buildings; investigation may be in private; right of marshal and other officers upon complaint to enter buildings for purpose of investigation; may order removal of inflammable or explosive material;

Senate Bill No. 96—Continued

penalty for non-compliance; sheriff or constable or witnesses, how paid; state fire marshal authorized to employ stenographer, salary of; office help, salary of; state fire marshal to be state chief of fire departments; duty of commissioner of insurance, governor and auditor; withholding funds; penalty for neglect of official duty; salaries of marshal and deputy; tax on insurance companies to defray expense of department; itemized statement of expenses; annual report; marshal not to engage in other business; compensation of various officers for reporting fires.

Introduced, 130.

Read second time and referred, 158.

Reported back indefinitely postponed, 494.

Senate Bill No. 97—(Johnson of McLean)

A bill for an act authorizing county commissioners in counties having a regular organized live stock protective association to create a special fund and to appropriate and set aside moneys to be expended and used for the protection of live stock from theft.

Introduced, 130.

Read second time and referred, 142.

Reported back with amendments, 244.

Passed the senate, 325.

Received from house, 573.

Senate Bill No. 98—(Macdonald)

A bill for an act to prohibit the use of any free pass or frank or privilege, withheld from any person for traveling, accommodation or transportation of any person or property, or the transmission of any message or communication.

Introduced, 131.

Read second time and referred, 142.

Reported back, 589.

Re-referred, 589.

Senate Bill No. 99—(Pierce)

A bill for an act to legalize the execution and acknowledgement of certain deeds, mortgages and other instruments in writing and the record thereof, and making the same or certified copies thereof admissible in evidence. Introduced, 131.
Read second time and referred, 142.
Reported back with amendments, 285.
Passed the senate, 369.
Received from the house, 731.

Senate Bill No. 100—(Thatcher)

A bill for an act to provide for the maintenance of the industrial school and school for manual training, located at Ellendale, and for making necessary improvements, and making an appropriation therefor: Introduced, 131.
Read second time and referred, 142.
Reported back with amendments, 359.
Passed the senate, 479.
Received from house, 661.

Senate Bill No. 101—(Kirkeide)

A concurrent resolution amending section 158 of the constitution of the state of North Dakota, relating to the sale of university and school lands. Introduced, 131.
Read second time and referred, 142.
Reported back indefinitely postponed, 263.

Senate Bill No. 102—(Thatcher)

A bill for an act to provide for the selection of candidates for election by popular vote and relating to their nomination. Introduced, 131.
Read second time and referred, 172.

Senate Bill No. 103—(Sifton)

A bill for an act to amend and reenact section 3134 of chapter 14 of the revised codes of 1899, relating to the organization of

Senate Bill No. 103—Continued.

county mutual fire insurance companies. Introduced, 140.
Second reading and referred, 158.
Reported back with amendments, 219.
Passed the senate, 274.
Received from house, 572.

Senate Bill No. 104—(Sifton)

A bill for an act to provide for the erection of necessary additional buildings and other improvements at the state hospital for the insane at Jamestown, North Dakota. Introduced, 140.
Second reading and referred, 158.
Reported back with amendments, 356.
Passed the senate, 475.
Received from house, 659.

Senate Bill No. 105—(Steele)

A bill for an act to change county lines of Ward county, division of Ward county, North Dakota, and creating the counties of Bowbells, Kenmare, Black and Renville therefrom; defining the boundary lines thereof, and providing for submission of the provisions of this act to vote of the electors of the territory affected thereby. Introduced, 140.
Read second time and referred, 172.
Reported back with amendments, 256.
Passed the senate with amendments, 325.

Senate Bill No. 106—(Voss)

A bill for an act to make an appropriation for the current and contingent expenses of the state reform school at Mandan, for additional buildings for said school and furnishing and equipping the same. Introduced, 141.
Second reading and reference, 159.
Reported back with amendments, 354.
Passed the senate, 473.
Received from house, 660.

Senate Bill No. 107—(Main)

A bill for an act relating to the expenditure of county funds.
 Introduced, 141.
 Read second time and referred, 159.
 Reported back with amendments, 241.
 Passed the senate, 295.

Senate Bill No. 108—(Macdonald)

A bill for an act to prevent monopoly and for the protection of traders.
 Introduced, 141.
 Read second time and referred, 159.
 Reported back, 219.
 Passed the senate, 275.

Senate Bill No. 109—(Stade)

A bill for an act to provide for the appraisal of animals suffering from glanders; and providing for payment of indemnity.
 Introduced, 141.
 Second reading and reference, 159.

Senate Bill No. 110—(Movius)

A bill for an act to limit the time within which an action may be commenced, or a defense or counter claim interposed, founded upon a claim of right to a homestead heretofore or hereafter conveyed or incumbered, otherwise than as provided by the law in force at the time of the execution of the conveyance or incumbrance thereof.
 Introduced, 141.
 Second reading and reference, 159.
 Reported back, 219.
 Passed the senate, 275.
 Received from house, 703.

Senate Bill No. 111—(Simpson)

A bill for an act requiring the boards of county commissioners throughout the state of North Dakota to advertise for bids for the publication of the auditor's notice of sale of real estate for delinquent taxes.
 Introduced, 141.
 Read second time and referred, 159.
 Reported back, 245.
 Re-referred, 266.

Senate Bill No. 112—(Senate Committee on Appropriations)

A bill for an act to amend section 338 of the revised codes of 1899, as amended by chapter 28 of the session laws of 1903, providing for an appropriation for supplies for the capitol building, executive mansion and the public grounds and parks connected therewith and for necessary repairs upon the capitol building and executive mansion.
 Introduced, 155.
 Read second time and referred, 172.
 Reported back, 350.
 Passed the senate, 467.
 Received from house and passed, 659.

Senate Bill No. 113—(Thatcher)

A bill for an act to provide for the care and improvement of the "White Stone Hills Battle Field," and making an appropriation to pay for the same.
 Introduced, 156.
 Read second time and referred, 172.
 Reported back with amendments, 358.
 Passed the senate, 478.
 Received from house, 662.

Senate Bill No. 114—(Wagner)

A bill for an act to amend chapter 73, section 4716 of the revised codes of North Dakota, 1899, relative to record of foreclosure, how operates, and what assignment of mortgage must contain.
 Introduced, 156.
 Read second time and referred, 172.
 Reported back with amendments, 317.
 Passed the senate, 421.
 Received from house indefinitely postponed, 526.

Senate Bill No. 115—(Wagner)

A bill for an act to amend chapter 125 of the session laws of 1901, to amend section 4719 of the revised codes of North Dakota, 1899, relative to discharge of real estate mortgages.
 Introduced, 156.

Senate Bill No. 115—Continued.

Read second time and referred, 173.

Reported back with amendments, 316.

Passed the senate, 422.
Received from house, 710.

Senate Bill No. 116—(Little)

A bill for an act to amend section 146 of the revised codes, relating to official bonds of state examiner and his deputies.

Introduced, 156.

Read second time and referred, 173.

Reported back, 184.

Passed the senate, 231.

Received from house, 702.

Senate Bill No. 117—(Little)

A bill for an act to amend section 3 of chapter 170 of the laws of 1901, being an amendment of section 145 of the revised codes, relating to the salary of the state examiner, the appointment of deputies and for penalties for malfeasance in office.

Introduced, 156.

Read second time and referred, 173.

Reported back, 184.

Passed the senate, 232.

Received from house amended, 506.

House amendments concurred in, 507.

Senate Bill No. 118—(Hanna)

A bill for an act establishing the state fair, locating it at Fargo and making appropriations therefor.

Introduced, 156.

Read second time and referred, 173.

Senate Bill No. 119—(Movius)

A bill for an act providing for procuring of official bonds of state officers and for acceptance of bids therefor, and the payment of premiums upon same.

Introduced, 157.

Read second time and referred, 173.

Reported back with amendments, 264.

Passed the senate, 371.

Received from house, 720.

Senate Bill No. 120—(Movius)

A bill for an act providing for the procuring of official bonds of county officers, and for acceptance of bids therefor, and payment of premiums on same.

Introduced, 157.

Read second time and referred, 173.

Reported back, 245.

Passed the senate, 296.

Received from house, 720.

Senate Bill No. 121—(Movius)

A bill for an act to repeal section 3924 of the revised codes, 1899.

Introduced, 157.

Read second time and referred, 173.

Reported back, 315.

Passed the senate, 424.

Received from house indefinitely postponed, 526.

Other action, 595.

Senate Bill No. 122—(Swenson)

A bill for an act to amend section 3128 of the revised codes of 1899, relating to the revocation of authority of foreign and domestic insurance corporations to transact business in this state, and providing for the revocation of authority of foreign insurance corporations to transact business within the state of North Dakota, upon the removal by any such foreign insurance corporation, of certain cases from the state to the United States courts.

Introduced, 157.

Read second time and referred, 174.

Reported back, 400.

Passed the senate, 546.

Received from the house, 750.

Senate Bill No. 123—(Cashel)

A bill for an act to amend sections 870 and 871 of the revised codes of North Dakota for 1899, relating to the appropriation for aid to state high schools.

Introduced, 157.

Read second time and referred, 174.

Reported back with amendments, 351.

Passed the senate, 471.

Received from house, 660.

Senate Bill No. 124—(Pierce by request)

A bill for an act declaring damage from weed-infested lands to be a cause of action.
 Introduced, 157.
 Read second time and referred, 174.
 Reported back, 589.
 Re-referred, 589.
 Reported back indefinitely postponed, 623.

Senate Bill No. 125—(Talcott)

A bill for an act to amend sections 737, 738, 739, 741, 742 and 744 of the revised codes of North Dakota of 1899, relating to education.
 Introduced, 158.
 Read second time and referred, 174.
 Reported back with amendments, 319.
 Re-referred, 508.
 Reported back with amendments, 531.
 Passed the senate, 539.
 Received from the house, 775.

Senate Bill No. 126—(Taylor)

A bill for an act to amend section 904a, of article 1, chapter 10 of the political codes of 1899, as amended by chapter 14 of the session laws of 1903, relating to educational and charitable institutions, and providing for an appropriation for the necessary expenses connected with the geological survey of the state of North Dakota.
 Introduced, 171.
 Read second time and referred, 207.

Senate Bill No. 127—(Herbrandson)

A bill for an act making it unlawful for township supervisors to permit the town hall to be used for dancing.
 Introduced, 189.
 Read second time and referred, 208.
 Reported back with amendments, 312.
 Passed the senate, 424.

Senate Bill No. 128—(Kraabel)

A bill for an act to amend section 1114 of the revised codes of North Dakota, 1899, relating to the duty of supervisors.
 Introduced, 189.

Senate Bill No. 128—Continued.

Second reading and reference, 208.
 Reported back with amendments, 262.
 Passed the senate, 327.

Senate Bill No. 129—(Steele)

A bill for an act to amend chapter 29 of the session laws of North Dakota for the year 1901, relating to the capital of banks.
 Introduced, 189.
 Second reading and reference, 208.

Senate Bill No. 130—(Sifton)

A bill for an act to amend section 992 of the revised codes of North Dakota, 1899, relating to powers and duties of the board of trustees of the state hospital for the insane.
 Introduced, 189.
 Second reading and reference, 208.
 Reported back with amendments, 337.
 Passed the senate, 519.
 Received from the house, 775.

Senate Bill No. 131—(Movius)

A bill for an act creating liens on crops of persons buying twine on credit.
 Introduced, 189.
 Read second time and referred, 249.
 Reported back indefinitely postponed, 284.

Senate Bill No. 132—(Little)

A bill for an act to amend section 2911 of the revised codes relating to changing corporate headquarters.
 Introduced, 189.
 Read second time and referred, 250.
 Reported back, 312.
 Passed the senate, 328.
 Received from house, 572.

Senate Bill No. 133—(Hanna)

A bill for a concurrent resolution amending the constitution of the state of North Dakota relating to the sale of university and school lands.
 Introduced, 190.
 Second reading and reference, 208.
 Reported back, 238.
 Passed the senate, 297.
 Received from house, 720.

Senate Bill No. 134—(Plain)

A bill for an act to allow township boards to perpetuate the government surveys, and to authorize the erection of permanent monuments or section corners.

Introduced, 190.

Second reading and reference, 208.
Reported back with amendments, 253.

Passed the senate, 328.

Received from the house, 775.

Senate Bill No. 135—(Kraabel)

A bill for an act to provide an appropriation for the repairing of and an addition to and the erection of an additional building for the state normal school at Mayville, North Dakota.

Introduced, 190.

Second reading and reference, 208.
Reported back with amendments, 352.

Passed the senate, 472.

Senate Bill No. 136—(Kraabel)

A bill for an act to amend section 6771 of the revised codes of this state, relating to appeals in civil actions in justice's courts.

Introduced, 190.

Second reading and reference, 209.
Reported back with amendments, 263.

Passed the senate, 329.

Received from house, 594.

Senate Bill No. 137.—(Cashel)

A bill for an act defining the status and providing for the duties of the State Historical Society, of North Dakota and making appropriation therefor.

Introduced, 190.

Second reading and reference, 209.
Reported back with amendments, 355.

Passed the senate, 474.

Received from house, 661.

Senate Bill No. 138—(Cashel)

A bill for an act to amend section 1804 of the revised codes of 1899, prescribing the qualifications of a legal newspaper and defining certain duties.

Introduced, 190.

Second reading and reference, 209.
Reported back, 241.

Passed the senate with amendments, 297.

Received from house indefinitely postponed, 564.

Senate Bill No. 139—(LaMoure)

A bill for an act authorizing the board of capitol commissioners created for the re-construction of the capitol building, and the erection of an executive mansion for the state of North Dakota, and to utilize such labor of the convicts in the state penitentiary as can be used profitably in erecting said capitol and executive mansion, or in the manufacture of material to be used therein.

Introduced, 206.

Read second time and referred, 225.

Reported back, 255.

Passed the senate, 330.

Received from house, 573.

Senate Bill No. 140—(Sharpe)

A bill for an act amending section 1313 of the revised codes of North Dakota, providing for the assessment of railroad property in this state, and prescribing the manner of levying and collecting the tax on the same.

Introduced, 206.

Read second time and referred, 225.

Reported back with amendments, 314.

Passed the senate, 418.

Received from house, 702.

Senate Bill No. 141—(Hanna)

A bill for an act in relation to transfers of real property made to one person where the consideration therefor is paid by or for another, and to repeal section 3386 of the revised codes of North Dakota of the revision of 1899.

Introduced, 206.

Read second time and referred, 225.

Senate Bill No. 142—(Hanna)

A bill for an act to provide for paving, curbing or macadamizing the highways in civil townships adjoining incorporated cities of not less than 6,000 inhabitants, and for the construction of sewers and water mains therein, connecting with such city sewers and water mains.

Introduced, 206.

Read second time and referred, 226.

Reported back, 245.

Passed the senate, 293.

Received from house, 573.

Senate Bill No. 143—(Hanna)

A bill for an act to amend section 1925 of chapter 26 of the revised codes of 1899, relating to contracts for county buildings and improvements.

Introduced, 206.

Read second time and referred, 226.

Reported back, 242.

Passed the senate, 330.

Received from the house, 745.

Senate Bill No. 144—(Hanna)

A bill for an act to amend sections 1, 2, 4, 5, 8, 13, and 16, of chapter 130, of the session laws relating practice of optometry.

Introduced, 207.

Read second time and referred, 226.

Reported back, 254.

Passed the senate, 420.

Received from house, 720.

Senate Bill No. 145—(Hanna)

A bill for an act providing that a system of humane treatment of animals shall be taught in the public schools of North Dakota.

Introduced, 207.

Read second time and referred, 226.

Reported back with amendments, 462.

Passed the senate, 541.

Received from the house, 746.

Senate Bill No. 146—(Hanna)

A bill for an act governing the methods of proof of the execution of a written instrument or contract to which there are one or more subscribing witnesses.

Introduced, 207.

Read second time and referred, 226.

Senate Bill No. 147—(Pierce)

A resolution to transfer certain funds apportioned to the school of forestry at Bottineau to the industrial school and school for manual training at Ellendale.

Introduced, 207.

Read second time and referred, 226.

Reported back, 239.

Senate Bill No. 148—(Macdonald)

A bill for an act creating and establishing an agricultural experiment station at or near Linton, in Emmons county, providing for its management and making an appropriation therefor.

Introduced, 207.

Read second time and referred, 227.

Senate Bill No. 148—Continued.

Reported back with amendments, 495.

Passed the senate, 598.

Received from house, 661.

Senate Bill No. 149—(Pierce)

A bill for an act to amend sections 5908 and 5909, of the revised codes of 1899, as amended by section 1, of chapter 5, of the laws of 1901, relating to unknown persons defendant in certain actions and service of summons upon the same.

Introduced, 221.

Read twice and referred, 221.

Reported back, 284.

Passed the senate, 417.

Received from house, 746.

Further action, 753.

Senate Bill No. 150—(Taylor)

A bill for an act to ratify and confirm the conveyance of the family homestead in any case in which the same has been heretofore deeded by both husband and wife in separate instruments, neither having joined in the deed with the other, where the respective deeds purport to convey to the same persons or their grantees, and validating such deeds.

Introduced, 222.

Read twice and referred, 222.

Reported back, 285.

Passed the senate, 370.

Received from house, 721.

Senate Bill No. 151—(Taylor)

A bill for an act to repeal chapter 82, of the session laws of the state of North Dakota, for the year 1903, and to amend and reenact section 7594 and section 7596 of the revised codes of North Dakota, 1899, relating to the method of obtaining druggists' permits to sell liquor, regulating sales of liquor under such permit and prescribing a penalty for the violation thereof.

Introduced, 222.

Read twice and referred, 222.

Reported back with amendments, 452.

Passed the senate with amendments, 542.

Received from house, 730.

Senate Bill No. 152—(Taylor)

A bill for an act to amend section 7280 and section 7285 of the revised codes of North Dakota, 1899, relating to violations of the pharmacy law, and prescribing penalties therefor.
 Introduced, 222.
 Read twice and referred, 222.
 Reported back, 336.
 Passed the senate, 514.
 Received from the house, 744.

Senate Bill No. 153—(Taylor)

A bill for an act appropriating money for the building and equipping of an administration and gymnasium building for the state university and school of mines at Grand Forks.
 Introduced, 222.
 Read twice and referred, 222.
 Reported back with amendments, 350.
 Passed the senate, 469.
 Received from the house, 669.

Senate Bill No. 154—(Simpson)

A bill for an act appropriating to James G. Campbell, state's attorney of Stark county, \$600 attorney's fees for services rendered in the unorganized territory attached to Stark county for judicial purposes during the years 1903 and 1904.
 Introduced, 223.
 Read twice and referred, 223.
 Reported back with amendments, 338.
 Passed the senate, 510.
 Received from house, 662.

Senate Bill No. 155—(Simpson)

A bill for an act appropriating to James G. Saunders, clerk of the district court of Stark county, North Dakota, \$400 clerk's fees for services rendered in the unorganized territory attached to Stark county for judicial purposes during the years 1903 and 1904.
 Introduced, 223.
 Read twice and referred, 223.
 Reported back with amendments, 338.
 Passed the senate, 511.
 Received from house, 662.

Senate Bill No. 156—(LaMoure)

A bill for an act authorizing the secretary of state to secure a copy-right of session laws:
 Introduced, 223.
 Read twice and referred, 223.
 Reported back, 319.
 Passed the senate, 424.
 Received from the house, 745.

Senate Bill No. 157—(Hanna)

A bill for an act appropriating money for the building and equipping of an administration and gymnasium building for the North Dakota agricultural college and experiment station at Fargo.
 Introduced, 223.
 Read twice and referred, 223.
 Reported back with amendment, 349.
 Passed the senate, 467.
 Received from house, 668.

Senate Bill No. 158—(Stade)

A bill for an act to amend section 1 of chapter 162 of the session laws of 1901, being an act to empower the board of county commissioners to offset due or delinquent taxes due from any person, corporation or society in whose behalf the indebtedness has accrued against such county.
 Introduced, 223.
 Read twice and referred, 223.
 Reported back, 285.
 Passed the senate, 418.

Senate Bill No. 159—(McLean)

A bill for an act to amend section 3094 of the revised codes of North Dakota for 1899, relating to investments of funds of domestic insurance corporations.
 Introduced, 224.
 Read twice and referred, 224.
 Reported back, 399.

Senate Bill No. 160—(Cashel)

A bill for an act amending section 6315 of the revised codes of 1899, making a provision as to whom letters of administration shall be granted.
 Introduced, 224.
 Read twice and referred, 224.
 Reported back, 315.
 Passed the senate, 425.
 Received from house, indefinitely postponed, 594.

Senate Bill No. 161—(Pierce by request)

A bill for an act relating to banks and banking, providing for the organization, management, control, regulation and supervision of banking corporations, providing penalties for the violation of the provisions of the same, and repealing laws inconsistent therewith.

Introduced, 224.

Read twice and referred, 224.

Reported back, 261.

Re-referred, 331.

Reported back with amendments, 383.

Passed the senate, 401.

Received from house with amendments, 669.

Other action 671, 696.

Passed senate as amended, 697.

Further action 730, 742, 748, 770, 771.

Senate Bill No. 162—(Young)

A bill for an act to provide for new buildings and for making needed and permanent improvements for the state normal school at Valley City, North Dakota, and making an appropriation therefor.

Introduced, 224.

Read twice and referred, 224.

Senate Bill No. 163—(Young)

A bill for an act to provide for the making of tests of wheat and flour to determine the comparative milling values of the different grades of wheat.

Introduced, 224.

Read twice and referred, 224.

Reported back with amendments, 337.

Passed the senate, 512.

Received from the house, 768.

Senate Bill No. 164—(Regan)

A bill for an act making an appropriation for carrying into effect provisions of law relating to the duties of the commissioner of agriculture and labor.

Introduced, 225.

Read twice and referred, 225.

Reported back with amendments, 495.

Passed the senate, 571.

Received from house, 659.

Senate Bill No. 165—(Committee on state affairs)

A bill for an act to create and organize the county of McKenzie, to fix the county seat of said county, to provide for the appointment of county officers in said county and for transcribing a portion of the records of Stark and Williams counties, and for terms of the district court therein.

Introduced, 225.

Read twice and referred, 225.

Reported back with amendments, 395.

Passed the senate with amendments, 568.

Received from house with amendments, 657.

Further action, 671, 698.

Passed the senate as amended, 699.

Senate Bill No. 166—(Little)

A bill for a concurrent resolution amending the state constitution.

Introduced, 225.

Read twice and referred, 225.

Reported back, 319.

Passed the senate, 425.

Received from house, 721.

Senate Bill No. 167—(LaMoure)

A bill for an act to appropriate the sum of \$6,997.59 to pay expenses incurred by the chief state veterinarian and the state board of auditors in connection with the erection, equipment and maintaining of state dipping tanks for dipping live stock in the prevention of the spread of scabies.

Introduced, 248.

Read twice and referred, 248.

Reported back, 352.

Passed the senate, 471.

Received from house, 660.

Senate Bill No. 168—(Movius)

A bill for an act making an appropriation for erecting a building, furnishing and equipping the same, for the use of North Dakota academy of science, located at Wahpeton, North Dakota, and to provide funds for the maintenance of said school.

Introduced, 248.

Read twice and referred, 248.

Senate Bill No. 168—Continued.

Reported back, with amendments, 353.

Passed the senate, 472.
Received from house, 660.

Senate Bill No. 169—(Young)

A bill for an act to provide the maintenance of summer school, and for new buildings and for making needed and permanent improvements for the state normal school at Valley City, North Dakota, and making an appropriation therefor.

Introduced, 249.
Read twice and referred, 249.
Reported back with amendments, 362.

Passed the senate, 481.
Received from house, 660.

Senate Bill No. 170—(Voss)

A bill for an act to amend and reenact section 2865 of the revised codes of 1899.

Introduced, 249.
Read twice and referred, 249.

Senate Bill No. 171—(Main)

A bill for an act to amend section 118 of the revised codes of North Dakota, 1899, relating to the official bond of the state treasurer.

Introduced, 249.
Read twice and referred, 249.
Reported back, 319.
Passed the senate, 515.
Received from the house, 768.
Other action, 780.

Senate Bill No. 172—(Bacon)

A bill for an act to foster the development of mineral and allied industries by providing for experimentation, encouragement and mine inspection and by making an appropriation therefor.

Introduced, 249.
Read twice and referred, 249.

Senate Bill No. 173—(McLean by request)

A bill for an act to amend section 4844 of the revised codes of 1899 providing for a lien for repairs of personality.

Introduced, 249.
Read twice and referred, 249.
Reported back with amendments, 395.

Referred, 566.

Senate Bill No. 174—(Taylor)

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.

Introduced, 270.

Read first and second time and referred, 270.

Reported back with amendments, 449.

Referred, 518.

Reported back with amendments, 557.

Passed the senate, 570.

Received from house, 744.

Senate Bill No. 175—(Herbrandson)

A bill for an act to amend section 704 of chapter 83 of the session laws of the state of North Dakota for the year 1903, relating to education.

Introduced, 270.

Read first and second time and referred, 270.

Reported back with amendments, 463.

Passed the senate, 569.

Senate Bill No. 176—(Senate Joint Special Committee)

A bill for an act providing for the amount of clerk hire to be allowed various state offices, and making an appropriation therefor.

Introduced, 271.

Read twice and referred, 271.

Reported back with amendments, 361.

Passed the senate, 479.

Received from house, 658.

Senate Bill No. 177—(Young)

A bill for an act providing for the recommendation by the governor of North Dakota of a member of the grain and warehouse commission for the city of Superior, Wisconsin, and providing for his compensation for the period of two years.

Introduced, 271.

Read first and second time and referred, 271.

Reported back with amendments, 641.

Passed the senate, 665.

Received from house, 745.

Senate Bill No. 178—(Swenson)

A bill for an act to amend section 4064 of the revised codes of North Dakota, 1899, relating to usury.
 Introduced, 271.
 Read first and second time and referred, 271.

Senate Bill No. 179—(Fox)

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 Lewis and Clark centennial and Pacific exposition and oriental fair to be held at Portland, Oregon, in 1905, and providing for a board of commissioners therefor, and making an appropriation for that purpose.
 Introduced, 271.
 Read first and second time and referred, 271.
 Reported back with amendments, 360.

Senate Bill No. 180—(Bacon)

A bill for an act creating park districts and for the government thereof, creating a board of park commissioners, conferring power and authority upon such board and district, and providing rules for the government thereof.
 Introduced, 271.
 Read first and second time and referred, 271.
 Reported back, 393.
 Passed the senate, 547.
 Received from the house, 750.

Senate Bill No. 181—(Crane)

A bill for an act to regulate the transportation of persons by common carriers operating railroads within or through the state of North Dakota, and the furnishing and use of free transportation.
 Introduced, 272.
 Read first and second time and referred, 272.
 Reported back, 588.

Senate Bill No. 182—(Joint Senate Special Committee)

A bill for an act to amend and reenact section 181 of the revised codes of North Dakota for the year 1899, relating to deputy land commissioner and fixing the salary of such officer.
 Introduced, 272.
 Read first and second time and referred, 272.

Senate Bill No. 183—(Little)

A bill for an act to amend section 185 of the revised codes of North Dakota for 1899, relating to the publication of notices of sale of school and state lands.
 Introduced, 272.
 Read first and second time and referred, 272.
 Reported back, 284.
 Passed the senate, 369.
 Received from house, 594.
 Returned to house, 624.
 Received from the house, 745.

Senate Bill No. 184—(Bacon)

A bill for an act to amend sections 3532, 3533, 3534, 3535 and 3584, paragraph 2, of the revised codes of North Dakota, 1899, relating to the execution by corporations of instruments affecting titles to real estate, prescribing the manner of execution, and the form of acknowledgement, validating instruments heretofore executed and enacting other provisions relating thereto.
 Introduced, 290.
 Read first and second time and referred, 290.
 Reported back with amendments, 394.
 Passed the senate, 545.
 Received from the house, 768.

Senate Bill No. 185—(Steele)

A bill for an act to amend section 3574 of article 3, of chapter 37 of the civil code of the state of North Dakota, relating to proof and acknowledgement of instruments.
 Introduced, 291.
 Read first and second time and referred, 291.
 Reported back, 335.
 Passed the senate, 513.

Senate Bill No. 186—(Sifton)

A bill for an act to amend section 1774 of the revised codes of the state of North Dakota for 1899, relating to abstractors,
Introduced, 291.

Read first and second time and referred, 291.

Reported back, 336.

Passed the senate with amendments, 515.

Received from the house, 745.

Senate Bill No. 187—(LaMoure)

A bill for an act providing for the payment by the county of a portion of the expense whenever a person is sent to the hospital for the insane, to the institution for the feeble minded, the school for the deaf and dumb and to the blind asylum, and to provide for reimbursing said county.
Introduced, 291.

Read first and second time and referred, 291.

Reported back, 318.

Passed the senate, 426.

Received from house, 652.

Passed senate as amended, 706.

Senate Bill No. 188—(Stade)

A bill for an act to amend and re-enact section 7068 of the revised codes of 1899, relating to punishment for murder in the first degree.
Introduced, 291.

Read first and second time and referred, 291.

Reported back indefinitely postponed, 336.

Senate Bill No. 189—(Stade)

A bill for an act to repeal sections 966b, 996c, 996d and 996e, and to amend and re-enact section 962 of the revised codes of North Dakota, 1899, relating to the deaf and dumb asylum.
Introduced, 291.

Read first and second time and referred, 291.

Senate Bill No. 190—(McArthur)

A bill for an act prohibiting corporations from making political contributions.
Introduced, 292.

Read first and second time and referred, 292.

Reported back, indefinitely postponed, 399.

Senate Bill No. 191—(McArthur)

A bill for an act to amend and re-enact section 1146, revised codes of 1899, relating to roads in incorporated towns, villages and cities.
Introduced, 292.

Read first and second time and referred, 292.

Reported back, 411.

Passed the senate, 597.

Senate Bill No. 192—(Hanna)

A bill for an act establishing and naming a state flower for the state of North Dakota.
Introduced, 292.

Read first and second time and referred, 292.

Reported back, 398.

Passed the senate, 521.

Senate Bill No. 193—(Crane)

A bill for an act to amend section 1, of chapter 53, of session laws of 1901, relating to compensation of county commissioners and fixing the hours of meeting.
Introduced, 292.

Read first and second time and referred, 292.

Reported back, 407.

Passed the senate, 545.

Received from the house, lost, 750.

Senate Bill No. 194—(Regan)

A bill for an act to apportion the state into congressional districts.
Introduced, 292.

Read first and second time and referred, 292.

Reported back, 412.

Senate Bill No. 195—(Bacon)

A bill for an act to amend section 5848, revised codes, 1899, relating to notice of foreclosure of mortgages by advertisement.
Introduced, 304.

Second reading and reference, 368.

Senate Bill No. 196—(Crane)

A bill for an act to amend section 1269 of the revised codes of the state of North Dakota, relating to the rights of purchaser of land at sale for non-payment of taxes.
Introduced, 304.

Second reading and reference, 368.

Reported back indefinitely postponed, 409.

Senate Bill No. 197—(Steele)

A bill for an act to amend section 460 of the political code of the revised codes of the state of North Dakota, 1899, relating to administration of oaths.
 Introduced, 304.
 Read second time and referred, 368.
 Reported back indefinitely postponed, 450.

Senate Bill No. 198—(McArthur)

A bill for an act to amend section 8622 of the revised codes, relating to the employment of persons confined in any jail at hard labor.
 Introduced, 304.
 Second reading and reference, 368.
 Reported back indefinitely postponed, 408.

Senate Bill No. 199—(McArthur)

A bill for an act to amend section 8624 of the revised codes, relating to the employment of persons confined in jail for violation of any ordinance, by-laws or other regulation or an incorporated city or village.
 Introduced, 304.
 Second reading and reference, 368.
 Reported back indefinitely postponed, 408.

Senate Bill No. 200—(Stade)

A bill for an act to amend section 1849 of the revised codes of North Dakota, relating to a change of county lines.
 Introduced, 304.
 Second reading and reference, 368.
 Reported back, indefinitely postponed, 410.

Senate Bill No. 201—(Steele)

A bill for an act to amend section 3491a, of the revised codes of the state of North Dakota for 1899, relating to titles to real property.
 Introduced, 322.
 Read first and second time and referred, 322.
 Reported back indefinitely postponed, 451.

Senate Bill No. 202—(Sifton)

A bill for an act to amend section 5847 of the revised codes of North Dakota, 1899, relating to foreclosure of mortgages on real property.
 Introduced, 322.
 Read first and second time and referred, 322.

Senate Bill No. 203—(Main)

Bill for an act prohibiting the manufacture and sale of cannon fire crackers.
 Introduced, 323.
 Read first and second time and referred, 323.
 Reported back indefinitely postponed, 408.

Senate Bill No. 204—(Main)

A bill for a concurrent resolution amending the state constitution.
 Introduced, 323.
 Read first and second time and referred, 323.
 Referred to committee on railroads, 415.
 Reported back, 588.

Senate Bill No. 205—(Kirkeide)

A bill for an act amending section 180 of the revised codes of 1899, relating to salary of commissioner of university and school lands.
 Introduced, 323.
 Read first and second time and referred, 323.
 Reported back, 392.
 Passed the senate, 520.
 Received from the house, 745.

Senate Bill No. 206—(Young)

A bill for an act to amend section 137 of the revised codes of 1899, relating to the examination of the accounts of public officers by the state examiner.
 Introduced, 323.
 Read first and second time and referred, 323.
 Reported back, 407.
 Passed the senate, 544.
 Received from the house, 751.

Senate Bill No. 207—(Little)

A bill for an act to amend sections 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525 of chapter 30, article 19, entitled "town-sites located on public lands," as published in the revised codes of 1895.

Introduced, 323.

Read first and second time, 323.

Reported back, 397.

Passed the senate, 520.

Received from house with amendments, 670.

Passed senate as amended, 679.

Senate Bill No. 208—(Young)

A bill for an act to amend section 3104 of the revised codes of North Dakota, of 1899, relating to the amount of insurance required to be subscribed before a policy may be issued by a mutual insurance company.

Introduced, 366.

Read first and second time and referred, 366.

Reported back, 410.

Passed the senate, 571.

Senate Bill No. 209—(Pierce)

A bill for an act directing the state auditor to pay over funds belonging to the soldiers' home at Lisbon to the institution treasurer, and providing for the application of such funds.

Introduced, 367.

Read first and second time and referred, 367.

Reported back, 392.

Passed the senate, 518.

Received from the house, 744.

Senate Bill No. 210—(Macdonald)

A concurrent resolution for an amendment to the constitution, providing for direct legislation by the electors, shall be referred to the next legislative assembly, and with the approval of said legislative assembly be submitted to the qualified electors for adoption or rejection.

Introduced, 367.

Read first and second time and referred, 367.

Reported back, 534.

Senate Bill No. 211—(Little)

A bill for an act to amend section 4737 of the revised codes of

Senate Bill No. 211—Continued.

North Dakota, of 1899, relating to renewal of mortgages of personal property.

Introduced, 400.

Read second time and referred, 417.

Reported back, 450.

Passed the senate, 569.

Received from the house, 750.

Senate Bill No. 212—(Main)

A bill for an act to amend sections 693 and 774 of the revised codes of 1899, relating to education.

Introduced, 416.

First and second reading and reference, 416.

Reported back, 462.

Passed the senate, 543.

Senate Bill No. 213—(LaMoure)

A bill for an act to amend section 707 of the revised codes of 1899.

Introduced, 416.

Read first and second time and referred, 416

Reported back, 462.

Passed the senate 536.

Received from the house, 750.

Senate Bill No. 214—(Hanna)

A bill for an act to provide for the granting of the right-of-way by municipal corporations for constructing and maintaining electric and other railways on, over, and upon public grounds and highways, and regulating the use of same.

Introduced, 416.

Read first and second time and referred, 416.

Reported back, 450.

Passed the senate, 537.

Received from the house, 744.

Senate Bill No. 215—(Carroll)

A bill for an act regulating weights and measures, creating the office of inspector of weights and measures, providing for the appointment of inspector and prescribing his powers, duties and compensation.

Introduced, 416.

Read first and second time and referred, 416.

Reported back with amendments, 461.

Passed the senate, 547.

Received from house, 703.

Senate Bill No. 216—(Simpson)

A bill for an act providing for the service of process upon the sheriff when such officer is a party to any action or proceeding by virtue of his office.

Introduced, 416.

Read first and second time and referred, 416.

Reported back with amendments, 531.

Passed the senate, 596.

Received from the house, 777.

Senate Bill No. 217—(Talcott)

A bill for an act to amend section 2989 of the revised codes of North Dakota, 1899, relating to the licensing of ticket agents.

Introduced, 416.

Read first and second time and referred, 416.

Reported back, 532.

Passed the senate, 626.

Senate Bill No. 218—(Sharpe)

A bill for an act to amend chapter 57, of the session laws of 1903, relating to the appointment of commissioners of deeds.

Introduced, 417.

Read first and second time and referred, 417.

Reported back, 532.

Passed the senate, 627.

Senate Bill No. 219—(Kraabel) Substitute for No. 87.

A bill for an act repealing section 4680 of the revised codes of North Dakota, relating to liens on future interest.

Introduced, 509.

Read first and second time and referred, 509.

Senate Bill No. 220—(Movius, by request)

A bill for an act relating to the dismissal of civil actions and providing when and how such actions may be dismissed, and when the judgment of dismissal shall be on the merits.

Introduced, 509.

Read first and second time and referred, 509.

Senate Bill No. 221—(Committee on Education)

A bill for an act to amend sections 670 and 674 of the revised codes of the state of North Dakota, 1899, relating to the election of school officers and notice of annual election.

Introduced, 509.

Read first and second time and referred, 509.

Reported back, 530.

Passed the senate, 627.

Received from the house, 775.

Senate Bill No. 222—(Plain)

A bill for an act to amend section 1 of chapter 123 session laws, 1901, being an act to amend section 1549, revised codes 1899, relating to time when lawful for stock to run at large.

Introduced, 509.

Read first and second time and referred, 509.

Reported back with amendments, 561.

Passed the senate, 598.

Senate Bill No. 223—(Movius, by request)

A bill for an act providing for the publication by the county treasurer of a list of names of personal property tax payers and the amount taxed against each and providing compensation therefor.

Introduced, 509.

Read first and second time and referred, 509.

Reported back with amendments, 558.

Senate Bill No. 224—(Young)

A bill for an act making it unlawful for justices of the peace to issue summons in certain cases and prescribing penalties therefor.

Introduced, 509.

Read first and second time and referred, 509.

Reported back, 533.

Passed the senate, 629.

Senate Bill No. 225—(Hagen, by request)

A bill for an act providing for the better regulation of the practice of the law.

Senate Bill No. 225—Continued.

Introduced, 510.

Read first and second time and referred, 510.

Reported back indefinitely postponed, 561.

Senate Bill No. 226—(Young)

A bill for an act to amend section 2743 of the revised codes of 1899, relating to duration of offenses as grounds for divorce.

Introduced, 510.

Read first and second time and referred, 510.

Reported back indefinitely postponed, 532.

Senate Bill No. 227—(Steele)

A bill for an act to amend section 2947 of the revised codes of North Dakota for the year 1899, relating to the powers of railroad corporations.

Introduced, 536.

Read first and second time and referred, 536.

Reported back, 588.

Passed the senate, 600.

Senate Bill No. 228—(Steele)

A bill for an act requiring railroad companies to protect railroad crossings with interlocking or other safety devices in certain cases.

Introduced, 536.

Read first and second time and referred, 536.

Reported back, 588.

Senate Bill No. 229—(Young)

A bill for an act to amend chapter 88 of the session laws of 1901, relating to desecration of the flag.

Read first and second time and referred, 536.

Reported back, 562.

Passed the senate, 599.

Senate Bill No. 230—(LaMoore)

A bill for an act to authorize certain municipal corporations of this state to issue bonds for the purpose of refunding or paying outstanding bonds; regulating the issuance and providing for the payment thereof.

Introduced, 567.

Read first and second time and referred, 567.

Reported back, 587.

Passed the senate, 628.

Received from the house, 745.

Senate Bill No. 231—(Crane)

A bill for an act to amend section 3023 of the revised codes of 1899 and chapter 13 of the session laws of 1903, relating to long and short hauls upon railroads and common carriers.

Introduced, 567.

Read first and second time and referred, 567.

Reported back, 619.

Passed the senate, 667.

Senate Bill No. 232—(Spoonheim)

A bill for an act to amend section 7569 of revised codes of 1899, relative to malicious injury to freehold.

Introduced, 567.

Read first and second time and referred, 567.

Reported back, 587.

Passed the senate, 600.

Received from the house, 777.

Senate Bill No. 233—(Simpson)

A bill for an act fixing the maximum rates that it shall be lawful for railroad companies operating lines of railroad in North Dakota to charge for transporting coal.

Introduced, 596.

Read first and second time and referred, 596.

Senate Bill No. 234—(LaMoore)

A bill for an act to provide for borrowing money to defray the extraordinary expenditures of the state government.

Introduced, 596.

Read first and second time and referred, 596.

Reported back, 617.

Passed the senate, 625.

Received from the house, 744.

Senate Bill No. 235—(Thatcher)

A bill for an act prescribing duties of state depositories.

Introduced, 665.

Read first and second time and referred, 665.

Reported back, 692.

Passed the senate, 711.

Received from the house, 775.

Senate Bill No. 236—(Macdonald)

A bill for an act to regulate the employment and occupation of railroad telegraphers and establishing a board of telegraph examiners.

Introduced, 710.

Read first and second time and referred, 710.

Senate Bill No. 237—(Brown, by request)

A bill for an act to prevent fraud in the sale of dairy products and

Senate Bill No. 237—Continued.

lard and lard substitutes and of food prepared therefrom and to preserve the public health; providing a penalty for the violation hereof and providing for the enforcement of the law.

Introduced, 710.

Read first and second time and referred, 710.

Reported back, 764.

HOUSE BILLS

House Bill No. 1—(Buttz)

A bill for 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 and erecting a monument.

Received from house, 607.

Read first and second time and referred, 630.

Reported back do pass, 642.

Passed the senate, 738.

House Bill No. 4—(Casey)

A bill for an act to amend sections 6188, 6189, 6190 and 6191, of the revised codes of North Dakota, being article 3 of chapter 1, of the probate code relating to the disqualification of county judges and transfers of the administration of estates from one county to some other, or the calling in the county judge of an adjoining county to hear the same, by the judge disqualified.

Received from house, 111.

Read first and second time and referred, 160.

Reported back, 255.

Passed the senate, 431.

House Bill No. 6—(Buttz)

A bill for an act for the relief of Clarence M. Cole, a member of Battery A, North Dakota National Guard.

Received from house, 220.

Read twice and referred, 227.

Reported back do pass, 348.

Passed the senate, 673.

House Bill No. 7—(Streeter)

A bill for an act to fix the dates for holding terms of the district court in the counties of Emmons and McLean.

Received from house, 118.

Read second time and referred, 162.

Reported, back, 167.

Passed the senate, 213.

House Bill No. 9—(Thoreson)

A bill for an act regulating the operation of automobiles on the public roads, highways and streets within the state of North Dakota, and providing penalties for violation thereof.

Received from house, 221.

Read twice and referred, 227.

Reported back, 254.

Passed the senate, 431.

House Bill No. 10—(Buttz)

A bill for an act to amend section 1419 of chapter 19, political code, entitled "Militia."

Received from house, 302.

Read first and second time and referred, 305.

Reported back, 391.

Passed the senate, 523.

House Bill No. 13—(Johnson of Ward)

A bill for an act entitled an act amending section 7989 of the code of North Dakota of 1899, providing for the manner and the time of drawing and summoning of grand juries.

Received from house, 118.

Read second time and referred, 162.

Reported back do pass, 315.

Passed the senate, 433.

House Bill No. 14—(Purdon)

A bill for an act entitled an act to amend subdivision 3 of section 3563 of the revised codes of North Dakota of 1899, relating to the recording of instruments in the office of the register of deeds.

Received from house, 169.

Read first time, 198.

Read second time and referred, 213.

Reported back with amendments, 316.

Passed the senate, 603.

House Bill No. 15—(Mooney)

A bill for an act to encourage elementary education.

Received from house, 680.

Read first and second time and referred, 711.

Reported back, 763.

Passed the senate, 741.

House Bill No. 16—(White)

A bill for an act entitled an act to amend sections 1, 2, 3, 4 and 6 of chapter 186 of the laws of 1901, 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.

Received from house, 169.

Read first time, 198.

Read second time and referred, 213.

Reported back do pass, 496.

House Bill No. 17—(Duncan)

A bill for an act to provide for the establishment, construction and maintenance of public dipping stations for live stock in the various counties of the state.

Received from house, 406.

Read first and second time and referred, 429.

Reported back do pass, 461.

Passed the senate, 716.

House Bill No. 18—(Tofsrud)

A bill for an act to amend section 1 of chapter 96 of the laws of 1903 (being an amendment of section 1572 of the revised codes) relative to giving notice upon taking up estrays and providing

House Bill No. 18—Continued.

penalties for failure to give such notice.

Received from house, 170.

Read first time, 212.

Read second time and referred, 228.

Reported back do pass, 534.

Passed the senate, 774.

House Bill No. 21—(Stevens of Burleigh)

A bill for an act requiring corporations to make annual report to the secretary of state, and providing for the cancellation of articles of incorporation for failure to do so.

Received from house, 405.

Read first and second time and referred, 429.

Reported back, with amendments, 592.

Passed the senate, 714.

House Bill No. 22—(Scheer)

A bill for an act to promote forest tree culture.

Received from house, 187.

Read first time, 211.

Read second time and referred, 228.

Reported back indefinitely postponed, 335.

Other action, 466.

Received from house, 491.

Re-referred, 507.

Reported back do pass, 531.

Passed senate, 576.

House Bill No. 23—(Ellison)

A bill for an act to fix the salary of deputies in county offices.

Received from house, 380.

Read first and second time and referred, 429.

Reported back with amendments, 462.

Passed the senate, 672.

House Bill No. 24—(Stavens)

A bill for an act to amend section 1267 of the revised codes relating to redemptions from sale of real estate for taxes, time of payment of subsequent taxes, and rate of interest thereon,

Received from house, 170.

Read first time, 198.

Read second time and referred, 213.

Reported back do pass, 646.

Passed the senate, 716.

House Bill No. 25—(Midgarden)

A bill for an act to provide for the cancellation of judgment against persons discharged under the United States bankruptcy law, and the mode of procedure to obtain such relief.

Received from house, 118.

Read second time and referred, 162.

Reported back with amendments, 255.

Passed the senate with amendments, 377.

House Bill No. 26—(Davis)

A bill for an act to amend sections 1243 and 1244 of the revised codes of North Dakota, 1899, relating to delinquent personal taxes, and amending chapter 134 of the session laws of 1903.

Received from house, 380.

Read first and second time and referred, 429.

Reported back do pass, 496.

Passed the senate, 548.

House Bill No. 27—(Sweet)

A bill for an act to prevent the adulteration, misbranding and selling of adulterated and insufficiently labeled drugs or medicines, prescribing a penalty of the violation hereof, providing for the inspection, testing and analyzing of said drugs and medicines, charging the North Dakota Experiment Station with the duty thereof, and charging the state's attorney with the enforcement hereof.

Received from house, 302.

Read first and second time and referred, 305.

Reported back with amendments, 394.

Passed the senate, 549.

House Bill No. 28—(Dickinson)

A bill for an act to prevent fraud in the sale of formaldehyde used as a fungicide, prescribing a penalty for the violation, providing for the inspection and analysis of same, charging the North Dakota Government Experiment Station with the duty thereof, and charging the state's attorney with the enforcement thereof.

House Bill No. 28—Continued.

Received from house, 123.

Read first and second time and referred, 162.

Reported back, 240.

Passed the senate, 278.

House Bill No. 30.—(Stevens of Burleigh.)

A bill for an act to amend section 441 of revised codes of North Dakota relating to jurors.

Received from house, 138.

Read first and second time and referred, 161.

Reported back, 243.

Passed the senate, 279.

House Bill No. 34—(McCrea)

A bill for an act to amend sections 648 and 750 of the revised codes of 1899, relating to education.

Received from house, 139.

Read first and second time and referred, 161.

Reported back with amendments, 336.

Passed the senate, 672.

House Bill No. 35—(McCrea)

A bill for an act to prohibit the making within this state of any contract or pretended contract to buy or sell grain, pork, lard or any mercantile or agricultural products on margins without any intention of future delivery; to prohibit the maintenance within this state of any store, office or other place wherein is conducted or permitted the pretended buying or selling of grain, pork, lard or any mercantile or agricultural products on margins without any intention of future delivery; and to provide a penalty for the violation thereof.

Received from house, 112.

Read first and second time and referred, 160.

Reported back amended, 168.

Passed the senate, 199.

House Bill No. 37—(Lyon)

A bill for an act granting the consent and permission of the state of North Dakota to the construction and maintenance of a highway across, within, under and through the water of Des Lac lake, on township line between

House Bill No. 37—Continued.

townships 161 and 162 in Ward county, North Dakota.
 Received from house, 122.
 Read first and second time and referred, 160.
 Reported back, 243.
 Passed the senate, 280.

House Bill No. 40—(Morgan)

A bill for an act to repeal section 2531 of the revised codes, 1899, of North Dakota, relating to changing the names of certain townships.
 Received from house, 170.
 Read first time, 212.
 Read second time and referred, 228.
 Reported back do pass, 393.
 Passed the senate, 725.

House Bill No. 41—(Morgan)

A bill for an act to amend section 1230, revised codes of 1899, North Dakota, relating to tax list to be made out by county auditors.
 Received from house, 302.
 Read first and second time and referred, 305.
 Reported back indefinitely postponed, 411.

House Bill No. 42—(Treat)

A bill for an act to prevent fraud in the sale of paris green used as an insecticide, prescribing a penalty for the violation, providing for the inspection and analysis of same and charging the North Dakota Government Agricultural Experiment Station with the duty thereof, and charging the state's attorney with the enforcement thereof.
 Received from house, 122.
 Read first and second time and referred, 160.
 Reported back, 240.
 Passed the senate, 306.

House Bill No. 44—(Watson)

A bill for an act to amend section 8295 of the revised codes of 1899, relating to imprisonment to satisfy a fine and costs.
 Received from house, 221,
 Read first and second time and referred, 228.

House Bill No. 45—(Piper)

A bill for an act prohibiting the secreting of any stone, wood, iron, or other substance in any sheaf, shock, pile, load, or stack of grain, that might or could injure or destroy any threshing machine or cause the death or injury of any person, or any damage to personal property and prescribing the measure of damages that may be recovered, and prescribing punishment for the violation of the provisions hereof.
 Received from house, 138.
 Read first and second time and referred, 161.
 Reported back, 167.
 Passed the senate, 214.

House bill No. 47—(Arnold)

A bill for an act to amend chapter 21 of the political code of North Dakota, relating to drains.
 Received from house, 269.
 Read first and second time and referred, 277.
 Reported back do pass, 412.
 Passed the senate, 606.

House Bill No. 48—(White)

A bill for an act to amend sections 2 and 4 of chapter 172 of the laws of 1901, entitled "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," as the same was amended by chapter 11 of the laws of 1903.
 Received from house, 612.
 Read first and second time and referred, 632.
 Reported back do pass, 642.
 Passed the senate, 718.

House Bill No. 50 —(Ryan)

A bill for an act to amend section 5391 of the revised codes of North Dakota, 1899, relating to when judgment may be rendered against garnishee.
 Received from house, 514.
 Read first and second time and referred, 523.

House Bill No. 51—(Ryan)

A bill for an act to amend chapter 4 of the session laws of 1903, which amended chapter 61 of the session laws of 1901, being section 6633 of the revised codes of North Dakota, 1899, relating to procedure in civil actions.
 Received from house, 525.
 Read first and second time and referred, 579.
 Reported back indefinitely postponed, 622.

House Bill No. 53—(Ryan)

A bill for an act to amend section 6676c of the revised codes of the state of North Dakota, 1899, relating to how summons shall be served in garnishment.
 Received from house, 513.
 Read first and second time and referred, 523.
 Reported back do pass, 623.

House Bill, No. 54—(Ryan)

A bill for an act to amend section 6643 of the revised codes of North Dakota, 1899, relating to service by publication.
 Received from house, 526.
 Read first and second time and referred, 581.
 Reported back do pass, 623.

House Bill No. 55—(Ryan)

A bill for an act to amend section 5382 of the revised codes of North Dakota, 1899, relating to creditors may proceed by garnishment.
 Received from house, 154.
 Read first time, 212.
 Read second time and referred, 228.
 Reported back do pass, 692.
 Passed the senate, 778.

House Bill No. 61—(Streeter)

A bill for an act amending section 2097 of the political code, relating to the fees of witnesses.
 Received from house, 122.
 Read first and second time and referred, 161.
 Reported back with amendments, 242.
 Passed the senate, 306.

House Bill No. 66—(Nicholson)

A bill for an act to amend section 1191 of the revised codes, relating to the assessment of personal property.
 Received from house, 269.
 Read first and second time and referred, 277.
 Reported back do pass, 410.

House Bill No. 67—(Nicholson)

A bill for an act taxing grain in elevators, warehouses and granaries at a fixed rate.
 Received from house, 268.
 Read first and second time and referred, 276.
 Reported back do pass, 410.

House Bill No. 68—(Johnson of Richland)

A bill for an act requiring railroad companies to maintain station houses and to provide suitable waiting rooms at all stations where passenger trains stop.
 Received from house, 612.
 Read first and second time and referred, 631.
 Reported back do pass, 690.

House Bill No. 69—(Burgum)

A bill for an act to provide for the organization of mutual insurance companies for the purpose of insuring against loss to pure bred registered live stock, by reason of the death of the property insured.
 Received from house, 269.
 Read first and second time and referred, 277.
 Reported back do pass, 411.
 Passed the senate, 602.

House Bill No. 70—(Ryan)

A bill for an act creating a state board of bar examiners and providing for their appointment, compensation and duties.
 Received from house, 221.
 Read twice and referred, 227.
 Reported back, 242.
 Passed the senate, 324.

House Bill No. 73—(Morgan)

A bill for an act for the destruction of all weeds on all graded or cultivated highways.
 Received from house, 169.
 Read first time, 212.

House Bill No. 73—Continued.

Read second time and referred, 228.
 Reported back, 244.
 Recommitted, 288.
 Reported back with amendments, 412.
 Passed the senate, 773.

House Bill No. 75—(Arnold)

A bill for an act requiring each county officer who receives from any county a stated salary for his services, to keep a record of the fees received by him, as such officer, and to pay such fees into the county treasury, and making it a misdemeanor for any such officer to neglect or omit to charge or collect the fees which he is by law allowed to charge or collect, or to fail to keep a record of the same, or to fail to turn over or pay the same into the county treasury.
 Received from house, 201.
 Read first time, 212.
 Read second time and referred, and re-referred, 229.
 Reported back do pass, 254.
 Referred to committee on judiciary, 415.
 Reported back with amendments, 692.

House Bill No. 77—(Blank)

A bill for an act to correct errors in town, village or city plats.
 Received from house, 268.
 Read first and second time and referred, 277.
 Reported back with amendments, 451.
 Passed the senate, 605.

House Bill No. 78—(Oveson)

A bill for an act to amend and reenact section 2041 of the revised codes of 1899, relating to election of township officers and their term of office.
 Received from house, 187.
 Read first time, 211.
 Read second time and referred, 229.
 Reported back do pass, 449.
 Passed the senate, 602.

House Bill No. 79—(Phelan)

A bill for an act to amend section 2967, chapter 12, of the civil code, relating to railway corporations.
 Received from house, 483.
 Read first and second time and referred, 522.
 Reported back do pass, 592.
 Passed the senate, 713.

House Bill No 80—(Phelan)

A bill for an act to amend sections 3003, 3006 and 3008 of the revised codes of 1899, relating to powers and duties of the commissioners of railroads.
 Received from house, 268.
 Read first and second time and referred, 276.
 Reported back with amendments, 618.

House Bill No. 81—(Morgan)

A bill for an act to provide for copies of the assessment rolls to be furnished township clerks by the county auditor.
 Received from house, 268.
 Read first and second time and referred, 276.
 Reported back do pass, 496.
 Passed the senate, 771.

House Bill No. 82—(Peterson)

A bill for an act to amend chapter 4, of the session laws of 1903, being section 6633 of the revised codes of North Dakota, 1899, relating to procedure in civil actions in justice court.
 Received from house, 139.
 Read first and second time and referred, 161.
 Reported back indefinitely postponed, 664.

House Bill No. 86—(Johnson of Ward)

A bill for an act to provide for the levy of a tax in certain counties to aid in the establishment and maintenance of county agricultural fair associations.
 Received from house, 551.
 Read first and second time and referred, 580.
 Reported back with amendments, 619.
 Passed the senate.
 Re-referred, 677.
 Reported back with amendments, 694.
 Passed the senate, 769.

House Bill No. 87—(Lillie)

A bill for an act making an appropriation for purchasing a site, erecting a building, furnishing and equipping the same, for the use of the North Dakota school of forestry, located at Bottineau, North Dakota, and to provide funds for the maintenance of said school.

Received from house, 613.

Read first and second time and referred, 633.

Reported back do pass, 695.

Passed the senate, 740.

House Bill No. 88—(Purdon)

A bill for an act providing for the retirement of officers in the national guard of the State of North Dakota, who have rendered faithful service therein for a period of ten years or more.

Received from house, 221.

Read twice and referred, 228.

Reported back do pass, 314.

Passed the senate, 433.

House Bill No. 89—(Purdon)

A bill for an act to authorize the issuance of faithful service medals to officers and enlisted men in the national guard of the state of North Dakota.

Received from house, 187.

Read first time, 211.

Read second time and referred, 229.

Reported back do pass, 314.

Passed the senate, 434.

House Bill No. 91—(Purdon)

A bill for an act to appropriate money for the care and preservation of the state military encampment grounds, Rock Island, Ramsey county, North Dakota.

Received from house, 188.

Read first time, 212.

Read second time and referred, 229.

Reported back with amendment, 349.

House Bill No. 94—(Underwood)

A bill for an act to amend section 3218 of the revised codes of 1899 as amended by chapter 46 of the session laws of 1901.

Received from house, 303.

Read first and second time and referred, 306.

Reported back do pass, 407.

Passed senate, 728.

House Bill No. 96—(Underwood)

A bill for an act amending section 3261 of the revised codes of the State of North Dakota, of 1899, relating to foreign corporations doing business in this state.

Received from house, 583.

Read first and second time and referred, 601.

Passed senate, 727.

House Bill No. 97—(Underwood)

A bill for an act to legalize the incorporation of certain cities, towns, villages, townships and school districts, and acts of officers of the same.

Received from house, 612.

Read first and second time and referred, 632.

Reported back do pass, 645.

Passed the senate, 772.

House Bill No. 99—(Phelan)

A bill for an act to amend section 1595 and 1596 of the revised code as amended by chapter 207 of the session laws of 1901 and section 1600 of the revised code of 1899, relating to district veterinarians,

Received from house, 170.

Read first time, 212.

Read second time and referred, 229.

Reported back with amendments, 318.

Passed the senate, 577.

House Bill No. 102—(Sowle)

A bill for an act making it unlawful for any person to solicit orders for intoxicating liquors in the State of North Dakota.

Received from house, 303.

Read first and second time and referred, 305.

Reported back do pass, 460.

House Bill No. 105—(McLain)

A bill for an act to amend section 1619 of the revised codes of 1899, relating to diplomas and certificates of veterinarians.

Received from house, 406.

Read first and second time and referred, 430.

Reported back do pass, 461.

Passed the senate, 755.

House Bill No. 109—(Purdon)

A bill for an act providing that all appointments to the various departments of the national guard of the State of North Dakota, shall be made from officers of the field or line.

Received from house, 188.

Read first time, 211.

Read second time and referred, 229.

Reported back do pass, 314.

Passed the senate, 435.

House Bill No. 110—(Rogers)

A bill for an act to prohibit the obstruction of public highways by railroad cars within this state, and fixing the penalty for violation thereof.

Received from house, 427.

Read first and second time and referred, 430.

Reported back, 618.

House Bill No. 112—(Richmond)

A bill for an act to provide for the filing of satisfaction of mechanics' lien, and penalty for failure to do so.

Received from house, 405.

Read first and second time and referred, 430.

Reported back do pass, 499.

Passed the senate, 773.

House Bill No. 113—(Richmond)

A bill for an act to cure defective acknowledgments.

Received from house, 269.

Read first and second time and referred, 277.

Reported back indefinitely postponed, 623.

House Bill No. 114—(Dickinson)

A bill for an act to amend section 237 of the revised codes, 1899, and to amend section 238 of chapter 169 of session laws, 1901, relating to state depositories.

Received from house, 702.

Read first and second time and referred, 712.

Reported back, 764.

Passed the senate, 738.

House Bill No. 115—(Adams)

A bill for an act to amend section 1 of chapter 162 of the laws of 1903, relating to the expenditure

House Bill No. 115—Continued.

of money by contract for road improvements in counties organized into civil townships, and in counties not so organized, and prescribing the duties of supervisors of townships and boards of county commissioners with reference thereto; also to repeal sections 2 and 3 of said chapter.

Received from house, 269.

Read first and second time and referred, 278.

Reported back with amendment, 499.

Passed the senate, 604.

House Bill No. 117—(Lillie)

A bill for an act regulating the sale of poisons and disinfectants, and to amend section 7283 of chapter 39 of the penal code of 1899, relating to other injuries to persons, and exempting certain sales from the penalties of the same.

Received from house, 552.

Read first and second time and referred, 580.

Reported back indefinitely postponed, 689.

House Bill No. 118—(Purdon)

A bill for an act to enable military organizations to issue bonds to secure funds for armory purposes and making an appropriation for armory rent.

Received from house, 188.

Read first time, 211.

Read second time and referred, 230.

Reported back with amendment, 339.

House Bill No. 120—(Martin)

A bill for an act to fix dates for holding term of district court in the county of Billings.

Received from house, 269.

Read first and second time and referred, 277.

Reported back do pass, 315.

Re-referred, 508.

Reported back with amendments, 534.

Passed senate, 550.

House Bill No. 121—(Purdon)

A bill for an act entitled an act to amend chapter 164 of the session laws of 1901, relating to 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 limiting the compensation for collecting the same.

Received from house, 437.

Read first and second time and referred, 522.

Reported back do pass, 560.

House Bill No. 122—(Treat)

A bill for an act to prevent the abandonment and neglect of wife or children by persons charged by law with the maintenance thereof; to make such abandonment and neglect a felony; and to prescribe the punishment therefor.

Received from house, 220.

Read first time, 227.

Read second time and referred, 227.

Reported back do pass, 592.

Passed senate, 727.

House Bill No. 124—(Chapman)

A bill for an act to amend section 2865 of the revised codes of 1899.

Received from house, 220.

Read twice and referred, 227.

Reported back do pass, 254.

Passed by senate with amendments, 432.

House Bill No. 125—(Stevens of Dickey)

A bill for an act to amend chapter 70 of the session laws of 1901, relating to the dissolution of marriage.

Received from house, 552.

Read first and second time and referred, 580.

House Bill No. 129—(Gilbert)

Establishing a state board of embalmers.

Received from house, 405.

Read first and second time and referred, 430.

Reported back do pass, 449.

Passed the senate, 604.

House Bill No. 131—(Burgum)

A bill for an act to amend section 1283 of the revised codes and to repeal chapter 156 of the laws of 1903.

Received from house, 438.

Read first and second time and referred, 521.

Reported back, 617.

Passed senate, 674.

House Bill No. 133—(Rose)

A bill for an act to repeal sections 2209 to 2247, both inclusive, of the revised codes of 1899, relating to municipal courts.

Received from house, 340.

Read first and second time and referred, 428.

Reported back do pass, 561.

Passed the senate, 606.

House Bill No. 136—(Underwood)

Concurrent resolution to amend section 176 of the constitution.

Received from house, 302.

Read first and second time and referred, 305.

Reported back indefinitely postponed, 624.

House Bill No. 138—(Stevens of Burleigh.)

A bill for an act to amend section 5210 of the revised codes of 1899, relating to the time of commencement of actions.

Received from house, 702.

Read first and second time and referred, 711.

Reported back, 764.

Passed the senate, 756.

House Bill No. 139—(Stevens of Burleigh)

A bill for an act repealing sections 7001 and 7002 of the revised codes of 1899, relative to the buying and selling of titles.

Received from house, 663.

Read first and second time and referred, 668.

Reported back do pass, 693.

House Bill No. 144—(Cooper of Stutsman)

A bill for an act to amend article 25 of chapter 21 of the revised codes of North Dakota of 1899, relating to public warehouses. Received from house, 406. Read first and second time and referred, 430. Reported back indefinitely postponed, 496.

House Bill No. 148—(Eggen)

A bill for an act to amend section 1728 of the revised codes of North Dakota for 1899, relating to weights and measures. Received from house, 483. Read first and second time and referred, 522. Reported back indefinitely postponed, 591.

House Bill No. 149—(Martin)

A bill for an act making it a misdemeanor to move personal property from the state or dispose of the same with the intention of avoiding the payment of personal property taxes. Received from house, 340. Read first and second time and referred, 428. Reported back, 534. Passed the senate, 767.

House Bill No. 151—(Simpson)

A bill for an act to amend sections one (1), two (2), four (4), five (5), eight (8), thirteen (13), and sixteen (16), of chapter 130, of the session laws of North Dakota of 1903. Received from house, 541. Read first and second time and referred, 579.

House Bill No. 152—(Briden)

A bill for an act to amend and reenact section 681 of the revised codes of 1899, relating to education. Received from house, 514. Read first and second time and referred, 523. Reported back do pass, 530. Passed the senate, 575.

House Bill No. 153—(Underwood)

A bill for an act to repeal chapter 122 of the laws of 1903, and section 479_o of the revised codes, relating to sales of buildings upon foreclosure of mechanics' liens thereon. Received from house, 269. Read first and second time and referred, 278.

House Bill No. 157—(Braaten)

A bill for an act to amend section 1114 of the revised codes of North Dakota, 1899, relating to the duty of supervisors. Received from house, 380. Read first and second time and referred, 429. Reported back do pass, 451. Passed the senate, 726.

House Bill No. 158—(Weigel)

A bill for an act to regulate the manufacture and sale of dairy products and imitations and substitutes, therefor, prescribing penalties for violations, to create the office of assistant dairy commissioner, prescribing his duties and fixing his salary. Received from house, 583. Read first and second time and referred, 601. Reported back do pass, 643. Passed the senate, 678.

House Bill No. 159—(Belden)

A bill for an act to amend section 1030 of the revised codes of 1899, relating to public institutions. Received from house, 269. Read first and second time and referred, 278. Reported back with amendments, 399. Passed the senate, 747.

House Bill No. 160—(Davis)

A bill for an act to amend section 1791 of the revised codes of 1899, relating to public warehouses. Received from house, 270. Read first and second time and referred, 277. Reported back with amendments, 562. Passed the senate, 725.

House Bill No. 162—(Vernon)

A bill for an act to amend section 286 of the revised codes of North Dakota of 1899, relating to the registration of pharmacists.
 Received from house, 270.
 Read first and second time and referred, 278.
 Reported back do pass, 162.
 Passed the senate, 743.

House Bill No. 163—(Meidinger)

A bill for an act fixing the time of holding the term of the district court in the county of McIntosh.
 Received from house, 269.
 Read first and second time and referred, 277.
 Reported back with amendments, 559.
 Passed the senate, 712.

House Bill No. 166—(Peterson)

A bill for an act to amend section 1257 of the revised codes of 1899, and to repeal section 1245 of the revised codes of 1899, relating to the lien of taxes.
 Received from house, 302.
 Read first and second time and referred, 305.
 Reported back with amendments, 497.
 Passed the senate, 712.

House Bill No. 172—(Ellison)

A bill for an act that railroads shall bulletin the time of arrival and departure of passenger trains.
 Received from house, 607.
 Read first and second time and referred, 630.
 Reported back, 690.
 Referred to steering committee, 690.

House Bill No. 174—(Ellison)

A bill for an act amending section 2581 of the revised codes relating to board of health.
 Received from house, 607.
 Read first and second time and referred, 630.
 Reported back do pass, 643.
 Passed the senate, 718.

House Bill No. 176—(Spangberg)

A bill for an act to amend chapter 107 of the session laws of 1901, relating to gopher tax.
 Received from house, 484.
 Read first and second time and referred, 522.
 Reported back with amendments, 616.
 Passed the senate, 717.

House Bill No. 177—(Stavens)

A bill for an act to amend section 6315 of the revised codes of 1899, relating to letters of administration, and who entitled to the same.
 Received from house, 340.
 Read first and second time and referred, 428.
 Reported back with amendments, 559.

House Bill No. 178—(Sheils)

A bill for an act defining trusts and conspiracy against trade, declaring contracts in violation of the provisions of this act void, and making certain acts in violation thereof misdemeanors, and prescribing the punishment therefor and matters connected therewith.
 Received from house, 313.
 Read first and second time and referred, 331.
 Reported back do pass, 497.
 Passed the senate, 677.

House Bill No. 179—(Buttz)

A bill for an act to amend section 4797 of the revised codes of 1899 of the state of North Dakota.
 Received from house, 340.
 Read first and second time and referred, 428.
 Reported back with amendments, 691.
 Passed the senate, 742.

House Bill No. 184—(Sheils)

A bill for an act making it unlawful for boards of trustees, commissioners, directors, regents, person or persons to expend amounts in excess of appropriation, providing for monthly reports to the governor and re-

House Bill No. 184—Continued.

pealing section 1023 of the revised codes.

Received from house, 542.

Read first and second time and referred, 581.

Reported back do pass, 591.

Passed the senate, 724.

House Bill No. 185—(Sheils)

A bill for an act to amend section 3, of chapter 34, of the laws of 1901, relating to the time when the board of pardons shall meet.

Received from house, 612.

Read first and second time and referred, 632.

Reported back, 644.

Passed the senate, 714.

House Bill No. 188—(Micklejohn)

A bill for an act to amend section 3094 of the revised codes of North Dakota for 1899, relating to investments of funds of domestic insurance corporations.

Received from house, 427.

Read first and second time and referred, 430.

Reported back, 498.

Passed the senate, 550.

House Bill No. 192—(Chapman)

A bill for an act appropriating \$2,000 or so much thereof as may be necessary, out of any funds in the state treasury not otherwise appropriated to defray expenses of irrigation investigations and the per diem and expenses of State Engineer Chandler, and providing for the reimbursement of the counties of Ransom, Ward, McLean, La-Moure and Williams for money advanced by them to defray irrigation investigation expenses.

Received from house, 607.

Read first and second time and referred, 631.

Reported back, 642.

Passed the senate, 737.

House Bill No. 193—(Ryan)

A bill for an act providing that whenever any court in passing sentence upon any person convicted of a misdemeanor, sentences such person to confinement in the county jail, the court shall, if in his opinion such per-

House Bill 193—Continued.

son is capable of performing manual labor, sentence such person to confinement in the county jail at hard labor.

Received from house, 340.

Read first and second time and referred, 429.

Reported back do pass, 560.

House Bill No. 194—(Ryan)

A bill for an act to amend sections 3532, 3533, 3534, 3535 and 3584, paragraph 2, of the revised codes of North Dakota, 1899, relating to the execution by corporations of instruments affecting titles to real estate, prescribing the manner of execution and the form of acknowledgement, validating instruments heretofore executed, and enacting other provisions relating thereto.

Received from house, 313.

Read first and second time and referred, 332.

Reported back indefinitely postponed, 683.

House Bill No. 201—(Streeter)

A bill for an act to amend section 1804 of the revised codes, prescribing the requirements of newspapers qualified to do legal printing.

Received from house, 490.

Read first and second time and referred, 522.

Reported back, 561.

Passed senate, 715.

House Bill No. 205—(Ryan)

A bill for an act providing that the register of deeds shall give a receipt for instruments left in his office to be filed or recorded therein.

Received from house, 612.

Read first and second time and referred, 632.

Reported back, 645.

House Bill No. 213—(Johnson of Ward)

A bill for an act to amend section 8120 of the revised codes of 1899, relating to affidavits of prejudice in criminal actions.

Received from house, 405.

Read first and second time and referred, 430.

House Bill No. 214—(Johnson of Ward)

A bill for an act to amend section 5578 of the revised codes of 1899, relating to taxation of costs in civil actions.
 Received from house, 525.
 Read first and second time and referred, 581.
 Reported back indefinitely postponed, 647.

House Bill No. 218—(Dickinson)

A bill for an act requiring grain buyers, elevator companies and mills to pay for the dockage or screenings in the grain.
 Received from house, 406.
 Read first and second time and referred, 431.

House Bill No. 220—(Johnson of Ward)

A bill for an act to amend section 354 of the revised codes of North Dakota, 1899, relating to offices and officers and the qualification of officer.
 Received from house, 542.
 Read first and second time and referred, 579.
 Reported back, 646.
 Passed the senate, 778.

House Bill No. 221—(Dahl)

A bill for an act to amend section 1, of chapter 158, of the session laws of 1899, being section 3491a, of the revised codes of North Dakota, 1899, relating to titles to real property.
 Received from house, 542.
 Read first and second time and referred, 579.
 Reported back with amendments, 647.

House Bill No. 222—(Ryan)

A bill for an act for the organization and government of cities.
 Received from house, 490.
 Read first and second time and referred, 522.
 Reported back, 535.
 Passed the senate, 575.

House Bill No. 224—(Morgan)

A bill for an act to amend chapter 204 of the session laws of 1901 being section 2564 of the revised codes of 1899. That chapter 204 of the session laws of 1901 shall be amended and reenacted to read as follows:
 Received from house, 563.
 Read first and second time and referred, 579.
 Reported back, 592.

House Bill No. 225—(Richmond)

A bill for an act concerning the transferring of a person's business.
 Received from house, 542.
 Read first and second time and referred, 581.
 Reported back indefinitely postponed, 692.

House Bill No. 227—(Lillie)

A bill for an act to amend section 6615 of the revised codes of North Dakota.
 Received from house, 542.
 Read first and second time and referred, 581.
 Reported back with amendments, 764.
 Passed the senate, 757.

House Bill No. 230—(Davis)

A bill for an act to amend section 5577 of the revised codes, relating to costs on foreclosure of liens.
 Received from house, 663.
 Read first and second time and referred, 668.
 Reported back, 693.
 Passed the senate, 746.

House Bill No. 231—(Chapman)

A bill for an act to provide for the organization of school districts in unorganized counties.
 Received from house, 514.
 Read first and second time and referred, 523.
 Reported back, 530.

House Bill No. 237—(Eggen)

A bill for an act to amend section 6613 of the revised codes of 1899, of the state of North Dakota,
 Received from house, 662.
 Read first and second time and referred, 667.
 Reported back, 692.

House Bill No. 244—(Phelan)

A bill for an act to amend section 1605 of the revised codes of 1899, relating to compensation, bonds and qualification of district veterinarians.

Received from house, 553.

Read first and second time and referred, 580.

Reported back, 591.

Passed the senate, 776.

House Bill No. 245—(Phelan)

A bill for an act to repeal chapter 34, of session laws of 1903, relating to expositions.

Received from house, 611.

Read first and second time and referred, 631.

House Bill No. 251—(Glasgow)

A bill for an act to amend section 786 of the revised codes of 1899, relating to education.

Received from house, 564.

Read first and second time and referred, 579.

Reported back with amendments, 696.

Passed the senate, 755.

House Bill No. 252—(McCrea)

A bill for an act providing for proposals for loaning city and school funds and defining the duties of the various officers of the city or school districts with reference thereto.

Received from house, 552.

Read first and second time and referred, 580.

Reported back, 622.

Passed the senate, 674.

House Bill No. 253—(Tofsrud.)

A bill for an act to provide for the enforcement of section 7560, and other laws relating to cruelty to animals.

Received from house, 552.

Read first and second time and referred, 580.

Reported back, 591.

House Bill No. 255—(Rose)

A bill for an act to amend and reenact section 1855, revised codes of 1899, relating to the formation of new counties.

Received from house, 612.

Read first and second time and referred, 632.

Reported back, 708.

Passed the senate, 709.

House Bill No. 257—(Phelan)

A bill for an act to amend chapter 165 session laws of 1903, relating to hawkers and peddlers.

Received from house, 663.

Read first and second time and referred, 667.

House Bill No. 260—(Arnold)

A bill for an act relating to the dismissal of civil actions and providing when and how such actions may be dismissed, and when the judgment of dismissal shall be on its merits.

Received from house, 582.

Read first and second time and referred, 601.

Reported back, 693.

Passed the senate, 776.

House Bill No. 265—(Ryan)

A bill for an act for the consolidation of a fractional or one or more townships attached to another civil township, by the county commissioners.

Received from house, 564.

Read first and second time and referred, 580.

Reported back, 622.

Passed the senate, 767.

House Bill No. 272—(Davis)

A bill for an act to amend section 1259 of the political code of the state of North Dakota.

Received from house, 612.

Read first and second time and referred, 631.

Reported back, 645.

House Bill No. 274—(Stevens of Burleigh.)

A bill for an act amending section 1, of chapter 83, session laws of 1901, relating to engrossing and enrolling bills.

Received from house, 612.

Read first and second time and referred, 631.

House Bill No. 277—(Lillie)

A bill for an act to amend section 2947, of the revised codes of North Dakota for the year 1899, relating to the powers of railroad corporations.

Received from house, 664.

Read first and second time and referred, 668.

Reported back, 690.

Passed the senate, 723.

House Bill No. 280—(Stevens of Burleigh)

A bill for an act authorizing the state, through the board of university and school lands, and the counties, townships, cities, towns, villages, of the state, through their corporate authorities, to become members of water users' association and authorizing them to purchase and hold certificates of stock therein, and granting rights of way over state and school lands for irrigation flumes, ditches and canals, and the right to construct reservoirs thereon for the storage of water for irrigation purposes.

Received from house, 613.

Read first and second time and referred, 632.

Reported back with amendments, 645.

Passed the senate, 753.

House Bill No. 281—(Ryan)

A bill for an act amending section 8279 of the revised codes of 1899, relating to criminal procedure.

Received from house, 663.

Read first and second time and referred, 668.

House Bill No. 284—(Cooper of Stutsman)

A bill for an act to amend sections 1944 and 1949 of the revised codes of North Dakota of 1899, relating to depositories of county funds.

Received from house, 635.

Read first and second time and referred, 633.

Reported back, 646.

Passed the senate, 741.

House Bill No. 286—(Streeter)

A bill for an act defining criminal libel and conspiracy to libel, and providing punishment therefor.

House Bill No. 286—Continued.

Received from house, 635.

Read first and second time and referred, 633.

Reported back, 648.

Passed the senate, 675.

House Bill No. 287—(Chapman)

A bill for an act to provide for the removal of the county seat in organized counties within this state, which prior to the taking effect of this act have constructed no court house.

Received from house, 663.

Read first and second time and referred, 668.

Reported back with amendments, 691.

Passed the senate, 723.

House Bill No. 288—(Rose)

A joint resolution to provide for the compilation and publication of the revised codes of North Dakota for 1905, providing for the payment and directing the manner of sale of the same.

Received from house, 635.

Read first and second time and referred, 633.

Reported back, 684.

Passed the senate, 749.

House Bill No. 289—(McClure)

A bill for an act to protect beavers in the state of North Dakota.

Received from house, 635.

Read first and second time and referred, 633.

Reported back with amendments, 644.

Passed the senate, 728.

House Bill No. 291—(Stevens of Burleigh)

A bill for an act repealing chapter 88 of the revised codes of 1899, relating to negotiable instruments in general.

Received from house, 710.

Read first and second time and referred, 711.

Reported back.

Passed the senate, 739.

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