

STATE OF NORTH DAKOTA

JOURNAL OF THE HOUSE

OF THE

ELEVENTH SESSION

OF THE

LEGISLATIVE ASSEMBLY

*Begun and held at the Capitol at Bismarck,
January 5 to March 5, 1909,
Inclusive*

BISMARCK, N. D. •

TRIBUNE, STATE PRINTERS AND BINDERS

1909

OFFICERS AND MEMBERS
OF THE
HOUSE OF REPRESENTATIVES OF
NORTH DAKOTA

FOR THE
ELEVENTH LEGISLATIVE ASSEMBLY

1909

OFFICERS

| | |
|--|--|
| SPEAKER..... | U. L. BURDICK |
| CHIEF CLERK..... | W. D. AUSTIN |
| ASSISTANT CHIEF CLERKS..... | E. ERLANDSON, E. H. GRIFFITH |
| STENOGRAPHER..... | MABEL THORBURN |
| CHIEF ENROLLING AND ENGROSSING CLERK..... | T. G. ANDERSON |
| ASSISTANT ENROLLING AND ENGROSSING CLERKS..... | HARRY DENCE AND ETHEL MANGOLD |
| BILL CLERK..... | GEORGE FARRIES |
| ASSISTANT BILL CLERK..... | J. H. SOGN |
| SERGEANT-AT-ARMS..... | JOHN MORRIS |
| VOUCHER CLERK..... | J. J. CLARY |
| DOORKEEPERS..... | JAMES LYNCH, HENRY HOLTER |
| DOORKEEPER TO THE GALLERY..... | MATT GULLICKSON |
| MESSENGERS..... | THEO. HELBERG, C. N. OLSON |
| POSTMASTER..... | JOHN BRASHARD |
| CHAPLAIN..... | REV LOUIS MAGIN |
| PROOFREADER..... | WALTER F. CUSHING |
| JOURNAL CLERK..... | CHAS GREENWOOD |
| ASSISTANT JOURNAL CLERKS..... | ROY H. BRYANT AND J. E. BUTTREE |
| MAILING CLERK..... | JOE RADFORD |
| WATCHMAN..... | BEN WAGNESS |
| CLERK OF JUDICIARY COMMITTEE..... | FRANK GLADSTONE |
| CLERK OF APPROPRIATION COMMITTEE..... | ALEX WRIGHT |
| CLERK OF COMMITTEE ON STATE AFFAIRS..... | L. H. PATTON |
| STENOGRAPHERS AND TYPEWRITERS FOR THE MEMBERS..... | BERTHA ANDERSON, FLORENCE CONNOLY, OSCAR BREDSTON, TESS HENRY, LORRAINE MAL- LOUGH, F. E. PACKARD, GEORGE SCENEPPER, E. R. COLEMAN, GERTRUDE LEONARD. |
| PAGES..... | CLARENCE PIERSON, FLOYD PARIS, WILLIE LAIST, WESLEY R. COCHRANE, CURTIS DIRLAM, JULIUS AMBERSON, CHARLES COUCH. |
| JANITORS..... | HANS THOMPSON, T. S. NYGARD, GEO. FISHER, JAMES FLANNIGAN. |

MEMBERS

| Dist. | Name | Postoffice Address | Occupation | Where Born | Came to State | Married or Single | Age |
|-------|-----------------------|--------------------|-------------|-------------|---------------|-------------------|-----|
| 14 | Aasheim, John A. | Enderlin | Farmer | Norway | 1901 | Single | 52 |
| 10 | Akesson, J. B. | Fargo | Farmer | Sweden | 1878 | Single | 53 |
| 21 | Anderson, Bernt | Churchs Ferry | Farmer | Norway | 1883 | Married | 48 |
| 23 | Atwood, Truman J. | Courtenay | Mercantile | Connecti't. | 1893 | Married | 49 |
| 9 | Baker, Jr., Thos. | Fargo | Fire Ins. | Vermont | 1880 | Married | 50 |
| 31 | Baker, Frank M* | Dickinson | Lawyer | Iowa | 1902 | Single | 32 |
| 3 | Bjorndahl, Knute N. | Edinburgh | Farmer | Norway | 1898 | Married | 27 |
| 12 | Erusletten, Lewis L. | Wahpeton | Farmer | Norway | 1882 | " | 52 |
| 35 | Brynjulson, Geo. | Bowden | Farmer | Norway | 1883 | " | 50 |
| 18 | Burdick, Usher L. | Munich | Banker | Minnesota. | 1882 | " | 30 |
| 8 | Burnett, Wm. J. | Cummings | Farmer | Ohio | 1885 | " | 55 |
| 30 | Burns, John C. | Glen Ullin | " | Ireland | ** | " | 55 |
| 29 | Chatfield, Mark M. | Minot | Lawyer | Minnesota. | 1902 | " | 33 |
| 3 | Christianson, C. I. | Edinburgh | Farmer | Pennsyl'a | 1887 | " | 46 |
| 11 | Collins, J. F. | Page | Farmer | Minnesota. | 1888 | " | 44 |
| 6 | Collins, James. | Grand Forks. | " | Canada. | 1882 | " | 47 |
| 18 | Crawford, Chas. G. | Calvin | Farmer | Ontario | " | " | 33 |
| 24 | Cunningham, A. W. | Grand Rapids | Farmer | New York | 1881 | " | 50 |
| 43 | Davidson, Ernest | Portal | " | Minnesota. | 1884 | " | 37 |
| 9 | Dibley, Francis E. | Fargo | Br'ge B'ldr | Wisconsin. | 1879 | " | 49 |
| 32 | Doyle, Stephen J. | Carrington | R'l Estate. | Massach'ts | 1890 | " | 38 |
| 36 | Doyle, John J. | Wishek | R'l Estate. | Minnesota. | 1885 | Single | 44 |
| 20 | Duncan, James | Josephine | Farmer | Scotland | 1881 | Married | 54 |
| 31 | Evans, Thomas | Dickinson | Stock Gr'er | Wisconsin. | 1882 | " | 50 |
| 4 | Fraue, Jno F. | Grafton | Lawyer | England | 1885 | " | 48 |
| 34 | Freeman, Geo. | Upham | Stock R'sg | Ireland | 1882 | " | 44 |
| 2 | Gansle, Christian | St. Thomas | Farmer | Germany | 1882 | " | 48 |
| 29 | Garden, E. L. | Souris | Hardware. | Iowa | 1899 | " | 36 |
| 22 | Gibbens, Albert S. | Cando | Farmer | Illinois | 1882 | " | 51 |
| 36 | Giedt, John J. | Ashley | Banker | Russia | 1887 | " | 39 |
| 17 | Goldammer, Frank | Lakota | Farmer | Germany | 1882 | " | 51 |
| 37 | Grant, O. T. | Kindred | Farming | Norway | 1876 | " | 45 |
| 7 | Hale, Clarence A. | Grand Forks. | " | Wisconsin. | 1882 | Single | 50 |
| 30 | Hanley, James M. | Mandan | Attorney | Minnesota. | 1902 | Married | 32 |
| 16 | Hemmingsen, Nels | " | Farmer | Denmark | 1882 | " | 61 |
| 48 | Hendrickson, Staaie. | Coteau | Mercantile | Norway | 1893 | " | 34 |
| 47 | Hill, James | Newburg | " | Ontario | 1897 | " | 50 |
| 41 | Homness, Geo. Paul. | Crosby | Lawyer | Wisconsin. | 1893 | Single | 36 |
| 21 | Honey, John A. | Devils Lake | Banking | Ontario | 1893 | Married | 40 |
| 27 | Hughes, Thos. D. | Bismarck | Sup. Ins. A | Canada | " | " | 39 |
| 43 | Jewet, Geo. C. | Columbus | Bk Cashier | Minnesota. | 1900 | " | 33 |
| 28 | Johnson, Matt. | Omemees | Newspaper | Iowa | 1879 | Single | 37 |
| 46 | Johnson, John A. | Dogden | Banking | Sweden | 1900 | Married | 43 |
| 19 | Johnson, John M. | Milo | Farmer | Norway | 1886 | " | 56 |
| 46 | Kinney, Geo. W. | Garrison | Farmer | Wisconsin. | 1895 | " | 46 |
| 37 | Kinney, Eugene L. | Hankinson | " | Wisconsin. | " | " | 39 |
| 23 | Kneeland, Fred G. | Jamestown | Lawyer | Maine | 1902 | " | 45 |
| 25 | Knox, Chas. E. | Oakes | Farmer | Wisconsin. | 1903 | " | 29 |
| 45 | Kremer, Geo. M. | Balfour | Farmer | Iowa | 1902 | Single | 46 |
| 15 | Law Geo. H. | Leal | Farmer | Canada | 1826 | Married | 47 |
| 3 | Laithwaite, Geo. C. | Edinburg | Farmer | Ontario | 1892 | " | 43 |
| 44 | Linde, Henry J. | Plaza | Lawyer | Iowa | 1900 | " | 30 |
| 17 | Lindvig, Fred | Lakota | Farmer | Norway | 1886 | Marr ed | 47 |
| 5 | Lucke, Ferdinand. | McCanna | Farmer | Denmark | 1883 | " | 47 |
| 30 | Martin, W. E. | Morton Co | Farmer | Illinois | 1881 | " | 59 |
| 1 | McCrea, Geo. A. | Drayton | Banking | Ontario | 1879 | " | 48 |
| 39 | McLear, John | Harmon | Ranching | New York. | 1879 | Single | 44 |
| 20 | Moen, Paul | Maddock | Farming | Minnesota. | 1887 | Married | 43 |
| 40 | Moen, Erick J. | Osnabrock | Farmer | Norway | 1883 | " | 38 |
| 13 | Narum, Peter J. | Formau | Farming | Norway | 1885 | " | 49 |
| 4 | Nelson, Jacob | Voss | " | Wisconsin | " | " | 54 |
| 16 | Nelson, S. H. | Steele Co. | Farmer | Wiscons n. | 1880 | " | 55 |
| 34 | Nelson, John R. | Granville | Merchant | Ohio | 1902 | " | 53 |
| 42 | Nyhus, Ole | Berwick | Farmer | Norway | 1888 | " | 47 |
| 14 | Olson, A. J. | Ft. Ransom | Merchant. | Norway | 1882 | " | 34 |
| 16 | Paulson, Ole | Portland | " | Norway | 1880 | " | 40 |
| 11 | Peart, A. L. | Chaffee | Merchant.. | New York. | 1894 | Married | 41 |
| 23 | Pendray, Richard | Jamestown | Farmer | England | 1880 | " | 43 |
| 10 | Plath, A. A. | " | Farmer | Wisconsin. | 1878 | " | 42 |
| 15 | Ployhar, Franklin, E. | Valley City | Newspaper | Iowa | 1881 | " | 31 |

*Deceased

**Territorial days

MEMBERS—Continued.

| Dist. | Name | Postoffice Address | Occupation | Where Born | Came to State | Married or Single | Age |
|-------|----------------------------|--------------------|------------------|--------------|---------------|-------------------|-----|
| 41 | Poe, Frank J ..... | ..... | ..... | Alabama .. | 1892 | Married .. | 48 |
| 22 | Pound, John W | Hansboro | Farmer | Canada ... | 1886 | " | 46 |
| 6 | Price, Wm J | Fargo | Plumber | England ... | 1889 | " | 41 |
| 32 | Putman, S. N | Eddy Co. | Farmer | Minnesota. | 1883 | " | 48 |
| 29 | Schull, Harold J | Minot | Lawyer | England ... | 1906 | Single ... | 32 |
| 31 | Senour, Geo. A | Dickinson | Banker | Indiana ... | 1886 | " | 50 |
| 33 | Sgutt, Julius | Harvey | Merchant | Roumania .. | 1896 | Married .. | .. |
| 24 | Sheils, Chester H | Edgeley | R'l Estate | Minnesota .. | ..... | " ..... | 45 |
| 23 | Sinclair, W | Cleveland | Farmer | Scotland .. | 1883 | " | 38 |
| 29 | Skinner, Egbert D | Sawyer ..... | ..... | Iowa | 1886 | Married .. | 60 |
| 6 | Skulason, Bardi G | Grand Forks | Lawyer | Iceland ... | 1880 | " | 39 |
| 8 | Sorlie, O. J | Buxton | Farmer | Minnesota .. | 1886 | " | 44 |
| 34 | Steen, John | Knox ..... | ..... | Norway | 1890 | Single ... | 35 |
| 25 | Storey, John | Steele | Stockman | Ireland ... | 1883 | " | 43 |
| 28 | Streeter, Darwin R | Linton | Newspaper | Illinois ... | 1881 | Married .. | 62 |
| 7 | Thompson, Gullick | Thomrson | Farmer | Norway ... | 1877 | " | 55 |
| 35 | Thompson, Frank J | Washburn | Hardware | Wisconsin .. | 1901 | " | 32 |
| 32 | Thoreson, Martin | Fingal | Farmer | Norway ... | 1902 | Married .. | 53 |
| 21 | Traynor, Fred J | Devils Lake | Attorney | Ontario ... | ..... | " ..... | 31 |
| 12 | Ward, Wm. T | Farmington | Farming | New York .. | 1880 | Married .. | 64 |
| 1 | Welford, Walter | Neche | Farmer | England ... | 1879 | " | 41 |
| 8 | White, Geo. A | Portland | Lawyer | Michigan .. | 1879 | Married .. | 52 |
| 5 | Wisner, Victor S | Larimore | Dentist | New York .. | 1880 | " | .. |
| 27 | Wolbert, Granville W | Bismarck | Hardware | Wisconsin .. | 1888 | " | 45 |
| 39 | Young, John | Mannhaven | R'l Estate | Scotland .. | 1889 | " | 37 |

Journal of the House

ELEVENTH SESSION

FIRST DAY

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
January 5, 1909.

At the hour of twelve o'clock, meridian, the fifth day of January, 1909, being the day and hour designated by law for the convening of the legislative assembly of the state of North Dakota the members elect of the house of representatives of the Eleventh session of the legislative assembly assembled in the house chamber in the capitol at Bismarck and were called to order by P. D. Norton, chief clerk of the house of representatives of the Tenth legislative assembly of the state of North Dakota.

The session opened with prayer by Rev. L. Magin.

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

First district—Geo. A. McCrea, Walter Welford.

Second district—Christian Ganssle.

Third district—George C. Laithwaite, C. D. Christenson, Knute Bjorndahl.

Fourth district—J. H. Fraine, Jacob Nelson.

Fifth district—Ferdinand Lucke, Victor S. Wisner.

Sixth district—James Collins, B. G. Skulason.

Seventh district—C. A. Hale, Gullick Thompson.

Eighth district—W. J. Burnett, O. J. Sorlie, George A. White.

Ninth district—W. J. Price, F. E. Dibley, Thos. Baker, Jr.

Tenth district—August A. Plath, J. B. Akesson.

Eleventh district—A. L. Peart, J. F. Collins.

Twelfth district—L. L. Brusletten, W. F. Ward.

Thirteenth district—Peter J. Narum.

Fourteenth district—John A. Aasheim, A. J. Olson.

Fifteenth district—Geo. H. Law, Frank E. Ployhar.

Sixteenth district—Nels Hemmingson, S. H. Nelson, Ole Paulson.

Seventeenth district—Fred Lindvig, Frank Goldammer.

Eighteenth district—Usher L. Burdick, C. C. Crawford.

Nineteenth district—J. M. Johnson.

Twentieth district—James Duncan, Paul J. Moen.

Twenty-first district—John A. Honey, Bernt Anderson, Fred J. Traynor.

Twenty-second district—A. S. Gibbens, J. W. Pound.

Twenty-third district—F. G. Kneeland, William Sinclair, Richard Pendray, T. J. Atwood.

Twenty-fourth district—A. W. Cunningham, C. H. Sheils.

Twenty-Fifth district—C. E. Knox.

Twenty-sixth district—D. R. Streeter, W. P. Tuttle.

Twenty-seventh district—T. D. Hughes, G. W. Wolbert.

Twenty-eighth district—E. L. Garden, Matt Johnson.

Twenty-ninth district—H. J. Schull, E. D. Skinner, M. M. Chatfield.

Thirtieth district—J. M. Hanley, W. E. Martin, John C. Burns.

Thirty-first district—F. M. Baker, Geo. A. Senour Thomas Evans.

Thirty-second district—S. N. Putnam, S. J. Doyle.

Thirty-third district—Julius Sgutt, Geo. Brynjolfson.

Thirty-fourth district—J. R. Nelson, George Freeman.

Thirty-fifth district—F. J. Thompson.

Thirty-sixth district—John J. Doyle, John J. Geidt.

Thirty-seventh district—E. L. Kinney, Ole T. Grant.

Thirty-eighth district—Martin Thoreson.

Thirty-ninth district—John McLearn, John Young.

Fortieth district—E. J. Moen.

Forty-first district—Geo. P. Hamness, Frank Poe.

Forty-second district—Ole Nyhus, John Steen.

Forty-third district—Geo. C. Jewett, E. E. Davidson, Staale Hendrickson.

Forty-fourth district—H. J. Linde.

Forty-fifth district—George Kremer.

Forty-sixth district—John A. Johnson, Geo. W. Kinney.

Forty-seventh district—James Hill.

The following members elect not answer to their names:
A. J. Olson and Frank Goldammer.

The oath of office was then administered to the members elect by the Hon. Burleigh F. Spaulding, judge of the supreme court.

The house then proceeded to its organization.

Mr. Skulason nominated Usher L. Burdick of Cavalier county for speaker.

The following named members seconded the nomination of Mr. Burdick.

Mr. Baker of Cass, Mr. Hale of Grand Forks, Mr. Hill of Bottineau, Mr. Gudlen of Bottineau, Mr. Shiels of La Moure, Mr. Anderson of Ramsey, Mr. Honey of Ramsey.

Mr. Welford, on behalf of the Democratic members of the house seconded the nomination of Mr. Burdick.

Mr. White seconded the nomination of Mr. Burdick.

The roll was called and there were 93 votes cast of which Mr. Burdick received 93.

Those who voted for Mr. Burdick were:

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|----------------------|---------------------|
| Aasheim | Hale | Nyhus |
| Akesson | Hanley | Paulson |
| Anderson | Hemmingson | Pearl |
| Atwood | Hendrickson | Pendray |
| Baker of Cass | Hill | Plath |
| Baker of Stark | Homness | Ployhar |
| Bjorndahl | Honey | Poe |
| Brusletten | Hughes | Pound |
| Brynjolfson | Jewett | Price |
| Burdick | Johnson of Bottineau | Putnam |
| Burnett | Johnson of McLean | Schull |
| Burns | Johnson of Rolette | Senour |
| Chatfield | Kinney of McLean | Sgutt |
| Christenson | Kinney of Richland | Shells |
| Collins of Cass | Kneeland | Sinclair |
| Collins of Gd. Forks | Knox | Skinner |
| Crawford | Kremer | Skulason |
| Cunningham | Law | Sorlie |
| Davidson | Laithwaite | Steen |
| Dibley | Linde | Streeter |
| Doyle of Foster | Lindvig | Thompson, Gd. Forks |
| Doyle of Logan | Lucke | Thompson of McLean |
| Duncan | Martin | Thoreson |
| Evans | McCrea | Travnor |
| Fraine | McLear | Tuttle |
| Freeman | Moen of Benson | Ward |
| Ganssle | Moen of Cavalier | Welford |

| | | |
|----------|-------------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Garden | Narum | White |
| Geidt | Nelson of McHenry | Wisner |
| Gibbins | Nelson of Steele | Wolbert |
| Grant | Nelson of Walsh | Young |

Absent and not voting: Messrs. Goldammer and Olson.
Mr. Burdick having received a majority of the votes cast was declared duly elected speaker.

Mr. Duncan, Mr. Baker and Mr. McCrea were appointed by the chief clerk to escort the speaker elect to the chair.

The oath of office was administered to the speaker elect by Hon. Burleigh F. Spaulding, judge of the supreme court.

Mr. Price nominated W. D. Austin of Cass for chief clerk.

The roll being called there were 93 votes cast of which Mr. Austin received 93 and was declared duly elected chief clerk of the house.

Those who voted for Mr. Austin were:

| | | |
|----------------------|----------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Hale | Nyhus |
| Akesson | Hanley | Paulson |
| Anderson | Hemmingson | Pearl |
| Atwood | Hendrickson | Pendray |
| Baker of Cass | Hill | Plath |
| Baker of Stark | Homness | Ployhar |
| Bjorndahl | Honey | Poe |
| Brusletten | Hughes | Pound |
| Brynjolfson | Jewett | Price |
| Burdick | Johnson of Bottineau | Putnam |
| Burnett | Johnson of McLean | Schull |
| Burns | Johnson of Rolette | Senour |
| Chatfield | Kinney of McLean | Sgutt |
| Christenson | Kinney of Richland | Sheils |
| Collins of Cass | Kneeland | Sinclair |
| Collins of Gd. Forks | Knox | Skinner |
| Crawford | Kremer | Skulason |
| Cunningham | Law | Sorlie |
| Davidson | Laithwaite | Steen |
| Dibley | Linde | Streeter |
| Doyle of Foster | Lindvig | Thompson, Gd. Forks |
| Doyle of Logan | Lucke | Thompson of McLean |
| Duncan | Martin | Thoreson |
| Evans | McCrea | Traynor |
| Fraine | McLear | Tuttle |
| Freeman | Moen of Benson | Ward |
| Ganssle | Moen of Cavalier | Welford |
| Garden | Narum | White |
| Geidt | Nelson of McHenry | Wisner |
| Gibbins | Nelson of Steele | Wolbert |
| Grant | Nelson of Walsh | Young |

Absent and not voting: Messrs. Goldammer and Olson.

The oath of office was administered to W. D. Austin as chief clerk by the speaker.

Mr. Sorlie nominated E. Erlandson for assistant chief clerk.

The roll being called there were 93 votes cast of which Mr. Erlandson received 93 and was declared duly elected.

Those voting for Mr. Erlandson were:

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|----------------------|---------------------|
| Aasheim | Hale | Nyhus |
| Akesson | Hanley | Paulson |
| Anderson | Hemmingson | Peart |
| Atwood | Hendrickson | Pendray |
| Baker of Cass | Hill | Plath |
| Baker of Stark | Homness | Ployhar |
| Bjorndahl | Honey | Poe |
| Brusletten | Hughes | Pound |
| Brynjolfson | Jewett | Price |
| Burdick | Johnson of Bottineau | Putnam |
| Burnett | Johnson of McLean | Schull |
| Burns | Johnson of Rolette | Senour |
| Chatfield | Kinney of McLean | Sgutt |
| Christenson | Kinney of Richland | Sheils |
| Collins of Cass | Kneeland | Sinclair |
| Collins of Gd. Forks | Knox | Skinner |
| Crawford | Kremer | Skulason |
| Cunningham | Law | Sorlie |
| Davidson | Laithwaite | Steen |
| Dibley | Linde | Streeter |
| Doyle of Foster | Lindvig | Thompson, Gd. Forks |
| Doyle of Logan | Lucke | Thompson of McLean |
| Duncan | Martin | Thoreson |
| Evans | McCrea | Traynor |
| Fraine | McLear | Tuttle |
| Freeman | Moen of Benson | Ward |
| Ganssle | Moen of Cavalier | Welford |
| Garden | Narum | White |
| Geidt | Nelson of McHenry | Wisner |
| Gibbins | Nelson of Steele | Wolbert |
| Grant | Nelson of Walsh | Young |

Absent and not voting: Messrs. Goldammer and Olson.

Mr. Honey nominated E. H. Griffin for assistant chief clerk.

The roll being called there were 93 votes cast of which Mr. Griffin received 93 and was declared duly elected.

Those voting for Mr. Griffin were:

| Messrs.— | Messrs.— | Messrs.— |
|----------------|----------------------|----------|
| Aasheim | Hale | Nyhus |
| Akesson | Hanley | Paulson |
| Anderson | Hemmingson | Peart |
| Atwood | Hendrickson | Pendray |
| Baker of Cass | Hill | Plath |
| Baker of Stark | Homness | Ployhar |
| Bjorndahl | Honey | Poe |
| Brusletten | Hughes | Pound |
| Brynjolfson | Jewett | Price |
| Burdick | Johnson of Bottineau | Putnam |
| Burnett | Johnson of McLean | Schull |

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|--------------------|---------------------|
| Burns | Johnson of Rolette | Senour |
| Chatfield | Kinney of McLean | Sgutt |
| Christenson | Kinney of Richland | Sheils |
| Collins of Cass | Kneeland | Sinclair |
| Collins of Gd. Forks | Knox | Skinner |
| Crawford | Kremer | Skulason |
| Cunningham | Law | Sorlie |
| Davidson | Laithwaite | Steen |
| Dibley | Linde | Streeter |
| Doyle of Foster | Lindvig | Thompson, Gd. Forks |
| Doyle of Logan | Lucke | Thompson of McLean |
| Duncan | Martin | Thoreson |
| Evans | McCrea | Traynor |
| Fraine | McLear | Tuttle |
| Freeman | Moen of Benson | Ward |
| Ganssle | Moen of Cavalier | Welford |
| Garden | Narum | White |
| Geidt | Nelson of McHenry | Wisner |
| Gibbins | Nelson of Steele | Wolbert |
| Grant | Nelson of Walsh | Young |

Absent and not voting: Messrs. Goldammer and Olson.

Mr. Cunningham nominated J. J. Clary for voucher clerk.

The roll being called there were 93 votes cast of which Mr. Clary received 93 and was declared duly elected.

Those voting for Mr. Clary were:

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|----------------------|---------------------|
| Aasheim | Hale | Nyhus |
| Akesson | Hanley | Paulson |
| Anderson | Hemmingson | Peart |
| Atwood | Hendrickson | Pendray |
| Baker of Cass | Hill | Plath |
| Baker of Stark | Homness | Ployhar |
| Bjorndahl | Honey | Poe |
| Brusletten | Hughes | Pound |
| Brynjolfson | Jewett | Price |
| Burdick | Johnson of Bottineau | Putnam |
| Burnett | Johnson of McLear | Schull |
| Burns | Johnson of Rolette | Senour |
| Chatfield | Kinney of McLean | Sgutt |
| Christenson | Kinney of Richland | Sheils |
| Collins of Cass | Kneeland | Sinclair |
| Collins of Gd. Forks | Knox | Skinner |
| Crawford | Kremer | Skulason |
| Cunningham | Law | Sorlie |
| Davidson | Laituwaite | Steen |
| Dibley | Linde | Streeter |
| Doyle of Foster | Lindvig | Thompson, Gd. Forks |
| Doyle of Logan | Lucke | Thompson of McLean |
| Duncan | Martin | Thoreson |
| Evans | McCrea | Traynor |
| Fraine | McLear | Tuttle |
| Freeman | Moen of Benson | Ward |
| Ganssle | Moen of Cavalier | Welford |
| Garden | Narum | White |

| | | |
|----------|-------------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Geidt | Nelson of McHenry | Wisner |
| Gibbins | Nelson of Steele | Wolbert |
| Grant | Nelson of Walsh | Young |

Absent and not voting: Messrs. Goldammer and Olson.
Mr. Nelson of Steele nominated T. G. Anderson for enrolling and engrossing clerk.

The roll being called there were 93 votes cast of which Mr. Anderson received 93 and was declared duly elected. Those voting for Mr. Anderson were:

| | | |
|----------------------|----------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Hale | Nyhus |
| Akesson | Hanley | Paulson |
| Anderson | Hemmingson | Peart |
| Atwood | Hendrickson | Pendray |
| Baker of Cass | Hill | Plath |
| Baker of Stark | Homness | Ployhar |
| Bjorndahl | Honey | Poe |
| Brusletten | Hughes | Pound |
| Brynjolfson | Jewett | Price |
| Burdick | Johnson of Bottineau | Putnam |
| Burnett | Johnson of McLean | Schull |
| Burns | Johnson of Rolette | Senour |
| Chatfield | Kinney of McLean | Sgutt |
| Christenson | Kinney of Richland | Shells |
| Collins of Cass | Kneeland | Sinclair |
| Collins of Gd. Forks | Knox | Skinner |
| Crawford | Kremer | Skulason |
| Cunningham | Law | Sorlie |
| Davidson | Laithwaite | Steen |
| Dibley | Linde | Streeter |
| Doyle of Foster | Lindvig | Thompson, Gd. Forks |
| Doyle of Logan | Lucke | Thompson of McLean |
| Duncan | Martin | Thoreson |
| Evans | McCrea | Traynor |
| Fraine | McLear | Tuttle |
| Freeman | Moen of Benson | Ward |
| Ganssle | Moen of Cavalier | Welford |
| Garden | Narum | White |
| Geidt | Nelson of McHenry | Wisner |
| Gibbins | Nelson of Steele | Wolbert |
| Grant | Nelson of Walsh | Young |

Absent and not voting: Messrs. Goldammer and Olson.
Henry Dence, E. H. Ulsaker and Bertha McPherson were nominated for assistant enrolling and engrossing clerks.

The roll being called there were 93 votes cast and each received 93, and was declared duly elected.

Those voting for each were:

| | | |
|----------|-------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Hale | Nyhus |
| Akesson | Hanley | Paulson |
| Anderson | Hemmingson | Peart |
| Atwood | Hendrickson | Pendray |

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|----------------------|---------------------|
| Baker of Cass | Hill | Plath |
| Baker of Stark | Homness | Ployhar |
| Bjorndahl | Honey | Poe |
| Brusletten | Hughes | Pound |
| Brynjolfson | Jewett | Price |
| Burdick | Johnson of Bottineau | Putnam |
| Burnett | Johnson of McLean | Schull |
| Burns | Johnson of Rolette | Senour |
| Chatfield | Kinney of McLean | Sgutt |
| Christenson | Kinney of Richland | Sheils |
| Collins of Cass | Kneeland | Sinclair |
| Collins of Gd. Forks | Knox | Skinner |
| Crawford | Kremer | Skulason |
| Cunningham | Law | Sorlie |
| Davidson | Laithwaite | Steen |
| Dibley | Linde | Streeter |
| Doyle of Foster | Lindvig | Thompson, Gd. Forks |
| Doyle of Logan | Lucke | Thompson of McLean |
| Duncan | Martin | Thoreson |
| Evans | McCrea | Traynor |
| Fraine | McLear | Tuttle |
| Freeman | Moen of Benson | Ward |
| Ganssle | Moen of Cavalier | Welford |
| Garden | Narum | White |
| Geidt | Nelson of McHenry | Wisner |
| Gibbins | Nelson of Steele | Wolbert |
| Grant | Nelson of Walsh | Young |

Absent and not voting: Messrs. Goldammer and Olson.

Miss Mabel Thorburn was nominated for stenographer

The roll being called there were 93 votes cast of which

Miss Thorburn received 93 and was declared duly elected.

Those voting for Miss Thorburn were:

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|----------------------|---------------------|
| Aasheim | Hale | Nyhus |
| Akesson | Hanley | Paulson |
| Anderson | Hemmingson | Peart |
| Atwood | Hendrickson | Pendray |
| Baker of Cass | Hill | Plath |
| Baker of Stark | Homness | Ployhar |
| Bjorndahl | Honey | Poe |
| Brusletten | Hughes | Pound |
| Brynjolfson | Jewett | Price |
| Burdick | Johnson of Bottineau | Putnam |
| Burnett | Johnson of McLean | Schull |
| Burns | Johnson of Rolette | Senour |
| Chatfield | Kinney of McLean | Sgutt |
| Christenson | Kinney of Richland | Sheils |
| Collins of Cass | Kneeland | Sinclair |
| Collins of Gd. Forks | Knox | Skinner |
| Crawford | Kremer | Skulason |
| Cunningham | Law | Sorlie |
| Davidson | Laithwaite | Steen |
| Dibley | Linde | Streeter |
| Doyle of Foster | Lindvig | Thompson, Gd. Forks |
| Doyle of Logan | Lucke | Thompson of McLean |
| Duncan | Martin | Thoreson |

| | | |
|----------|-------------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Evans | McCrea | Traynor |
| Fraine | McLear | Tuttle |
| Freeman | Moen of Benson | Ward |
| Ganssle | Moen of Cavalier | Welford |
| Garden | Narum | White |
| Geidt | Nelson of McHenry | Wisner |
| Gibbins | Nelson of Steele | Wolbert |
| Grant | Nelson of Walsh | Young |

Absent and not voting: Messrs. Goldammer and Olson.
John Morris was nominated for sergeant at arms.

The roll being called there were 93 votes cast of which Mr. Morris received 93 and was declared duly elected.
Those voting for Mr. Morris were:

| | | |
|----------------------|----------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Hale | Nyhus |
| Akesson | Hanley | Paulson |
| Anderson | Hemmingson | Peart |
| Atwood | Hendrickson | Pendray |
| Baker of Cass | Hill | Plath |
| Baker of Stark | Homness | Ployhar |
| Bjorndahl | Honey | Poe |
| Brusletten | Hughes | Pound |
| Brynjolfson | Jewett | Price |
| Burdick | Johnson of Bottineau | Putnam |
| Burnett | Johnson of McLean | Schull |
| Burns | Johnson of Rolette | Senour |
| Chatfield | Kinney of McLean | Sgutt |
| Christenson | Kinney of Richland | Shells |
| Collins of Cass | Kneeland | Sinclair |
| Collins of Gd. Forks | Knox | Skinner |
| Crawford | Kremer | Skulason |
| Cunningham | Law | Sorlie |
| Davidson | Laithwaite | Steen |
| Dibley | Linde | Streeter |
| Doyle of Foster | Lindvig | Thompson, Gd. Forks |
| Doyle of Logan | Lucke | Thompson of McLean |
| Duncan | Martin | Thoreson |
| Evans | McCrea | Traynor |
| Fraine | McLear | Tuttle |
| Freeman | Moen of Benson | Ward |
| Ganssle | Moen of Cavalier | Welford |
| Garden | Narum | White |
| Geidt | Nelson of McHenry | Wisner |
| Gibbins | Nelson of Steele | Wolbert |
| Grant | Nelson of Walsh | Young |

Absent and not voting: Messrs. Goldammer and Olson.
Geo. Ferris was nominated for bill clerk.

The roll being called there were 93 votes cast of which Mr. Ferris received 93 and was declared duly elected.
Those voting for Mr. Ferris were:

| | | |
|----------|------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Hale | Nyhus |
| Akesson | Hanley | Paulson |
| Anderson | Hemmingson | Peart |

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|----------------------|---------------------|
| Atwood | Hendrickson | Pendray |
| Baker of Cass | Hill | Plath |
| Baker of Stark | Homness | Ployhar |
| Bjorndahl | Honey | Poe |
| Brusletten | Hughes | Pound |
| Brynjolfson | Jewett | Price |
| Burdick | Johnson of Bottineau | Putnam |
| Burnett | Johnson of McLean | Schull |
| Burns | Johnson of Rolette | Senour |
| Chatfield | Kinney of McLean | Sgutt |
| Christenson | Kinney of Richland | Sheils |
| Collins of Cass | Kneeland | Sinclair |
| Collins of Gd. Forks | Knox | Skinner |
| Crawford | Kremer | Skulason |
| Cunningham | Law | Sorlie |
| Davidson | Laithwaite | Steen |
| Dibley | Linde | Streeter |
| Doyle of Foster | Lindvig | Thompson, Gd. Forks |
| Doyle of Logan | Lucke | Thompson of McLean |
| Duncan | Martin | Thoreson |
| Evans | McCrea | Traynor |
| Fraine | McLear | Tuttle |
| Freeman | Moen of Benson | Ward |
| Ganssle | Moen of Cavalier | Welford |
| Garden | Narum | White |
| Geidt | Nelson of McHenry | Wisner |
| Gibbins | Nelson of Steele | Wolbert |
| Grant | Nelson of Walsh | Young |

Absent and not voting: Messrs. Goldammer and Olson.

J. H. Logen was nominated for assistant bill clerk.

The roll was called and there were 93 votes cast of which Mr. Logen received 93 and was declared duly elected.

Those voting for Mr. Logen were:

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|----------------------|---------------------|
| Aasheim | Hale | Nyhus |
| Akesson | Hanley | Paulson |
| Anderson | Hemmingson | Peart |
| Atwood | Hendrickson | Pendray |
| Baker of Cass | Hill | Plath |
| Baker of Stark | Homness | Ployhar |
| Bjorndahl | Honey | Poe |
| Brusletten | Hughes | Pound |
| Brynjolfson | Jewett | Price |
| Burdick | Johnson of Bottineau | Putnam |
| Burnett | Johnson of McLean | Schull |
| Burns | Johnson of Rolette | Senour |
| Chatfield | Kinney of McLean | Sgutt |
| Christenson | Kinney of Richland | Sheils |
| Collins of Cass | Kneeland | Sinclair |
| Collins of Gd. Forks | Knox | Skinner |
| Crawford | Kremer | Skulason |
| Cunningham | Law | Sorlie |
| Davidson | Laithwaite | Steen |
| Dibley | Linde | Streeter |
| Doyle of Foster | Lindvig | Thompson, Gd. Forks |
| Doyle of Logan | Lucke | Thompson of McLean |

| | | |
|----------|-------------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Duncan | Martin | Thoreson |
| Evans | McCrea | Traynor |
| Fraine | McLear | Tuttle |
| Freeman | Moen of Benson | Ward |
| Ganssle | Moen of Cavalier | Welford |
| Garden | Narum | White |
| Geidt | Nelson of McHenry | Wisner |
| Gibbins | Nelson of Steele | Wolbert |
| Grant | Nelson of Walsh | Young |

Absent and not voting: Messrs. Goldammer and Olson.

James Lynch and A. H. Crawford were nominated for doorkeepers.

The roll was called and there were 93 votes cast of which each received 93 and each was declared duly elected.

Those voting for each were:

| | | |
|----------------------|----------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Hale | Nyhus |
| Akesson | Hanley | Paulson |
| Anderson | Hemmingson | Pearl |
| Atwood | Hendrickson | Pendray |
| Baker of Cass | Hill | Plath |
| Baker of Stark | Homness | Ployhar |
| Bjorndahl | Honey | Poe |
| Brusletten | Hughes | Pound |
| Brynjolfson | Jewett | Price |
| Burdick | Johnson of Bottineau | Putnam |
| Burnett | Johnson of McLean | Schull |
| Burns | Johnson of Rolette | Senour |
| Chatfield | Kinney of McLean | Sgutt |
| Christenson | Kinney of Richland | Sheils |
| Collins of Cass | Kneeland | Sinclair |
| Collins of Gd. Forks | Knox | Skinner |
| Crawford | Kremer | Skulason |
| Cunningham | Law | Sorlie |
| Davidson | Laithwaite | Steen |
| Dibley | Linde | Streeter |
| Doyle of Foster | Lindvig | Thompson, Gd. Forks |
| Doyle of Logan | Lucke | Thompson of McLean |
| Duncan | Martin | Thoreson |
| Evans | McCrea | Traynor |
| Fraine | McLear | Tuttle |
| Freeman | Moen of Benson | Ward |
| Ganssle | Moen of Cavalier | Welford |
| Garden | Narum | White |
| Geidt | Nelson of McHenry | Wisner |
| Gibbins | Nelson of Steele | Wolbert |
| Grant | Nelson of Walsh | Young |

Absent and not voting: Messrs. Goldammer and Olson.

Matt Gullickson was nominated for gallery doorkeeper.

The roll was called and there were 93 votes cast of which Mr. Gullickson received 93 and was declared duly elected.

Those voting for Mr. Gullickson were:

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|----------------------|---------------------|
| Aasheim | Hale | Nyhus |
| Akesson | Hanley | Paulson |
| Anderson | Hemmingson | Peart |
| Atwood | Hendrickson | Pendray |
| Baker of Cass | Hill | Plath |
| Baker of Stark | Homness | Ployhar |
| Bjorndahl | Honey | Poe |
| Brusletten | Hughes | Pound |
| Brynjolfson | Jewett | Price |
| Burdick | Johnson of Bottineau | Putnam |
| Burnett | Johnson of McLean | Schull |
| Burns | Johnson of Rolette | Senour |
| Chatfield | Kinney of McLean | Sgutt |
| Christenson | Kinney of Richland | Sheils |
| Collins of Cass | Kneeland | Sinclair |
| Collins of Gd. Forks | Knox | Skinner |
| Crawford | Kremer | Skulason |
| Cunningham | Law | Sorlie |
| Davidson | Laithwaite | Steen |
| Dibley | Linde | Streeter |
| Doyle of Foster | Lindvig | Thompson, Gd. Forks |
| Doyle of Logan | Lucke | Thompson of McLean |
| Duncan | Martin | Thoreson |
| Evans | McCrea | Traynor |
| Fraine | McLear | Tuttle |
| Freeman | Moen of Benson | Ward |
| Ganssle | Moen of Cavalier | Welford |
| Garden | Narum | White |
| Geidt | Nelson of McHenry | Wisner |
| Gibbins | Nelson of Steele | Wolbert |
| Grant | Nelson of Walsh | Young |

Absent and not voting: Messrs. Goldammer and Olson.

Frank Gladstone was nominated for clerk of the judiciary committee.

The roll was called and there were 93 votes cast of which Mr. Gladstone received 93 and was declared duly elected.

Those voting for Mr. Gladstone were:

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|----------------------|----------|
| Aasheim | Hale | Nyhus |
| Akesson | Hanley | Paulson |
| Anderson | Hemmingson | Peart |
| Atwood | Hendrickson | Pendray |
| Baker of Cass | Hill | Plath |
| Baker of Stark | Homness | Ployhar |
| Bjorndahl | Honey | Poe |
| Brusletten | Hughes | Pound |
| Brynjolfson | Jewett | Price |
| Burdick | Johnson of Bottineau | Putnam |
| Burnett | Johnson of McLean | Schull |
| Burns | Johnson of Rolette | Senour |
| Chatfield | Kinney of McLean | Sgutt |
| Christenson | Kinney of Richland | Sheils |
| Collins of Cass | Kneeland | Sinclair |
| Collins of Gd. Forks | Knox | Skinner |

| | | |
|-----------------|-------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Crawford | Kremer | Skulason |
| Cunningham | Law | Sorlie |
| Davidson | Laithwaite | Steen |
| Dibley | Linde | Streeter |
| Doyle of Foster | Lindvig | Thompson, Gd. Forks |
| Doyle of Logan | Lucke | Thompson of McLean |
| Duncan | Martin | Thoreson |
| Evans | McCrea | Traynor |
| Fraine | McLear | Tuttle |
| Freeman | Moen of Benson | Ward |
| Ganssle | Moen of Cavalier | Welford |
| Garden | Narum | White |
| Geidt | Nelson of McHenry | Wisner |
| Gibbins | Nelson of Steele | Wolbert |
| Grant | Nelson of Walsh | Young |

Absent and not voting: Messrs. Goldammer and Olson.

Alex Wright was nominated for clerk of committee on appropriations.

The roll was called and there were 93 votes cast of which Mr. Wright received 93 and was declared duly elected.

Those voting for Mr. Wright were:

| | | |
|----------------------|----------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Hale | Nyhus |
| Akesson | Hanley | Paulson |
| Anderson | Hemmingson | Pearl |
| Atwood | Hendrickson | Pendray |
| Baker of Cass | Hill | Plath |
| Baker of Stark | Homness | Ployhar |
| Bjorndahl | Honey | Poe |
| Brusletten | Hughes | Pound |
| Brynjolfson | Jewett | Price |
| Burdick | Johnson of Bottineau | Putnam |
| Burnett | Johnson of McLean | Schull |
| Burns | Johnson of Rolette | Senour |
| Chatfield | Kinney of McLean | Sgutt |
| Christenson | Kinney of Richland | Sheils |
| Collins of Cass | Kneeland | Sinclair |
| Collins of Gd. Forks | Knox | Skinner |
| Crawford | Kremer | Skulason |
| Cunningham | Law | Sorlie |
| Davidson | Laithwaite | Steen |
| Dibley | Linde | Streeter |
| Doyle of Foster | Lindvig | Thompson, Gd. Forks |
| Doyle of Logan | Lucke | Thompson of McLean |
| Duncan | Martin | Thoreson |
| Evans | McCrea | Traynor |
| Fraine | McLear | Tuttle |
| Freeman | Moen of Benson | Ward |
| Ganssle | Moen of Cavalier | Welford |
| Garden | Narum | White |
| Geidt | Nelson of McHenry | Wisner |
| Gibbins | Nelson of Steele | Wolbert |
| Grant | Nelson of Walsh | Young |

Absent and not voting: Messrs. Goldammer and Olson.

L. H. Patton was nominated for clerk of the committee on state affairs.

The roll was called and there were 93 votes cast of which Mr. Patton received 93 and was declared duly elected.

Those voting for Mr. Patton were:

| | | |
|----------------------|----------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Hale | Nyhus |
| Akesson | Hanley | Paulson |
| Anderson | Hemmingson | Pearl |
| Atwood | Hendrickson | Pendray |
| Baker of Cass | Hill | Plath |
| Baker of Stark | Homness | Ployhar |
| Bjorndahl | Honey | Poe |
| Brusletten | Hughes | Pound |
| Brynjolfson | Jewett | Price |
| Burdick | Johnson of Bottineau | Putnam |
| Burnett | Johnson of McLean | Schull |
| Burns | Johnson of Rolette | Senour |
| Chatfield | Kinney of McLean | Stutt |
| Christenson | Kinney of Richland | Sheils |
| Collins of Cass | Kneeland | Sinclair |
| Collins of Gd. Forks | Knox | Skinner |
| Crawford | Kremer | Skulason |
| Cunningham | Law | Sorlie |
| Davidson | Laithwaite | Steen |
| Dibley | Linde | Streeter |
| Doyle of Foster | Lindvig | Thompson, Gd. Forks |
| Doyle of Logan | Lucke | Thompson of McLean |
| Duncan | Martin | Thoreson |
| Evans | McCrea | Traynor |
| Fraine | McLear | Tuttle |
| Freeman | Moen of Benson | Ward |
| Ganssle | Moen of Cavalier | Welford |
| Garden | Narum | White |
| Geidt | Nelson of McHenry | Wisner |
| Gibbins | Nelson of Steele | Wolbert |
| Grant | Nelson of Walsh | Young |

Absent and not voting: Messrs. Goldammer and Olson. Theo. Helberg and M. O. Nelson were nominated for messengers.

The roll was called and there were 93 votes cast of which each received 93 and each was declared duly elected.

Those voting for each were:

| | | |
|----------------|----------------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Hale | Nyhus |
| Akesson | Hanley | Paulson |
| Anderson | Hemmingson | Pearl |
| Atwood | Hendrickson | Pendray |
| Baker of Cass | Hill | Plath |
| Baker of Stark | Homness | Ployhar |
| Bjorndahl | Honey | Poe |
| Brusletten | Hughes | Pound |
| Brynjolfson | Jewett | Price |
| Burdick | Johnson of Bottineau | Putnam |
| Burnett | Johnson of McLean | Schull |

Messrs.—

Burns
 Chatfield
 Christenson
 Collins of Cass
 Collins of Gd. Forks
 Crawford
 Cunningham
 Davidson
 Dibley
 Doyle of Foster
 Doyle of Logan
 Duncan
 Evans
 Fraine
 Freeman
 Ganssle
 Garden
 Geidt
 Gibbins
 Grant

Messrs.—

Johnson of Rolette
 Kinney of McLean
 Kinney of Richland
 Kneeland
 Knox
 Kremer
 Law
 Laithwaite
 Linde
 Lindvig
 Lucke
 Martin
 McCrea
 McLearn
 Moen of Benson
 Moen of Cavalier
 Narum
 Nelson of McHenry
 Nelson of Steele
 Nelson of Walsh

Messrs.—

Senour
 Sgutt
 Sheils
 Sinclair
 Skinner
 Skulason
 Sorlie
 Steen
 Streeter
 Thompson, Gd. Forks
 Thompson of McLean
 Thoreson
 Traynor
 Tuttle
 Ward
 Welford
 White
 Wisner
 Wolbert
 Young

Absent and not voting: Messrs. Goldammer and Olson.

Alix Froelich was nominated for postmaster.

The roll was called and there were 93 votes cast of which Mr. Froelich received 93 and was declared duly elected.

Those voting for Mr. Froelich were:

Messrs.—

Aasheim
 Akesson
 Anderson
 Atwood
 Baker of Cass
 Baker of Stark
 Bjorndahl
 Brusletten
 Brynjolfson
 Burdick
 Burnett
 Burns
 Chatfield
 Christenson
 Collins of Cass
 Collins of Gd. Forks
 Crawford
 Cunningham
 Davidson
 Dibley
 Doyle of Foster
 Doyle of Logan
 Duncan
 Evans
 Fraine
 Freeman
 Ganssle
 Garden
 Geidt
 Gibbins
 Grant

Messrs.—

Hale
 Hanley
 Hemmingson
 Hendrickson
 Hill
 Homness
 Honey
 Hughes
 Jewett
 Johnson of Bottineau
 Johnson of McLean
 Johnson of Rolette
 Kinney of McLean
 Kinney of Richland
 Kneeland
 Knox
 Kremer
 Law
 Laithwaite
 Linde
 Lindvig
 Lucke
 Martin
 McCrea
 McLearn
 Moen of Benson
 Moen of Cavalier
 Narum
 Nelson of McHenry
 Nelson of Steele
 Nelson of Walsh

Messrs.—

Nyhus
 Paulson
 Peart
 Pendray
 Plath
 Ployhar
 Poe
 Pound
 Price
 Putnam
 Schull
 Senour
 Sgutt
 Sheils
 Sinclair
 Skinner
 Skulason
 Sorlie
 Steen
 Streeter
 Thompson, Gd. Forks
 Thompson of McLean
 Thoreson
 Traynor
 Tuttle
 Ward
 Welford
 White
 Wisner
 Wolbert
 Young

Absent and not voting: Messrs. Goldammer and Olson.
Rev. Louis Magin was nominated for chaplain.

The roll was called and there were 93 votes cast of which Rev. Magin received 93 and was declared duly elected.

Those voting for Rev. Magin were:

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|----------------------|---------------------|
| Aasheim | Hale | Nyhus |
| Akesson | Hanley | Paulson |
| Anderson | Hemmingson | Peart |
| Atwood | Hendrickson | Pendray |
| Baker of Cass | Hill | Plath |
| Baker of Stark | Homness | Ployhar |
| Bjorndahl | Honey | Poe |
| Brusletten | Hughes | Pound |
| Brynjolfson | Jewett | Price |
| Burdick | Johnson of Bottineau | Putnam |
| Burnett | Johnson of McLean | Schull |
| Burns | Johnson of Rolette | Senour |
| Chatfield | Kinney of McLean | Sgutt |
| Christenson | Kinney of Richland | Sheils |
| Collins of Cass | Kneeland | Sinclair |
| Collins of Gd. Forks | Knox | Skinner |
| Crawford | Kremer | Skulason |
| Cunningham | Law | Sorlie |
| Davidson | Laithwaite | Steen |
| Dibley | Linde | Streeter |
| Doyle of Foster | Lindvig | Thompson, Gd. Forks |
| Doyle of Logan | Lucke | Thompson of McLean |
| Duncan | Martin | Thoreson |
| Evans | McCrea | Traynor |
| Fraine | McLear | Tuttle |
| Freeman | Narum | Ward |
| Ganssle | Nelson of McHenry | Welford |
| Garden | Nelson of Steele | White |
| Geidt | Nelson of Walsh | Wisner |
| Gibbins | Moen of Benson | Wolbert |
| Grant | Moen of Cavalier | Young |

Absent and not voting: Messrs. Goldammer and Olson.
Clarence Pierson, John Horner, Willie Laist, Wesley R. Cochrane, Julius Amberson, Curtis Dierlam, Floyd Paris and Charles Couch were nominted for pages.

The roll was called and there were 93 votes cast of which each received 93 and each was declared duly elected.

Those voting for each were:

| Messrs.— | Messrs.— | Messrs.— |
|----------------|-------------|----------|
| Aasheim | Hale | Nyhus |
| Akesson | Hanley | Paulson |
| Anderson | Hemmingson | Peart |
| Atwood | Hendrickson | Pendray |
| Baker of Cass | Hill | Plath |
| Baker of Stark | Homness | Ployhar |
| Bjorndahl | Honey | Poe |
| Brusletten | Hughes | Pound |
| Brynjolfson | Jewett | Price |

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|----------------------|---------------------|
| Burdick | Johnson of Bottineau | Putnam |
| Burnett | Johnson of McLean | Schull |
| Burns | Johnson of Rolette | Senour |
| Chatfield | Kinney of McLean | Sgutt |
| Christenson | Kinney of Richland | Sheils |
| Collins of Cass | Kneeland | Sinclair |
| Collins of Gd. Forks | Knox | Skinner |
| Crawford | Kremer | Skulason |
| Cunningham | Law | Sorlie |
| Davidson | Laithwaite | Steen |
| Dibley | Linde | Streeter |
| Doyle of Foster | Lindvig | Thompson, Gd. Forks |
| Doyle of Logan | Lucke | Thompson of McLean |
| Duncan | Martin | Thoreson |
| Evans | McCrea | Traynor |
| Fraine | McLear | Tuttle |
| Freeman | Moen of Benson | Ward |
| Ganssle | Moen of Cavalier | Welford |
| Garden | Narum | White |
| Geidt | Nelson of McHenry | Wisner |
| Gibbins | Nelson of Steele | Wolbert |
| Grant | Nelson of Walsh | Young |

Absent and not voting: Messrs. Goldammer and Olson.

Hans Thompson, T. S. Nygard, Geo. Fisher and James Flannigan were nominated for house janitors.

The roll was called and there were 93 votes cast of which each received 93 and each was declared duly elected.

Those voting for each were:

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|----------------------|---------------------|
| Aasheim | Hale | Nyhus |
| Akesson | Hanley | Paulson |
| Anderson | Hemmingson | Pearl |
| Atwood | Hendrickson | Pendray |
| Baker of Cass | Hill | Plath |
| Baker of Stark | Homness | Ployhar |
| Bjorndahl | Honey | Poe |
| Brusletten | Hughes | Pound |
| Brynjolfson | Jewett | Price |
| Burdick | Johnson of Bottineau | Putnam |
| Burnett | Johnson of McLean | Schull |
| Burns | Johnson of Rolette | Senour |
| Chatfield | Kinney of McLean | Sgutt |
| Christenson | Kinney of Richland | Sheils |
| Collins of Cass | Kneeland | Sinclair |
| Collins of Gd. Forks | Knox | Skinner |
| Crawford | Kremer | Skulason |
| Cunningham | Law | Sorlie |
| Davidson | Laithwaite | Steen |
| Dibley | Linde | Streeter |
| Doyle of Foster | Lindvig | Thompson, Gd. Forks |
| Doyle of Logan | Lucke | Thompson of McLean |
| Duncan | Martin | Thoreson |
| Evans | McCrea | Traynor |
| Fraine | McLear | Tuttle |
| Freeman | Moen of Benson | Ward |
| Ganssle | Moen of Cavalier | Welford |

| | | |
|----------|-------------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Garden | Narum | White |
| Geidt | Nelson of McHenry | Wisner |
| Gibbins | Nelson of Steele | Wolbert |
| Grant | Nelson of Walsh | Young |

Absent and not voting: Messrs. Goldammer and Olson
Ben Wagsness was nominated for watchman.

The roll was called and there were 93 votes cast of which
Mr. Wagsness received 93 and was declared duly elected.

Those voting for Mr. Wagsness were:

| | | |
|----------------------|----------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Hale | Nyhus |
| Akesson | Hanley | Paulson |
| Anderson | Hemmingson | Pearl |
| Atwood | Hendrickson | Pendray |
| Baker of Cass | Hill | Plath |
| Baker of Stark | Homness | Ployhar |
| Bjorndahl | Honey | Poe |
| Brusletten | Hughes | Pound |
| Brynjolfson | Jewett | Price |
| Burdick | Johnson of Bottineau | Putnam |
| Burnett | Johnson of McLean | Schull |
| Burns | Johnson of Rolette | Senour |
| Chatfield | Kinney of McLean | Sgutt |
| Christenson | Kinney of Richland | Shells |
| Collins of Cass | Kneeland | Sinclair |
| Collins of Gd. Forks | Knox | Skinner |
| Crawford | Kremer | Skulason |
| Cunningham | Law | Sorlie |
| Davidson | Laithwaite | Steen |
| Dibley | Linde | Streeter |
| Doyle of Foster | Lindvig | Thompson, Gd. Forks |
| Doyle of Logan | Lucke | Thompson of McLean |
| Duncan | Martin | Thoreson |
| Evans | McCrea | Traynor |
| Fraine | McLear | Tuttle |
| Freeman | Moen of Benson | Ward |
| Ganssle | Moen of Cavalier | Welford |
| Garden | Narum | White |
| Geidt | Nelson of McHenry | Wisner |
| Gibbins | Nelson of Steele | Wolbert |
| Grant | Nelson of Walsh | Young |

Absent and not voting: Messrs. Goldammer and Olson
Chas. Greenwood was nominated for journal clerk.

The roll was called and there were 93 votes cast of which
Mr. Greenwood received 93 and was declared duly elected.

Those voting for Mr. Greenwood were:

| | | |
|----------------|-------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Hale | Nyhus |
| Akesson | Hanley | Paulson |
| Anderson | Hemmingson | Pearl |
| Atwood | Hendrickson | Pendray |
| Baker of Cass | Hill | Plath |
| Baker of Stark | Homness | Ployhar |
| Bjorndahl | Honey | Poe |

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|----------------------|---------------------|
| Brusletten | Hughes | Pound |
| Brynjolfson | Jewett | Price |
| Burdick | Johnson of Bottineau | Putnam |
| Burnett | Johnson of McLean | Schull |
| Burns | Johnson of Rolette | Senour |
| Chatfield | Kinney of McLean | Sgutt |
| Christenson | Kinney of Richland | Sheils |
| Collins of Cass | Kneeland | Sinclair |
| Collins of Gd. Forks | Knox | Skinner |
| Crawford | Kremer | Skulason |
| Cunningham | Law | Sorlie |
| Davidson | Laithwaite | Steen |
| Dibley | Linde | Streeter |
| Doyle of Foster | Lindvig | Thompson, Gd. Forks |
| Doyle of Logan | Lucke | Thompson of McLean |
| Duncan | Martin | Thoreson |
| Evans | McCrea | Traynor |
| Fraine | McLear | Tuttle |
| Freeman | Moen of Benson | Ward |
| Ganssle | Moen of Cavalier | Welford |
| Garden | Narum | White |
| Geidt | Nelson of McHenry | Wisner |
| Gibbins | Nelson of Steele | Wolbert |
| Grant | Nelson of Walsh | Young |

Absent and not voting: Messrs. Goldammer and Olson.

T. C. White was nominated for assistant journal clerk.

The roll was called and there were 93 votes cast of which Mr. White received 93 and was declared duly elected.

Those voting for Mr. White were:

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|----------------------|---------------------|
| Aasheim | Hale | Nyhus |
| Akesson | Hanley | Paulson |
| Anderson | Hemmingson | Pearl |
| Atwood | Hendrickson | Prenday |
| Baker of Cass | Hill | Plath |
| Baker of Stark | Homness | Ployhar |
| Bjorndahl | Honey | Poe |
| Brusletten | Hughes | Pound |
| Brynjolfson | Jewett | Price |
| Burdick | Johnson of Bottineau | Putnam |
| Burnett | Johnson of McLean | Schull |
| Burns | Johnson of Rolette | Senour |
| Chatfield | Kinney of McLean | Sgutt |
| Christenson | Kinney of Richland | Sheils |
| Collins of Cass | Kneeland | Sinclair |
| Collins of Gd. Forks | Knox | Skinner |
| Crawford | Kremer | Skulason |
| Cunningham | Law | Sorlie |
| Davidson | Laithwaite | Steen |
| Dibley | Linde | Streeter |
| Doyle of Foster | Lindvig | Thompson, Gd. Forks |
| Doyle of Logan | Lucke | Thompson of McLean |
| Duncan | Martin | Thoreson |
| Evans | McCrea | Traynor |
| Fraine | McLear | Tuttle |
| Freeman | Moen of Benson | Ward |

| | | |
|----------|-------------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Ganssle | Moen of Cavalier | Welford |
| Garden | Narum | White |
| Geidt | Nelson of McHenry | Wisner |
| Gibbins | Nelson of Steele | Wolbert |
| Grant | Nelson of Walsh | Young |

Absent and not voting: Messrs. Goldammer and Olson. Bertha Anderson, Florence Connolly, Oscar Bredston, Tess Henry, Miss Mallough, F. E. Packard, George Schnepfer, Emma R. Coleman, Gertrude Leonard and Lyle Writers were nominated for stenographers.

The roll was called and there were 93 votes cast of which each received 93 and each was declared duly elected.

Those voting for each were:

| | | |
|----------------------|----------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Hale | Nyhus |
| Akesson | Hanley | Paulson |
| Anderson | Hemmingson | Peart |
| Atwood | Hendrickson | Pendray |
| Baker of Cass | Hill | Plath |
| Baker of Stark | Homness | Ployhar |
| Bjorndahl | Honey | Poe |
| Brusletten | Hughes | Pound |
| Brynjolfson | Jewett | Price |
| Burdick | Johnson of Bottineau | Putnam |
| Burnett | Johnson of McLean | Schull |
| Burns | Johnson of Rolette | Senour |
| Chatfield | Kinney of McLean | Sgutt |
| Christenson | Kinney of Richland | Sheils |
| Collins of Cass | Kneeland | Sinclair |
| Collins of Gd. Forks | Knox | Skinner |
| Crawford | Kremer | Skulason |
| Cunningham | Law | Sorlie |
| Davidson | Laithwaite | Steen |
| Dibley | Linde | Streeter |
| Doyle of Foster | Lindvig | Thompson, Gd. Forks |
| Doyle of Logan | Lucke | Thompson of McLean |
| Duncan | Martin | Thoreson |
| Evans | McCrea | Traynor |
| Fraine | McLear | Tuttle |
| Freeman | Moen of Benson | Ward |
| Ganssle | Moen of Cavalier | Welford |
| Garden | Narum | White |
| Geidt | Nelson of McHenry | Wisner |
| Gibbins | Nelson of Steele | Wolbert |
| Grant | Nelson of Walsh | Young |

Absent and not voting: Messrs. Goldammer and Olson. Mr. Baker of Cass offered the following resolution and moved its adoption.

Resolved, That the house hereby adopts temporarily as its rules to govern its proceedings the rules in force during the tenth legislative assembly.

Mr. White seconded the motion.

Which motion prevailed, and

The resolution was adopted.

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

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

Which motion prevailed, and

The resolution was adopted.

Mr. McCrea introduced the following resolution and moved its adoption:

Resolved, That the secretary of state be, and he is hereby authorized to procure and cause to be sent to each regularly published newspaper in the state copies of the daily legislative journals and bills; and for the mailing of such documents the speaker of the house is authorized to detail one or more of the regularly employed house clerks not otherwise employed to assist the work of mailing the same.

Which motion prevailed, and

The resolution was adopted.

Mr. Johnson of Bottineau offered the following resolution and moved its adoption:

Resolved, That following the usual custom members of the house shall, as far as possible, send two copies of bills to the desk, one for the use of the newspaper men at the capitol.

Which motion prevailed, and

The resolution was adopted.

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

Resolved, That the speaker appoint a committee of three to notify the senate that the house has completed its organization and is ready for the transaction of business.

Which motion prevailed, and

The resolution was adopted.

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

Resolved, That the speaker be authorized to appoint a temporary committee on revision and correction of the journal.

Which motion prevailed, and

The resolution was adopted.

O. J. Sorlie offered the following resolution and moved its adoption:

Resolved, That the speaker is hereby requested and authorized to appoint a committee of three on mileage and per diem.

Which motion prevailed, and

The resolution was adopted.

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

Resolved, That the chief clerk of the house of the Tenth legislative assembly be allowed mileage of ten cents per mile and twelve dollars for two days' service for calling the house to order as by law provided.

Which motion prevailed, and
The resolution was adopted.

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

Resolved, That the secretary of state be authorized and directed to furnish the speaker and chief clerk of the house with necessary postage stamps during the session.

Which motion prevailed, and
The resolution was adopted.

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

Resolved, That the speaker be authorized to appoint a committee of three to inform the governor that the house of representatives of the Eleventh session of the legislative assembly has organized and is ready to receive any message he desires to communicate to the house.

Which motion prevailed, and
The resolution was adopted.

RECESS.

The house took a recess for ten minutes.

The house re-assembled.

The speaker appointed as a committee to notify the senate that the house was organized Messrs. Duncan, McCrea, and Garden.

The speaker appointed a committee on the corrections and revision of the journal Messrs. Ployhar, Streeter and Thompson of McLean.

The speaker appointed as a committee on mileage and per diem Messrs. Sorlie, Collins of Grand Forks and Wolbert.

The speaker appointed as a committee to notify the governor that the house had organized Messrs. White, Skulason and Crawford.

MESSAGE FROM THE SENATE.

Senator Simpson as chairman of a committee from the senate announced to the speaker that the senate was organized and was ready to receive any communications from the house.

REPORT OF SPECIAL COMMITTEE.

Mr. Speaker:

Your committee appointed to notify the governor that the house of representatives of the Eleventh legislative assembly is duly organized for the transaction of business and to receive any message he may desire to communicate it begs leave to report that it delivered said notice and was directed by the governor to report that he would be ready to communicate his inaugural message to the house and senate at 2 o'clock p m. tomorrow.

GEORGE A. WHITE,
Chairman.

The speaker administered the oath of office to A. J. Olson, member of the house of representatives from the Fourteenth legislative district.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
January 5, 1909.

Mr. Speaker:

I have the honor to inform you that the senate is organized with the election of the following officers:

President Pro Tem—L. A. Simpson.

Secretary of Senate—J. W. Foley.

Assistant Secretary—F. W. Kempf.

Second Assistant Secretary—S. J. A. Boyd.

Chief Enrolling and Engrossing Clerk—W. P. Thurston.

Assistants—W. M. House, L. W. Pierson, J. F. Smith.

Voucher of Clerk and Bookkeeper—C. Parsons.

Stenographer for the Senate—Hawley Rubbell.

Sergeant at Arms—James Walsh.

Doorkeeper—F. A. McDonald.

Messenger—W. H. Dutton.

Postmaster—George Platzter.

Pages—Clarence Pierson, Hubert Holmes, Arthur Patzman, John Ehli, Charles Cushing, James Blunt, John Cox and Roy Durham.

Proof Reader—Roy Moe.

Chaplain—Rev. C. W. Harris.

Janitors—E. A. Bryn, E. M. Michelsohn.

Watchman—W. J. Lowe.

Cloak Room Attendant—C. M. Iron.

Bill Clerk—C. M. Wilcox.

Door Keeper of the Gallery—Arthur Bartlett.

Assistant Bill Clerk—Leon De Roucher.

Clerk of Judiciary—A. Leslie.

Clerk of Appropriations—J. M. Wylie.

Clerk of State Affairs—A. Stanton.

Journal Clerk—Miss Leroy.

Assistant Journal Clerk—Gilbert Tien.

Stenographers for the Senators — Mabel Peterson, Rurdena Gulsett, Ethel M. Newberry, Luella Pennebaker, Cora Simpson, Katherine Coleman, Hannah McKenzie.

Stenographer to the Lieutenant Governor—Carrie Morrish.

Assistant Postmaster—John O. Quamme.

Bill Room Clerks—M. Skarison, John Wigby.

Assistant Watchman—Alex. Miller.

Assistant Enrolling and Engrossing Clerks—M. Samuelson, Fred Cleveland and Laurence Casey.

The speaker administered the oath of office to the following officers and employes of the house:

E. H. Griffin of Ramsey, assistant chief clerk; Rev. Louis Magin of Burleigh, chaplain; T. G. Anderson of Steele, clerk of committee on engrossing and enrolling; Charles E. Greenwood of Barnes county, journal clerk; L. H. Patton of Grand Forks, clerk of committee on state affairs; Frank Gladstone, clerk of judiciary committee; James Lynch of Pierce, doorkeeper; James Flannagan of Morton, janitor; Benjamin B. Wangness of Traill, cloak room attendant; Matt Gullickson of Towner, gallery doorkeeper; George Fisher of Cavalier, janitor; George Schnepfer of Burleigh, stenographer; Emma R. Coleman of Stark, stenographer; Walter F. Cushing of Burleigh, proof reader; Julius Amberson of Burleigh, Curtis Dierlam of Burleigh, John Horner of Burleigh, Willie Laist of Burleigh, Floyd Paris of Burleigh, Wesley R. Cochrane of Burleigh, pages.

Mr. Wolbert moved

That the house take a recess until 1:30 p. m. tomorrow

Which motion prevailed, and

The house took a recess.

W. D. AUSTIN,
Chief Clerk.

FIRST DAY AFTER RECESS

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
January 6, 1909.

House assembled after recess at 1:30 p. m.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
January 5, 1909.

Mr. Speaker:

I have the honor to inform you that the president of the senate has appointed a committee of three consisting of Senators Pierce, Cashel and Gilbert to confer with a like committee from the house with reference to organization for a joint session to receive the message of Governor Burke.

Very Respectfully,
J. W. FOLEY,
Secretary.

Mr. Duncan offered

The following resolution and moved its adoption:

Whereas, It is necessary for the orderly and expeditious transactions of the house of representatives to have certain employes not specifically employed by statute; now, therefore, be it

Resolved, That the speaker be and he is hereby authorized and requested to appoint a committee of three members of the house who shall report to him a list giving the different positions and employments necessary for the proper transaction of the business of the house that have not already been filled by election; and be it further

Resolved, That when said committee shall report to the speaker as afore-said, he shall make the appointments and when so made the names of those appointed shall be entered upon the roll of employes and they shall thereafter be entitled to compensation as shall be hereinafter provided.

Which motion prevailed, and
The resolution was adopted.

Mr. Putnam offered

The following resolution and moved its adoption:

Resolved, That the speaker appoint a committee of three on permanent rules for the house of representatives of the eleventh legislative assembly.

Which motion prevailed, and
The resolution was adopted.

Mr. Hanley moved

That a committee of three be appointed by the speaker to confer with the senate upon adjournment.

Which motion prevailed.

The speaker appointed as such committee Messrs. Hanley, Martin and Jewett.

The speaker announced the following committee:

On Rules—Messrs. Putnam, Baker of Cass and Gibbens.

On Employes—Messrs. Duncan, Collins of Cass and Honey.

On Adjournment—Messrs. Hanley, Martin and Jewett.

On Joint Session—Messrs. Gibbens, Baker of Stark and McCrea.

The speaker administered the oath of office to Frank Goldammer, representative elect.

The speaker administered the oath of office to F. E. Packard of Barnes, as stenographer.

Mr. Nelson moved

That the house do now adjourn.

Which motion prevailed, and
The house adjourned.

W. D. AUSTIN,
Chief Clerk.

SECOND DAY

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
January 6, 1909.

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

The speaker presiding.

Prayer by the chaplain.

Roll call.

All members present, except Messrs. Johnson of Rolette, Kremer.

Mr. Wolbert offered

The following resolution and moved its adoption:

Resolved, That the secretary of state will not be obliged to fill any order sent him for supplies needed by the house members, unless such orders are signed by the members ordering such supplies.

The resolution was adopted.

Mr. Hanley offered

The following resolution and moved its adoption:

Resolved, That the speaker appoint a committee of three to notify the senate that the house is now ready to meet with the senate in joint session.

The resolution was adopted.

The speaker appointed Messrs. Hanely, Cunningham and Nelson on such committee.

REPORT OF SPECIAL COMMITTEE.

Mr. Speaker:

Your committee appointed to confer with a like committee from the senate in regard to a joint session to receive the governor's message beg leave to report that they have conferred with the senate committee and agreed on a joint session of the house and senate in the house chamber at 2:10 p. m., January 6, 1909.

A. S. GIBBENS,
W. BAKER, JR.
GEO A. McCREA.

Mr. Gibbens moved the adoption of the report.

Which motion prevailed, and

The report was adopted.

The sergeant at arms announced the members of the senate.

JOINT SESSION.

Prayer by Rev. Harris.

Mr. Hanley moved

That a committee of two members of the house and three members of the senate be appointed to wait upon the governor to notify him that the joint session is now ready to receive him.

Which motion prevailed, and

The president appointed as such committee Senators Movius, McArthur, Leutz and Representatives McCrea and Baker of Cass.

Senator Gilbert moved

That a committee of two from the senate and three members of the house be appointed to wait upon the state officials and escort them to the joint session.

Which motion prevailed, and

The president appointed as such committee Senators Gilbert, Rice and Representatives Gibbens, White and Baker of Stark.

The sergeant at arms announced the arrival of the committee escorting the governor elect and state officials.

Governor Burke was introduced to the members of the joint assembly by the president of the senate.

Governor Burke then delivered his message:

GOVERNOR BURKE'S MESSAGE.

The new state administration was formally inaugurated at the joint session of the legislature Wednesday. There was a goodly attendance of visitors, in addition to the combined membership of the senate and the house and the spacious house chamber and galleries were well filled. A committee from the senate and house waited on Governor Burke and the state officials who were gathered in the governor's office, and escorted them to the house chamber, where they took seats upon the speaker's stand. All of the state officials were present, including the full membership of

the state supreme court. Judge Fish administered the oath, first to Governor Burke, and then to the other members of the state official family. The ceremony was impressive and befitting the occasion.

The governor then delivered his message to the legislature, and it was heard with interest throughout and roundly applauded at the close. The senate then returned to its assembly room and the joint session dissolved. Following the joint assembly, there was a little intermission in which friends of the officials elect took occasion to congratulate them and wish them successful terms of office. The message follows:

Gentlemen of the Eleventh Legislative Assembly of the State of North Dakota:

The constitution requires me to communicate to you by message information of the condition of the state, and recommend such measures as I may deem expedient. The information required is information of the financial condition of the state for your guidance as a legislative body, and in accordance therewith I submit the following financial statement:

RECEIPTS.

January 1, 1907 to January 1, 1909.

| | | |
|-------------------------------------|----|--------------|
| January 1, 1907, cash on hand | \$ | 54,129.98 |
| Collected from taxes | | 1,519,200.30 |

MISCELLANEOUS.

| | |
|---|------------|
| Commissioner insurance fees | 204,139.52 |
| Interest on public funds | 66,317.55 |
| Maintenance hospital for insane | 41,050.67 |
| Maintenance penitentiary | 34,979.68 |
| Secretary of state incorporation taxes..... | 31,940.50 |
| Scientific school, interest and income..... | 29,084.59 |
| University and school lands fees | 25,363.90 |
| Secretary of state fees | 22,999.68 |
| Elevator licenses | 20,659.00 |
| State examiner fees | 15,890.70 |
| Maintenance industrial school | 11,261.53 |
| Feeble minded institution | 10,692.12 |
| Oil inspector fees | 10,264.59 |
| Received from state bond sinking fund..... | 7,679.41 |
| Hunting permits | 7,084.37 |
| Trolley line | 5,417.90 |
| Armory fund national guard | 2,000.00 |
| Commissioner of agriculture and labor | 1,967.00 |
| Clerk supreme court fees | 1,740.80 |
| Chemical test fund | 1,730.66 |
| Collections dividends defunct banks | 1,235.57 |
| Promotion irrigation | 695.45 |
| Clerkhire secretary of state | 670.00 |

| | |
|---|-----------------|
| Chief veterinarian fees | 654.50 |
| School for deaf | 653.61 |
| Interest and income Soldiers' home | 630.23 |
| Promotion immigration | 606.25 |
| Refund | 580.20 |
| Assistant dairy commissioner fees | 520.00 |
| Car equipment taxes | 394.89 |
| Veterinary medical examination | 261.60 |
| Car line taxes | 261.12 |
| Public printing | 260.00 |
| School of forestry | 243.24 |
| Money in possession of deceased convicts..... | 223.42 |
| Inheritance tax | 200.00 |
| Expense state militia | 187.52 |
| Appropriation and sale refund | 150.10 |
| Comptroller of the currency, Washington, D. C..... | 146.75 |
| Refund bills paid twice | 123.50 |
| Refund cancelled insurance | 116.96 |
| Advertising privilege street car | 100.00 |
| State dipping tanks | 90.00 |
| North Dakota library commission | 33.10 |
| Care blind | 25.00 |
| Interest and income common schools | 10.00 |
| Appraisalment and sales legal expense..... | 9.09 |
| Farmer's institutes | 6.30 |
| Building fund Mayville normal school | 5.50 |
| Maintenance capitol | 3.57 |
| Refund personal express | 1.00 |
| Miscellaneous items | 1.00 |
| North Dakota historical society | .90 |
| Live stock sanitary board | .30 |
| Hospital for insane interest and income | 6,390.00 |
| Twine plant sinking, to reimburse general fund for twine plant certificates paid | 75,000.00 |
| Oil inspection fund to cover bills paid out of general fund through error | 5,909.74 |
| Hotel inspection fund | 172.27 |
| Total | \$ 2,222,167.13 |

DISBURSEMENTS.
FIXED APPROPRIATIONS.
SALARIES.

| | |
|--|-------------|
| Governor | \$ 6,000.00 |
| Lieutenant governor | 2,083.34 |
| Secretary of state | 3,999.84 |
| Auditor | 4,000.00 |
| Treasurer | 4,000.00 |
| Commissioner of insurance | 4,000.00 |
| Attorney General | 4,166.79 |
| Superintendent public instruction | 3,999.84 |
| Commissioner agriculture and labor | 4,000.00 |
| Adjutant general | 3,600.00 |
| Judges supreme court (3) | 29,660.93 |
| Clerk supreme court | 3,000.00 |
| Supreme court reporter | 3,000.00 |
| Judges district court | 57,701.64 |
| Railroad commissioners (3) | 7,900.00 |
| Secretary railroad commission | 2,250.00 |
| State examiner | 4,166.50 |

| | |
|--|----------------------|
| Deputy state examiners (3) | 13,714.92 |
| Dairy commissioner | 3,050.00 |
| Superintendent state board of health | 1,800.00 |
| State librarian (law) | 2,000.08 |
| Oil inspector | 5,208.36 |
| District Veterinarians (closed) | 1,820.00 |
| Wisconsin grain board commissioner | 462.50 |
| Total | \$ 175,584.74 |

CLERKHIRE.

| | |
|--|---------------------|
| Governor | \$ 6,006.03 |
| Secretary of state | 12,315.00 |
| Auditor | 13,102.50 |
| Treasurer | 10,524.92 |
| Commissioner of insurance | 8,817.48 |
| Attorney general | 5,832.50 |
| Superintendent public instruction | 11,120.00 |
| Commissioner agriculture and labor | 7,205.00 |
| Adjutant general | 2,303.83 |
| Supreme court | 1,975.00 |
| Railroad commissioners | 150.00 |
| Examiner | 2,424.97 |
| Total | \$ 81,777.23 |

EXPENSE.

(\$500 per year, laws 1907.)

| | |
|--|---------------------|
| Governor | \$ 1,000.00 |
| Secretary of state | 1,000.00 |
| Auditor | 1,000.00 |
| Treasurer | 1,000.00 |
| Commissioner of insurance | 1,000.00 |
| Attorney general | 1,000.00 |
| Superintendent public instruction | 1,000.00 |
| Commissioner agriculture and labor | 1,000.00 |
| Adjutant general | 1,000.00 |
| Judges supreme court (3) | 2,679.21 |
| Clerk supreme court | 1,000.00 |
| Judges district court (8) | 7,222.40 |
| Oil inspector | 1,000.00 |
| Land commissioner | 1,000.00 |
| Total | \$ 21,901.61 |

EXPENSE, TRAVELING, ETC.

| | |
|--|--------------------|
| Superintendent public instruction | \$ 2,163.55 |
| Dairy commissioner | 1,949.38 |
| State board of health | 2,175.10 |
| Chief veterinarian | 377.76 |
| Railroad commissioners | 1,830.58 |
| Secretary railroad commission | 336.96 |
| Temperance commissioner | 145.60 |
| Board veterinary medical examiners | 274.16 |
| Total | \$ 9,253.09 |

EXPENSE.

| | |
|---|--------------|
| Maintenance capitol | \$ 66,202.73 |
| Board university and school lands | 33,310.04 |
| Advertising and expense leasing university and school lands.. | 3,840.22 |
| Appraisalment and sale university and school lands..... | 12,888.50 |

| | |
|---|---------------|
| Fees selecting university and school lands..... | 405.35 |
| Expense selecting indemnity lands | 201.99 |
| Public printing | 90,425.67 |
| State militia | 31,406.07 |
| State aid high schools | 47,434.81 |
| Jurisdiction unorganized counties | 2,715.00 |
| Promotion irrigation | 12,516.12 |
| Promotion immigration | 22,193.34 |
| State dipping tanks | 37.50 |
| North Dakota historical society | 6,450.99 |
| Educational library (closed) | 555.38 |
| State law library (books) | 3,617.92 |
| Traveling library (closed) | 1.07 |
| Office expense railroad commissioners | 1,204.58 |
| Weather and crop service | 366.13 |
| Board of pardons | 369.94 |
| Defending Prof. Ladd | 1,163.11 |
| St. Louis and Portland expositions | 3,400.00 |
| Aid North Dakota Firemen's association | 3,500.00 |
| Geological survey state university | 2,000.00 |
| Geological survey A. C..... | 2,000.00 |
| Total | \$ 348,206.46 |

EXPENSE.

| | |
|--|---------------|
| Enforcement pure food law | \$ 20,995.68 |
| Contingency fund, government | 175.50 |
| Printing 1905 code | 2,250.00 |
| State fairs, Grand Forks and Fargo..... | 20,000.00 |
| Whitestone Hill battlefield commission | 25.60 |
| Payment certain institution indebtedness | 55,623.65 |
| E. F. Chandler | 147.10 |
| Live stock association | 750.00 |
| Salary teachers unorganized counties | 566.61 |
| Interest on bonds | 8,000.00 |
| Board grain commissioners | 1,649.76 |
| Armories national guard | 12,000.00 |
| Clerk of court, Williams county..... | 200.00 |
| Clerk of court, Stark county | 400.00 |
| Library commission | 3,561.34 |
| Live stock sanitary board | 15,315.68 |
| Poultry association | 300.00 |
| Farmer's institutes | 12,471.74 |
| Total | \$ 154,432.66 |

INSTITUTIONS.

| | |
|---|-------------|
| Langdon experiment station | \$ 4,585.15 |
| Building and maintenance health laboratory, university..... | 10,676.55 |
| Williston experiment station | 6,106.63 |
| Building fund school of forestry | 25,000.00 |
| Demonstration farms, agricultural college | 14,309.74 |
| Engineering building, agricultural college | 65,000.00 |
| Greenhouse, drill hall, etc., agricultural college | 32,863.72 |
| Milling station, agricultural college | 7,000.00 |
| Building blind asylum | 38,217.05 |
| Dickinson experiment station | 15,118.11 |
| Edgeley experiment station | 9,964.44 |
| Def. and building Edgeley experiment station | 4,300.00 |
| Maintenance hospital for insane | 218,955.40 |
| Maintenance feeble minded institution | 98,067.30 |

| | |
|---|-----------------|
| Def. and building hospital insane | 40,437.09 |
| Building and maintenance industrial school..... | 56,170.14 |
| Def. Mayville normal | 8,316.95 |
| Building Mayville normal | 41,417.83 |
| Building and maintenance Valley City normal school..... | 56,697.05 |
| Building and Def. school for deaf..... | 20,000.00 |
| Sewer fund school for deaf | 736.80 |
| Maintenance school for deaf | 1,565.19 |
| Building and maintenance penitentiary | 205,304.32 |
| Building and maintenance reform school | 18,570.07 |
| Building soldiers' home | 5,735.00 |
| Maintenance soldiers' home | 2,002.65 |
| Building scientific school | 32,569.77 |
| Building fund, state university | 65,498.45 |
| Def. Appropriation state university | 18,235.03 |
| Maintenance scientific school | 24,203.38 |
| Total | \$ 1,147,623.81 |

UNLIMITED APPROPRIATIONS.

| | |
|---|--------------|
| Apparatus fund oil inspector | \$ 390.42 |
| Stenographer, supreme court | 3,206.80 |
| Marshal supreme court | 324.00 |
| Traveling expenses state examiner | 1,092.48 |
| Traveling expenses deputy state examiners | 7,073.62 |
| Office expense, clerk supreme court | 516.59 |
| Legal expenses, attorney general | 822.85 |
| Supreme court | 1,416.94 |
| Conductors teachers institutes | 4,230.00 |
| Lecturers teachers institutes | 2,436.66 |
| Insurance public buildings | 20,534.32 |
| Two per cent fire insurance premium to departments | 29,316.32 |
| Outbreak contagious diseases | 447.07 |
| Consultation district veterinarians | 27.70 |
| Reward, arrest and conviction prohibition law | 2,800.00 |
| Reward, arrest and conviction horse thieves..... | 1,600.00 |
| Arrest and returning fugitives..... | 2,730.60 |
| Flags public buildings | 53.40 |
| Burial deceased soldiers | 400.00 |
| Headstones deceased soldiers | 20.00 |
| Burial deceased convicts | 425.00 |
| List new taxable lands | 2,186.19 |
| Premium state treasurer's bond | 1,155.00 |
| Refund secretary of state fees | 27.50 |
| Refund elevators licenses | 22.00 |
| Payment glandered horses destroyed | 983.00 |
| Public service inquiry commission | 6.20 |
| Care smallpox patients | 602.58 |
| Publishing constitutional amendments | 88.75 |
| Care of blind | 3,526.25 |
| Interest on public funds | 98.45 |
| Hotel inspector's salary and expenses | 172.27 |
| Actions, judgments and costs vs. North Dakota | 21.75 |
| Total | \$ 88,754.71 |
| Mileage and per diem members tenth legislative assembly.... | \$ 48,900.00 |
| Per diem officers and employes tenth legislative assembly.... | 31,861.00 |
| Expenses tenth legislative assembly (miscellaneous) | 7,735.85 |
| (Printing charged to public printer.) | |
| Expense eleventh legislative assembly | 7.44 |

| | |
|---|---------------------|
| Meeting of presidents of North Dakota educational institutions (legislature) | 345.30 |
| Investigating Comm. tenth legislative assembly..... | 398.30 |
| Total | \$ 89,247.89 |

TRANSPORTATION.

| | |
|-----------------------------------|---------------------|
| Patients to hospital insane | \$ 22,921.31 |
| Convicts to penitentiary | 9,060.79 |
| Convicts to reform school | 1,576.30 |
| Total | \$ 33,558.46 |

PER DIEM AND EXPENSE TRUSTEES.

| | |
|---|---------------------|
| Agricultural college | \$ 2,955.50 |
| Blind asylum | 764.90 |
| Hospital for insane | 927.55 |
| Institution for feeble minded | 1,099.50 |
| Industrial school | 251.60 |
| Mayville normal | 811.90 |
| Valley City normal | 905.81 |
| Board of management state normals | 331.35 |
| Penitentiary | 2,781.40 |
| Reform school | 2,044.40 |
| School for deaf | 905.90 |
| School of forestry | 883.40 |
| Soldiers' home | 567.40 |
| University | 1,197.90 |
| Scientific school | 322.65 |
| Members live stock sanitary board | 705.90 |
| Total | \$ 17,457.06 |
| Transfers | \$ 25,429.67 |

EMERGENCY BOARD.

| | |
|--|--------------------|
| Oil inspector, traveling expenses | \$ 835.70 |
| Oil inspector, office expenses | 1,037.90 |
| Oil inspector, office rent, deputy | 1,170.98 |
| Oil inspector, salary, deputies | 5,267.41 |
| Total | \$ 8,311.99 |

Grand Total

\$ 2,201,539.38

Balance, January 1, 1909

\$ 20,627.75

| | Assessed Valuation all Property. | Tax Levy. | Tax Actually Collected. |
|------------|--|--------------|-------------------------------|
| 1903 | \$ 146,537,444 | 5.5 | \$ 502,372.58 |
| 1904 | 155,505,269 | 5.5 | 534,219.34 |
| 1905 | 173,551,077 | 5.3 | 547,172.70 |
| 1906 | 196,462,584 | 5.3 | 645,667.25 |
| 1907 | 213,297,542 | 5.1 | 723,340.81 |
| 1908 | 228,767,262 | 5.2 | 795,859.49 |

ESTIMATE

| | |
|--|------------------------|
| of the revenue of the state to be collected during the two years, 1909-1910. | |
| From taxes | \$ 1,800,000.00 |
| From other sources | 750,000.00 |
| Total | \$ 2,550,000.00 |

This shows the financial condition of the state, and the disposition of the appropriations for the different state institutions. Each of these institutions has made report to this office as provided by chapter 233, which will be submitted to you in a separate report. I urge upon you the careful consideration of the supplemental report in relation to these institutions. These institutions are the pride of the state, and I ask you to be as liberal in satisfying their demands as the financial conditions of the state will warrant.

ELECTION OF UNITED STATES SENATOR.

It will be your duty to elect a United States Senator, and if ours is a government of the people, you will, as speedily as possible, comply with the wishes of the people as expressed at the polls at the last general election.

For several years the two great political parties of this state have advocated the election of United States Senators by direct vote of the people. The people feel that, if the senators were elected by direct vote, the same as their representatives, they would be better and truer representatives of a government of the people, and it was because of this prevailing sentiment that the last legislative assembly made some advances toward the selection of United States Senators by direct vote of the people.

The present legislation upon the subject, however, does not meet the demands of the people. It is only a half way measure. It only enables the different parties to select their party choice, and does not permit the selection of the popular choice of the whole people. If the people really believe in the election of United States senators by direct vote, then our present laws should be amended so that each party could nominate its candidate, and the candidate receiving the highest number of votes at the general election should be chosen senator by this body regardless of politics.

NEW COUNTIES.

Since the last session of the Legislative Assembly, all of the unorganized territory in the state has been organized into new counties; and in consequence there are the counties of Hettinger, Adams, Bowman and Dunn without representation in either branch of the legislature. It will be necessary for you, therefore, to make such reapportionment of the legislative districts of this state, as will give these new counties representation.

SEED WHEAT.

In some of the new counties, the settlers' crops were destroyed with hail in 1907 and 1908; thus leaving many of them without means to secure seed wheat for the coming season. In 1901 the legislative assembly passed a law under which counties were authorized to issue bonds to procure seed grain for settlers whose crops had failed during the year 1900. This was a wise law, for it enabled counties to assist the worthy settlers over the hardships and privations incident to pioneer life; but being limited to those who lost their crops in the year 1900, it furnishes no relief to those who lost their crops in 1907 and in 1908. I, therefore, recommend the re-enactment of Chapter 41 of the Laws of 1901, with the limit to the year 1900 stricken out, and such other amendments and provisions as in your judgment may seem necessary.

We are expending a great deal of money each year for immigration. Most of this immigration is to the new counties of the state, and we well know that many of the immigrants are persons with limited means, and that a failure of crop during the first or second year of their pioneer life is very disastrous to them. Relief furnished by this law recommended is not a gift. It will not humiliate the settler. It will not be enacted for charity; but as a matter of business. It will be simply a loan to the settler to purchase seed for another crop, out of which he repays the county with interest for the loan.

GOOD ROADS.

Everybody is interested in the subject of good roads, and especially the man with the big granary and the big grain wagon. The better the road, the cheaper is the transportation and the greater the profit; and yet in our state we have as many different systems of building roads as we have different road districts. Our country roads are under the supervision of a road supervisor. If the county is organized into townships, there is a road district in each township under the supervision of the road supervisor. Each individual in the district, subject to poll tax, has an option of paying the same or working one day on the road. The option is usually exercised by working, or, at least, by putting in the time. The supervisor is usually honest and does the

best he knows how, under the circumstances; but he is not an engineer, and he is followed by a successor who is not an engineer, and who often undoes the work of his predecessor.

Much better results have been accomplished by the payment of all road taxes in cash, and expending the same under the supervision of a civil engineer, or the building of all roads and bridges to be let by contract to experienced men.

THE BATTLESHIP, NORTH DAKOTA.

Our state has been recently highly honored by having the greatest and largest battleship ever built named for her. It is the custom for each state for which a battleship is named to present the ship with a silver service, and I am sure that this will not be the first state to ignore the custom. It is a matter of state interest and state pride; but Section 185 of the Constitution prohibits an appropriation for this purpose and the amount necessary will have to be raised by popular subscription.

STATE FLAG.

With the invitation to attend the christening of the battleship, North Dakota, was a request to bring along the state flag, and upon inquiry I learned that the great state of North Dakota has no state flag. We have a state seal, a state name, a state flower, but no state flag—no emblem that stands especially for North Dakota. We need one; need it at the Alaska Yukon exhibition; need it when the silver service is presented to the battleship, North Dakota; need it when the National Guard goes to National Encampment; need it floating from our public buildings, side by side with the stars and stripes, to remind us of our dual government and our obligations to each.

I submit the matter to you with suggestions from a friend who has made the subject of flags a study and who writes as follows:

“There are but two state flags which have a white background, those of Rhode Island and of Massachusetts. In both cases this white flag is bordered with a golden yellow fringe and further decorated with a golden yellow cord and tassels.

“Blue is an exceptionally bad background for any design, the outline of the state arms blending so with the back-

ground as to be indistinguishable at a comparatively short distance.

“No state, as far as I know, has as yet adopted or considered the adoption of the Continental buff or of corn color for the flag, as a background for the State shield. As North Dakota is, of course, a great grain state, the adoption of such a color might be held peculiarly appropriate. It has the advantage over the white of being less easily soiled. It is quite as effective a background as white in making prominent the contrasting colors of the state coat of arms.”

The Massachusetts law reads:

“The flag of the commonwealth of Massachusetts shall bear on one side a representation of the coat-of-arms of the commonwealth, as prescribed by section one of chapter two of the revised laws, upon a white field, and on the other side a blue shield bearing the representation of a green pine tree, upon a white field. When carried as colors by troops or otherwise, the flag shall be bordered by a fringe and surmounted by a cord and tassels, the fringe, cord and tassels to be of golden yellow. The staff shall be of white ash or of wood of a similar light color, tipped with a spear-head of gilt.”

The corn color suggested as a background would be beautiful and appropriate, but if the Great Seal of the state is placed upon one side of the flag, the golden sheaves of grain around the tree will show better against a white background lit up by the last shimmering, golden rays of the setting sun. I believe there is enough art, poetry and patriotism in this body to design a state flag that will be a “Thing of beauty and a joy forever.”

ALASKA-YUKON-PACIFIC EXPOSITION.

This state has been invited to display an exhibit of our natural resources at the great Alaska-Yukon-Pacific Exposition to be held at Seattle this year. This exposition will be held in a state admitted into the Union with our state, and all the Northwestern states will be represented. Thousands of people from the Eastern, Southern and Central states will pass through our state en route to Seattle, and will expect to see an exhibition of the resources of North Dakota, together with those of the other new states, admitted at the same time. The state should be, at least, as well represent-

ed as it was at the Portland Exposition, and I submit the matter to your good business judgment and sound discretion.

STATE OFFICERS.

Each platform of the two great political parties in this state in the last campaign contained a plank in favor of requiring the state officers to reside at the capital city and give their personal attention to official duty. Complaint is made that if such a law is passed that the salaries are insufficient on account of the increased expense of living.

This is a matter for your consideration. The state is entitled to the personal services of its public servants, and they are in turn entitled to fair and just remuneration for services rendered. The law should be passed as the people demand, and if the salaries are insufficient they should be increased.

CAPITOL BUILDING.

IMPROVEMENTS.

By law, the state treasurer is made the custodian of all bonds and securities representing investments of school and institution funds, and there is now on hand bonds and mortgages securing \$4,358,412.85. The vault in the treasurer's office should be supplied with suitable steel fixtures for the safe-keeping of these securities.

The only fire protection we have at the present time is that supplied by two tanks near the top of the building, which will not furnish sufficient supply of water in case of fire and which are constantly leaking, spoiling and loosening the plaster, and a great source of annoyance. An appropriation should be made for the construction of a tank or stand-pipe outside the building that will furnish protection against fire.

IMMIGRATION.

The enormous increase in the popular vote at the general election in 1908 over that of 1906, indicates a large immigration to this state within the last three years. This is no doubt due, in a large measure, to the advertising of our state at the state fairs among the central states, and by other methods of advertising used by Commissioner Gilbreath, all

of which he was enabled to do by reason of the appropriation for immigration, and I recommend a liberal appropriation for the encouragement of immigration to this state.

INSURANCE.

The Tenth legislative assembly passed a number of acts relating to life insurance, all of which were recommended by a committee appointed by the governors, attorney generals, and commissioners of insurance, at a meeting in Chicago in 1906. The commissioner of insurance of this state reports that in order that these new laws may have full force and effect, the law should provide for an actuary to properly safeguard the rights of the policy holders and to see that the law is complied with. The Insurance Commissioner further recommends a number of amendments to our present law, all of which you will find in the insurance report and to which I respectfully call your attention.

DAIRY INTERESTS.

The dairy interests of this state, under the efficient supervision of Assistant Dairy Commissioner Flint, have prospered. During the last two years twenty new creameries have been constructed, and sixteen million pounds of butter is reported to have been made from North Dakota cream. The dairy interest is one that should be encouraged for the reason that this is an agricultural country and no agricultural country can be kept rich and fertile without diversified farming. Dairying means diversified farming. It means enriched land. It means ready money for the dairy-men at all seasons of the year. There is no failure in the dairy crop. For this reason it should be encouraged, and I call your especial attention to the recommendation asked for by Assistant Commissioner Flint, viz: That the dairy interests of this state have grown so large and are so generally distributed that one deputy cannot properly cover the state and that the salary should be, at least, equal to the salary of other deputy state officers. These requests seem reasonable. A man qualified to look after the dairy interests of the state is a valuable man. He must necessarily be an educated man; and, above all, a good, practical, common sense man. Such a man's services are valuable to the state

and if such men are secured as deputies and paid the same as other deputy state officers, it will be a good investment for the state.

ST. LOUIS EXPOSITION.

UNPAID BILLS.

In defraying the expenses of the exhibit to the St. Louis Exposition, Prof. Babcock of the University at Grand Forks, on October 8th, 1903, paid a freight bill of \$75.21, and on the same date Prof. Brannon of the University, paid a freight bill of \$44.24. These bills were audited and allowed, but for some reason were never paid. The money appropriated for the St. Louis Exposition and not expended was afterwards used in defraying the expenses of the exhibit at Portland at the exposition, and being thus exhausted, there was no money left in the appropriation to pay Prof. Babcock and Prof. Brannon. I therefore recommend the appropriation of a sufficient sum of money to pay these claims, together with legal interest thereon from October 8th, 1903.

TEMPERANCE COMMISSIONER.

In 1907 the Legislative Assembly passed a law providing for a Temperance Commissioner to be appointed by the Governor. Under and by virtue of this law, George Murray was duly appointed and qualified as Temperance Commissioner of the state, and acted as such Temperance Commissioner for twenty days in April and twenty-five days in May in 1907, when the law under which Mr. Murray was appointed was declared unconstitutional by the court. Mr. Murray filed a bill with the state auditor for the sum of \$300.60, that being the amount of his salary as provided by the law and actual expenses incurred while acting as temperance commissioner. Mr. Murray came to Bismarck and gave his entire time and attention to the duties of his office while he remained in office and did valuable services, and should receive just remuneration therefor. I recommend that sufficient money be appropriated to pay Mr. Murray's bill.

LIVE STOCK SANITARY BOARD.

The last legislative assembly passed a law indemnifying owners for the killing of animals affected with glan-

ders, the same being chapter 170 of the laws of 1907. No appropriation was made for the paying of any claims under this act, and, on account thereof, there is now filed with the state auditor claims amounting in the aggregate to \$60,000.00, filed by the owners of animals killed under the law.

As a matter of police regulation the state has a right to kill animals affected with glanders without indemnifying the owners; but such a regulation would in many cases work a great hardship and be, at least, a temptation for the owner to conceal the condition of his animals; while if there was an indemnity it would be an inducement for the owner to disclose the condition of his animals, have the same destroyed and receive the assistance the state offers, and thus result in the final eradication of the disease. This was the intent of the law and the appropriation for carrying out the same was inadvertently left out.

I call your attention to the circular letter of the state veterinarian in regard to the same, as well as to the work of the sanitary board, and to the printed report which will be later laid upon your desks. I submit the whole matter to you for your careful, conscientious consideration.

PAINT LAW.

In enforcing the paint law, Pure Food Commissioner Prof. Ladd, of the Agricultural college, employed John S. Watson of the firm of Ball, Watson, Young & Lawrence, of Fargo, N. D., to represent the state in an action brought in the federal court to test the paint law. Eminent counsel from Chicago was employed by the wholesalers of paints, but Mr. Watson was successful in sustaining the law in the federal district court of this state and likewise in the supreme court of the United States. Mr. Watson did a great deal of hard and efficient work in preparing and in trying the case, both in this state and in the city of Washington, where he was obliged to go to argue the case before the supreme court. He rendered valuable services to the state for which he should receive just and fair remuneration. He filed a bill for the same with the auditing board, and there being no law under which the auditing board could legally pay for such services, the claim has not been allowed. I therefore recommend an appropriation of such sum as will in your judgment fairly and justly compensate Mr. Watson for his services.

SCHOOL AND INSTITUTION LANDS.

The report of the commissioner of public lands, which you have, or will have, before you, shows how enormously the institution funds have increased, and the great necessity for wise legislation to keep such funds safely invested.

In this report I call your attention especially to the recommendations made by the commissioner. In substance, that all lands subject to sale be personally investigated by a representative of the state, field notes thereof taken, and classified with the rental value for hay and grazing, that the law under which the lands are leased for \$5.00 per quarter section regardless of the value for hay and grazing, and all leases for five years, subject to sale (except where lessee has the land fenced), be repealed; that all lands leased for farming purposes be sold, and that the law governing the leasing of lands should be revised, in the revision of which the commissioner generously offers his services. A slight increase in appropriation for maintenance of the office should be made. The reasons for these recommendations are given in the report and are entitled to your earnest and careful consideration.

The constitution as adopted provided that moneys of the permanent school fund, and other educational funds, should be invested only in bonds of school corporations within the state, bonds of the United States, bonds of the state of North Dakota, and 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 was loaned. In 1903 a proposed amendment to the constitution authorizing the investment of such moneys in municipal bonds passed the legislative assembly, was submitted to and passed by the ninth legislative assembly, and was submitted to the electors of the state at the general election in 1906 and carried by a majority vote, and to give this amendment force and effect, chapter 228 of the laws of 1907 was passed by the tenth legislative assembly. It was later discovered that the constitutional provision in relation to the publication of constitutional amendments had not been complied with, and as it was a mandatory provision of the constitution, the constitution was not amended, and therefore chapter 228 of the laws of 1907 is unconstitutional and void. The same amendment with some additional amendments was

submitted to the ninth and tenth legislative assemblies, and was duly advertised and submitted to the electors at the general election in 1908, and was duly carried by a majority vote, and the board of university and school lands is now authorized to invest such moneys in bonds of school corporations, or of counties, townships or municipalities within the state, bonds issued for the construction of drains under the authority of the law within the state, bonds of the United States, bonds of the state of North Dakota, bonds of other states that have not repudiated any of their indebtedness, and first mortgages on farm lands in this state, not exceeding in amount one-third of the actual value of any subdivision on which the same may be loaned; but the board of university and school lands discovered that the first proposed amendment was not legal. A number of investments had been made in municipal bonds, and a large number had been negotiated, some of which are still pending. In order that the amendment which has been legally adopted as a part of the constitution may be given full force and effect, I recommend the re-enactment of chapter 228, with such additional provisions as may be necessary to give the constitutional amendments full force and effect, and to enable the board of university and school lands to accept offers of investment in any bonds now pending.

GRAIN COMMISSION.

Chapter 129 of the laws of 1907 authorizes the governor to appoint a grain commission to investigate and report on the feasibility of the state buying, leasing or building an elevator to be used as a terminal elevator for the use and benefit of the people of this state, and to investigate also and report on the methods of inspection of grain and dockage of grain, the expense of cleaning grain, the disposition of screenings and approximate value. By virtue of this law, A. R. Thompson, M. O. Hall and E. D. Washburn were duly appointed, and have made to the governor an exhaustive report which will be published and duly submitted to you for such action as you deem proper.

In this report the commission recommends the leasing of terminal elevators at Minneapolis and at the head of the lakes, instead of purchasing or building. This recommendation is made for the reason that leasing is much

cheaper than buying or building, and if the experiment was not successful, the loss would be less to the state.

You will find also in the report the statement that Minnesota passed a law authorizing the purchase of a site and the construction of an elevator to be operated by the state through the railroad and warehouse commission, and that the supreme court of Minnesota afterwards held the law unconstitutional. It is suggested that such a law might also be unconstitutional in this state.

I have examined this subject for the purpose of ascertaining whether you can by legislation authorize the purchase and construction or leasing of an elevator in Minnesota and Wisconsin, and in my opinion such a law would be in conflict with section 185 of the constitution of our state, which reads as follows:

Sec. 185. Neither the state nor any county, city, township, town, school district or any other political subdivision, shall loan or give its credit or make donations to or in aid of any individual, association or corporation, except for necessary support of the poor, nor subscribe to or become the owner of the capital stock of any association or corporation, nor shall the state engage in any work of internal improvement unless authorized by a two-thirds vote of the people."

The Minnesota law was held to be in conflict with article 9, section 5, of the constitution of Minnesota, providing that the state shall never contract any debts for works of internal improvement or be a party in carrying on such works. Under this section the state could neither contract the debt nor engage in the grain business, and the Minnesota law authorized both. The Minnesota court held that the building of an elevator was an internal improvement, because it was in fact a part of a system of transportation, so that if the building of an elevator is an internal improvement, our state could build or lease an elevator provided the same was authorized by a two-thirds vote of the people of the state, as provided in section 185, so long as the elevator was built, purchased or leased within the interior of the state, and not in Duluth, Minneapolis or Superior. Only internal improvements are authorized. This means, of course, within the interior, or within the limits of the state, and no elevator can be legally built, purchased or leased outside the state without amending the constitution.

EXPERIMENT STATIONS.

We have, in connection with the agricultural college, and under its supervision, experiment stations at Edgeley, Williston, Langdon and Dickinson, each established for the same purpose, and each should receive the same treatment from the legislative assembly. At the present time there is an annual appropriation of \$5,000.00 for the support of the Edgeley station, an annual appropriation of \$3,000.00 for the Williston station, and no annual appropriations for the stations at Langdon and Dickinson. The Williston station has a special member of the board of trustees, while the Langdon station has a trustee having the same power as the other trustees of the agricultural college. The law in relation to the same should be compiled and amended so that there would be one law for all. If one station is given a member of the board of trustees, each station should be given a member with the same power. The annual appropriation for each should be the same, but as each station is a part of and under the control of the agricultural college, the appropriation necessary for the maintenance of each might be added to the appropriation for the agricultural college and expended under the supervision of the board of trustees of the agricultural college, including the trustees of each station. There should be an annual appropriation provided, as it will enable the board to formulate plans and work ahead and keep within the appropriation.

MILITIA.

The report of the adjutant general calls attention to the necessity of an appropriation for the improvement of the military reservation near Devils Lake. In this connection, I know of my own personal knowledge that improvements are necessary. The parade ground is rough, uneven and hilly, the roads are bad, and a liberal appropriation is necessary for the improving of these military grounds.

BOARD OF HEALTH.

I call your especial attention to the exceedingly valuable report of the board of health. This report contains invaluable information in reference to contagious diseases and should be printed in larger numbers for more general distribution.

In this connection, I call your attention also to the great movement in other states and, in fact, in the world, to exterminate tuberculosis, and also the movement to prevent the pollution of rivers, lakes and streams. These are subjects for your careful consideration, and I recommend a liberal appropriation to carry out the recommendations of the state board of health, and the passage of such laws as will keep our streams and lakes pure and undefiled.

GAME AND FISH.

In my message to the tenth legislative assembly I called attention to the necessity of legislation for the protection of game, and recommended the abolition of spring shooting. North Dakota is the natural home and the natural breeding ground of geese and ducks, and the spring shooting drives them away from their nests and out of the country, and if game is decreasing in this state it is because the laws are insufficient for its protection.

There is some question about the authority of the game warden to act as fish commissioner. The game laws should be revised and amended so that it will appear plainly that the game warden, or some officer, has authority to also act as fish commissioner.

Little attention has been paid to the propagation of fish in this state, and yet there are enough fresh and deep, cold water lakes in the Turtle mountains to supply, not only the game fish for the game fisher, but to supply fish as a food for the entire state. Some ten or twelve years ago, by and through the intervention of Fish Commissioner Barrett, a few black bass were planted in the beautiful Fish lake, seven miles west of St. John in the Turtle mountains. It is now alive with black bass and people from all over the country go there during the fishing season to fish. There are one hundred cottages built in the heavy timber that fringes its shores, and it has become one of the most beautiful summer resorts in the country. This lake is only one of perhaps a hundred lakes in the Turtle mountains, and what has been done here can be successfully done in practically all of the others. Capt. Main, a former state senator, has a cottage on the shores of this lake and has done a great deal for the propagation of fish in the Turtle mountains by transplanting fish from Fish lake into the other lakes in the vicinity. He has made a

very interesting report to the game warden to which I call your especial attention, in which he plainly shows the practicability of a fish hatchery on this lake. This lake is, perhaps, a quarter of a mile wide, four or five miles long, and one hundred feet deep, fed with springs, and in consequence is pure and cold, and no finer fish is caught out of water anywhere. I recommend a reasonable appropriation to establish a fish hatchery at Fish lake in the Turtle mountains, and also one at Devils Lake.

LEGISLATIVE EXTRAVAGANCE.

The legislature has always been extravagant in employing unnecessary clerks and employes. This was early recognized by the members, and as a means of providing against this extravagance a law was passed by which all enrolling and engrossing was done by contract. As the greater part of the work for the clerical force was in the enrolling and engrossing of the bills, it was thought that if this was done under contract it would almost dispense with the necessity of clerks in the legislature, and while the enrolling and engrossing has since been let by contract, the number of legislative clerks and employes has seemed to increase.

In the last legislative assembly there were thirty-six more employes in the house than the law permitted, and fifty-six more employes in the senate than the law allowed, making altogether eighty employes in the senate and sixty-five employes in the house. The legislature has not only been extravagant in the employment of clerks, but it has by resolution increased the pay of clerks and favored officers, and has by resolution given away state property.

You are here as representatives of the people who have reposed a sacred trust in you, and you have no legal or moral right to give away the property or the money of the state as a gift or in a spirit of good fellowship. You are entitled to have necessary and competent clerks to facilitate business and the clerks are entitled to fair and just remuneration for their services. Most of this extravagance comes through a spirit of good fellowship, without wrongful intent and from force of custom that has prevailed for many years. I call your attention to it now, at the threshold of your duties, so that you may be on your guard against this pernicious custom throughout the session. It is no kindness

to young men or women to put them on the payroll unless there is something for them to do. It only encourages them to live by their wits instead of by honest endeavor.

ASSESSMENT OF PROPERTY.

In my message to the tenth legislative assembly, I called attention to the law providing that all property should be assessed at its actual value, and the custom of assessors throughout the state assessing property at only 8 per cent of its value, and some of the disadvantages that resulted therefrom, viz: on account of the low assessment the rate is necessarily high, which is a bad recommendation to the immigrant and to the investor from other states, and on account of the low assessments cities are often hampered and sometimes prevented from having modern conveniences on account of the debt limit which is based on the assessed value of the property.

Aside from these results, and independent of them, all property should be assessed at its actual value in order that it should pay its just proportion for the support of the government that makes property rights safe.

At the present time, a number of county officers' salaries are based upon the assessed valuation of property, and if property were assessed at its actual value it would increase the pay of such county officers to an unreasonable amount and would increase the mill tax so as to make it burdensome upon the people and at the same time create an unnecessary fund. There should be some legislation regulating the salary of the different county officers, and also in reference to the mill tax, so that property might be assessed at its full value without unnecessarily increasing the salary of officers or making the mill tax burdensome to the people.

The commission provided for by the last legislative assembly to inquire into the value of railroads obtained some valuable information on which the railroad assessments in the state were increased \$1,000 per mile. The report of this commission to you makes further comment on this subject unnecessary at this time. I recommend the same to your most careful consideration.

I think that the state has grown and developed and the assessments have increased sufficiently to warrant you in providing for a tax commissioner, whose duty it will be

to look after the assessments and see that they are just and uniform, to assist in the collection of taxes, and assist the board of equalization with information to enable them to equalize the taxes of the state.

ANTI-PASS LEGISLATION.

In my message two years ago to the tenth legislative assembly was a strong recommendation for anti-pass legislation. A bill was introduced in the house, duly passed and amended in the senate. When it returned, the house refused to concur in the amendment. A conference committee of three senators and three representatives was appointed and the bill turned over to this committee, which never made a report, and thus the bill failed to become a law.

Both the republican and democratic parties, recognizing the popular demand for anti-pass legislation, went before the people in the recent campaign with platform pledges for anti-pass legislation, and you have all been elected to this legislative assembly upon one or the other platform.

Alabama, California, Georgia, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Nebraska, Nevada, New York, Mississippi, Massachusetts, Missouri, Ohio, Oregon, South Carolina, South Dakota, Texas, Vermont and Wisconsin have passed anti-pass laws, and congress, recognizing the evil influence of the pass system, placed an anti-pass provision in the rate bill. If the railroads are for the use of the public, they are for the use of the whole public, and no person is entitled to any special privilege not common to all. If the railroads give me passes and make you pay your fare, they give me a special privilege that is denied you. A special privilege over that which is for the use of the public, and because it is for the use of the public, all of the people are entitled to and are demanding the same treatment. The railroads cannot afford to carry anyone for nothing, and if they do it is done either at the expense of the general traveling public or by a return of favors. In either case it is a pernicious system. If the railroads are for the use of the public, then, after they receive fair remuneration for their services, the general traveling public are entitled to the best possible rates. To accomplish this the railroads should make everybody pay, and they can then afford to carry everybody cheaper. I therefore rec-

commend the enactment of an anti-pass law similar to the anti-pass provisions of the rate bill.

THE JUDICIARY.

In my last message I called attention to the prevailing sentiment in this state in favor of a non-partisan judiciary. I believe that this sentiment is stronger now than it was two years ago. During my term of office it has been my duty to appoint several judges, and in making the appointments I have kept this sentiment and principal in mind. It would have been very much easier for me if there had been a law which I was obliged to follow. So important and sacred an office as that of judge of the court of last resort should be by law placed above and beyond the control of any political party.

I therefore recommend that the primary election law be so amended that the names of all candidates for judicial office be placed upon one ballot, separate from the names of other candidates and without party designation, and those receiving the highest number of votes, to the number of those to be elected, be placed upon the ballot at the general election without opposition.

Under the present law the supreme court sits in Bismarck, Fargo and Grand Forks. At each term of court a large number of cases are argued; so many, in fact, that before the court can decide them all, the oral arguments are forgotten. The court should be located permanently at the capital. The court can then, under its own rules, set a few cases for argument, notify the attorneys of the respective parties, and then, while the arguments of the attorneys are fresh in the minds of the judges, the cases can be decided, the opinion written and a new batch of cases noticed for trial. In this way the court could keep abreast of its work and reap the full benefit of the oral arguments.

EXECUTIVE.

Under section 71 of the constitution, the executive power of the state is vested in the governor, and he is commanded by section 75 of the constitution to take care that the laws be faithfully executed. These are not idle words in the constitution. They mean something; and if they mean anything, they mean that the executive power shall be, in fact, vested in the governor, and that the legislative assembly

shall place in his hands the power to comply with the mandate of the constitution to "take care" that the laws be faithfully executed. In other words, there is a moral obligation on your part to enact such legislation as will give effect to the constitution. This obligation is implied, but we are not obliged to rely upon the implication, for it is also expressed in section 68, which reads: "The legislative assembly shall pass all laws necessary to carry into effect the provisions of this constitution." This is a mandatory provision of the constitution, but we are not obliged to rely upon the language of the section to determine whether it is mandatory or not, for section 21 says that "the provisions of this constitution are mandatory and prohibitory unless by express words they are declared to be otherwise." It follows, then, that the legislative assembly must pass all laws necessary to carry into effect the provisions of the constitution.

One of the provisions of the constitution is: "The executive power shall be vested in the governor." Another is: "He shall take care that the laws be faithfully executed." The legislature must, therefore, pass such legislation as will enable the governor to take care that the laws be faithfully executed.

There is a general impression that the governor has this power. Every day there are letters coming to the executive office with information that the laws are being violated in certain parts of the state, and requesting the governor to enforce the laws. During my term of office a great portion of my time has been employed in trying to enforce the laws of the state, and I know from experience how inadequate the present law is in giving force and effect to the constitutional provisions to which I have called your attention.

The only legislation there is on the subject is found in chapter 3 of the political code, section 86 and section 1761, revised codes of 1905. Under section 86, "The governor is to supervise the official conduct of all executive and ministerial officers. Second, he is to see that all offices are filled and the duties thereof performed, or in default thereof apply such remedies as the law allows. If the remedy is imperfect, acquaint the legislative assembly therewith at its next session." Under the circumstances, the only thing I can do is to "acquaint" the legislative assembly, for the law provides no remedy.

If I undertake to "supervise the official conduct of executive and ministerial officers," as provided in subdivision 1, section 86, no attention is paid to my recommendations, and I am criticised for interfering with other officers. The only thing the law permits me to do to carry out the provision of subdivision 2, section 86, viz: "He (the governor) is to see that all the offices are filled and the duties thereof performed," is to tell the officers to do their duty and enforce the law. If they refuse there is no remedy except to notify the state's attorney or the attorney general to bring an action for their removal. If the state's attorney and the attorney general refuse, the governor can go no further. He cannot act himself. He can only act through the officers as provided by law, and thus the executive power ceases to be in the governor and the constitutional provisions are inoperative.

You enjoin the governor with the duty of supervising the official conduct of executive and ministerial officers, and command him to see that they perform the duties of their offices, and there you stop so far as the executive is concerned. There might be implied power in the governor to remove officers, if you had not expressly given this power to the courts. If the governor is to be charged with the duty of supervision, and of seeing that officers perform their duties, he should be given the power to compel them to perform their duties or remove them from office. In fact, he must be given the power if effect is to be given to sections 71 and 75 of the constitution.

Section 197 of the constitution gives you the absolute power to provide for the removal of all officers not subject to impeachment. This includes all officers except the governor, state officers and judges of the supreme court and district courts.

Minnesota, Wisconsin, New York, South Dakota and Iowa have passed laws giving the governor the power of removal, and good results have followed. Minnesota has never had to use the law but once. The governor of South Dakota has never used the law but once. Once is usually enough. With this law on the statute books a governor will not be obliged to remind the state's attorney or the sheriff of his duty more than once, for each will know that to disobey will subject each to removal from office. I do not want this law passed to harrass anybody or to deprive anyone of

office, but only as a means of giving force and effect to the constitution and for the better enforcement of the law.

Under section 9368 if the state's attorney of any county is notified by officer or other person or has knowledge himself of any violation of the prohibition law, it is his duty to inquire into the facts, and he is authorized and required to issue a subpoena for such person or persons as he may have reason to believe have information to appear before him at a time and place and testify. The testimony is reduced to writing, and if the evidence discloses an offense committed, the state's attorney is authorized to file an information. This is an exceedingly effective way of detecting violation of the prohibition law, but because its constitutionality has been questioned, it is seldom resorted to and many state's attorneys refuse to proceed under it on the theory that it is unconstitutional in giving to the state's attorney judicial power, viz: in giving him power to issue subpoenas and compel witnesses to appear and testify before him. This law has been on the statute books for eighteen years, and while it has never been tested in the courts, it has become practically a dead letter.

I recommend, as additional legislation upon this subject, the enactment of a new law—not to take the place of this law, but as additional legislation—giving the same power to a magistrate, which according to section 9529 of the revised codes of 1905, means any judge of the supreme court, district court, justice of the peace, police magistrates and such other officer or officers as are authorized and empowered to issue warrants for the arrest of persons accused of crime, and make it the duty of the state's attorney, the assistant state's attorney, the attorney general or assistant attorney general, upon notice, to appear before the magistrate and examine the witnesses if the testimony showed that an offense had been committed, the state's attorney or attorney general be authorized to file an information. There would be no question about the constitutionality of such law on the question of judicial authority.

IN CONCLUSION.

You are one of the great co-ordinate branches of state government. The legislative—triple sister of the executive and judiciary. You command the first attention of the common parent, the constitution, and subject only to her man-

dates. With a mother's love for her first born, she placed around you few restrictions and made your sisters subject to you. Master you are, but you cannot exist alone. The executive and the judiciary are just as necessary to you as you are to them. Neither can live without the others. Neither will try to exist alone. Neither will hamper the others in the discharge of their duties. But all united in sisterly affection, intensified by patriotic devotion to a common mother, will labor, hand in hand, and side by side, for the honor and glory of our great state and the peace and prosperity of all our people.

Mr. Talcott moved

That the joint session do now dissolve.

The joint session dissolved.

The house reassembled.

The speaker administered the oath of office to Tess E. Henry and Bertha Anderson, stenographers.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
January 6, 1909.

Mr. Speaker:

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

Resolved, By the senate, the house of representatives concurring, that when this legislative assembly adjourn it shall stand adjourned until 2 o'clock p. m. on Wednesday, January 13.

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

Very respectfully,
J. W. FOLEY,
Secrétaire.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
January 6, 1909.

Mr. Speaker:

I have the honor to infor you that the senate has adopted the following concurrent resolution:

Resolved by the senate, the house of representatives concurring, That Hon. J. L. McVey, chairman of the Minnesota State Tax Commission, St. Paul, Minn., be and is hereby invited to address the assembly on the subject of "Taxation," on Friday, January 14, 1909, or on some other date more convenient to him, to be arranged by the president of the senate and speaker of the house.

And your concurrence therein is respectfully requested.

Very respectfully,
J. W. FOLEY,
Secretary.

REPORT OF SPECIAL COMMITTEE.

Your committee on rules beg leave to report as follows:

We recommend that the following rules, standing committees and order of daily business be adopted:

1. The speaker shall take the chair at the time to which the House stands adjourned, and the House shall then be called to order, and the roll of members called and the names of the absentees entered upon the Journal of the House.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18. Every member who is present, before the vote is declared from the chair, must vote for or against the question before the House, unless the House excuses him or unless he is immediately interested in the question, in which case he must not vote.

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

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

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

22. A bill can only be introduced on the report of a committee or on a call for bills, or by a motion for leave.

23. Every bill, before being introduced, shall be in type-written form and shall have endorsed thereon its title, and every bill and resolution shall have endorsed thereon the name of the member introducing the same, and when ordered by a committee the name of such committee shall be endorsed thereon.

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

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

26. No amendment shall be received on the third reading, except to fill blanks, without unanimous consent of the House, but all bills and resolutions may be committed at any time previous to their passage. If any amendment be reported on such commitment by any other than a committee of the whole, it shall be read a second time, and the question of third reading and passage put.

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

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

29. Bills committed to the committee of the whole House shall be read, be open to amendment, and debated by sections, unless otherwise ordered, leaving the title to be last considered; all amendments shall be noted in writing and reported to the House by the chairman.

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

31. A similar mode of procedure shall be observed with bills which have originated in and passed the senate as with bills which have originated in the House, except that they shall not be printed nor engrossed or enrolled.

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

33. When notice of intention to move the reconsideration of any bill or joint resolution shall be given by a member, the clerk of the House shall retain the said bill or joint

resolution until after the time during which the said motion can be made unless the same can previously be disposed of.

34. Any member who votes on the majority side of a question may move a reconsideration of the same, which motion shall be decided by a majority vote.

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

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

37. No bill reported from standing or select committees or from the committee of the whole shall come up for a third reading until the first day after such report unless the House by a two-thirds vote otherwise orders.

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

- On rules to consist of nine members.
- On mileage and per diem to consist of three members.
- On judiciary to consist of nineteen members.
- On ways and means to consist of eleven members.
- On railroads to consist of nineteen members.
- On appropriations to consist of seventeen members.
- On engrossment to consist of nine members.
- On enrollment to consist of nine members.
- On education to consist of thirteen members.
- On elections and privileges to consist of fifteen members.
- On municipal corporations to consist of nine members.
- On corporations other than municipal to consist of nine members.
- On agriculture to consist of thirteen members.
- On public printing to consist of nine members.
- On irrigation to consist of nine members.
- On insurance to consist of nine members.
- On banking to consist of eleven members.
- On labor to consist of nine members.
- On immigration to consist of nine members.
- On apportionment to consist of a member from each senatorial district.
- On schools and public lands to consist of nine members.
- On public health to consist of nine members.
- On military affairs to consist of nine members.
- On warehouses, grain grading and dealing to consist of fifteen members.
- On federal relations to consist of nine members.
- On temperance to consist of fifteen members.
- On highways, bridges and ferries to consist of nine members.
- On state affairs to consist of fifteen members.
- On supplies and expenditures to consist of nine members.
- On forestry to consist of nine members.
- On public debt to consist of nine members.
- On manufactures to consist of nine members.
- On counties and county boundaries to consist of nine members.
- On taxes and tax laws to consist of fifteen members.
- On coal lands and mining to consist of nine members.
- On live stock industry to consist of eleven members.
- On revision and correction of the Journal to consist of seven members.

On game and fish to consist of nine members.

On drainage to consist of eleven members.

Also joint committees on the following subjects:

On public buildings to consist of nine members.

On charitable institutions to consist of nine members.

On penal institutions to consist of nine members.

On educational institutions to consist of nine members.

On state library to consist of nine members.

On joint rules to consist of nine members.

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

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

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

42. Select committees to whom reference shall have been made, must, in all cases, report a state of facts and their opinion thereon to the House.

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

44. No person shall be admitted within the bar of the House except the executive, members of the senate, state officers, judges of the supreme and district courts, members of congress, ex-members of the legislative assembly, delegates to the state constitutional convention, all federal officers of the state and reporters for newspapers, except by card of the Speaker. Any person lobbying on the floor of the House shall forfeit the privilege granted by this rule.

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

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

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

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

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

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

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

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

52. The ayes and nays shall not be ordered unless demanded by one-sixth of the members present except on the final passage of bills, concurrent resolutions to amend the constitution, and memorials, in which case ayes and nays shall be had without demand.

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

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

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

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

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

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

59. At least one day's notice shall be given of the introduction of any motion or resolution calling for or involving the expenditure of any money.

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

S. M. PUTNAM,
W. BAKER, JR.,
A. S. GIBBENS,
Committee on Rules.

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

Mr. Speaker:

The caucus committee on employees recommend that one room be secured at the Grand Pacific and one at the North-west Hotels for members' stenographers.

J. F. COLLINS.

Mr. Garden moved
That the report be adopted.
The report was adopted.
Which motion prevailed.

REFERENCE OF THE JOURNAL.

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

Mr. Speaker.

Your special committee on revision and correction of the journal have examined the journal of the first day and recommend that the same be amended as follows:

On page one line 24 change name E. A. Hale to C. A. Hale.
On page two line one change name "Debley" to "Dibley."
On page three line 15 insert after word "Cass" "Mr. Hale of Grand Forks."
On page 16 lines 40 and 41 strike out name "R. P. Hughes" and insert names "Floyd Paris" and "Charles Couch."

And when so amended recommend that the same be approved.

Respectfully submitted,
FRANK E. PLOYHAR,
Chairman.

Mr. Sorlie moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

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

Resolved, That during the coming recess of the house the clerks of the house, under the direction of the chief clerk, annote the copies of the 1905 codes furnished for the use of the members by noting thereof all amendments found in the 1907 revised laws.

Which motion prevailed, and

The resolution was adopted.

Mr. Wolbert moved

That the chief clerk be instructed to secure a room at the Northwest and Grand Pacific hotels for the use of the members' stenographers.

Which motion prevailed.

The speaker administered the oath of office to J. E. Buttree of Barnes county as assistant journal clerk.

Mr. Gibbens moved

That the house do now adjourn.

Which motion prevailed, and

The house adjourned.

W. D. AUSTIN,
Chief Clerk.

NINTH DAY

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
January 13, 1909.

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

The speaker presiding.

Prayer by the chaplain.

Roll call.

All members present except Messrs. Cunningham, Giedt, Johnson of McLean, Kremer, Moen of Benson, Putnam and Sheils, who were excused.

REFERENCE OF THE JOURNAL.

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

Mr. Speaker:

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

On page two, line four, insert before word "business," the word "the."

On page two, lines 25 and 29, change name "Gibbons" to "Gibbens."

On page three, line 29, change word "that" to "on."

On page four, line 22, change word "Senator" to "Senators."

On page four, line 39, change word "sepaker's" to "speaker's."

On page five, line 3, change "mpressive" to "impressive."

On page 32, line 24, insert word "not" after "must."

And when so corrected recommend that the same be approved.

S. J. DOYLE,
Chairman.

MESSAGE FROM THE SECRETARY OF STATE.

The following message was received from the secretary of state:

January 8, 1909.

To the Senate and House of Representatives of the Eleventh Legislative Assembly:

SIRS: Pursuant to section 239, revised codes of 1905, we have the honor to report herewith our estimate of the appropriation necessary to defray the expense 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-wit: \$75,000.00.

Respectfully submitted,
 JOHN BURKE, Governor,
 ALFRED BLAISDELL, Secretary of State,
 D. K. BRIGHTBILL, State Auditor,
 Board of Trustees of Public Property.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
 BISMARCK, NORTH DAKOTA,
 January 13, 1909.

Mr. Speaker:

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

Be It Resolved by the Senate of the State of North Dakota, the House of Representatives thereof concurring:

That, Whereas charges of mismanagement and intimation of graft have been charged through different newspapers of our state as to the former and present administration of our state penitentiary and

Whereas, Such charges have created a blot upon the character of the men involved and a stigma upon our state;

Be It Therefore Resolved, That the President of the Senate be authorized and directed to appoint a committee of five to act with a like committee of four from the House of Representatives to act as an investigating committee from the Eleventh Assembly to investigate the administration of W. F. Boucher and the administration of F. O. Hellstrom as wardens of said penitentiary and to make as true and correct a report thereof to the legislature as can possibly be had.

Which the senate has adopted and your favorable consideration is respectfully requested.

Very respectfully,
 J. W. FOLEY,
 Secretary.

Mr. White moved

That the senate concurrent resolution relating to the appointment of a committee to investigate the penitentiary be referred to its proper committee.

Which motion prevailed.

The same was referred to the committee on state affairs.

STANDING COMMITTEES.

The speaker announced the following standing committees:

HOUSE STANDING COMMITTEES.

Mileage and Per Diem—Messrs. Sorlie, chairman; Collins of Grand Forks, Wolbert.

Judiciary—Skulason, chairman; Traynor, Chatfield, Collins of Cass, Duncan, Fraine, Gibbens, Putnam, Kneeland, Sorlie, Anderson, Hendrickson, Doyle of Foster, Hommes, Kinney of Richland, Nelson of McHenry, Baker of Stark, Davidson, Hanley.

Ways and Means—Sorlie, chairman; Doyle of Foster, Ganssle, Hemmingson, Nelson of Steele, Pound, Narum, Paulson, Poe, Sgutt, Steen.

Railroads—White, chairman; Welford, Law, Garden, Collins of Grand Forks, Cunningham, Johnson of McLean, Hemmingson, Paulson, Davidson, Sinclair, Doyle of McIntosh, Pendray, Nyhus, Pound, Martin, Nelson of McHenry, Young, McLear.

Appropriations—Putnam, chairman; Ployhar, Laithwaite, Skulason, Traynor, Knox, Garden, Wolbert, White, Collins of Cass, McCrea, Atwood, Ward, Price, Collins of Grand Forks, Martin, Senour.

Engrossment—Crawford, chairman; Goldammer, Johnson of McLean, Poe, Pound, Kinney of Richland, Kremer, Lindvig, Evans.

Enrollment—Linde, chairman; Collins of Cass, Akesson, Grant, Moen of Cavalier, Pendray, Narum, Nyhus, Evans.

Education—Ployhar, chairman; Traynor, Wisner, McCrea, Gibbens, Knox, Thompson of McLean, Freeman, Chatfield, Laithwaite, Price, Johnson of Bottineau, Skinner, Hendrickson, Crawford.

Elections and Privileges—Johnson of Bottineau, chairman; McCrea, White, Wolbert, Davidson, Traynor, Putnam, Gibbens, Dibley, Kneeland, Atwood, Collins of Grand Forks, Nelson of Steele, Sgutt, Christenson.

Municipal Corporations—Kneeland, chairman; Schull, Price, Traynor, Wisner, Baker of Stark, Doyle of Foster, Sgutt, Hanley.

Corporations Other than Municipal—Chatfield, chairman; Young, Hemmingson, Hill, Giedt, Akesson, Bjorndahl, Nelson of Walsh, Grant.

Agriculture—Duncan, chairman; Doyle of McIntosh, Freeman, Goldammer, Skinner, Hill, Linde, Brynjulson, Paulson, Pendray, Storey, Moen of Cavalier, Thompson of Grand Forks.

Public Printing—Streeter, chairman; Doyle of McIntosh, Anderson, Johnson of Bottineau, Johnson of Rolette, Davidson, Hanley, Kinney of Richland, Ployhar.

Irrigation—Thompson of McLean, chairman; Linde, Young, Homnes, Burns, Poe, Senour, McLearn, Evans.

Insurance—Honey, chairman; Fraine, Baker of Cass, Brusletten, Garden, Sinclair, Atwood, Goldammer, Nelson of Walsh.

Labor—Law, chairman; Doyle of McIntosh, Lucke, Brusletten, Martin, Jewett, Giedt, Aasheim, Bjorndahl.

Immigration—Nelson of Steele, chairman; Akesson, Brynjulson, Aasheim, Giedt, Christenson, Homnes, Kremer, Hughes.

Apportionment—Plath, chairman; Anderson, Baker of Cass, Brusletten, Burnett, Burns, Collins of Cass, Collins of Grand Forks, Crawford, Dibley, Doyle of Foster, Doyle of McIntosh, Ganssle, Goldammer, Hill, Homnes, Hughes, Jewett, Johnson of Bottineau, Johnson of Rolette, Kinney of McLean, Kinney of Richland, Knox, Kremer, Law, Laithwaite, Linde, Lucke, McCrea, Moen of Benson, Moen of Cavalier, Narum, Nelson of McHenry, Nelson of Steele, Olson, Pound Schull, Sgutt, Sheils, Sinclair, Stein, Streeter, Thompson of Grand Forks, Thompson of McLean, Thoreson, Young, Baker of Stark, Nelson of Walsh.

School and Public Lands—Gibbens, chairman; Law, Putnam, Ward, Peart, Moen of Benson, Young, Johnson of Rolette, Nyhus.

Public Health—Sheils, chairman; Wisner, Cunningham, Garden, Hendrickson, Skulason, Poe, Senour, Dibley.

Military Affairs—Fraine, chairman; Hanley, Streeter, Ployhar, Baker of Stark, Nelson of McHenry, Crawford, Honey, Hale.

Warehouses and Grain Grading—Knox, chairman; Peart, Ward, Storey, Brynjulson, Wisner, Kinney of McLean, Thoreson, Schull, Sheils, Burnett, Doyle of McIntosh, Laithwaite, Skinner, Goldammer.

Temperance—Garden, chairman; McCrea, Sheils, Ganssle, Hemmingson, Kinney of McLean, Hill, Davidson, Bjorndahl, Olson, Brusletten, Honey, Streeter.

Highways and Bridges—Dibley, chairman; Thoreson, Hemmingson, Knox, Steen, Grant, Pound, Welford, Senour.

State Affairs—Price, chairman; Hale, Duncan, Hemmingson, Johnson of Bottineau, Honey, Kinney of McLean, Ward, Lucke, Plath, Sorlie, Welford, Wolbert, Burns, Nyhus.

Supplies and Expenditures—Anderson, chairman; Aasheim, Brusletten, Christenson, Fraine, Streeter, Nelson of Steele, Plath, Dibley.

Forestry—Thoreson, chairman; Johnson of Bottineau, Doyle of McIntosh, Brynjulson, Moen of Benson, Aasheim, Burns, Lucke, Moen of Cavalier.

Public Debt—McCrea, chairman; Giedt, Burnett, Goldammer, Johnson of McLean, Law, Martin, Moen of Benson, Thoreson.

Manufacturers—Sinclair, chairman; Giedt, Nyhus, Lindvig, Skinner, Olson, Hughes, Paulson, Bjorndahl.

Counties and County Boundaries—Hendrickson, chairman; Johnson of Rolette, Chatfield, Martin, Brynjulson, Skinner, Aasheim, Poe, Senour.

Taxes and Tax Laws—Steen, chairman; Duncan, Moen of Benson, Gibbens, Peart, Welford, Davidson, Jewett, Ganssle, Geidt, Pound, Burnett, Nelson of Walsh, Traynor, Akesson.

Coal Lands and Mining—Young, chairman; Baker of Stark, Schull, Kinney of McLean, Storey, McLearn, Homnes, Burns, Evans.

Live Stock—Cunningham, chairman; Collins of Cass, Narum, Hill, Nyhus, Ward, Duncan, Freeman, Schull, Thompson of Grand Forks, McLearn.

Banking—Wolbert, chairman; Wisner, Baker of Cass, Cunningham, Honey, Welford, Jewett, White, Johnson of Rquette, Johnson of McLean, Kinney of Richland.

Federal Relations—Storey, chairman; Burnett, Ward, Linde, Plath, Skinner, Thoreson, Baker of Cass, Kremer.

Revision and Correction of the Journal—Doyle of Foster, chairman; Kneeland, Kremer, Ployhar, Lindvig, Olson, McLearn.

Game and Fish—Hale, chairman; Thompson of McLean, Lindvig, Hill, Sgutt, Dibley, Christenson, Atwood, Cunningham.

Drainage—Lucke, chairman; Ganssle, Plath, Laithwaite, Burnett, Paulson, Akesson, Freeman, Thompson of Grand Forks, Steen, Grant.

Rules—Baker of Cass, chairman; Fraine, Putnam, Sheils, Welford, Skulason, Nelson of McHenry, Peart, Sorlie.

JOINT COMMITTEES.

Public Buildings—Ganssle, chairman; Anderson, Cunningham, Doyle of McIntosh, Grant, Jewett, Price, Storey.

Penal Institutions—Collins of Cass, chairman; Brynjulson, Crawford, Fraine, Hale, Hughes, Kneeland, Martin, Young.

Library—Narum, chairman; Baker of Stark; Laithwaite, Lindvig, Olson, Paulson, Schull, Sheils, Ward.

Charitable Institutions—Pendray, chairman; Atwood, Bjorn Dahl, Moen of Benson, Nelson of Walsh, Olson, Peart, Sinclair, Thoreson.

Educational Institutions—Collins of Grand Forks, chairman; Baker of Cass, Brusletten, Chatfield, Johnson of McLean, Garden, Plath, Skulason, Sorlie.

Rules—McCrea, chairman; Burnett, Christianson, Duncan, Hanley, Linde, Putnam, Thompson of McLean, White.

The house proceeded to the drawing of seats by counties.

PRESENTATIONS OF PETITIONS AND RESOLUTIONS.

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

Whereas, At the tenth session of the North Dakota Legislative Assembly there was among the membership of the House of Representatives the Hon. Arne P. Haugen of the Seventh Senatorial District.

He was a kindly, courteous, gentle-mannered man who was highly regarded by his fellow-members. He was known to be honest and upright at home, and the same methods were those adopted by him in his service as a representative of the people of his district and of the state. He was one of the oldest members of the House, and with him the passing of the years had brought a spirit of conservatism and a respect for and toleration of the beliefs of others which led him always to consider that even those who were diametrically opposed to him on political and social questions were entitled to equal credit for honesty of purpose with that which he asked for himself.

He was one of those men who, although not forgetting the land that gave him birth, was intensely devoted to the land of his adoption, and was ever ready to aid by his counsel and active assistance any movement which, in his judgment, was conducive to a furtherance of the best interests of the nation and the state. And, now that the life work of our friend is ended—

now that he has laid down the burden of human existence and passed to that mysterious realm of happiness and perfection, a belief in which possesses heathendom as well as Christendom, and which all the assaults of agnosticism and doubt have not succeeded in removing from the human mind—it is mete that we, the members of the Legislative body immediately succeeding that of which he was a member, should pay a proper tribute of respect to his memory. Therefore, Be It

Resolved, That the members of the House of Representatives of the Eleventh Legislative Assembly express their profound respect for the memory of our departed fellow-legislator; that they hereby pay a deserved tribute to his memory, and that the members who served with him in the session of 1907, and who are also members of the present session, and who, therefore, knew the departed personally, express the love and respect they felt for him. And be it further

Resolved, That a copy of these resolutions be engrossed and forwarded by the Chief Clergy of the House to the family of the late Honorable Arne P. Haugen, and that as a tribute of respect to his memory, the House, when the order of business under the heading of "Introduction of Bills and Memorials" shall have been finished, adjourn until 2 o'clock Thursday, January 14.

Which motion prevailed, and
The resolution was adopted.

The speaker administered the oath of office to the following:

E. Erlandson, assistant chief clerk.

Mabel Thoburn, house stenographer.

Roy H. Bryant, assistant clerk.

Geo. Farries, bill clerk.

J. H. Sogn, assistant bill clerk.

Henry Dence, E. H. Ulsaker, Bettie McPherson, John Morris sergeant-at-arms.

Florence Connolly, stenographer.

Tess E. Henry, stenographer.

Lorraine Mallough, stenographer.

Gertrude Leonard, stenographer.

Theo. Halberg, N. A. Nelson, messengers.

Clarence Pierson, page.

Hans Thompson, P. S. Nygard, janitors.

Oscar Bridston, stenographer.

Alex Wright, clerk of committee on appropriations.

Ethel Mangold, John Forrest, C. N. Olson, J. W. Murphy, and C. B. Wade as clerks.

Joseph T. Radford, watchman.

John Martin, assistant postmaster.

Mr. Streeter moved

That the house do now adjourn.

Which motion prevailed, and

The house adjourned.

W. D. AUSTIN,
Chief Clerk.

TENTH DAY

**HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
January 14, 1909.**

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

The speaker presiding.

Prayer by the chaplain.

Roll call.

All members present.

REFERENCE OF THE JOURNAL.

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

Mr. Speaker:

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

On page 3, in lines 7, 40 and 44, and on page 4, line 31, and on page 5, line 7, change name "Gibbons" to "Gibbens."

On page 6, line 43, change name of "Ferris" to "Farries."

On page 3, add the name of McLear to the Committee on Railroads.

And when so corrected recommend that the same be approved.

**S. J. DOYLE,
Chairman.**

Mr. Doyle of Foster moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

COMMUNICATIONS FROM THE SECRETARY OF
STATE.

OFFICE OF SECRETARY OF STATE,
BISMARCK, NORTH DAKOTA,
January 4, 1909.

*To the Members of the House of Representatives of the
Eleventh Legislative Assembly:*

SIRS: I have the honor to transmit herewith notice of contest, etc., of John Storey vs. G. A. Herolz, for the office of member of the house of representatives from the 26th legislative district.

Very respectfully,
ALFRED BLAISDELL,
Secretary of State.

Referred by the speaker to the committee on election and privileges.

OFFICE OF SECRETARY OF STATE,
BISMARCK, NORTH DAKOTA,
January 5, 1909.

*To the Members of the House of Representatives of the
Eleventh Legislative Assembly:*

SIRS: I have the honor to transmit herewith objections and protest of W. P. Tuttle in contest case of John Storey vs. G. A. Herolz for the office of member of the house of representatives from the 26th legislative district.

Very respectfully,
ALFRED BLAISDELL,
Secretary of State.

Referred by the speaker to the committee on election and privileges.

MESSAGE FROM THE SENATE.

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
January 14, 1909.

Mr. Speaker:

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

Whereas, there is now pending before the congress of the United States a bill providing that the United States government shall reserve unto itself all mining rights to all coal deposits underlying government lands for which patent has not been issued so far and that patent be issued for the surface of the land only; and,

Whereas, most of these coal underlying lands in the western part of the state of North Dakota have been disposed of in former years as land grants, and under the different land laws without restrictions of this kind; and,

Whereas, the comparatively small acreage of unpatented lands scattered mostly in small and isolated tracts left in the hands of the government of this state are of not much value as mining properties, more so as the quality of this lignite coal in this state is such that it can be used in a limited way and only inside of a short time after its mining; and,

Whereas, hundreds of settlers have made homestead entries in good faith and have improved their places spending thousands of dollars, not knowing that their lands were underlaid with this coal, relying upon and expecting to receive clear title to such lands after fully complying with the requirements of the law; and,

Whereas, such clouded title will be a hardship to a great number of settlers, because they, with such a cloud and burden upon the land, will be unable to borrow money on mortgages, or sell or dispose of the same; now, therefore, be it

Resolved by the Senate of the State of North Dakota, the House of Representatives Concurring, That our congressional delegation in congress be respectfully requested to use all honorable means to prevent the passage of said bill and to introduce, and to assist in its passage, such a measure as that the government issue a clear title to all lands

in the state of North Dakota which have been entered upon under our present land laws and which were not designated as coal lands at the time such entry was made.

Resolved, That the clerk of the senate be instructed to send a copy of these resolutions to each of our members in congress on the final passage of the same.

Which the senate has adopted and your favorable consideration is respectfully requested.

Very respectfully,

J. W. FOLEY,
Secretary.

COMMUNICATION FROM THE SECRETARY OF STATE.

The following message was received from the secretary of state:

To the Members of the House of Representatives of the Eleventh Legislative Assembly of the State of North Dakota:

SIRS: I, Alfred Blaisdell, secretary of state of the state of North Dakota, do hereby certify that the following proposed constitutional amendments were passed by the tenth legislative assembly, and are hereby respectfully submitted to the eleventh legislative assembly for your approval or rejection.

(Seal)

Very respectfully,
ALFRED BLAISDELL,
Secretary of State.

PROPOSED CONSTITUTIONAL AMENDMENT.

That section 140 of the constitution of the state of North Dakota is amended to read as follows:

Sec. 140. Amendment. Railroad corporations and common carriers required to keep office in the state and make reports.) Every railroad corporation and common carrier organized in, or doing business in this state, under the laws or authority thereof, shall have and maintain a public office or place in the state for the transaction of its business where a record of the transfers of its stock shall be made and in which shall be kept for public inspection,

books in which shall be recorded the amount of capital stock subscribed, and by whom, the names of the owners of the stock and the amount owned by them respectively, the amount of stock paid in and by whom, and the transfers of said stock; the amount of its assets and liabilities and the name and place of residence of its officers. The directors of every railroad corporation and of every common carrier doing business in this state shall annually make a report, under oath, to the auditor of public accounts, or some other officer or officers to be designated by law, all their acts and doings, which report shall include such matters relating to railroads and common carriers as may be prescribed by law. Similar reports shall be made to such other officers and at such times and places as may be required by law, and the legislative assembly shall pass laws enforcing by suitable penalties the provisions of this section.

PROPOSED CONSTITUTIONAL AMENDMENT.

Section 25 of article 2 of the constitution of the state of North Dakota shall be and hereby is amended to read as follows:

Sec. 25. The legislative authority of the state of North Dakota shall be vested in a legislative assembly consisting of a senate and house of representatives, but the people reserve to themselves power to propose laws and amendments to the constitution, and to enact or reject the same at the polls, independent of the legislative assembly, and also reserve power, at their own option, to approve or reject at the polls any act, item, section or part of any act or measure passed by the legislative assembly.

The first power reserved by the people in the initiative, and not more than eight per cent of the legal voters shall be required to propose and measure by initiative petition, and every such petition shall include the full text of the measure so proposed, but the same constitutional amendment shall not be proposed oftener than once in ten years. Initiative petitions shall be filed with the secretary of state not less than thirty days before any regular session of the legislative assembly. He shall transmit the same to the legislative assembly as soon as it convenes. Such initiative measures shall take precedence over all other measures in the legislative assembly except appropriation bills,

and shall be either enacted or rejected without change or amendment by the legislative assembly within forty days. If any such initiative measure shall be enacted by the legislative assembly it shall be subject to referendum petition or it may be referred by the legislative assembly to the people for approval or rejection. If it is rejected or no action is taken upon it by the legislative assembly within said forty days, the secretary of state shall submit it to the people for approval or rejection at the next ensuing general election. The legislative assembly may reject any measure so proposed by initiative petition and propose a different one to accomplish the same purpose, and in any such event both measures shall be submitted by the secretary of state to the people for approval or rejection at the next ensuing regular election. If conflicting measures submitted to the people at the next ensuing election shall be approved by a majority of the votes severally cast for and against the same, the one receiving the highest number of affirmative votes shall thereby become valid and the other shall thereby be rejected.

The second power is the referendum and it may be ordered (except as to laws necessary for the immediate preservation of the public peace, health or safety) as to any measure or any parts, items or sections of any measure passed by the legislative assembly, either by a petition signed by five per cent of the legal voters or by the legislative assembly if a majority of the members-elect vote therefor. When it is necessary for the immediate preservation of the public peace, health or safety that a law shall become effective without delay, such necessity and the facts creating the same shall be stated in one section of the bill, and if upon aye and nay vote in each house two-thirds of all the members elected to each house shall vote on a separate roll call in favor of the said law going into instant operation for the immediate preservation of the public peace, health or safety such law shall become operative upon approval by the governor.

The filing of referendum petition against one or more items, sections or parts of any act shall not delay the remainder of that act from becoming operative. Referendum petitions against measures passed by the legislative assembly shall be filed with the secretary of state not more than ninety days after the final adjournment of the session of

the legislative assembly which passed the measure on which the referendum is demanded. The veto power of the governor shall not extend to measures referred to the people. All election on measures referred to the people of the state shall be had at biennial regular general election, except as provisions may be made by law for a special election or elections. Any constitutional amendment or other measure referred to the people shall take effect when it is approved by a majority of the votes cast thereon, and not otherwise, and shall be in force from the date of the official declaration of the vote. The enacting clause of all initiative bills shall be "Be it enacted by the people of the state of North Dakota." This section shall not be construed to deprive any member of the legislative assembly of the right to introduce any measure. The whole number of votes cast for justice of the supreme court at the regular election last preceding the filing of any petition for the initiative or for the referendum shall be the basis on which the number of legal voters necessary to sign such petition shall be counted. Petitions and orders for the initiative and for the referendum shall be filed with the secretary of state, and in submitting the same to the people he and all other officers shall be guided by the general laws and the acts submitting this amendment until legislation shall be especially provided therefor. This amendment shall be self-executing, but legislation may be enacted especially to facilitate its operation.

PROPOSED CONSTITUTIONAL AMENDMENT.

That section 216 of the constitution of the state of North Dakota be amended to read as follows:

Section 216. The following named public institutions are hereby permanently located as hereinafter provided, each to have so much of the remaining grant of one hundred and seventy thousand acres of land made by the United States for "other educational and charitable institutions" as is allotted by law, namely:

First: A soldiers' home, when located, or such other charitable institution as the legislative assembly may determine, at Lisbon, in the county of Ransom, with a grant of forty thousand acres of land.

Second. A blind asylum, or such other institution as the legislative assembly may determine, at such place in the county of Pembina as the qualified electors of said county may determine at an election to be held as prescribed by the legislative assembly, with a grant of thirty thousand acres.

Third. An industrial school and school for manual training or other such educational or charitable institution as the legislative assembly may provide, at the town of Ellendale, in the county of Dickey, with a grant of forty thousand acres.

Fourth. A school of forestry, or such other institution as the legislative assembly may determine, at such place in one of the counties of McHenry, Ward, Bottineau or Rolette as the electors of said counties may determine by an election for the purpose, to be held as provided by the legislative assembly.

Fifth. A scientific school or such other educational or charitable institution as the legislative assembly may prescribe, at the city of Wahpeton, county of Richland, with a grant of forty thousand acres.

Sixth. A state normal school at the city of Minot, in the county of Ward; provided, that no other institution of a character similar to any one of those located by this article shall be established or maintained without a revision of this constitution.

PROPOSED CONSTITUTIONAL AMENDMENT.

That section 158 of the constitution of the state of North Dakota be amended so as to read as follows:

Section 158. No land shall be sold for less than the appraised value and in no case for less than ten dollars per acre. The purchaser shall pay one-fifth of the price in cash and the remaining four-fifths as follows: One-fifth in five years, one-fifth on or before the expiration of ten years, one-fifth one or before the expiration of fifteen years, and one-fifth on or before the expiration of fifteen years, and one-eighth at the rate of not less than five per cent per annum payable annually in advance; provided, that when payments are made before due they shall be made at an interest paying date, and one year's interest in advance shall be paid on

all moneys so paid. All sales shall be held at the county seat of the county in which the land to be sold is situated, and all be at public auction and to the highest bidder after sixty days' advertisement of the same in a newspaper in general circulation in the vicinity of the land to be sold, and also published in a newspaper published at the county seat and also in a newspaper published at the seat of government. Such lands as shall not have been especially subdivided shall be offered in tracts of one-quarter section and those subdivided in the smallest subdivision. All lands designated for sale and not sold within two years after appraisal shall be reappraised before they are sold. No grant or patent for such lands shall issue until payment is made for the same; provided, that the lands contracted to be sold by the state shall be subject to taxation from the date of such contract. In case the taxes assessed against any of said lands for any year remain unpaid until the first Monday in October of the following year, then and thereupon the contract of sale for such lands shall, if the board of university and school lands so determine, become null and void.

Any lands under the provisions of section 158 of the constitution of the state of North Dakota that have heretofore been sold may be paid for, except as to interest, as provided herein; provided, further, that any school or institution lands that may be required for townsite purposes may be paid for at any time and patent issued therefor.

PROPOSED CONSTITUTIONAL AMENDMENT.

That section 176 of the constitution of the state of North Dakota be amended so as to read as follows:

Section 176. Laws shall be passed taxing by uniform rate all property according to its true value in money, and the legislature may pass laws taxing incomes, but the property of the United States, and the state, county and municipal corporations, both real and personal, shall be exempt from taxation, and the legislative assembly shall be a general law exempt from taxation property used exclusively for school, religious, fraternal, cemetery or charitable purposes, public hospitals, under the control of religious or charitable societies, used wholly or in part for public charity, and personal property to any amount not exceeding in

value two hundred dollars for each individual liable to taxation; but the legislative assembly may, by law, provide for the payment of a per centum of gross earnings of railroad companies to be paid in lieu of all state, county, township and school taxes on property exclusively used in and about the prosecution of the business of such companies as common carriers, but no real estate of said corporations shall be exempted from taxation in the same manner and on the same basis as other real estate is taxed, except road-bed, right-of-way, shops and buildings, used exclusively in the business as common carriers, and whenever, and so long as such law providing for the payment of a per centum on earnings shall be in force, that part of section 179 of this article relating to assessment of railroad property shall cease to be in force.

INTRODUCTION, FIRST AND SECOND READING OF HOUSE BILLS

Mr. Schull introduced

House Bill No. 1,

A bill for an act to amend sections 7472, 7473 and 7475 of the revised codes of North Dakota for 1905, relating to procedure in foreclosure of real estate mortgages by advertisement, and to provide for the service of notice of the foreclosure sale upon the person in actual possession of the mortgaged premises.

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

Mr. Jewett introduced

House Bill No. 2,

A bill for an act to amend section 4641 of the revised codes of 1905, relating to capital stock banking corporations.

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

Mr. Jewett introduced

House Bill No. 3,

A bill for an act appropriating a sum of money to pay outstanding claims to indemnify owners for animals killed

or destroyed according to law for being affected with the disease commonly known as glanders, and making an annual appropriation for said purpose.

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

Mr. White introduced
House Bill No. 4,

A bill for an act to provide a method for the nomination of candidates for office by political parties and providing a penalty for the violation thereof.

Was read the first and second times and
Referred to the committee on elections and privileges.

Mr. Burns introduced
House Bill No. 5,

A bill for an act to amend section 4494 of the revised codes of the state of North Dakota for 1905, relating to the time of the election of directors of county mutual fire insurance companies.

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

Mr. Chatfield introduced
House Bill No. 6,

A concurrent resolution amending the constitution of the state of North Dakota, establishing and locating a state normal school in the city of Minot, county of Ward.

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

Mr. Hendrickson introduced
House Bill No. 7,

A bill for an act to amend section 7459 of the revised codes of 1905, relating to notice of sale in the foreclosure by advertisement of a mortgage on real estate.

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

Mr. Schull introduced
House Bill No. 8,

A concurrent resolution for an amendment to the constitution of the state of North Dakota, creating the office of justice of the peace and fixing and providing for the jurisdiction thereof.

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

Mr. Garden introduced

House Bill No. 9,

A bill for an act creating and establishing a fish hatchery at Lake Metigoshe in Bottineau county, and providing for its management, and making appropriation therefor.

Was read the first and second times and

Referred to the committee on fish and game laws.

Mr. Grant introduced

House Bill No. 10,

A bill for an act amending section 1821 of chapter 23 of the political code of North Dakota, relating to drains.

Was read the first and second times and

Referred to the committee on drainage.

Mr. Wolbert introduced

House Bill No. 11,

A bill for an act making an appropriation for the purchase and installing of a clock in the house chamber.

Was read the first and second times and

Referred to the committee on appropriations.

Mr. Kinney of McLean introduced

House Bill No. 12,

A bill for an act authorizing counties to issue bonds or warrants to procure seed grain for needy farmers resident therein.

Was read the first and second times and

Referred to the committee on state affairs.

Mr. Doyle of Foster introduced

House Bill No. 13,

An act to limit the expenses of candidates for nomination to public offices before the primary.

Was read the first and second times and

Referred to the committee on elections and privileges.

Mr. Doyle of Foster introduced

House Bill No. 14,

A bill for an act to amend section 2 of chapter 170 of the laws of North Dakota, 1907, relating to indemnifying all

owners for animals killed or destroyed according to law for being affected with the disease known as glanders.

Was read the first and second times and

Referred to the committee on live stock.

Mr. Duncan introduced

House Bill No. 15,

An act to amend section 1582 of the revised codes of the state of North Dakota for 1905, relating to the redemption of real estate which has been sold at tax sale.

Was read the first and second times and

Referred to the committee on judiciary.

Mr. Johnson of Rolette introduced

House Bill No. 16,

A bill for an act to amend section 5510 and 5511 of the revised codes of 1905, relating to interest.

Was read the first and second times and

Referred to the committee on banking.

Mr. Johnson of Rolette introduced

House Bill No. 17,

A bill for an act making an appropriation to indemnify owners of animals killed or destroyed under the provisions of chapter 170 of the laws of the tenth legislative assembly, entitled "An act indemnifying owners for animals killed or destroyed according to law for being affected with the disease known as glanders."

Was read the first and second times and

Referred to the committee on appropriations.

Mr. Skulason introduced

House Bill No. 18,

A bill for an act, entitled an act to amend section 155 of chapter 4 of the political code of the state of North Dakota, and all acts or parts of acts amendatory thereof, providing for the investment of moneys belonging to the permanent funds of the common schools, university, school of mines, reform school, agricultural college, school for the deaf and dumb, normal schools and all other permanent funds derived from the sale of public lands or any other source belonging to the school divisions of the state.

Was read the first and second times and

Referred to the committee on school and public lands.

Mr. Welford introduced

House Bill No. 19,

A bill for an act to provide for the destruction of noxious weeds and the appointment of inspectors of weeds by township or county boards, and to repeal article 25 of chapter 24 of the revised codes of 1905.

Was read the first and second times and

Referred to the committee on agriculture.

Mr. Skulason introduced

House Bill No. 20,

A bill for an act to amend section 1571 of the revised codes of 1905 providing when real estate taxes shall become due and delinquent, and for penalty and interest in the event of delinquency thereof.

Was read the first and second times and

Referred to the committee on judiciary.

Mr. Lucke introduced

House Bill No. 21,

A bill for an act to repeal sections 9354, 9355, 9356, 9357, 9359, 9360, 9361, 9362, 9363, 9364 and 9365 of the 1905 revised codes of North Dakota, relating to druggists permits.

Was read the first and second times and

Referred to the committee on temperance.

Mr. Cunningham introduced

House Bill No. 22,

A bill for an act to amend section 1582, revised codes of North Dakota of 1905, relating to subsequent taxes.

Was read the first and second times and

Referred to the committee on taxation and tax laws.

Mr. Sheils introduced

House Bill No. 23,

A bill for an act fixing the rate of interest on the redemption of lands sold on execution or foreclosure.

Was read the first and second times and

Referred to the committee on judiciary.

Mr. McCrea introduced

House Bill No. 24,

A bill for an act to amend section 19 of chapter 169 of the laws of 1907, entitled "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 first and second times and
Referred to the committee on live stock.

Mr. McCrea introduced

House Bill No. 25,

A bill for an act to amend section 2439 of the 1907 session laws, relating to sinking funds and the duty of county commissioners pertaining thereto.

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

Mr. Skulason introduced

House Bill No. 26,

A bill for an act providing for the nomination of candidates for office by popular vote at a primary election.

Was read the first and second times and
Referred to the committee on elections and privileges.

Mr. Lucke introduced

House Bill No. 27,

A bill for an act to amend chapter 191 of the session laws of the state of North Dakota for the year 1907 defining what shall be considered and held to be intoxicating liquors.

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

Mr. Davidson introduced

House Bill No. 28,

For an act, entitled an act to appropriate the sum of ninety thousand dollars, or as much thereof as may be necessary to indemnify persons who have lost animals from the disease known as glanders.

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

Mr. Lucke introduced

House Bill No. 29,

A bill for an act entitled an act prohibiting the printing, publication or circulation of advertisements for the purchase or sale of intoxicating liquors.

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

Mr. Chatfield introduced

House Bill No. 30,

A bill for an act amending section 8366 of the revised codes of North Dakota for 1905, relating to service by publication of summons in justice courts.

Was read the first and second times and

Referred to the committee on judiciary.

Mr. Sheils introduced

House Bill No. 31,

A bill for an act to amend section 2215 and 2218 of article 44 of the revised codes of 1905.

Was read the first and second times and

Referred to the committee on state affairs.

Mr. Brusletten introduced

House Bill No. 32,

A bill for an act to amend section 3119 of the revised codes for 1905, relating to insurance.

Was read the first and second times and

Referred to the committee on insurance.

Mr. Sorlie introduced

House Bill No. 33,

A bill for an act to amend section 1380 of the revised codes of 1905, as amended in chapter 42 of the session laws of 1907.

Was read the first and second times and

Referred to the committee on highways and bridges.

Mr. Sorlie introduced

House Bill No. 34,

A bill for an act permitting farmers and land owners to drain their lands into road ditches and other depressions, when such ditch or depression is wholly upon the owner's land.

Was read the first and second times and

Referred to the committee on drainage.

Mr. Sorlie introduced

House Bill No. 35,

A bill for an act authoriizing and empowering the governor of the state to remove and suspend certain state, county, city and village officers who have been guilty of malfeasance or nonfeasance in the performance of their official duties,

or who is guilty of habitual drunkenness, and providing for the filling of vacancies caused by such suspension or removal.

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

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
January 14, 1909.

Mr. Speaker:

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

CONCURRENT RESOLUTION.

Whereas, in this state and in all other sections of our country, lumber and its products are a necessity for and are generally used by all classes of people; and,

Whereas, the time has arrived when, under the principle and policy of "the greatest good to the greatest number," all duty on lumber and its products should be forthwith removed and the same be placed on the free list; now, therefore, it is hereby

Resolved by the Senate of the State of North Dakota, the House of Representatives Concurring, That our United States senators and representatives in congress are hereby respectfully requested to use all honorable means within their power to have all duty on lumber and its products forthwith removed and to have the same placed as soon as possible on the free list.

Resolved, further, That copies of this resolution, duly signed by the respective officers of both houses, be sent to each of our said representatives in congress.

Also,

CONCURRENT RESOLUTION.

Whereas, two of the former chief executives of our state, viz: Ex-Governor Miller and ex-Governor Shortridge,

have died since the adjournment of the tenth legislative assembly; therefore, be it

Resolved by the Senate of the State of North Dakota, the House of Representatives Concurring, That a joint committee of six, three from the senate and three from the house, be appointed to draft and present to each house of this legislative assembly proper memorials of respect for the memory of the said departed; and that such memorials, after being duly adopted, be entered at length upon the journals of both houses.

Which the senate has adopted and your favorable consideration is respectfully requested.

Very respectfully,
J. W. FOLEY,
Secretary.

Mr. Sheils moved

That the house do now concur in the above concurrent resolution.

Which motion prevailed, and

The house concurred in the concurrent resolution.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
January 14, 1909.

Mr. Speaker:

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

Whereas, the whole country and especially the citizens of the state of North Dakota, wish to honor the memory of Abraham Lincoln; and,

Whereas, no more fitting honor could be paid than the purchasing of his birthplace and the proper conducting of the same as a national park; and,

Whereas, a bill has been introduced in the house of representatives of the national congress known as the "H. R. Bill No. 21848" asking for a federal appropriation of \$100,000.00 for the purpose of properly carrying on such work,

which was begun by "The Lincoln Farm Association;" now, therefore, it is hereby

Resolved by the Senate of the State of North Dakota, the House of Representatives Concurring, That the United States senators and members of the house of representatives be, and they hereby are requested, to use all honorable means to secure the passage, by the sixtieth congress of the United States of the Lincoln Farm Bill, known as "H. R. Bill No. 21848."

Which the senate has adopted and your favorable consideration is respectfully requested.

Very respectfully,
J. W. FOLEY,
Secretary.

Mr. Skulason moved

That the house do now concur in the above concurrent resolution.

Which motion prevailed and

The house concurred in the concurrent resolution.

Mr. Price moved

That the house return to the seventh order of business.

Which motion prevailed.

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

Resolved, That the speaker appoint a committee consisting of three members to select and assign the rooms for the various committees, and cause to be placed on the door or other conspicuous place, the names of the committees assigned to said rooms, and after such selection to report the same to the house.

Which motion prevailed.

The speaker appointed as such committee Messrs. Price, Freeman and Hill.

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

Resolved, That the chief clerk be authorized to have printed a directory of the various committees, giving the members' names with the district and postoffice address of each and the location of the room of each committee and such

other information as will be of service to the members of the house.

Which motion prevailed, and
The resolution was adopted.

Mr. Skulason offered the following concurrent resolution and moved its adoption:

Whereas, On the 12th day of next February will occur the centennial anniversary of the birth of Abraham Lincoln, and,

Whereas, It is proper that all patriotic Americans observe the occasion by doing honor to the memory of the great emancipator; therefore be it

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

That a joint committee of eight, four from each house, including the speaker and Lieut. Governor, be appointed to make arrangements for and take charge of proper memorial exercises to be jointly participated in on that day by both houses of the Legislative Assembly, in honor of Abraham Lincoln.

Which motion prevailed, and
The concurrent resolution was adopted.

The privileges of the floor were extended to ex-Senator H. R. Hartman, Geo. Hollisten, W. H. Stutsman, Ed Nichols, Invald Rovig, G. W. Thorpe, Thomas E. Engelhome, Geo. Engelbretson, L. Beaverstad, J. G. Quinliven, J. H. Kelly, H. G. Sprague, Gen. M. A. Hildreth, ex-Sheriff Oppergard.

The speaker administered the oath of office to Andrew Bjorlie, John P. Johnson, B. Hemsley, J. J. Clary.

Mr. Hanley moved

That the house do now adjourn.

Which motion prevailed, and
The house adjourned.

W. D. AUSTIN,
Chief Clerk.

ELEVENTH DAY

**HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
January 15, 1909.**

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

The speaker presiding.

Prayer by the chaplain.

Roll call.

All members present except Messrs. Atwood and Hale, who were excused.

Mr. Wolbert moved

That the house take a recess until 3:15 o'clock p. m.

The house took a recess until 3:15 o'clock p. m.

AFTER RECESS.**REFERENCE OF THE JOURNAL.**

Mr. Speaker:

The committee on revision and correction of the journal have carefully examined the journal of the tenth day and recommend that the same be corrected as follows:

On page 1, line 20, change name of "Ferris" to "Farries."

On page 18, after line 20, insert "The speaker appointed as such committee Messrs. Ward, Peart and Hale."

On page 4, after the word secretary, insert "Mr. Senour moved that the above concurrent resolution be referred to the committee on state affairs, which motion prevailed and the resolution was so referred."

And when so corrected recommend that the same be approved.

S. J. DOYLE,
Chairman.

Mr. Doyle moved

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

SPECIAL COMMITTEE REPORT.

Your committee on assignment of committee rooms beg leave to make the following report:

The state affairs and railroad committee will meet in room adjoining cloak room.

The judiciary, appropriation and committee on labor will meet in the attorney general's office.

The committee on temperance, manufactures, revision and correction of the journal and forestry will meet in the northeast corner of the house chamber.

The committees on highways and bridges, immigration, public printing, taxes and tax laws, educational and warehouses and grain grading will meet in the north half of law library—upper floor.

The committee on military affairs will meet in the adjutant general's office.

The committee on agriculture, school and public lands, public health, coal lands and mining, live stock and irrigation will meet in the south half of the law library—upper floor.

The committees on banking, county and county boundaries, federal relations, game and fish and rules will meet in the state examiner's office.

The committees on ways and means, elections and privileges, insurance, supplies and expenditures, mileage and per diem, and drainage will meet in the house cloak room.

The committees on apportionment, municipal corporations, corporations other than municipal, engrossing, enrollment, and public debt will meet in the old senate chamber.

It is recommended that this committee be allowed to arrange for two committee rooms at some convenient place

down town for the general use of house committees, and it is further recommended that the superintendent of the capitol building be ordered to have printed cards giving the names of committees and places of meeting and have them posted at the proper places and at the rooms, and that janitors be selected to take proper care of said rooms.

Respectfully submitted,

W. J. PRICE,
JAMES HILL,
GEORGE FREEMAN.

Mr. Price moved

That the report be adopted.

Which motion prevailed, and

The report was adopted.

REPORT OF COMMITTEE ON JOINT RULES.

The committee on joint rules made the following report:

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 1907, and recommend that the secretary of state be authorized to incorporate them in proper form in the legislative manual for 1909, 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 eleventh legislative assembly; one to each newspaper in the state, exchange with other states, and sufficient others shall be retained by the secretary of state to supply each member of the twelfth 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,

J. E. STEVENS,
Chairman of the Senate Committee.

GEO. A. McCREA,
Chairman of the House Committee.

Mr. McCrea moved

That the report be adopted.

Which motion prevailed, and

The report was adopted.

REPORT OF HOUSE COMMITTEE ON STATE AFFAIRS.

The committee on state affairs made the following report:

Mr. Speaker.

Your committee on state affairs to whom was referred

The concurrent resolution of the senate relating to charge of mismanagement and intimation of graft that have been been charged through the different newspapers of the state against the administrations of N. F. Boucher and F. O. Hellstrom, as wardens of the North Dakota penitentiary at Bismarck, N. D.

That all that part of the resolution after the words "Be it therefore resolved" be stricken out and insert in lieu thereof the following sections 1 to 11, as attached:

Section 1. A committee shall be appointed consisting of four members of the house and three members of the senate whose duty it shall be to forthwith make a complete and true and thorough investigation of the management and affairs of the state penitentiary during the official management thereof by ex-Warden N. F. Boucher and Warden F. O. Hellstrom.

Section 2. Within three days after the members of the committee shall have been appointed from the house of representatives and senate said members shall organize by electing one of their members chairman, and a majority of said committee shall constitute a quorum at all times.

Section 3. Said committee shall be authorized to employ a competent stenographer who shall also act as clerk of the committee and to employ such counsel and expert accountants as in the opinion of the committee shall be necessary and expedient.

Section 4. Said committee shall sit and hold its meetings at the state capitol in Bismarck and be empowered to issue subpoenas signed by the chairman to enforce attendance of witnesses to testify before them and to compel by order

the production of all books, papers and records in the possession or under the control of such witnesses and to administer to its chairman oaths to witnesses and to compel any such witnesses so subpoenaed to testify before said committee to any and all matters within the knowledge of such witnesses relevant and pertinent thereto, the same as might be done by the judge of the district court and the refusal of any witness subject to appear before said committee to appear, testify answer relevant and pertinent questions, produce books, records or papers in his possession or under his control shall constitute contempt of court and may be so punished by any judge of the district court of any judicial district in this state to whom the record of such contempt shall have been certified by the chairman and clerk of said committee, and any such judge to whom such contempt has been so certified may hear and determine the same in his chambers if in vacation or in open court if during term time.

Section 5. Before entering upon the duties of their appointment each of said committee shall first in writing take and subscribe an oath that they will to the best of their knowledge and ability, without fear of favor, make a thorough, complete and true investigation of the affairs and management of said institution, and report their findings in writing as hereinafter provided; and before the stenographer and clerk to be appointed by said committee shall enter upon their duties, he shall take and subscribe an oath that he will to the best of his knowledge and ability take down in shorthand a full and complete record of all the testimony given by any witness and introduced before said committee and truthfully and correctly transcribe the same into longhand for the use of said committee in making its report.

Section 6. Witnesses subpoenaed and attending before this committee shall be entitled to and receive the same pay as witnesses attending upon subpoenas before the district court.

Section 7. Subpoenas for witnesses and orders for the production of books, papers and records issued by the chairman of this committee shall be served by the sheriff of the county, his deputy, constables or police officer who shall receive his compensation therefore the same fees as is now allowed by him for like services in the civil courts of the state.

Section 8. Members of the committee shall receive as compensation the sum of five dollars per day for each and every day thus engaged in the performance of their duties, including the necessary time in journeying from their respective homes to Bismarck and returning therefrom and actual traveling expenses, except that no compensation shall be allowed to any member thereof for services rendered during this session of the legislature.

Section 9. The chairman of said committee shall determine and notify the members thereof of the time and place where their meetings shall be held and may adjourn from time to time as in the judgment of the committee by a majority of those present shall be deemed expedient and may continue its sittings after the adjournment of the legislature to such time as it shall have finished its labors and shall have completed its report, which said report shall, if made before the closing day of this session of the legislature, be made in triplicate: One copy to be filed and delivered to the speaker of the house of representatives, one copy to the president of the senate, and one copy to the governor of the state, and if made subsequent to the closing day of this session of the legislature, one copy to the secretary of state, one copy to the attorney general and one copy to the governor of this state.

Section 10. The expert accountants, legal counsel, if any and stenographer employed by said committee, if any, shall receive such compensation for their services as in the judgment of said committee is reasonable and adequate for the services performed.

Section 11. The expense of said investigation shall be paid out of any moneys in the general fund not otherwise appropriated upon presentation of orders for such services, fees or expenses signed and approved by the chairman and clerk of the committee and presented in duplicate to the state treasurer.

W. J. PRICE,
Chairman.

Mr. Wolbert moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Mr. Price introduced

House Bill No. 36,

A bill to amend section 1787 of the revised codes of North Dakota, 1905.

Was read the first and second times and

Referred to the committee on appropriations.

Mr. Ward introduced

House Bill No. 37,

A bill for an act entitled "An act for the division of certain school districts, for the changing of the boundaries thereof, for the adjustment of indebtedness and property of the different parts thereof and prescribing the mode of procedure to procure such division."

Was read the first and second times and

Referred to the committee on education.

Mr. Ployhar introduced

House Bill No. 38,

A bill for an act amending section 4466 of the revised codes of 1905, relating to insurance.

Was read the first and second times and

Referred to the committee on insurance.

Mr. Thoreson introduced

House Bill No. 39,

A bill for an act to prevent the spread of noxious weeds.

Was read the first and second times and

Referred to the committee on agriculture.

Mr. Sheils introduced

House Bill No. 40,

A bill for an act to secure the purity of elections.

Was read the first and second times and

Referred to the committee on elections and privileges.

Mr. Grant introduced

House Bill No. 41,

A bill for an act to amend section 687 of the revised codes of the state of North Dakota, prescribing compensation of elective officers.

Was read the first and second times and

Referred to the committee on elections and privileges.

Mr. Brusletten introduced

House Bill No. 42,

A bill for an act requiring operators of steam threshing rigs to give bond or carry insurance to cover damages caused by fires originating from steam threshing engines.

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

Mr. Skulason introduced

House Bill No. 43,

A bill for an act authorizing the judges of the district courts in certain cases to require petit jurors to serve at the term next succeeding the term for which they are called.

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

Mr. Skulason introduced

House Bill No. 44,

A concurrent resolution amending the constitution of the state of North Dakota, relating to the term of office of the judges of the supreme court.

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

Mr. Sheils introduced

House Bill No. 45,

A bill to provide for the assessment of property at a uniform rate.

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

Mr. Dibley introduced

House Bill No. 46,

A bill for an act in relation to the execution and acknowledgment by a member of a partnership of instruments affecting liens upon real estate.

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

Mr. Doyle of Foster introduced

House Bill No. 47,

A bill for an act to provide for the guaranteeing of deposits in banking corporations.

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

Mr. Traynor introduced

House Bill No. 48,

A bill for an act to authorize the board of trustees or directors of the state university and school of mines, the state agricultural college, the state school of forestry, the North Dakota academy of science, the state industrial school and the various state normal schools of the state of North Dakota to lease portions of the compuses of said institutions to societies and organizations of students and graduates thereof; and legalizing such leases heretofore made.

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

Mr. Dibley introduced

House Bill No. 49,

A bill for an act relating to the execution and acknowledgment by corporations of written instruments affecting liens upon titles to or interests in real property.

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

Mr. Plath introduced

House Bill No. 50,

A bill for an act to provide for the collection of delinquent personal taxes.

Which was read the first and second times and
Referred to the committee on taxation and tax laws.

Mr. Lindvig introduced

House Bill No. 51,

A bill for an act to amend section 1, chapter 1, of the session laws of the state of North Dakota for the year 1907, relating to abstracters of title, bonds to be given.

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

Mr. Bjorndahl introduced

House Bill No. 52,

A bill for an act to amend section 2899 of the revised codes of 1905 relating to the building and repair of side walks.

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

Mr. Skinner introduced

House Bill No. 53,

A bill for an act requiring operators of steam threshing rigs to give bond or carry insurance to cover damage caused by fires originating from steam threshing engines.

Which was read the first and second times and

Referred to the committee on judiciary.

Mr. Hanley introduced

House Bill No. 54,

A bill for an act to repeal section 1933, 1934, 1935, 1936 and 1937 of the revised codes of 1905, 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 live stock.

Mr. Lindvig introduced

House Bill No. 55,

A bill for an act to amend section 5510 and 5511 of the revised codes of the state of North Dakota for the year 1905, prescribing lawful rates of interest for any legal indebtedness, and defining usury.

Which was read the first and second times and

Referred to the committee on banking.

Mr. Hendrickson introduced

House Bill No. 56,

A bill for an act to amend section 10259 of the revised codes of 1905 relating to the qualifications of bail in criminal actions.

Which was read the first and second times and

Referred to the committee on judiciary.

Mr. Burns introduced

House Bill No. 57,

A bill for an act fixing a penalty for any person sweeping passenger coaches while in use and occupied by passengers.

Which was read the first and second times and

Referred to the committee on railroads.

Mr. Lindvig introduced

House Bill No. 58,

A bill for an act to amend section 1582 of the revised codes of the state of North Dakota for 1905, relating to redemption of lands sold for delinquent taxes.

Which was read the first and second times and
Referred to the committee on taxation and tax laws.

Mr. Chatfield introduced

House Bill No. 59,

A bill for an act amending section 9761 of the 1905 revised codes of North Dakota, relating to change of place of trial of preliminary examinations in criminal cases.

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

Mr. Linde introduced

House Bill No. 60,

A bill for an act authorizing counties in the state to issue bonds or warrants to purchase and procure seed grain for needy farmers resident therein.

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

Mr. Sgutt introduced

House Bill No. 61,

A bill for an act to amend section 2802 of the revised codes of North Dakota for 1905 and to provide for the method of procedure in perfecting appeals from acts of the special assessment commission for cities.

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

Mr. Skulason introduced

House Bill No. 62,

A bill for an act relative to injuries received on highways, resulting from snow or ice.

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

Mr. Sorlie (by request) introduced

House Bill No. 63,

For an act to amend sections 1, 2, 3, 4, 6, and 14 of chapter 135 of the laws of 1907.

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

Mr. Dibley introduced

House Bill No. 64,

A Bill for an act to amend the law of succession.

Which was read the first and second times and

Referred to the committee on judiciary.

Mr. White introduced

House Bill No. 65,

A bill for an act relating to evidence regarding the chain of title to real estate.

Which was read the first and second times and

Referred to the committee on judiciary.

Mr. White introduced

House Bill No. 66,

A bill for an act to amend section 8049 of the revised codes of North Dakota of 1905, relating to the bonds of executors, administrators and guardians.

Which was read the first and second times and

Referred to the committee on judiciary.

Mr. White introduced

House Bill No. 67,

A bill for an act to amend section 2767 of the revised codes of the state of North Dakota of 1905, relating to advertising for and awarding contracts for construction of sidewalks in cities.

Which was read the first and second times and

Referred to the committee on municipal corporations.

The speaker administered the oath of office to J. I. Roop and Frank Flynn.

The privileges of the floor were extended to C. J. Holte, Hans Oppegaard.

Mr. Gibbens moved

That the house do now adjourn.

Which motion prevailed, and

The house adjourned.

W. D. AUSTIN,
Chief Clerk.

TWELFTH DAY

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
January 16, 1909.

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

The speaker presiding.
Prayer by the chaplain.
Roll call.

All members present except Messrs. Baker of Cass, Burns, Hale, and Price, who were excused.

REFERENCE OF THE JOURNAL.

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

Mr. Speaker:

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

On page 2, line 1 and lines 2 to 3 inclusive, be transposed.

On page 3, line 10, change name "George Trueman" to "George Freeman."

On page 4, insert after "administrations of," in line 13, "N. F. Boucher and F. O. Hellstrom, as wardens of."

On page 7, line 27, and on page 8, line 22, change name "Shiels" to "Sheils."

On page 12, line 30, change name "ex-Sheriff Oppergard" to "Hans Oppegaard."

And when so corrected recommend that the same be approved.

S. J. DOYLE,
Chairman.

Mr. Doyle moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

MOTIONS AND RESOLUTIONS.

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

Whereas, It appears that no provision has been made by which the clerk is authorized to prepare a calendar upon which to enter the bills and reports thereon, made by the different committees of the house, and

Whereas, It being apparent that a calendar containing the necessary information for the guidance of the members should be printed; therefore be it

Resolved, That the clerk is hereby directed to have prepared and printed in the daily journal of the house as often as necessary a calendar to be known as the "House Calendar" containing a list of all bills reported by a committee or committees of the house giving the title of the bill, date of report, by whom report was made and name of member introducing the same and such other information as will aid in the transaction of the business of the house. Said calendar shall include under its proper head all matters in the "General Orders" and whenever the house considers a bill or bills upon third reading or in the "General Orders" each bill shall be considered in its order as placed on the calendar, unless the house otherwise directs.

Which motion prevailed, and
The resolution was adopted.

Mr. McCrea offered the following concurrent resolution and moved its adoption:

Whereas, the teaching of Civics and Science of Government as an aid in training of good citizenship is a required subject in the public schools of North Dakota, and

Whereas, The function of the legislature is an important part in the science of government: Therefore be it

Resolved by the House of Representatives, the Senate Concurring:

That the Chief Clerk of the House and the Secretary of the Senate are hereby instructed to see that journals of their respective houses and copies of all bills are mailed to each of these public high schools.

Which motion prevailed, and
The concurrent resolution was adopted.

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

Whereas, The people of the United States are among the most honest, industrious, intelligent and enlightened of the whole world; and

Whereas, The people of North Dakota are second to none in any of these qualities; therefore, be it

Resolved, That the members of this House, in whom the people of the state have reposed confidence, do fully reciprocate the same, and desire that the voters thereof by ballot determine whether or not they desire more direct legislation as exemplified by the Initiative and Referendum passed by this body two years ago.

Mr. Hanley moved

That the resolution be referred to the committee on Judiciary.

Which motion prevailed, and
The resolution was so referred.

INTRODUCTION, FIRST AND SECOND READING OF HOUSE BILLS.

Mr. Grant introduced

House Bill No. 68,

A bill for an act to amend section 1513 of the revised codes of North Dakota for 1905, relating to meeting of assessors.

Which was read the first and second times and
Referred to the committee on taxation and tax laws.

Mr. Fraine introduced

House Bill No. 69,

A bill for an act to amend section 8184 of the revised codes of North Dakota.

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

Mr. Johnson of Bottineau introduced

House Bill No. 70,

A bill for an act amending section 687 of the revised codes of 1905.

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

Mr. Aasheim introduced

House Bill No. 71,

A bill for an act to provide for the greater publicity of the finances of the state.

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

Mr. Gibbens introduced

House Bill No. 72,

A bill for an act amending section 4114 of the revised code of the state of North Dakota for the year 1905, relating to the adoption of a minor child.

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

Mr. Hendrickson introduced

House Bill No. 73,

A bill for an act to amend chapter 75 of the session laws of the state of North Dakota for the year 1907, prescribing the salary of the state's attorney, assistant, and clerk.

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

Mr. Welford introduced

House Bill No. 74,

A bill for an act to amend section 496 of the revised codes of 1905 relating to qualifications of applicants for admission to practice as attorneys and counsellors at law.

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

Mr. Hanley introduced

House Bill No. 75,

A bill for an act entitled an act to amend chapter 31 of the code of civil procedure of the revised codes of 1905, relating to the determining of adverse claims to real estate and for quieting title thereto by action in the district court and for making unknown persons and the heirs at law and devisees and legatees, and creditors, and executors and administrators of deceased persons, parties defendants thereto.

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

Mr. White introduced

House Bill No. 76,

A bill for an act entitled an act prohibiting railroads, railroad corporations and common carriers from carrying any passenger free or at a less rate than is charged the general public, and providing a penalty therefor and making it unlawful for any person to ask for or accept any such free

transportation or transportation purchased at a less rate than that charged the general public, and providing a penalty therefor, and providing transportation for the board of railroad commissioners and its secretary.

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

Mr. Sorlie introduced

House Bill No. 77,

A bill for an act to amend sections 4036, 4037, 4038, 4039 and 4042 of the revised codes of the state of North Dakota for 1905, relating to marriage contract, who may solemnize marriages, marriage licenses, marriage certificates, marriage records and certified copies of marriage records.

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

Mr. White introduced

House Bill No. 78,

A concurrent resolution amending the constitution of the state of North Dakota relating to the introduction and passage of bills in the legislative assembly.

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

Mr. Gibbens introduced

House Bill No. 79,

A bill for an act to amend sections 615 and 616 of the revised codes of 1905, relating to ballots to be used at general elections.

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

Mr. Skulason introduced

House Bill No. 80,

A concurrent resolution for an amendment to the constitution providing for the initiative and referendum.

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

Mr. Burnett introduced

House Bill No. 81,

A bill for an act relating to the assessment of lands for the construction of drains and providing for an appeal from

the decision of the drainways board, and fixing the compensation of drain commissioners.

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

MESSAGE FROM THE SENATE.

The following message was received from the senate:

BISMARCK, NORTH DAKOTA,
SENATE CHAMBER,
January 16, 1909.

Mr. Speaker:

I have the honor to inform you that the president of the senate has named the members of the joint committee to draft resolution for Ex-Governor Mill and Ex-Governor Shortridge, Messrs. Purcell, LaMoure and Talcott.

Very respectfully,
J. W. FOLEY,
Secretary.

The speaker administered the oath of office to Martin Hagen, F. O. Thompson and P. H. Bankal.

PRIVILEGES OF THE FLOOR.

The privileges of the floor were extended to J. R. Snyder of Hazelton, N. D.

Mr. Jewett moved

That the house do now adjourn.

Which motion prevailed, and

The house adjourned.

W. D. AUSTIN,
Chief Clerk.

FOURTEENTH DAY

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
January 18, 1909.

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

The speaker presiding.

Prayer by the chaplain.

Roll call.

All members present except Messrs. Knox and Kremer, who were excused.

REFERENCE OF THE JOURNAL.

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

Mr. Speaker:

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

On page 6, line 13, change name "Mill," to "Miller."

And when so corrected recommend that the same be approved.

S. J. DOYLE,
Chairman.

Mr. Doyle moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

PRESENTATION OF PETITIONS AND COMMUNICATIONS.

Seattle, Washington, Dec. 26, 1908.

To the Members of the House of Representatives of the State of North Dakota:

Gentlemen: On behalf of the five thousand former citizens of North Dakota residing in Seattle, we wish to extend to the people of our old home state a cordial invitation to visit the Alaska-Yukon-Pacific exposition in our city during the coming summer, and in doing so we wish to call your attention to some of the reasons why North Dakota should participate in this exposition.

North Dakota has the name of being one of the most progressive states of the northwest. It is a state of vast natural resources which are but partially developed. These resources well advertised would attract hundreds of thousands of people to the state, and double its population and wealth within a very few years.

The result of the state's participation in the Lewis & Clarke exposition at Portland in 1905 proved to be most beneficial. In going to and from that exposition it is estimated that at least 250,000 people passed through North Dakota. A great number of them were induced to stop off on their way east, to investigate the resources of the state for themselves. This can be repeated at the Alaska-Yukon-Pacific exposition and we believe that you can find no better way of advertising your general resources than by an exhibit at this exposition.

The North Dakota colony in Seattle already numbers about 5,000 people and it is growing yearly. These people are engaged in many lines of business here. Many occupy prominent places in the business community. All of them have warm regard for their old friends and neighbors and for their old home state. With the wonderful development of trade and manufacturing in the northwestern states and

the growth of commerce with the countries bordering on the Pacific ocean, it is only a matter of a few years when the market for a very large part of the products of your state will be in the west instead of in the east, consequently, purely selfish commercial motives should induce you to participate in this exposition and make your products and resources known to all the people.

In the present day no one expects to build up a large or successful business in any commercial or mercantile enterprise without intelligent and comprehensive advertising, and experience shows that it is just as necessary for a state to advertise its resources and what it has to offer to investors as it is for the merchant to advertise the goods he has to sell. A state cannot send its resources to an outside market but must bring the people who are to develop those resources within its borders. This can be done most successfully through the medium of an exhibit and bureau of information at such an exposition as this.

It is estimated that from 1,500,000 to 2,000,000 people from outside the state of Washington will visit Seattle during the coming summer and the attention of all of these visitors can be attracted to the great resources of North Dakota by a complete state exhibit. The results should prove most gratifying to you.

We express the hope that you may give this matter your most serious consideration, and assure you that the North Dakota people of Seattle will lend every assistance in their power to bring to their old home state the greatest degree of benefit possible.

We have the honor to be,

Cordially yours,

THE NORTH DAKOTA ASSOCIATION OF THE
STATE OF WASHINGTON,

JAS. B. TAYLOR,
A. F. BAILEY,
J. F. DOUGLAS,

Committee.

Mr. Duncan introduced
House Bill No. 82,

A bill for an act to create a fund to indemnify owners of animals killed or destroyed according to law on account of

being afflicted with epidemic diseases and providing for a levy for that purpose.

Which was read the first and second times and

Referred to the committee on appropriations.

Mr. Moen of Benson introduced

House Bill No. 83,

A bill for an act entitled an act to prohibit the use of four wheel cabooses, known as dinky cabooses, on all railroad trains operated in the state of North Dakota; to prevent the use of box cars as cabooses and to fix the minimum size and manner of construction of all cars used as cabooses and fixing the penalties for violation of this act.

Which was read the first and second times and

Referred to the committee on railroads.

Mr. Doyle introduced

House Bill No. 84,

A bill for an act to amend section 847 of the session laws of 1907 of an act to amend section 847 of the revised codes of 1905, relating to enumeration and apportionment of school funds.

Which was read the first and second times and

Referred to the committee on education.

Mr. Moen of Cavalier introduced

House Bill No. 85,

A bill for an act to amend section 4305 of the revised codes of 1905, relating to the maintenance of station houses.

Which was read the first and second times and

Referred to the committee on railroads.

Mr. Anderson introduced

House Bill No. 86,

A bill for an act making contracts containing provisions, preventing purchasers from setting up defects in articles of commerce as counter claims, void as against public policy.

Which was read the first and second times and

Referred to the committee on judiciary.

Mr. Laithwaite introduced

House Bill No. 87,

A bill for an act to provide an appropriation for the current and contingent expenses and for permanent improvements for the institution for feeble minded at Grafton.

Which was read the first and second times and

Referred to the committee on appropriations.

Mr. Olson introduced

House Bill No. 88,

A bill for an act to amend section 1388 of the revised codes of 1905 relating to road poll tax

Which was read the first and second times and

Referred to the committee on highways and bridges.

Mr. Skulason introduced

House Bill No. 89,

A bill for an act protecting the wages of mechanics, salesmen, clerks or other employees and giving them a lien upon property for such wages.

Which was read the first and second times and

Referred to the committee on judiciary.

Mr. Doyle of Foster introduced

House Bill No. 90,

A bill for an act to amend section 2600 of the revised codes of 1905, and to repeal section 2601 of the revised codes of 1905.

Which was read the first and second times and

Referred to the committee on judiciary.

Mr. Chatfield introduced

House Bill No. 91,

A bill for an act amending section 2550 of the revised codes of North Dakota for 1905, relating to powers, duties and remedies of public administrators.

Which was read the first and second times and

Referred to the committee on judiciary.

Mr. Burnett introduced

House Bill No. 92,

A bill for an act defining the method of taxation of grain elevators and warehouses and grain therein.

Which was read the first and second times and

Referred to the committee on taxation and tax laws.

Mr. Thoreson introduced

House Bill No. 93,

A concurrent resolution for an amendment to the constitution providing for the initiative and referendum.

Which was read the first and second times and

Referred to the committee on judiciary.

Mr. Skulason introduced

House Bill No. 94,

A bill for an act to amend section 7304 and section 7305, relating to privileged communications.

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

Mr. Skulason introduced

House Bill No. 95,

A bill for an act to amend section 7182 of the revised codes of 1905, relating to costs on appeal from justice court.

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

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
January 18, 1909.

Mr. Speaker:

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

Whereas, The Bureau of Good Roads of the Agricultural Department at Washington has offered to send a highway engineer to address the Eleventh Legislative Assembly in joint session on the subject of Good Roads, therefore be it

Resolved by the Senate, the House of Representatives Concurring:

That the said highway engineer be invited to address the Legislature in joint session on Wednesday, the twentieth of January, or some other day more convenient to be arranged by the President of the Senate and the Speaker of the House of Representatives.

Which the senate has adopted and your favorable consideration is respectfully requested.

Very respectfully,
J. W. FOLEY,
Secretary.

Mr. Wolbert moved

That the house concur in the concurrent resolution

Which motion prevailed and

The resolution was concurred in.

The speaker administered the oath of office to Henry Holte.

The privileges of the floor were extended to Mr. Gunder Olson of Grafton; A. A. Trovatten, Fargo; Alex. Morrison, Bathgate; C. H. Blanding, Harvey; A. L. Gril, Al. Mikelson and Thos. Kelly of Hazelton; Dr. Hogue, Linton; Andrew Stade, Fred T. Fox, A. H. Bell, Geo. Rodenbach, of Devils Lake; E. O. Ellison, T. S. Hunter of LaMoure, R. J. Hughes, Wahpeton, Homer Resler, H. C. Plumley, Fargo; Hon. E. H. Holte, Fargo; Geo. A. McFarland, Valley City; Hon. R. N. Maine of Cando; C. E. Hutchinson, George Engelbretson, J. McLean, J. B. Sears of Inkster, Vic Rose, W. L. Hall of Jamestown, F. W. Wilson, Bathgate; E. D. Dunn, Carrington.

Mr. Gibbens moved

That the house do now adjourn.

Which motion prevailed, and

The house adjourned.

W. D. AUSTIN,
Chief Clerk.

FIFTEENTH DAY

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
January 19, 1909.

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

The speaker presiding.

Prayer by the chaplain.

Roll call.

All members present.

REFERENCE OF THE JOURNAL.

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

Mr. Speaker:

Your committee on revision and correction of the journal have carefully examined the journal of the 14th day and find the same correct and recommend that the same be approved.

S. J. DOYLE,
Chairman

Mr. Doyle moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

MESSAGE FROM THE SECRETARY OF STATE.

The following message from the secretary of state:

OFFICE OF SECRETARY OF STATE,
BISMARCK, NORTH DAKOTA,
January 19, 1909.

*To the Members of the House of Representatives of the
Eleventh Legislative Assembly:*

Sirs: I, Alfred Blaisdell, Secretary of State, do hereby certify that the following named persons are the duly nominated candidates of their respective parties, for the office of United States Senator from this State, as certified to by the State Canvassing Boards.

Republican—M. N. Johnson, of Nelson County.

Democrat—John L. Cashel, of Walsh County.

In witness whereof, I have hereunto set my hand and affixed the Great Seal of the State, at the Capitol, in Bismarck, this 18th day of January, A. D. 1909.

Very respectfully,
ALFRED BLAISDELL,
Secretary of State.

REPORT OF STANDING COMMITTEES

The committee on judiciary made the following report:

Mr. Speaker:

Your committee on judiciary to whom was referred House Bill No. 30,

A bill for an act amending section 8366 of the revised codes of North Dakota for 1905, relating to service by publication of summons in justice courts.

Have had the same under consideration and recommend that the word "garnishment" be substituted for the word "garnishee" in line 6, page 1.

And when so amended recommend the same do pass.

B. G. SKULASON,
Chairman.

Mr. Skulason moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

House Bill No. 15,

An act to amend section 1582 of the revised codes of the state of North Dakota for 1905, relating to the redemption of real estate which has been sold at tax sale.

Have had the same under consideration and recommend that the word "shall" be inserted after the word "who" in line 7, page 1, of the printed bill, and the words "in any piece or parcel of land sold, may redeem such undivided estate" after the word "estate" in line 37, page 3 of the printed bill.

And when so amended recommend the same do pass.

B. G. SKULASON,
Chairman.

Mr. Skulason 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. speaker:

Your committee on appropriations to whom was referred House Bill No. 11,

A bill for an act making an appropriation for the purchase and installing of a clock in the house chamber.

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

S. N. PUTNAM,
Chairman.

Mr. Putnam moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Mr. Speaker:

Your committee on rules beg leave to report as follows:

We recommend that the following rules, standing committees and order of daily business be adopted:

1. The speaker shall take the chair at the time to which the House stands adjourned, and the House shall then be called to order, and the roll of members called and the names of the absentees entered upon the Journal of the House.

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

3. Thirty-six members of the House may order a call for the House and cause absent members to be sent for, but a call must not be made while a vote is being taken.

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

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

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

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

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

8. When two or more members arise at the same time to speak the Speaker must designate the member who is to speak, but in all cases the member who shall rise first and address the chair may speak first.

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

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

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

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

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

14. The previous question shall be set in this form: "Shall the main question be now put?" It shall be admitted only

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

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

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

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

18. Every member who is present, before the vote is declared from the chair, must vote for or against the question before the House, unless the House excuses him or unless he is immediately interested in the question, in which case he must not vote.

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

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

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

22. A bill can only be introduced on the report of a committee or on a call for bills, or by a motion for leave.

23. Every bill, before being introduced, shall be in type-written form and shall have endorsed thereon its title, and every bill and resolution shall have endorsed thereon the name of the member introducing the same, and when ordered by a committee the name of such committee shall be endorsed thereon.

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

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

26. No amendment shall be received on the third reading, except to fill blanks, without unanimous consent of the House, but all bills and resolutions may be committed at any time previous to their passage. If any amendment be reported on such commitment by any other than a committee

of the whole, it shall be read a second time, and the question of third reading and passage put.

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

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

29. Bills committed to the committee of the whole House shall be read, be open to amendment, and debated by sections, unless otherwise ordered, leaving the title to be last considered; all amendments shall be noted in writing and reported to the House by the chairman.

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

31. A similar mode of procedure shall be observed with bills which have originated in and passed the senate as with bills which have originated in the House, except that they shall not be printed nor engrossed or enrolled.

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

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

34. Any member who votes on the majority side of a question may move a reconsideration of the same, which motion shall be decided by a majority vote.

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

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

37. No bill reported from standing or select committees or from the committee of the whole shall come up for a third reading until the first day after such report unless the House by a two-thirds vote otherwise orders.

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

- On rules to consist of nine members.
- On mileage and per diem to consist of three members.
- On judiciary to consist of nineteen members.
- On ways and means to consist of eleven members.
- On railroads to consist of nineteen members.
- On appropriations to consist of seventeen members.
- On engrossment to consist of nine members.
- On enrollment to consist of nine members.
- On education to consist of thirteen members.
- On elections and privileges to consist of fifteen members.
- On municipal corporations to consist of nine members.
- On corporations other than municipal to consist of nine members.

- On agriculture to consist of thirteen members.
 - On public printing to consist of nine members.
 - On irrigation to consist of nine members.
 - On insurance to consist of nine members.
 - On banking to consist of eleven members.
 - On labor to consist of nine members.
 - On immigration to consist of nine members.
 - On apportionment to consist of a member from each senatorial district.
 - On schools and public lands to consist of nine members.
 - On public health to consist of nine members.
 - On military affairs to consist of nine members.
 - On warehouses, grain grading and dealing to consist of fifteen members.
 - On federal relations to consist of nine members.
 - On temperance to consist of fifteen members.
 - On highways, bridges and ferries to consist of nine members.
 - On state affairs to consist of fifteen members.
 - On supplies and expenditures to consist of nine members.
 - On forestry to consist of nine members.
 - On public debt to consist of nine members.
 - On manufactures to consist of nine members.
 - On counties and county boundaries to consist of nine members.
 - On taxes and tax laws to consist of fifteen members.
 - On coal lands and mining to consist of nine members.
 - On live stock industry to consist of eleven members.
 - On revision and correction of the Journal to consist of seven members.
 - On game and fish to consist of nine members.
 - On drainage to consist of eleven members.
 - Also joint committees on the following subjects:
 - On public buildings to consist of nine members.
 - On charitable institutions to consist of nine members.
 - On penal institutions to consist of nine members.
 - On educational institutions to consist of nine members.
 - On state library to consist of nine members.
 - On joint rules to consist of nine members.
39. The first named member of each committee shall be the chairman and in his absence or being excused by the House the next named member and so on as often as the case shall happen, shall act as chairman.
40. The committee on engrossment shall examine all bills after they are engrossed and report the same to the House correctly engrossed before their third reading; said committee may report at any time.
41. The committee on enrollment shall examine all House bills and memorials which have passed the two houses, and when reported correctly enrolled, they shall be presented to the presiding officers of the House and senate for their signatures, and when so signed, presented to the governor for his approval; said committee may report at any time.
42. Select committees to whom reference shall have been made, must, in all cases, report a state of facts and their opinion thereon to the House.
43. In all cases where a bill, order or resolution, or motion shall be entered upon the Journal of the House, the name of the member moving the same shall be entered on the Journal.

44. No person shall be admitted within the bar of the House except the executive, members of the senate, state officers, judges of the supreme and district courts, members of congress, ex-members of the legislative assembly, delegates to the state constitutional convention, all federal officers of the state and reporters for newspapers, except by card of the Speaker. Any person lobbying on the floor of the House shall forfeit the privilege granted by this rule.

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

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

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

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

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

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

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

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

52. The ayes and nays shall not be ordered unless demanded by one-sixth of the members present except on the final passage of bills, concurrent resolutions to amend the constitution, and memorials, in which case ayes and nays shall be had without demand.

53. In case all the members of any committee, required or entitled to report on any subject referred to them, cannot agree upon any report the majority and minority may each make a special report, and any member dissenting in whole

or in part, from the reasonings and conclusions of both majority and minority may also present to the House a statement of his reasonings and conclusions; and all reports, if decorous in language, and respectful to the House, shall be entered at length on the Journal.

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

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

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

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

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

59. At least one day's notice shall be given of the introduction of any motion or resolution calling for or involving the expenditure of any money.

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

And recommend that the secretary of state be authorized to incorporate this report in proper form in the legislative manual for 1909.

And the committee further recommend

That the chief clerk be authorized to have printed in pamphlet form one thousand copies of the above rules and order of business to include also a list of house committees and such other information as will be of interest to the house members.

Respectfully submitted

THOMAS BAKER, JR.,
Chairman.

Mr. Baker of Cass moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

MOTIONS AND RESOLUTIONS.

Mr. Collins of Cass offered the following concurrent resolution and moved its adoption.

Whereas, the grain growers' convention, and other meetings of interest are now in session at Fargo and will continue during the entire week, in order that members be able to attend, be it

Resolved by the House the Senate concurring:

That when adjournment is taken on Wednesday, January 20, 1909, it extend to two o'clock p. m., January 26, 1909.

Mr. Collins of Cass moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Mr. Skulason offered the following resolution and moved its adoption.

Whereas, the Act of Congress, providing for the election of a United States Senator, requires the legislative assembly to meet in joint session, at twelve o'clock noon, the day succeeding the vote in the respective houses; therefore, be it

Resolved, That when the House adjourns today, January 19, it shall take a recess until Wednesday, the 20th day of January; at 11:30 o'clock a. m., so as to make proper arrangements for holding the joint session of both houses in the hall of the house of representatives.

Which motion prevailed, and

The resolution was adopted.

ELECTION OF UNITED STATES SENATOR.

Mr. Skulason moved

That the house now proceed to the election of a United States senator to represent North Dakota in congress of the United States for a term of six years, beginning March 4, 1909.

Which motion prevailed.

Mr. Skulason of Grand Forks placed in nomination M. N. Johnson of Nelson county.

Mr. Hanley seconded the nomination of Mr. Johnson on the behalf of Morton county.

Mr. White on the behalf of Traille county.

Mr. Sheils on the behalf of LaMoure county.

Mr. Gunderson on the behalf of Ramsey county.

Mr. McCrea on the behalf of Pembina county.

Mr. Duncan on behalf of Benson county.

- Mr. Price on behalf of Cass county.
- Mr. Thoreson on behalf of Barnes county.
- Mr. Hendrickson on behalf of Ward county.
- Mr. Streeter on behalf of the 26th district.
- Mr. Grant on behalf of Richland county.
- Mr. Brynjulson on behalf of Wells county.
- Mr. Johnson on behalf of Bottineau county.
- Mr. Hale on behalf of Grand Forks county.
- Mr. Nelson on behalf of Steele county.
- Mr. Olson on behalf of Ransom county.
- Mr. Lindvig on behalf of Nelson county.

Mr. Doyle of Foster placed in nomination John L. Cashel of Walsh county.

Mr. Welford seconded the nomination of Mr. Cashel on behalf of Pembina county.

The roll was called and there were 95 votes cast of which Mr. Johnson received 88 and Mr. Cashel received 7.

Those voting for Mr. Johnson were:

| | | |
|----------------------|----------------------|--------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Hemmingson | Paulson |
| Akesson | Hendrickson | Peart |
| Anderson | Hill | Pendray |
| Atwood | Homness | Plath |
| Baker of Cass | Honey | Ployhar |
| Baker of Stark | Hughes | Poe |
| Brusletten | Jewett | Pound |
| Brynjolfson | Johnson of Bottineau | Price |
| Burnett | Johnson of McLean | Putnam |
| Burns | Johnson of Rolette | Schull |
| Chatfield | Kinney of McLean | Senour |
| Collins of Cass | Kinney of Richland | Sgutt |
| Collins of Gd. Forks | Kneeland | Sheils |
| Cunningham | Knox | Sinclair |
| Davidson | Kremer | Skinner |
| Dibley | Law | Skulason |
| Doyle of McIntosh | Laithwaite | Sorlie |
| Duncan | Linde | Steen |
| Evans | Lindvig | Streeter |
| Fraine | Lucke | Thompson of McLean |
| Freeman | Martin | Thoreson |
| Ganssle | McCrea | Traynor |
| Garden | McLear | Tuttle |
| Geidt | Moen of Benson | Ward |
| Gibbens | Narum | White |
| Goldammer | Nelson of McHenry | Wisner |
| Grant | Nelson of Steele | Wolbert |
| Hale | Nelson of Walsh | Young |
| Hanley | Nyhus | Mr. Speaker |

Those voting for Mr. Cashel were:

| | | |
|-------------|------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Bjorndahl | Doyle of Foster | Thompson, Gd. Forks |
| Christenson | Moen of Cavalier | Welford |
| Crawford | | |

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
January 19, 1909.

Mr. Speaker:

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

Whereas, Certain concurrent resolutions have been presented to both bodies of this legislature concerning the observance of Abraham Lincoln's birthday, and

Whereas, certain differences exist in these resolutions; therefore, be it
Resolved by the Senate, the House of Representatives concurring:

That a committee of three members from each branch of this legislature be appointed by the respective presiding officers to confer with regard to the final adoption of satisfactory Lincoln's Memorial Day resolutions.

Which the senate has adopted and your favorable consideration is respectfully requested.

Very respectfully,
J. W. FOLEY,
Secretary.

INTRODUCTION, FIRST AND SECOND READING OF HOUSE BILLS

Mr. Thompson of McLean introduced

House Bill No. 96,

A bill for an act authorizing the state engineer, on the approval of the governor, to receive and receipt to the secretary of state for all the field notes, maps, records and other papers appertaining to land titles within the state of North Dakota, and for such other property and records as the government may direct to be turned over to the state when all of the public surveys in the state of North Dakota shall have been completed.

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

Mr. Senour introduced

House Bill No. 97,

A bill for an act to amend section 4177 of the revised codes of North Dakota for the year 1905, for the purpose

of encouraging the formation of athletic associations and bands of musicians.

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

Mr. Nelson of Steele introduced
House Bill No. 98,

A bill for an act to amend section 2884, article 7, chapter 31, of the revised codes of the state of North Dakota for 1905, relating to powers and duties of village officers.

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

Mr. Hanley introduced
House Bill No. 99,

A bill for an act making appropriations for the current and contingent expenses of the state reform school of North Dakota, and for making permanent improvements thereto.

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

Mr. Chatfield introduced
House Bill No. 100,

For an act to amend section 8403 of the 1905 revised codes of North Dakota relating to service of garnish summons.

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

Mr. A. J. Olson introduced
House Bill No. 101,

For an act prohibiting liquor dealers, breweries, and wholesale managing liquor houses from advertising or having agents in this state for the purpose of soliciting orders for intoxicating liquors.

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

Mr. Martin introduced

House Bill No. 102,

A bill for an act to amend section 401 of the revised codes of North Dakota, of 1905, relating to the giving of bonds by certain officers.

Which was read the first and second times and

Referred to the committee on State Affairs.

Mr. Kinney of Richland introduced

House Bill No. 103,

A bill for an act for the betterment of the public highways in the state, to provide for the establishment of a uniform system of drainage of such highways and lands adjacent thereto, to provide for the necessary surveys thereof and the payment of the costs of construction and maintenance thereof and empowering certain officers to establish and maintain such system, and for the purposes connected therewith.

Which was read the first and second times and

Referred to the committee on highways and bridges.

Mr. Martin introduced

House Bill No. 104,

A bill for an act to amend section 2432 of the revised codes of North Dakota, of 1905, relating to the publication of proceedings of boards of county commissioners.

Which was read the first and second times and

Referred to the committee on State Affairs.

Mr. Skulason introduced

House Bill No. 105,

A bill for an act appropriating money to provide for the maintenance of a public health laboratory in the medical department of the state university and school of mines at Grand Forks, and for experiments on sewage purification at said laboratory.

Which was read the first and second times and

Referred to the committee on appropriations.

Mr. Garden introduced

House Bill No. 106,

A bill for an act to amend section 7117 of the code of civil procedure of the revised codes of 1905, relating to additional exemptions.

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

Mr. J. R. Nelson introduced

House Bill No. 107,

A bill amending the constitution of the state of North Dakota, establishing and locating a state normal school in the city of Velva, county of McHenry.

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

The privileges of the floor were extended to:

Edward Sullivan, New Salem, John F. Anderson, Grafton, James Melarvie, A. Hendrickson, John Larson, Con Hendrickson, Chas. McDonald, B. W. Shaw, A. Thorberg, Jas. Clark, John Ellison, W. A. Frestad, of Morton county, and Geo. E. Hall, of Fargo, by the request of Mr. Baker of Cass. Theodore Northrup, Ellendale, Hans Oppegaard, Barnes county, R. J. Purcell, Grand Forks, Wm. Storey, Valley City, John O. Lean, Blue Grass.

Mr. Gibbens moved that the house take a recess until 11:30 o'clock January 20th, which motion prevailed and the house took a recess until 11:30 o'clock, January 20th.

W. D. AUSTIN;
Chief Clerk.

FIFTEENTH DAY—AFTER RECESS

AND

SIXTEENTH DAY

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
January 20, 1909.

The house assembled at 11:30 o'clock A. M. pursuant to recess taken.

REPORT OF STANDING COMMITTEES.

Mr. Speaker:

Your committee on mileage and per diem, beg leave to report mileage as follows:

MILEAGE OF THE HOUSE MEMBERS.

| Dist. | Name | Ry. Town | N. P. Ry. Co. Miles | G. N. Ry. Co. Miles | Soo Line Miles | Team Miles | Total Miles |
|-------|--------------------------------|----------|------------------------|------------------------|-------------------|---------------|-------------|
| 1 | Geo. A. McCrea, Drayton | ..... | 259 | 78 | ... | ... | 337 |
| | Walter Welford, Welford | ..... | 194 | 159 | ... | 6 | 359 |
| 2 | Christian Ganssle, St. Thomas | ..... | 194 | 133 | ... | ... | 327 |
| | G. C. Laithwaite, Edinburg | ..... | 174 | 122 | ... | 3 | 299 |
| 3 | C. L. Christianson, Park River | ..... | 174 | 112 | ... | ... | 286 |
| | Knute Bjorndahl, Edinburg | ..... | 174 | 122 | ... | 3 | 299 |
| 4 | J. H. Fraine, Grafton | ..... | 194 | 119 | ... | ... | 313 |
| | Jacob Nelson, Voss | ..... | 235 | 78 | ... | 3 | 316 |

MILEAGE OF THE HOUSE MEMBERS—Continued.

| Dist | Name | Ry. Town | N. P. Ry. Co. Miles | G. N. Ry. Co. Miles | Soo Line Miles | Team Miles | Total Miles |
|------|--------------------------------|----------|------------------------|------------------------|-------------------|---------------|-------------|
| 5 | Ferdinand Lucke, McCanna | | 174 | 84 | ... | 3 | 263 |
| | Victor S. Wisner, Larimore | | 174 | 75 | ... | ... | 249 |
| 6 | James Collins, Grand Forks | | 194 | 78 | ... | ... | 272 |
| | B. G. Skulason, Grand Forks | | 194 | 78 | ... | ... | 272 |
| 7 | C. A. Hale, Grand Forks | | 194 | 78 | ... | ... | 272 |
| | Gullick Thompson, Thompson | | 194 | 78 | ... | 6 | 278 |
| 8 | W. J. Burnett, Cummings | | 194 | 46 | ... | ... | 240 |
| | O. J. Sorlie, Buxton | | 194 | 52 | ... | ... | 246 |
| | G. A. White, Portland | | 174 | 47 | ... | ... | 221 |
| 9 | F. E. Dibley, Fargo | | 194 | ... | ... | ... | 194 |
| | Thos. Baker, Jr., Fargo | | 194 | ... | ... | ... | 194 |
| | W. J. Price, Fargo | | 194 | ... | ... | ... | 194 |
| 10 | August A. Plath, Davenport | | 214 | ... | ... | 6 | 220 |
| | J. B. Akesson, Grandin | | 194 | 26 | ... | 7 | 227 |
| 11 | A. L. Peart, Chaffee | | 187 | ... | ... | ... | 187 |
| | J. F. Collins, Page | | 174 | 26 | ... | ... | 200 |
| 12 | L. L. Brusleten, Wahpeton | | 194 | 46 | ... | 3 | 243 |
| | W. T. Ward, Mooreton | | 207 | 46 | ... | 4 | 257 |
| 13 | P. J. Narum, Forman | | ... | ... | 179 | 9 | 188 |
| 14 | John A. Aasheim, Enderlin | | 137 | ... | 30 | 6 | 173 |
| | A. J. Olson, Ft. Ransom | | 262 | ... | ... | 10 | 272 |
| 15 | Geo. H. Law, Leal | | 137 | ... | 21 | 7 | 165 |
| | Frank E. Ployhar, Valley City | | 137 | ... | ... | ... | 137 |
| | Niels Hemmingson, Hannaford | | 152 | ... | ... | 3 | 155 |
| 16 | S. H. Nelson, Finley | | 162 | ... | ... | 10 | 172 |
| | Ole Paulson, Portland | | 174 | 47 | ... | 14 | 235 |
| | Fred Lindvig, Aneta | | 174 | 111 | ... | ... | 285 |
| 17 | Frank Goldanimer, Lakota | | 174 | 111 | ... | ... | 285 |
| | U. L. Burdick, Munich | | 174 | 163 | ... | ... | 337 |
| 18 | C. C. Crawford, Calvin | | 174 | 177 | ... | 4 | 355 |
| | J. M. Johnson, Mylo | | 194 | 102 | 121 | 4 | 421 |
| 20 | James Duncan, Oberon | | 180 | ... | ... | ... | 180 |
| | Paul Moen, Maddock | | 195 | ... | ... | ... | 195 |
| 21 | J. A. Honey, Devils Lake | | 174 | 125 | ... | ... | 299 |
| | Bernt Anderson, Churchs Ferry | | 174 | 144 | ... | 8 | 326 |
| | Fred J. Traynor, Devils Lake | | 174 | 125 | ... | ... | 299 |
| 22 | A. S. Gibbens, Cando | | 174 | 159 | ... | ... | 333 |
| | J. W. Pound, Hansboro | | 174 | 191 | ... | ... | 365 |
| 23 | F. G. Kneeland, Jamestown | | 101 | ... | ... | ... | 101 |
| | Wm. J. Sinclair, Cleveland | | 81 | ... | ... | 10 | 91 |
| | Richard Pendray, Jamestown | | 101 | ... | ... | 7 | 108 |
| 24 | T. J. Atwood, Courtenay | | 137 | ... | 34 | 4 | 175 |
| | A. W. Cunningham, Grand Rapids | | 142 | ... | ... | ... | 142 |
| | C. H. Sheils, Edgeley | | 172 | ... | ... | ... | 172 |
| 25 | C. E. Knox, Oakes | | ... | ... | 156 | 3 | 159 |
| 26 | D. R. Streeter, Linton | | 63 | ... | ... | ... | 63 |
| | W. P. Tuttle, Dawson | | 51 | ... | ... | ... | 51 |
| 27 | T. D. Hughes, Bismarck | | ... | ... | ... | ... | ... |
| | G. W. Wolbert, Bismarck | | ... | ... | ... | ... | ... |
| 28 | E. L. Garden, Souris | | 174 | 233 | ... | ... | 407 |

MILEAGE OF THE HOUSE MEMBERS.—Continued.

| Dist. | Name | Ry. Town | N. P. Ry. Co. Miles | G. N. Ry. Co. Miles | Soo Line Miles | Team Miles | Total Miles |
|-------|----------------------------|----------|------------------------|------------------------|-------------------|---------------|----------------|
| | Matt Johnson, Omemee | | 174 | 211 | ... | ... | 385 |
| 29 | H. J. Schull, Minot | | 137 | ... | 181 | ... | 318 |
| | E. O. Skinner, Sawyer | | 137 | ... | 169 | 2 | 308 |
| | M. M. Chatfield, Minot | | 137 | ... | 181 | ... | 318 |
| 30 | J. M. Hanley, Mandan | | 5 | ... | ... | ... | 5 |
| | W. E. Martin, Mandan | | 5 | ... | ... | 20 | 25 |
| | John C. Burns, Glen Ullin | | 63 | ... | ... | ... | 63 |
| 31 | Frank M. Baker, Dickinson | | 115 | ... | ... | ... | 115 |
| | Geo. A. Senour, Dickinson | | 115 | ... | ... | ... | 115 |
| | Tom Evans, Taylor | | 96 | ... | ... | ... | 96 |
| 32 | S. N. Putnam, New Rockford | | 161 | ... | ... | ... | 161 |
| | S. J. Doyle, Carrington | | 145 | ... | ... | ... | 145 |
| 33 | Julius Sgutt, Harvey | | 137 | ... | 109 | ... | 246 |
| | Geo. Brynjolfsen, Bowdon | | 170 | ... | ... | 4 | 174 |
| 34 | J. R. Nelson, Granville | | 137 | 20 | 181 | ... | 338 |
| | George Freeman, Upham | | 137 | 63 | 181 | 6 | 387 |
| 35 | F. J. Thompson, Washburn | | ... | ... | 46 | ... | 46 |
| 36 | John J. Doyle, Wishek | | ... | ... | 79 | ... | 79 |
| | John J. Geidt, Lehr | | ... | ... | 89 | ... | 89 |
| 37 | E. L. Kinney, Hankinson | | 137 | ... | 82 | ... | 219 |
| | O. T. Grant, Kindred | | 174 | 21 | ... | 5 | 200 |
| 38 | Martin Thoreson, Fingal | | 137 | ... | 17 | ... | 154 |
| 39 | John McLearn, Harmon | | 5 | ... | ... | 18 | 23 |
| | John Young, Mannhaven | | ... | ... | 79 | 14 | 93 |
| 40 | E. J. Moen, Osnobrock | | 174 | 140 | ... | 4 | 318 |
| 41 | Geo. P. Homness, Crosby | | 137 | ... | 294 | ... | 431 |
| | Frank Poe, Schafer | | 137 | 120 | 181 | 12 | 450 |
| 42 | Ole Nyhus, Berwick | | 174 | 208 | ... | 3 | 385 |
| | John Steen, Knox | | 174 | 181 | ... | 6 | 361 |
| 43 | Geo. C. Jewett, Columbus | | 137 | ... | 271 | ... | 408 |
| | C. E. Davidson, Portal | | 137 | ... | 263 | ... | 400 |
| | S. Hendrickson, Bowbells | | 137 | ... | 243 | ... | 380 |
| 44 | H. J. Linde, Plaza | | 137 | ... | 216 | ... | 353 |
| 45 | Geo. Kremer, Balfour | | 137 | ... | 140 | ... | 277 |
| 46 | John A. Johnson, Dogden | | ... | ... | 124 | ... | 124 |
| | Geo. W. Kinney, Dogden | | ... | ... | 79 | 12 | 91 |
| 47 | James Hill, Newburg | | 174 | 242 | ... | 2 | 418 |

O. J. SORLIE,
G. W. WOLBERT,
JAMES COLLINS,

Committee.

Mr. Sorlie moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

MOTIONS AND RESOLUTIONS.

Mr. Martin offered the following resolution and moved its adoption.

A resolution relating to House Bill No. 31 (Sheils), relating to the Amendment of Sections 2215 and 2218 of Article 44 of the Revised Codes of 1905.

Be it Resolved by the House of Representatives of the State of North Dakota:

That with reference to the proposed amendment of Sections 2215 and 2218 of Article 44 of the Revised Codes of 1905, as per House Bill No. 31 the clerk of the House be directed to set the said Bill down for hearing for Saturday, January 30, 1909, and that said clerk be instructed to notify and direct Professor Ladd of the Department of Chemistry of the State Agricultural College, to attend the Legislative Assembly of the State of North Dakota, for the purpose of giving information in regard to the best methods and most approved methods in the making of chemical and photometric tests of illuminating oils and gasoline, the purpose of this resolution being to fully enlighten the members of the Legislative Assembly of the State of North Dakota, in session assembled, to intelligently understand and act upon the measure introduced and sought to be passed under the said amendment of Sections 2215 and 2218 of the Revised Codes of North Dakota, of 1905, as per House Bill No. 31.

Mr. Skulason moved as an amendment that the resolution be laid upon the table.

Which motion prevailed, and

The resolution was laid upon the table.

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

Resolved, That the chief clerk forthwith notify the Senate that the House is now ready to receive the Senate in joint session for the purpose of taking such further proceedings in relation to the election of a United States senator as shall be necessary and proper.

Which motion prevailed, and

The resolution was adopted.

Mr. Collins of Cass offered the following resolution and moved its adoption:

Resolved, That the speaker appoint a committee of three to notify the Senate that the House is now in session and escort the Senate to the House chamber.

Which motion prevailed, and

The resolution was adopted.

The speaker appointed Messrs. Collins of Cass, Nelson of McHenry and Young of Mercer a committee to escort and seat the senators.

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

JOINT SESSION.

The joint session of the two houses was called to order by the lieutenant governor, who announced that the hour had arrived for the joint session.

Prayer by the chaplain of the senate.

The roll of the members of the senate was called by the secretary of the senate.

All members were present except Mr. Rice.

The roll of the members of the house was called by the chief clerk.

All members present except Messrs. Sheils and Hanley.

The president announced that the purpose of the joint session was the comparison of the journals of the house and the senate relative to the election of a United States senator.

The journal of the senate and house being read, and it appearing therefrom that M. N. Johnson had received a majority of all the votes cast by senators and representatives of the eleventh session of the legislative assembly of the state of North Dakota, the president of the joint assembly formally declared M. N. Johnson of Nelson county duly elected United States senator for the term of six years beginning March 4, 1909.

The following certificate of election was then signed in open session.

STATE OF NORTH DAKOTA,
CHAMBER OF THE HOUSE OF REPRESENTATIVES
ELEVENTH LEGISLATIVE SESSION.

Bismarck, North Dakota, January 20, 1909.

This is to certify that at a meeting of the two houses of the Eleventh Legislative Assembly of the state of North Dakota, in joint session held Wednesday, the 20th day of January, A. D., 1909, 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 Martin N. Johnson of Petersburg, Nelson 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 Martin N. Johnson of Nelson 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., 1909.

R. S. LEWIS,
President of the Senate and Joint Assembly.

USHER L. BURDICK,
Speaker of the House of Representatives.

JAMES W. FOLEY,
Secretary of the Senate.

WARREN, D. AUSTIN,
Chief Clerk of the House of Representatives.

Mr. Streeter moved that the Hon. M. N. Johnson be requested to address the joint assembly.

Which motion prevailed.

The speaker appointed Senator LaMoure and Representative Streeter to escort the Hon. M. N. Johnson to the platform.

Mr. Johnson addressed the assembly.

Mr. Geo. W. Cooley of Minnesota addressed the joint assembly on the subject of good roads.

The joint assembly dissolved.

The speaker announced that he had recalled House Bill No. 80.

A concurrent resolution for an amendment to the constitution providing for the initiative and referendum from the committee on election and privileges and referred the same to the judiciary committee.

PRIVILEGES OF THE FLOOR.

The privileges of the floor were extended to:

G. M. Fuje, E. A. Lillebridge, A. N. Jeffenes, J. W. Sutherland, N. McKeller, Bert Wood, W. H. Barrett, T. B. Murphy, W. L. Butz, Andreas Jesne, J. A. Buchanan, R. J. Hughes, F. Boetcter, Tom O'Brien, T. P. Lee, Th. Thorger-son, R. R. Hedtke, W. S. Sander.

Mr. Senour moved

That the house do now adjourn.

Which motion prevailed, and

The house adjourned.

W. D. AUSTIN,
Chief Clerk.

SIXTEENTH DAY

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
January 20, 1909.

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

The speaker presiding.

Prayer by the chaplain.

Roll call.

All members present except Messrs. Hanley and Sheils, who were excused.

REFERENCE OF THE JOURNAL.

Mr. Speaker:

Your committee on revision and correction of the journal have carefully examined the journal of the 15th day and recommend that the same be corrected as follows:

On page 10, lines 24 and 25 be stricken out.
On page 10, line 27, all after "The" be stricken out and the following substituted therefor, "resolution was adopted."

And when so corrected recommend that the same be approved.

S. J. DOYLE,
Chairman.

Mr. Doyle moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

REPORT OF STANDING COMMITTEES.

Mr. Speaker:

Your committee on insurance to whom was referred
House Bill No. 5,

A bill for an act to amend section 4494 of the revised codes of the state of North Dakota for 1905, relating to the time of the election of directors of county mutual fire insurance companies.

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

In line 3 of printed bill, strike out the word Saturday and insert in lieu thereof the word Thursday.

And when so amended recommend the same do pass.

JOHN A. HONEY,
Chairman.

Mr. Honey moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Mr. Speaker:

Your committee on education to whom was referred
House Bill No. 25,

A bill for an act to amend section 2439 of the 1907 session laws relating to sinking funds and the duty of county commissioners pertaining thereto.

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

FRANK E. PLOYHAR,
Chairman.

Mr. Ployhar moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Mr. Speaker:

Your committee on education to whom was referred
House Bill No. 48,

A bill for an act to authorize the board of trustees or directors of the state university and school of mines, the state agricultural college, the state school of forestry, the

North Dakota academy of science, the state industrial school and the various state normal schools of the state of North Dakota to lease portions of campuses of said institutions to societies and organizations of students and graduates thereof; and legalizing such leases heretofore made.

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

FRANK E. PLOYHAR,
Chairman.

Mr. Ployhar moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Mr. Speaker:

Your committee on judiciary to whom was referred
House Bill No. 42,

A bill for an act requiring operators of steam threshing rigs to give bond or carry insurance to cover damages caused by fires originating from steam threshing engines.

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

B. G. SKULASON,
Chairman.

Mr. Skulason moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Mr. Speaker:

Your committee on judiciary to whom was referred
House Bill No. 44,

A concurrent resolution amending the constitution of the state of North Dakota, relating to the term of office of the judges of the supreme court.

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

B. G. SKULASON,
Chairman.

Mr. Skulason moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Mr. Speaker:

Your committee on judiciary to whom was referred
House Bill No. 56,

A bill for an act to amend section 10259 of the revised codes of 1905 relating to the qualifications of bail in criminal actions.

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

B. G. SKULASON,
Chairman.

Mr. Skulason moved

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

Mr. Speaker:

Your committee on judiciary to whom was referred
House Bill No. 49,

A bill for an act relating to the execution and acknowledgment by corporations of written instruments affecting liens upon titles to or interests in real property.

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

B. G. SKULASON,
Chairman.

Mr. Skulason moved

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

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
January 20, 1909.

Mr. Speaker:

I have the honor to return herewith the following concurrent resolution.

Whereas, the teaching of Civics and Science of Government as an aid in training of good citizenship is a required subject in the public schools of North Dakota, and

Whereas, The function of the legislature is an important part in the science of government: Therefore be it

Resolved by the House of Representatives, the Senate Concurring:

That the Chief Clerk of the House and the Secretary of the Senate are hereby instructed to see that journals of their respective houses and copies of all bills are mailed to each of these public high schools.

In which the senate has concurred.

Very respectfully,
J. W. FOLEY,
Secretary.

Mr. Skinner moved that the house reconsider the concurrent resolution relating to adjournment.

Mr. Fraine moved as an amendment that the concurrent resolution be withdrawn from the senate.

Which motion prevailed and

The concurrent resolution was withdrawn.

REPORTS OF STANDING COMMITTEES.

Mr. Speaker:

Your committee on judiciary to whom was referred House Bill No. 59,

A bill for an act amending section 9761 of the 1905 revised codes of North Dakota, relating to change of place of trial of preliminary examinations in criminal cases.

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

On page 1, line 4, of the printed bill, insert the words "other than a judge of the district or supreme court" after the word "magistrate".

And when so amended recommend the same do pass.

B. G. SKULASON,
Chairman.

Mr. Skulason moved

That the report be adopted

Which motion prevailed, and

The report of the committee was adopted.

Mr. Speaker:

Your committee on judiciary to whom was referred House Bill No. 74,

A bill for an act to amend section 496 of the revised codes of 1905 relating to qualifications of applicants for admission to practice as attorneys and counsellors at law.

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

B. G. SKULASON,
Chairman.

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

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
January 20, 1909.

Mr. Speaker:

I have the honor to inform you that the senate declines to concur in the house amendments to senate resolution regarding penitentiary resolution and asks for a committee of conference, and the president has named as such conferees on the part of the senate, Messrs. LaMoure, Pierce and Talcott.

Very respectfully,
J. W. FOLEY,
Secretary.

INTRODUCTION, FIRST AND SECOND READING OF HOUSE BILLS.

Mr. Sorlie introduced
House Bill No. 108,

A bill for an act providing for the inspection of refined petroleum oils and gasoline. Defining ports of entry. Appointment of oil inspector and deputies and fixing the salary of the same.

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

Mr. Burnett (by request) introduced
House Bill No. 109,

A bill for an act defining noxious weeds, providing for the destruction thereof, prescribing fines and penalties and providing for the recovery of damages caused thereby, and

to repeal sections 2086, 2087, 2088 and 2089 of the revised codes of 1905.

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

Mr. Wolbert introduced

House Bill No. 110,

A bill for an act requiring state officials to reside at the capitol and to provide adequate compensation.

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

Mr. Skulason (by request) introduced

House Bill No. 111,

A bill for an act to amend section 7045 of the revised codes of 1905, relating to the calling of another judge on account of prejudice or bias.

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

Mr. Anderson introduced

House Bill No. 112,

A bill for an act to regulate dealers in nursery stock and their agents and salesmen in the state of North Dakota.

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

Mr. Nelson of Walsh introduced

House Bill No. 113,

A bill for an act to amend chapter 258 of the session laws of the state of North Dakota of 1907, being an act to prohibit discrimination between different sections, communities or localities, unfair competition and providing penalties for the violation thereof.

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

Mr. Ganssle introduced

House Bill No. 114,

A bill for an act to amend chapter 189 of the session laws of 1907.

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

Mr. Johnson of Rolette introduced

House Bill No. 115,

For an act to amend sections 938, 939, 940 and 941 and 943 of the revised codes of 1905 of the state of North Dakota relating to the creation of special school districts in incorporated cities, towns and villages constituting a part of a school district and to divide the property and indebtedness of such school district.

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

Mr. Kneeland introduced

House Bill No. 116,

A bill for an act to amend section 473 of the revised codes of North Dakota of 1905, relating 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. McCrea introduced

House Bill No. 117,

A bill for an act to amend section 9366 of the revised code of North Dakota, as amended by chapter 191 of the laws of 1907, defining intoxicating liquors, so that the same shall read as follows:

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

Mr. Cunningham introduced

House Bill No. 118,

An act to amend section 7459 of the revised codes relating to publication of notice of sale and the giving of notice thereof to the occupant of the premises.

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

Mr. Cunningham introduced

House Bill No. 119,

An act to amend section 8089 of the revised codes of 1905 of North Dakota relating to the exemption of personal property and disposition thereof in the matter of estates pending in county court.

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

Mr. Cunningham introduced

House Bill No. 120,

An act to amend section 7140 of the revised codes of 1905 of the state of North Dakota, relating to payment of the redemptioner on execution sale and giving notice thereof.

Which was read the first and second times and

Referred to the committee on Judiciary.

Mr. Cunningham introduced

House Bill No. 121,

An act to amend section 6237 of the revised codes of 1905, relating to the filing of mechanics' liens, the giving of notice of furnishing materials to contractors and subcontractors.

Which was read the first and second times and

Referred to the committee on Judiciary.

Mr. Cunningham introduced

House Bill No. 122,

An act relating to county judges and county clerks prohibiting them from acting as attorney for or giving advice to persons interested in matters pending or about to be commenced in said county.

Which was read the first and second times and

Referred to the committee on Judiciary.

Mr. Cunningham introduced

House Bill No. 123,

An act making the possession of a negotiable promissory note by the endorsee prima facie evidence that the same was endorsed by the person by whom it purports to be endorsed, and making every written instrument purporting to have been signed or executed prima facie evidence of such signing or execution, unless the signing or execution thereof is denied under oath.

Which was read the first and second times and

Referred to the committee on judiciary.

Mr. Cunningham introduced

House Bill No. 124,

An act to amend section 6246 of the revised codes of North Dakota, relating to requiring a mechanic lien holder to bring suit thereon or lose his lien.

Which was read the first and second times and

Referred to the committee on judiciary.

Mr. Lucke introduced

House Bill No. 125,

A bill for an act entitled: "An act giving holders of contracts for the purchase of state lands the right to bring actions in the courts in certain cases with reference thereto, and providing for the protection of the interest of the state in such property when taken by railways for right of way or other purposes, and providing for the release of the claim of the state thereto."

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

Mr. Cunningham introduced

House Bill No. 126,

An act to amend section 8896 of the revised codes of 1905 of North Dakota, relating to the punishment of rape in the second degree.

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

Mr. Cunningham introduced

House Bill No. 127,

An act to amend section 8895 of the revised codes of 1905 of North Dakota, relating to the punishment for rape in the first degree.

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

Mr. Cunningham introduced

House Bill No. 128

An act to amend section 8894 of the revised codes of 1905 of North Dakota, relating to the age of consent of females and males in cases of rape, and the degree thereof.

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

Mr. Cunningham introduced

House Bill No. 129

An act relating to the filing of claims against the estates of deceased persons in county courts and hearings thereon, and appeals from decisions allowing or rejecting such claims.

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

Mr. Sorlie introduced
House Bill No. 130,

A bill for an act appropriating funds for the erection of a pumping station, supply tank and tower for putting down a well to provide a water supply and for laying water mains in the grounds of the state penitentiary.

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

MESSAGE FROM THE SENATE.

The following message was received from the senate.

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
January 20, 1909.

Mr. Speaker:

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

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
January 19, 1909.

Mr. President:

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

Whereas, The Grain Growers' convention, and other meetings of interest are now in session at Fargo and will continue during the entire week, in order that members be able to attend, be it
Resolved by the House, the Senate Concurring:

That when adjournment is taken on Wednesday, Jan. 20, 1909, it extend to two o'clock p. m. January 26, 1909.

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

Very respectfully,
W. D. AUSTIN,
Chief Clerk.

Which the senate returns as requested.

Very respectfully,
J. W. FOLEY,
Secretary.

CONSIDERATION OF MESSAGES FROM THE SENATE.

Mr. Sgutt moved that the concurrent resolution returned from the senate be reconsidered

Which motion prevailed

And the concurrent resolution was reconsidered.

Mr. Chatfield moved that the concurrent resolution be laid upon the table.

Which motion prevailed

And the concurrent resolution was laid upon the table.

CONSIDERATION OF MESSAGE FROM THE SENATE.

The following concurrent resolution was laid before the senate:

Whereas, Certain concurrent resolutions have been presented to both bodies of this legislature concerning the observance of Abraham Lincoln's birthday, and

Whereas, certain differences exist in these resolutions; therefore, be it

Resolved by the Senate, the House of Representatives concurring:

That a committee of three members from each branch of this legislature be appointed by the respective presiding officers to confer with regard to the final adoption of satisfactory Lincoln's Memorial Day resolutions.

Mr. Skulason moved

That the house do now concur in the above concurrent resolution

Which motion prevailed, and

The resolution was concurred in.

REPORTS OF STANDING COMMITTEES.

Mr. Speaker:

Your committee on elections and privileges, to whom was referred the matter of the contest of John Storey v. G. A. Herolz from the twenty-sixth legislative district, together with the intervention or protest on the part of the sitting member Wm. P. Tuttle, have had the same under consideration and beg leave to report as follows:

That there was delivered by the secretary of state to your committee the following papers relative to the said contest, to-wit: First; notice of contest entitled "Twenty-sixth senatorial and representative district, in the 11th legislative assembly, before the house of representatives. John Storey, plaintiff, vs. G. A. Herolz defendant, dated December 7th, 1908, together with proof of service thereof.

Second: Answer of G. A. Herolz, defendant, to said notice of contest.

Third: return of Joseph A. Coulter, notary public in and for Kidder county, North Dakota, annexing thereto the de-

positions of Hiram W. Sears, inspector of election for Allen precinct, Kidder county, North Dakota and Ed Taasevigen inspector of election Norway township, Kidder county, North Dakota and George G. Bope county auditor, Kidder county, North Dakota and also attached thereto copies of notice of contest and answer heretofore referred to, application to notary public for subpoenas for said witnesses; notice to take depositions, subpoenas duces tecum directed to George G. Bope, county auditor of Kidder county, North Dakota, subpoenas duces tecum directed to Hiram W. Sears inspector of Allen precinct, Kidder county, North Dakota and subpoena duces tecum to Ed Taasevigen inspector of Norway precinct, Kidder county, North Dakota.

Fourth: Objections and protests of Wm. P. Tuttle to said contest together with returns of the sheriff's of Emons and Kidder counties showing due and personal service of the same upon John Story and G. A. Herolz.

Fifth: Affidavit of J. G. Pitts county auditor of Emons county, North Dakota together with exhibit "A" thereto attached, being sample of ballot used at special election.

Sixth: Affidavit of George G. Bope, county auditor, Kidder county, certifying the votes of John Storey, and G. A. Herolz in said Allen and Norway precincts as canvassed by the county canvassing board.

Seventh: Affidavit of George G. Bope aforesaid together with the Exhibit "A" attached thereto, being copy of ballot used at special election.

That there was also filed with your committee by the attorneys for protestant, Wm. P. Tuttle, after hearing was commenced on the contest.

Eighth: Affidavit of Wm. P. Tuttle in substantiation of his protest and—

Ninth: Stipulation of the parties as to taking of testimony.

All of which are herewith transmitted enclosed in the original envelope delivered to your committee by the secretary of state and marked "Case C No. 27."

That the official canvass of the votes cast for members of the house of representatives from said 26th district indicated on the face thereof that Honorable D. R. Streeter had been duly elected, he having the largest number of votes cast for any candidate and that a tie vote existed between

John Storey and G. A. Herolz, they apparently having an equal and the next highest number of votes, that is to say, 1207 votes each.

That said John Storey based his contest upon the contention that there was not, in fact, a tie vote between himself and said Herolz; That in certain precincts in said district, to-wit; the precincts of Allen and Norway in Kidder county, there had been errors, if not actual fraud in counting the votes cast and that in those precincts votes cast for him Storey, had been counted for Herolz. All facts alleged by Storey were admitted by Herolz as will appear from the the written pleadings in the case filed herewith and made a part of this report.

On the face of the proceedings this might appear like a fraudulent collusion between Storey and Herolz to avoid a special election, which might result in the defeat of both, but against this appearance of fraudulent collusion was the fact that both had sought to have the ballots in said precincts recounted, that the facts might be ascertained, and that they were unable to do so because there is no provision in our law for such a recount of votes and that the inspectors of elections in said precincts and the county auditor of Kidder county had been cited to appear before a commissioner duly appointed to take testimony in said case on the 23rd day of December 1908, but that said county auditor, having in his possession the keys to said ballot boxes refused to open the same or to allow them to be opened.

It appears that on the 23rd day of December 1908 Mr. Tuttle appeared in person or by attorney before the said commissioner and demanded that his protest against the whole proceeding be filed with the commission, which demand was refused by the commissioner on the ground that he had no authority to do so; but your committee is unable to see wherein the rights of Mr. Tuttle were in any way prejudiced by such refusal to file his protest for the reason that said protest was subsequently filed with the secretary of state; that it was by him transmitted to the house; that it was before the committee and is returned herewith as a part of the records in the case.

Mr. Tuttle in his protest alleges upon information and belief that there was fraud in counting the votes in the said 26th district by which he Tuttle, was deprived of 150 votes legally cast for him at said election, but he failed

to specify any particular precinct where such fraud occurred, and was not prepared to present to this committee at this time any evidence to prove his allegations.

In short it appears to your committee that Mr. Tuttle bases his right to the office upon the proposition that there was in fact a tie between Storey and Herolz and that he, Tuttle, had been elected at a special election in said district held on the 28th day of December 1908, made necessary by the existenc of such tie, which appears from his affidavit filed herein.

The only question then, is, was there in fact a tie vote between Storey and Herolz?

In support of his contention that there was not a tie vote Mr. Storey produced the ballot box from said Allen precinct and asked that it be opened and the votes counted by the committee. This ballot box was in charge of Mr. Sears inspector of elections of said precinct. Mr. Sears was examined under oath as to the custody of the ballot box since the election. His testimony satisfied the committee that the ballot box had not been opened nor the contents thereof in any way tampered with. The box was then opened and the votes counted. It was found that there had been cast for Mr. Storey 28 votes and for Mr. Herolz 18 votes. Whereas the official returns for said Allen precinct in which the election had been declared a tie, gave Mr. Storey but 25 votes and Mr. Herolz 21 votes. Therefore the official totals should have given Storey 1210 votes and Herolz 1204 votes, being a majority of 6 votes in favor of Storey.

Mr. Sears on cross examination by counsel for Mr. Tuttle was asked a question as to why Allen precinct had been selected for a recount of votes. He stated that one of the judges of election in that precinct had been heard to boast that he, the judge, had beaten Mr. Storey out at least one vote in counting the same. This testimony tends to clear up any suspicion of collusion between Storey and Herolz.

Your committee finds as a matter of fact that there was no tie vote between the contestants; that John Storey was duly and legally elected on the 3rd day of November 1908 to represent the 26th senatorial district in this house, and that the special election held on the 28th day of December 1908 at which W. P. Tuttle was declared elected was in fact unnecessary, illegal, null and void.

Your committee wishes it understood that there was no evidence before the committee to warrant a charge of fraud against Mr. Tuttle nor any other one of the principals involved in this contest. There was nothing before the committee to indicate that any of said principals was responsible for or gave countenance to the erroneous counting of votes in said Allen precinct.

Your committee therefore recommend that said John Storey be seated as a member of this house from the said 26th senatorial district in the stead of said W. P. Tuttle.

Your committee, however, further recommends that each party to this contest and protest be given thirty minutes on the floor of this house to be used by his counsel in presenting arguments for and against the findings of this committee.

Full minutes of the proceedings of your committee are hereto attached and made a part of this report.

Signed.

MATT JOHNSON,
Chairman.

Mr. Speaker:

Your committee on elections and privileges beg leave to submit to the house the following "minutes" of our meetings and deliberations on the "Storey-Herolz-Tuttle" contest.

The meeting of the committee was called at eight P. M. Monday, January 20th, at the committee room in the Grand Pacific hotel.

Matt Johnson, chairman, called the meeting to order.

On motion, the chairman appointed G. W. Wolbert, a member of this committee as clerk.

There were present at this meeting and all other meetings of this committee, the full membership appointed by you.

Attorneys Engerud and Lauder appeared for W. P. Tuttle, and John Sorley appeared as attorney for John Storey.

Attorney John Sorley asked for information regarding Mr. Tuttle's standing in this case, as the contest was brought by Storey against Herolz and not against Tuttle.

Attorney Lauder filed with the committee an affidavit of Tuttle, to dismiss this action of Storey vs. Herolz and

plead the case before the committee, with Attorney Engerud as his assistant.

Attorney Sorley plead the case of John Storey and asked that the committee do not grant this plea for dismissal.

Your committee heard these arguments at length.

On motion of Kneeland, the committee went into executive session.

On motion of Gibbens, the committee denied the affidavit filed by Tuttle for dismissal of this action of Storey against Herolz.

On motion of White, Tuttle was asked to come to the meetings, and plead his case through his attorneys.

Moved that we adjourn to nine-thirty A. M. Tuesday, January 19th, to meet at same place and invite all parties interested to be present at such time. Carried.—

Meeting called to order at nine forty five A. M., Tuesday, January 19th by Chairman Johnson. All members present.

On motion, the "depositions" filed with "secretary of state" were read to the committee.

Dibley moved that we refer the entire matter to the "committee of the whole" for consideration on Wednesday, January 27th.

We then went into executive session.

White moved that we proceed to open ballot boxes—
Carried on roll call of committee:

Ten (10) ayes; five (5) nays.

Moved that the ballot boxes be brought before the committee and opened before the committee at eight P. M. January 19th.—Carried.

Moved that we do now adjourn to meet at eight P. M., Tuesday, January 19th. Carried.

Meeting called to order at eight P. M., by chairman Johnson.

All members present.

Moved that the chairman appoint a committee of three to canvass the ballots, of which committee the chairman shall be a member. Carried.

The chairman appointed McCrea and Atwood as members of said committee.

Moved, that the chairman appoint two clerks and that the clerk of this committee be one of such clerks. Carried.

The chairman appointed Mr. Gibbens as such clerk.

On motion the chairman administered "the oath" to H.

M. Sears of Allen precinct, Kidder county, North Dakota, who appeared before the committee with the ballot boxes of said precinct.

Said H. M. Sears was examined by attorneys of both parties before the committee.

Ballot boxes were then opened, and ballots counted with the following result.

| | votes. |
|----------------|--------|
| Streeter | 6 |
| Herolz | 18 |
| Storey | 28 |
| Hays | 2 |
| Tuttle | 9 |

Attorneys for Tuttle submitted "auditor's" report of election as published in the official paper of Kidder county", which is attached herewith.

Attorneys for Tuttle stated to the committee that they wished to submit statements to his committee and evidence of Tuttle's claims to his seat.

On motion: we went into executive session.

Moved by Putnam that this committee report in favor of seating John Storey as a member of the eleventh legislative assembly from the twenty-sixth district, and a committee of three be appointed by the chairman to draft such report. Carried.

The chairman appointed on such committee, Messrs. Wolbert, White and Traynor.

The committee adjourned to meet at one thirty P. M., Wednesday, January 20th, at the state affairs committee room, at capitol.

Meeting called at one thirty P. M. Wednesday at capitol.

Chairman Johnson called meeting to order.

All present.

Moved that minutes of clerk, as read, be approved. Carried.

The report of the special committee of three was read in full, and adopted by the following vote:

| | Aye | No |
|---------------------|-----|----|
| Johnson | 1 | |
| McCrea, | | 1 |
| White, | 1 | |
| Wolbert, | 1 | |
| Davidson, | 1 | |
| Traynor, | 1 | |
| Putnam, | 1 | |
| Gibbens, | 1 | |
| Dibley, | | 1 |
| Kneeland | 1 | |
| Atwood, | 1 | |
| Collins, | | 1 |
| Nelson, | 1 | |
| Sgutt, | | 1 |
| Christianson, | | 1 |

Ten ayes; 5 nays.

10 5

Moved that committee adjourn. Carried.

G. W. WOLBERT,
Clerk,

MATT JOHNSON,
Chairman.

Jan. 20th, 1909.

Mr. Schull moved that further action on this report be made a special order for 3 o'clock tomorrow.

Mr. Skulason moved as a substitute that the question be made a special order for Friday at 2 o'clock.

Mr. Kremer moved as an amendment that the action be made a special order for January 26th at 2 o'clock, which amendment was lost.

The question being upon the substitute motion the same prevailed.

The speaker appointed Messrs. Skulason, McCrea and Law to confer with a like committee from the senate to make arrangements for the observance of Lincoln's birthday.

COURTESIES OF THE FLOOR.

The privileges of the floor were extended to Judge Jorgen Hawood, Jesse Price.

Mr. Hendrickson moved
That the house do now adjourn.
Which motion prevailed, and
The house adjourned.

W. D. AUSTIN,
Chief Clerk.

SEVENTEENTH DAY

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
January 21, 1909.

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

The speaker presiding.
Prayer by the chaplain.
Roll call.

All members present except Messrs. Hanley, Lindvig and Sheils, who were excused.

REFERENCE OF THE JOURNAL.

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

Mr. Speaker:

Your committee on revision and correction of the journal have carefully examined the journal of the fifteenth day after recess and sixteenth day and recommend that the same be corrected as follows:

Page 2, line 41, change "101" to "108."
On page 2, line 16, change "103" to "181."
On page 6, line 31, change name "J. A. Buchan" to "J. A. Buchanan."
On page 27, line 2, change "20" to "21."

And when so corrected recommend that the same be approved.

J. S. DOYLE,
Chairman.

Mr. Doyle moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
January 21; 1909.

Mr. Speaker:

I have the honor to return herewith the following concurrent resolution.

Resolved, That the chief clerk of the house and the secretary of the senate are hereby instructed to see that journals of their respective houses and copies of all bills are mailed to each of the public high schools.

In which the senate has concurred.

Also,

I have the honor to transmit herewith

Senate Bill No. 9,

A bill for an act to amend section 9366 of the revised codes of North Dakota 1905, defining what shall be considered and held to be intoxicating liquors.

Also,

Senate Bill No. 17,

A bill for an act to amend section 5187 of the revised codes of 1905 relating to order of succession.

Also,

Senate Bill No. 20,

A bill for an act to amend sections 7083 and 7085 of the revised codes of the state of North Dakota for the year 1905, relating to the method of renewing liens and judgments and providing for renewing the same without suit for an addi-

tional term of ten years and allowing execution thereon after renewal.

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

Also,

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

CONCURRENT RESOLUTION.

Whereas, the National Rivers and Harbors Congress has asked that provision be made for five hundred million dollars to be expended for the development of the navigable waterways of the United States, and

Whereas, it has been publicly announced by a high and well informed official of the United States that a sum of about two hundred and seventy-five million of dollars has already been appropriated and authorized to be expended upon works now undertaken and to be hereafter completed on the rivers and harbors of the United States, and

Whereas, none of the said two hundred and seventy-five million of dollars is being expended on the sixteen hundred miles of the navigable Missouri river above Sioux City, and

Whereas, the report of the Board of Engineers for Rivers and Harbors recommends the improvement of the Missouri river below Sioux City (which is concurred in by the United States Engineers), and its estimate provides for the expenditure of forty-two million five hundred thousand dollars for the general improvement of the Missouri river below Sioux City, Ia., of which sum two million dollars is to be expended annually upon the Missouri river from Kansas City to St. Louis, and

Whereas, no estimates have been made for the general improvement of the Missouri river above Sioux City, Ia., or the Yellowstone river or the Red River of the North, and

Whereas, no money is being expended nor has provision been made to expend any part of the aforementioned forty-two million five hundred thousand dollars within the state of North Dakota, South Dakota and Montana, and

Whereas, the United States engineer's estimate submitted to the chief of engineers and through him submitted to the present congress, makes practically no provision for any expenditures for the improvement or snagging of the Upper Missouri river above Sioux City, Ia., or the Yellowstone river in North Dakota and Montana, and

Whereas, commerce carried on these streams during the year 1908 in the localities mentioned exceeds that of the Missouri river below Sioux City; now, therefore, be it

Resolved by the Senate, the House of Representatives Concurring:

That our Senators and Representatives in congress be requested to immediately obtain proper estimates through the War Department of the requirements for the permanent general improvement of the Missouri river between Sioux City, Ia., and Ft. Benton, Mont., and the Yellowstone river between its mouth and the mouth of the Big Horn river and on the Red River of the North, between Fargo, N. D., and the International Boundary line and for the special improvement and the revetment of the river banks at several points, namely: In the vicinity of Williston, N. D., Bismarck, N. D., and other places where caving banks menace river craft and destroy the channel, and that they be requested to obtain suitable appropriations from the present congress wherewith to make these specific improvements promptly and in

the event of there being no River and Harbor bill, they be requested to secure adequate appropriations for these specific improvements, through some other measure so as to maintain the channel of these rivers for the purpose of protecting and providing for the present and continually increasing commerce thereon.

Resolved, That a certified copy of this resolution be sent to our Senators and Representatives in congress.

Which the senate has adopted and your favorable consideration is respectfully requested.

Very respectfully,
J. W. FOLEY,
Secretary.

REPORTS OF STANDING COMMITTEES.

Mr. Speaker:

Your committee on engrossment have examined:

House Bill No. 11,

A bill for an act making an appropriation for the purchase and installing of a clock in the house chamber.

Also,

House Bill No. 5,

A bill for an act to amend section 4494 of the revised codes of the state of North Dakota for 1905, relating to the time of the election of directors of county mutual fire insurance companies.

Also,

House Bill No. 15,

An act to amend section 1582 of the revised codes of the state of North Dakota for 1905, relating to the redemption of real estate which has been sold at tax sale.

Also,

House Bill No. 30,

A bill for an act amending section 8366 of the revised codes of North Dakota for 1905, relating to service by publication of summons in justice courts.

Also,

House Bill No. 25,

A bill for an act to amend section 2439 of the 1907 session laws relating to sinking funds and the duty of county commissioners pertaining thereto.

Also,

House Bill No. 44,

A concurrent resolution amending the constitution of the state of North Dakota, relating to the term of office of the judges of the supreme court.

Also,

House Bill No. 48,

A bill for an act to authorize the board of trustees or directors of the state university and school of mines, the state agricultural college, the state school of forestry, the North Dakota academy of science, the state industrial school and the various state normal schools of the state of North Dakota to lease portions of campuses of said institutions to societies and organizations of students and graduates thereof; and legalizing such leases heretofore made.

Also,

House Bill No. 59,

A bill for an act amending section 9761 of the 1905 revised codes of North Dakota, relating to change of place of trial of preliminary examinations in criminal cases.

And find the same correctly engrossed.

C. C. CRAWFORD,
Chairman.

Mr. Crawford moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

PRESENTATION OF PETITIONS AND COMMUNICATIONS.

Mr. Steen presented the following petition:

To the representatives of the 42nd legislative district of Pierce county, North Dakota.

We the undersigned voters of the 42nd legislative district solicit and urge the representatives of this county and her sister counties to see that a law is placed in effect to establish a fund for the purpose of reimbursing those who have lost and may lose horses affected by glanders.

H. S. YOUNG and 18 others.

MOTIONS AND RESOLUTIONS.

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

Resolved, That the secretary of state be, and he is hereby authorized to procure and have sent to the library of the state university, the state agricultural college and other state educational institutions in the state, copies of the daily legislative journals and bills.

Which motion prevailed, and
The resolution was adopted.

REPORT OF STANDING COMMITTEES

Mr. Speaker:

Your committee on state affairs to whom was referred
House Bill No. 60,

A bill for an act authorizing counties in the state to issue bonds or warrants to purchase and procure seed grain for needy farmers resident therein.

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

W. J. PRICE,
Chairman.

Mr. Wolbert moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on state affairs to whom was referred
House Bill No. 12,

A bill authorizing counties to procure seed grain for relief of persons unable to procure same; authorizing board of county commissioners and boards of township supervisors to provide for the relief of persons unable to procure seed grain.

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

Page 3, section 4, line 4½ strike out the word "eight" and insert the word "nine", page 5, section 7, line 7, of

the printed bill after the word "and" insert the words "such grain to be cleaned and free from foul seed."

And when so amended recommend the same do pass.

W. J. PRICE,
Chairman.

Mr. Sorlie moved

That the rules be suspended, and

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on judiciary to whom was referred
House Bill No. 51,

A bill for an act to amend section 1, chapter 1, of the session laws of the state of North Dakota for the year 1907, relating to abstracters of title, bonds to be given.

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

B. G. SKULASON,
Chairman.

Mr. Skulason moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on judiciary to whom was referred
House Bill No. 65,

A bill for an act relating to evidence regarding the chain of title to real estate.

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

On page 2, line 5 of the printed bill, by striking out all of section 2, after the word "office".

And when so amended recommend the same do pass.

Mr. Skulason moved

That the rules be suspended, and

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on judiciary to whom was referred
House Bill No. 66,

A bill for an act to amend section 8049 of the revised codes of North Dakota of 1905, relating to the bonds of executors, administrators and guardians.

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

On page 2, line 22 of the printed bill by striking out the word "take" and inserting the word "accept", and striking out the word "either" and inserting the words "executor, administrator or guardian", on page 2, line 26, by striking out the word "of" and inserting the word "by", and on page 2, line 31, in the word "occurring" by inserting the letter "r" after the letter "r".

And when so amended recommend the same do pass.

Also,

Your committee on judiciary to whom was referred
House Bill No. 69,

A bill for an act to amend section 8184 of the revised codes of North Dakota.

Have had the same under consideration and recommend that the title be amended to read as follows: "An act to amend section 8184 of the revised codes of North Dakota for 1905, relating to the commissions to be allowed administrators and executors when no provision is made in the will."

And when so amended recommend the same do pass.

Also,

Your committee on judiciary to whom was referred
House Bill No. 72,

A bill for an act amending section 4114 of the revised code of the state of North Dakota for the year 1905, relating to the adoption of a minor child.

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

On page 1, line 5, of the printed bill, after the word "the" by inserting the words "district court or the"

And when so amended recommend the same do pass.

B. G. SKULASON,
Chairman.

 MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
January 21, 1909.

Mr. Speaker:

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

A concurrent resolution asking Mr. Andrew Carnegie to include the state university and school of mines of the state of North Dakota in the number of institutions which shall be entitled to the benefits of the Carnegie Foundation for the Promotion of Teaching.

Be it Resolved by the Senate of the State of North Dakota, the House of Representatives Thereof Concurring:

Section 1. That Whereas, Mr. Andrew Carnegie being mindful of the fact that a high degree of intelligence and morality is the only safe foundation for a popular government, has added the sum of five million dollars to the fund which has come to be known as the Carnegie Foundation for the Promotion of Teaching, and has made it possible for the universities of the different states to become beneficiaries thereof, but has, however, conditioned that in order for such institutions to participate therein, the legislative assembly of the state wherein the institution desiring to avail itself of the benefit offered, is located, must first make a request in its behalf

Sec. 2. Now, Therefore, The Legislative Assembly of the state of North Dakota, does hereby respectfully request that the state university and school of mines of said state be made a beneficiary of the Carnegie Foundation for the Promotion of Teaching and hereby instructs and directs the trustees of said institution to formally accept the said benefaction in behalf of the state, and to use their best efforts to secure the benefits thereof.

Which the senate has adopted and your favorable consideration is respectfully requested.

Very respectfully,
J. W. FOLEY,
Secretary.

Mr. Skulason moved that the house concur in the senate concurrent resolution

Which motion prevailed and,

The resolution was concurred in.

Mr. Skulason asked leave to substitute for original House Bill No. 73, a copy and that he be allowed to report the bill at this time.

Which leave was granted.

REPORTS OF STANDING COMMITTEES.

Mr. Speaker:

Your committee on judiciary to whom was referred
House Bill No. 73,

A bill for an act to amend chapter 75 of the session laws
of the state of North Dakota for the year 1907, prescribing
the salary of the state's attorney, assistant, and clerk.

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

B. G. SKULASON,
Chairman.

Mr. Skulason moved

That the report be adopted

Which motion prevailed, and

The report of the committee was adopted.

**INTRODUCTION, FIRST AND SECOND READING OF
HOUSE BILLS.**

Mr. Traynor introduced

House Bill No. 131,

A bill for an act making it the duty of the board of uni-
versity and school lands to accept payment in full and issue
patent for any school or institution lands required by any
person, firm or corporation holding contract therefor, for
townsite purposes.

Which was read the first and second times and

Referred to the committee on school and public lands.

Mr. Duncan introduced

House Bill No. 132,

A concurrent resolution for an amendment to the consti-
tution of the state of North Dakota, relating to revenue and
taxation.

Which was read the first and second times and

Referred to the committee on taxation and tax laws.

Mr. Homnes introduced

House Bill No. 133,

A bill for an act prescribing the powers, duties and lia-
bilities of constables.

Which was read the first and second times and

Referred to the committee on Judiciary.

Mr. McCrea introduced

House Bill No. 134,

A bill for an act making an appropriation to pay legal expenses and disbursements incurred by the government agricultural experiment station of the North Dakota agricultural college, in defending the suit brought to annul the "Pure Paint Law" of this state.

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

Mr. Burnett introduced

House Bill No. 135,

A bill for an act defining exempt property.

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

Mr. Olson introduced

House Bill No. 136,

A bill for an act to amend section 3058, article 3, chapter 33, revised political code, 1905, state of North Dakota, relating to corporate powers of organized townships; and sections 3096 and 3097, article 8 of said chapter 33, revised political code, 1908, relating to by-laws of such organized townships.

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

Mr. Grant introduced

House Bill No. 137,

A bill for an act to require owners or proprietors of inns, hotels or restaurants, to post a sign warning patrons not to blow out gas in their rooms, and providing a penalty for the violation of this act.

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

Mr. Knox introduced

House Bill No. 138,

A bill for an act to amend section 9312 of the revised codes of 1905; relating to malicious injuries to or obstruction of telephone, telegraph or other electric wires.

Which was read the first and second times and

Referred to the committee on corporations other than municipal.

Mr. Martin introduced

House Bill No. 139,

An act to repeal chapter 169 of the session laws of 1907, entitled "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" and to re-enact articles 15 to 19 inclusive of chapter 24 of the revised codes of North Dakota, being sections 1993 to 2050 of the political code.

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

Mr. Martin introduced

House Bill No. 140,

An act to compel the removal and erection of telephone and telegraph poles by telephone and telegraph companies as well as private individuals to section lines, and their maintenance.

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

Mr. Skulason introduced by request

House Bill No. 141,

A bill for an act relating to the removal from mortgaged land of buildings, fixtures, or other appurtenances.

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

Mr. Baker of Stark introduced

House Bill No. 142,

A bill for an act to amend sections 4695, and 4697 of the revised codes of the state of North Dakota for the year 1905, relating to foreign corporations.

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

Mr. G. A. Senour of Stark introduced

House Bill No. 143,

A bill for an act entitled an act to redistrict the state of North Dakota into senatorial districts and apportion the senators and representatives therein.

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

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
January 21, 1909.

Mr. Speaker:

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

Whereas, the preservation of public health and the prevention of disease, especially the ravages of tuberculosis has become a question of national importance, and

Whereas, much of the loss of life from tuberculosis and kindred diseases is absolutely unnecessary and preventable, if the people are properly informed upon this subject, and

Whereas, every state in this Union and the Federal Government are taking steps along this line; therefore, be it

Resolved by the Senate, the House of Representatives Concurring:

That an invitation be extended to Dr. John Grassick, Secretary of the State Board of Health, and Dr. Ruediger, Director of the Public Health Laboratory, to come to Bismarck and address the joint assembly upon this very important subject.

The time to be arranged by the committees on public health of the two houses.

Which the senate has adopted and your favorable consideration is respectfully requested.

Very respectfully,
J. W. FOLEY,
Secretary.

THIRD READING OF HOUSE BILLS.

House Bill No. 30,

A bill for an act amending section 8366 of the revised codes of North Dakota for 1905, relating to the service by publication of summons in justice courts.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 85, nays 2, absent and not voting 8.

Those who voted in the affirmative were:

| | | |
|---------------|-------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Hendrickson | Peart. |
| Akesson | Hill | Pendray |
| Atwood | Hornes | Plath |
| Baker of Cass | Honey | Ployhar |

| | | |
|----------------------|----------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Baker of Stark | Hughes | Poe |
| Bjorndahl | Jewett | Pound |
| Brusletten | Johnson of Bottineau | Price |
| Brynjolfson | Johnson of McLean | Putnam |
| Burnett | Johnson of Rolette | Schull |
| Burns | Kinney of McLean | Senour |
| Chatfield | Kinney of Richland | Sinclair |
| Christenson | Kneeland | Skinner |
| Collins of Cass | Knox | Skulason |
| Collins of Gd. Forks | Law | Sorlie |
| Crawford | Laithwaite | Steen |
| Cunningham | Linde | Streeter |
| Davidson | Lucke | Thompson, Gd. Forks |
| Doyle of McIntosh | McCrea | Thompson of McLean |
| Duncan | McLear | Thompson |
| Evans | Moen of Benson | Traynor |
| Fraine | Moen of Cavalier | Tuttle |
| Freeman | Narum | Ward |
| Ganssle | Nelson of McHenry | Welford |
| Garden | Nelson of Steele | White |
| Geidt | Nelson of Walsh | Wisner |
| Gibbens | Nyhus | Wolbert |
| Goldammer | Olson | Young |
| Grant | Paulson | Mr. Speaker |
| Hemmingson | | |

Those who voted in the negative were:

| | | |
|------------------------|----------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Anderson | Martin | |
| Absent and not voting: | | |
| Messrs.— | Messrs.— | Messrs.— |
| Dibley | Hanley | Sgutt |
| Dovle of Foster | Krenrer | Sheils |
| Hale | Lindvig | |

Messrs. Hanley, Lindvig and Sheils being excused.
So the bill passed and the title was agreed to.

Mr. Chatfield moved

That the vote by which House Bill No. 30 passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 15,

An act to amend section 1582 of the revised codes of the state of North Dakota for 1905, relating to the redemption of real estate which has been sold at tax sale.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 89, nays none, absent and not voting 6.

Those who voted in the affirmative were:

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|----------------------|---------------------|
| Aasheim | Hemmingson | Peart |
| Akesson | Hendrickson | Pendray |
| Anderson | Hill | Plath |
| Atwood | Homnes | Ployhar |
| Baker of Stark | Honey | Poe |
| Bjorndahl | Hughes | Pound |
| Brusletten | Jewett | Price |
| Brynjolfson | Johnson of Bottineau | Putnam |
| Burnett | Johnson of McLean | Schull |
| Burns | Johnson of Rolette | Senour |
| Chatfield | Kinney of McLean | Sgutt |
| Christenson | Kinney of Richland | Sinclair |
| Collins of Cass | Kneeland | Skinner |
| Collins of Gd. Forks | Knox | Skulason |
| Crawford | Law | Sorlie |
| Cunningham | Laithwaite | Steen |
| Dibley | Linde | Streeter |
| Doyle of Foster | Lucke | Thompson, Gd. Forks |
| Doyle of McIntosh | Martin | Thompson of McLean |
| Duncan | McCrea | Thoreson |
| Evans | McLear | Traynor |
| Fraine | Moen of Benson | Tuttle |
| Freeman | Moen of Cavalier | Ward |
| Ganssle | Narum | Welford |
| Garden | Nelson of McHenry | White |
| Geidt | Nelson of Steele | Wisner |
| Gibbens | Nelson of Walsh | Wolbert |
| Goldammer | Nyhus | Young |
| Grant | Olson | Mr. Speaker |
| Hale | Paulson | |

Absent and not voting:

| Messrs.— | Messrs.— | Messrs.— |
|---------------|----------|----------|
| Baker of Cass | Hanley | Lindvig |
| Davidson | Kremer | Sheils |

Messrs. Hanley, Lindvig and Sheils being excused.
So the bill passed and the title was agreed to.

Mr. Duncan moved

That the vote by which House Bill No. 15 passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA.
January 21, 1909.

I have the honor to inform you that the president has appointed as members of the joint committee on Lincoln's

birthday program Messrs. Crane, Steele of Stutsman and Davis.

Very respectfully,
J. W. FOLEY,
Secretary.

THIRD READING OF HOUSE BILLS.

House Bill No. 11,

A bill for an act making an appropriation for the purchase and installing of a clock in the house chamber.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 90, nays none, absent and not voting 5.

Those who voted in the affirmative were:

| | | |
|----------------------|----------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Hale | Paulson |
| Akesson | Hemmingson | Peart |
| Anderson | Hendrickson | Pendray |
| Atwood | Hill | Plath |
| Baker of Cass | Homnes | Ployhar |
| Baker of Stark | Honey | Poe |
| Bjorndahl | Hughes | Pound |
| Brusletten | Jewett | Price |
| Brynjolfson | Johnson of Bottineau | Putnam |
| Burnett | Johnson of McLean | Schull |
| Burns | Johnson of Rolette | Senour |
| Chatfield | Kinney of McLean | Sgutt |
| Christenson | Kinney of Richland | Sinclair |
| Collins of Cass | Kneeland | Skinner |
| Collins of Gd. Forks | Knox | Skulason |
| Crawford | Law | Sorlie |
| Cunningham | Laithwaite | Steen |
| Davidson | Linde | Streeter |
| Dibley | Lucke | Thompson, Gd. Forks |
| Doyle of McIntosh | Martin | Thompson of McLean |
| Duncan | McCrea | Thoreson |
| Evans | McLear | Traynor |
| Fraine | Moen of Benson | Tuttle |
| Freeman | Moen of Cavalier | Ward |
| Ganssle | Narum | Welford |
| Garden | Nelson of McHenry | Whito |
| Geidt | Nelson of Steele | Wisner |
| Gibbens | Nelsen of Walsh | Wolbert |
| Goldammer | Nyhus | Young |
| Grant | Oison | Mr. Speaker |

Absent and not voting:

| | | |
|-----------------|----------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Doyle of Foster | Kremer | Sheils |
| Hanley | Lindvig | |

Messrs. Hanley, Lindvig and Sheils being excused.

So the bill passed and the title was agreed to

Mr. Wolbert moved

That the vote by which House Bill No. 11 passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 5,

A bill for an act to amend section 4494 of the revised codes of the state of North Dakota for 1905, relating to the time of the election of directors of county mutual fire insurance companies.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 88, nays 2, absent and not voting 5.

Those who voted in the affirmative were:

| | | |
|----------------------|----------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Hemmingson | Paulson |
| Akesson | Hendrickson | Peart |
| Anderson | Hill | Pendray |
| Atwood | Homes | Plath |
| Baker of Cass | Honey | Ployhar |
| Baker of Stark | Hughes | Poe |
| Bjorndahl | Jewett | Pound |
| Brusletten | Johnson of Bottineau | Price |
| Burnett | Johnson of McLean | Putnam |
| Burns | Johnson of Rolette | Schull |
| Chatfield | Kinney of McLean | Senour |
| Christenson | Kinney of Richland | Sinclair |
| Collins of Cass | Kneeland | Skinner |
| Collins of Gd. Forks | Knox | Skulason |
| Crawford | Law | Sorlie |
| Cunningham | Laithwaite | Steen |
| Davidson | Linde | Streeter |
| Dibley | Lucke | Thompson, Gd. Forks |
| Doyle of McIntosh | Martin | Thompson of McLean |
| Duncan | McCrea | Thoreson |
| Evans | McLear | Traynor |
| Fraine | Moen of Benson | Tuttle |
| Freeman | Moen of Cavalier | Ward |
| Ganssle | Narum | Welford |
| Garden | Nelson of McHenry | White |
| Geidt | Nelson of Steele | Wisner |
| Gibbens | Nelson of Walsh | Wolbert |
| Goldammer | Nyhus | Young |
| Grant | Olson | Mr. Speaker |
| Hale | | |

Those who voted in the negative were:

| | | |
|-------------|----------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Brynjolfson | Sgutt | |

Absent and not voting:

| | | |
|-----------------|----------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Doyle of Foster | Kremer | Sheils |
| Hanley | Lindvig | |

Messrs. Hanley, Lindvig and Sheils being excused.
So the bill passed and the title was agreed to.

House Bill No. 25,

A bill for an act to amend section 2439 of the 1907 session laws relating to sinking funds and the duty of county commissioners pertaining thereto.

Was read the third time.

Mr. Baker of Cass moved that the further consideration of the bill be referred back to the committee on education

Which motion prevailed

And the bill was referred back to the committee on education.

House Bill No. 48

A bill for an act to authorize the board of trustees or directors of the state university and school of mines, the North Dakota academy of science, the state industrial school and the various state normal schools of the state of North Dakota to lease portions of the compuses of said institutions to societies and organizations of students and graduates thereof, and legalizing such leases heretofore made.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 89, nays none, absent and not voting 6.

Those who voted in the affirmative were:

| | | |
|----------------------|----------------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Hale | Peart |
| Akesson | Hemmingson | Pendray |
| Anderson | Hendrickson | Plath |
| Atwood | Hill | Ployhar |
| Baker of Cass | Homnes | Poe |
| Baker of Stark | Honey | Pound |
| Bjorndahl | Hughes | Price |
| Brusletten | Jewett | Putnam |
| Brynjolfson | Johnson of Bottineau | Schull |
| Burnett | Johnson of McLean | Senour |
| Chatfield | Johnson of Rolette | Sgutt |
| Christenson | Kinney of McLean | Sinclair |
| Collins of Cass | Kinney of Richland | Skinner |
| Collins of Gd. Forks | Kneeland | Skulason |

| | | |
|-------------------|-------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Crawford | Law | Sorlie |
| Cunningham | Laithwaite | Steen |
| Davidson | Linde | Streeter |
| Dibley | Lucke | Thompson, Gd. Forks |
| Doyle of Foster | Martin | Thompson of McLean |
| Doyle of McIntosh | McCrea | Thoreson |
| Duncan | McLear | Traynor |
| Evans | Moen of Benson | Tuttle |
| Fraine | Moen of Cavalier | Ward |
| Freeman | Narum | Welford |
| Ganssle | Nelson of McHenry | White |
| Garden | Nelson of Steele | Wisner |
| Geidt | Nelson of Walsh | Wolbert |
| Gibbens | Nyhus | Young |
| Goldammer | Olson | Mr. Speaker |
| Grant | Paulson | |

Absent and not voting:

| | | |
|----------|----------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Burns | Knox | Lindvig |
| Hanley | Kremer | Sheils |

Messrs. Hanley, Lindvig and Sheils being excused.
So the bill passed and the title was agreed to.

Mr. Traynor moved

That the vote by which House Bill No. 48 passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 44,

A concurrent resolution amending the constitution of the state of North Dakota, relating to the term of office of the judges 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 82, nays 7, absent and not voting 6.

Those who voted in the affirmative were:

| | | |
|----------------------|----------------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Grant | Nyhus |
| Akesson | Hale | Olson |
| Atwood | Hemmingson | Paulson |
| Baker of Cass | Hendrickson | Pendray |
| Paker of Stark | Hill | Plath |
| Brusletten | Hornes | Ployhar |
| Prynjolfson | Honey | Poe |
| Burnett | Hughes | Pound |
| Chatfield | Jewett | Price |
| Christenson | Johnson of Bottineau | Putnam |
| Collins of Cass | Johnson of McLean | Schull |
| Collins of Gd. Forks | Johnson of Rolette | Sinclair |

| | | |
|-------------------|--------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Crawford | Kinney of Richland | Skinner |
| Cunningham | Kneeland | Skulason |
| Davidson | Law | Sorlie |
| Dibley | Laithwaite | Streeter |
| Doyle of Foster | Linde | Thompson, Gd. Forks |
| Doyle of McIntosh | Lucke | Thompson of McLean |
| Duncan | Martin | Thoreson |
| Evans | McCrea | Traynor |
| Fraine | McLear | Tuttle |
| Freeman | Moen of Benson | Ward |
| Ganssle | Moen of Cavalier | White |
| Garden | Narum | Wisner |
| Geidt | Nelson of McHenry | Wolbert |
| Gibbens | Nelson of Steele | Young |
| Goldammer | Nelsen of Walsh | Mr. Speaker |

Those who voted in the negative were:

| | | |
|------------------|----------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Anderson | Senour | Steen |
| Bjorndahl | Sgutt | Welford |
| Kinney of McLean | | |

Absent and not voting:

| | | |
|----------|----------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Burns | Kremer | Peart |
| Hanley | Lindvig | Sheils |

Messrs. Hanley, Lindvig and Sheils being excused.
So the bill passed and the title was agreed to.

Mr. Skulason moved

That the vote by which House Bill No. 44 passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 59,

A bill for an act amending section 9761 of the 1905 revised codes of North Dakota relating to change of place of trial of preliminary examinations in criminal cases.

Was read the third time.

Mr. Fraine asked unanimous consent to amend the bill.

There being no objection, Mr. Fraine offered the following amendment and moved its adoption:

After the word "magistrate" in line 4 of the printed bill insert the words "other than a judge of the district or supreme court."

Which motion prevailed and,

The amendment was adopted

The question being on the first passage of the bill as amended

The roll was called and there were ayes 89, nays none, absent and not voting 6.

Those who voted in the affirmative were:

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|----------------------|---------------------|
| Aasheim | Hale | Paulson |
| Akesson | Hemmingson | Peart |
| Anderson | Hendrickson | Pendray |
| Atwood | Hill | Plath |
| Baker of Cass | Homness | Ployhar |
| Baker of Stark | Honey | Poe |
| Bjorndahl | Hughes | Pound |
| Brusletten | Jewett | Price |
| Brynjolfson | Johnson of Bottineau | Putnam |
| Burnett | Johnson of McLean | Schull |
| Chatfield | Johnson of Rolette | Senour |
| Christenson | Kinney of McLean | Sgutt |
| Collins of Cass | Kinney of Richland | Sinclair |
| Collins of Gd. Forks | Kneeland | Skinner |
| Crawford | Knox | Skulason |
| Cunningham | Law | Sorlie |
| Davidson | Laithwaite | Steen |
| Dibley | Linde | Thompson, Gd. Forks |
| Doyle of Foster | Lucke | Thompson of McLean |
| Doyle of McIntosh | Martin | Thoreson |
| Duncan | McCrea | Traynor |
| Evans | McLear | Tuttle |
| Fraine | Moen of Benson | Ward |
| Freeman | Moen of Cavalier | Welford |
| Ganssle | Narum | White |
| Garden | Nelson of McHenry | Wisner |
| Geidt | Nelson of Steele | Wolbert |
| Gibbens | Nelson of Walsh | Young |
| Goldammer | Nyhus | Mr. Speaker |
| Grant | Olson | |

Absent and not voting:

| Messrs.— | Messrs.— | Messrs.— |
|----------|----------|----------|
| Burns | Kremer | Sheils |
| Hanley | Lindvig | Streeter |

Messrs. Hanley, Lindvig and Sheils being excused.
So the bill passed and the title was agreed to.

Mr. Chatfield moved

That the vote by which House Bill No. 59 passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

CONSIDERATION OF MESSAGES FROM THE SENATE.

The speaker appointed as members of the conference committee regarding penitentiary resolution Messrs. Peart, Gibbens and Hale.

Mr. Wolbert moved that the house now concur in the senate concurrent resolution relating to rivers and harbors
Which motion prevailed.

And the house concurred in the senate concurrent resolution.

COURTESIES OF THE FLOOR.

The privileges of the floor were extended to C. E. Blackorby, Hansboro, H. B. Gray, Rocklake, W. P. Atkins, James Taylor, Cando, D. H. Yeates, I. E. Shepard, Braddock, Frank E. Shulock, Ashley.

Mr. Baker of Cass moved
That the house do now adjourn.
Which motion prevailed, and
The house adjourned.

W. D. AUSTIN,
Chief Clerk.

EIGHTEENTH DAY

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
January 22, 1909.

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

The speaker presiding.

Prayer by Rev. MacNamara of Fargo.

Roll call.

All members present except Mr. Knox, who was excused.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
January 22, 1909.

Mr. Speaker:

I have the honor to transmit herewith

Senate Bill No. 23,

A bill for an act, entitled an act to amend chapter 112 of session laws of 1907 of the state of North Dakota, in regard to evidence as to statements and transactions with decedent.

Also,

Senate Bill No. 28,

A bill for an act entitled "An act defining the duties of district school boards in relation to the planting, cultivation and protection of trees and shrubs upon school house grounds.

Also,

Senate Bill No. 53,

A bill for an act to amend chapter 75 of the session laws of the state of North Dakota for the year 1907, prescribing the salary of the states' attorney, assistant, and clerk.

Also,

Senate Bill No. 58,

A bill for an act to amend section 955 of the revised codes of North Dakota, 1905, relating to compensation of members of the board of education.

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

Very respectfully,

J. W. FOLEY,
Secretary.

REFERENCE OF THE JOURNAL.

Mr. Speaker:

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

On page 6, line 19, change name "W. G. Price" to "W. J. Price."

On page 7, line 4, change name "W. G. Price" to "W. J. Price."

On page 13, line 35, change "88" to "85."

On page 13, line 36, change "5" to "8."

From the affirmative vote on House Bill No. 30, page 14, strike out the names of "Hanley," "Lindvig" and "Sheils."

On page 14, line 31, add the names of "Messrs. Hanley, Lindvig and Sheils" to those "Absent and not voting."

And when so corrected recommend that the same be approved.

S. J. DOYLE,
Chairman.

Mr. Doyle moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA.
January 22, 1909.

Mr. Speaker:

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

CONCURRENT RESOLUTION.

Whereas, other states of the Union now have a state flag, and whereas, it is deemed desirable that the State of North Dakota should also have a state flag; now, therefore, be it

Resolved by the Senate, the House of Representatives Concurring:

That the President of the Senate appoint a committee of three of its members to act with a like committee appointed by the Speaker of the House of Representatives, to accept, receive or create a design for a state flag and to report the same to its respective houses.

Which the senate has adopted and your favorable consideration is respectfully requested.

Very respectfully,
J. W. FOLEY,
Secretary.

SPECIAL ORDER.

In the matter of contest of Storey vs. Herolz, committee report on elections and privileges was read by the chief clerk.

Mr. Gibbens moved

That the report of the committee be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Mr. Sorlie addressed the house on behalf of Mr. Storey.

Mr. Engerud addressed the house on behalf of Mr. Tuttle.

Mr. Lauder addressed the house on behalf of Mr. Tuttle.

Mr. Sorlie closed on behalf of Mr. Storey.

The question being upon the seating of Mr. Storey in place of Mr. Tuttle from the Twenty-sixth senatorial district, the roll was called and there were 93 votes cast, of which Mr. Storey received 69 and Mr. Tuttle received 24, absent and not voting 2.

Those voting for Mr. Storey were:

| | | |
|-------------------|----------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Hanley | Paulson |
| Anderson | Hemmingson | Peart |
| Atwood | Hendrickson | Plath |
| Bjorndahl | Hill | Ployhar |
| Brusletten | Homnes | Pound |
| Brynjulson | Honey | Price |
| Burnett | Johnson of Bottineau | Putnam |
| Chatfield | Johnson of McLean | Sheils |
| Christenson | Johnson of Rolette | Skinner |
| Colins of Cass | Kinney of McLean | Skulason |
| Cunningham | Kneeland | Sorlie |
| Davidson | Law | Steen |
| Doyle of Foster | Lai'hwaiite | Thompson, Gd. Forks |
| Doyle of McIntosh | Linde | Thompson of McLean |
| Duncan | Lucke | Thoreson |
| Fraine | Martin | Traynor |
| Freeman | McLear | Ward |
| Ganssle | Moen of Benson | Welford |
| Garden | Moen of Cavalier | White |
| Gibbens | Narum | Wisner |
| Goldammer | Nelson of Steele | Wolbert |
| Grant | Nelson of Walsh | Young |
| Hale | Nyhus | Mr. Speaker |

Those voting for Mr. Tuttle were:

| | | |
|----------------------|--------------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Akesson | Geidt | Olson |
| Baker of Cass | Hughes | Pendray |
| Baker of Stark | Jewett | Poe |
| Burns | Kinney of Richland | Schull |
| Collins of Gd. Forks | Kramer | Senour |
| Crawford | Lindvig | Sgutt |
| Dibley | McCrea | Sinclair |
| Evans | Nelson of McHenry | Streeter |

Absent and not voting:

| | | |
|----------|----------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Knox | Tuttle | |

Mr. Knox being excused.

And Mr. Storey having received a majority of all the votes cast, was duly declared seated as a member of the eleventh legislative session from the Twenty-sixth senatorial district.

The oath of office was administered to Mr. Storey by the speaker.

CONSIDERATION OF MESSAGES FROM THE SENATE.

Mr. Hale moved

That the house do now concur in the senate concurrent resolution relating to the state flag.

Mr. Fraine moved

As an amendment that the concurrent resolution be referred to the committee on state affairs.

Which motion prevailed, and

The resolution was referred to the committee on state affairs.

Mr. Fraine moved

That the house do now concur in the senate concurrent resolution in regard to extending an invitation to Dr. John Grassick, secretary of the state board of health, and Dr. Ruediger of the public health laboratory.

Which motion prevailed, and

The resolution was concurred in.

COURTESIES OF THE FLOOR.

The privileges of the floor were extended to Geo. M. Robinson, Coal Harbor; John W. Robeson, Garrison; J. T. Purcell, C. J. Thomas, L. D. Davidson, Fargo.

Mr. Sorlie moved -

That the house do now adjourn.

Which motion prevailed, and

The house adjourned.

W. D. AUSTIN,
Chief Clerk.

NINETEENTH DAY

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
January 23, 1909.

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

The speaker presiding.

Prayer by the Rev. O. F. Jones of Bismarck.

Roll call.

All members present except Messrs. Burns, Johnson of McLean and Kremer, who were excused.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
January 23, 1909.

Mr. Speaker:

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

Mr. President:

The committee appointed by you to report to the Senate suitable resolutions on the death of ex-Governor John Miller and ex-Governor E. D. Shortridge, reports the following separate resolutions:

Whereas, under Divine Providence the death of our former citizen, Hon. John Miller, has again brought to our attention the unfailling end which

in perpetual succession reminds man that his relations with things earthly must soon terminate; therefore,

We, the members of the Senate, the House of Representatives concurring, with a common emotion of regret, respect and reverence, join in availing ourselves of the proud, though melancholy, privilege of paying our last tribute to the memory of the distinguished dead;

Resolved, That in the death of ex-Governor John Miller, the state has lost one of its best executives—the public one of its ablest defenders and society one of its best citizens; further

Resolved, That these resolutions be spread upon the Journal of the Senate and House of Representatives and a certified copy thereof be presented or sent to the widow of the deceased.

JUDSON LAMOURE,
FRANK S. TALCOTT,
W. E. PURCELL,

Committee.

Also,

The committee appointed by you to report to the Senate suitable resolutions on the death of ex-Governor E. D. Shortridge and ex-Governor John Miller, reports the following separate resolutions:

Whereas it has pleased Almighty God to remove from our midst in the fullness of years, the Hon. Eli D. Shortridge, a former Governor of our state, reminding us how frail and transitory is this life; therefore,

We, the members of the Senate, the House of Representatives concurring, appreciating simplicity and integrity in every walk of life, deem it fitting to pay to the deceased our last tribute of respect;

Resolved, That in the death of ex-Governor Eli D. Shortridge, the state has lost a man of unpretended learning and unaffected simplicity; a man possessing large-heartedness and genial courtesy; one who was adorned with practical virtues and noble manhood. Further

Resolved, That these resolutions be spread upon the Journal of the Senate and House of Representatives and a certified copy thereof be presented or sent to the widow of the deceased.

JUDSON LAMOURE,
FRANK S. TALCOTT,
W. E. PURCELL,

Committee.

Which the senate has adopted and your favorable consideration is respectfully requested.

Very respectfully,

J. W. FOLEY,
Secretary.

Mr. Chatfield moved

That the house do now concur in the senate concurrent resolutions.

Which motion prevailed, and

The concurrent resolutions were concurred in.

REFERENCE OF THE JOURNAL.

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

Mr. Speaker:

Your committee on revision and correction of the journal have carefully examined the journal of the eighteenth day and find the same correct.

And recommend that the same be approved.

J. S. DOYLE,
Chairman.

Mr. Doyle moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

REPORTS OF STANDING COMMITTEES.

The committee on engrossment made the following report:

Mr. Speaker:

Your committee on engrossment have examined

House Bill No. 12,

A bill authorizing counties to procure seed grain for relief of persons unable to procure same; authorizing board of county commissioners and boards of township supervisors to provide for the relief of persons unable to procure seed grain.

Also,

House Bill No. 65,

A bill for an act relating to evidence regarding the chain of title to real estate.

Also,

House Bill No. 73,

A bill for an act to amend chapter 75 of the session laws of the state of North Dakota for the year 1907, prescribing the salary of the state's attorney, assistant, and clerk.

And find the same correctly engrossed.

C. C. CRAWFORD,
Chairman.

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

Mr. Speaker:
Your committee on engrossment have examined:
House Bill No. 59,

A bill for an act amending section 9761 of the 1905 revised codes of North Dakota, relating to change of place of trial of preliminary examinations in criminal cases.

And find the same correctly re-engrossed.

C. C. CRAWFORD,
Chairman.

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

The committee on taxes and tax laws made the following report:

Mr. Speaker:

Your committee on taxes and tax laws to whom was referred

House Bill No. 58,

A bill for an act to amend section 1582 of the revised codes of the state of North Dakota for 1905, relating to redemption of lands sold for delinquent taxes.

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

JOHN STEEN,
Chairman.

Mr. Steen moved
That the report be adopted.
Which motion prevailed, and
The further consideration of the bill was indefinitely postponed.

Mr. Speaker:

Your committee on taxation and tax laws to whom was referred

House Bill No. 68,

A bill for an act to amend section 1513 of the revised codes of North Dakota for 1905, relating to meeting of assessors.

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

Title amended by inserting after the words "relating to" the words "the furnishing by county auditors of assessment books and blanks and lists of real property, and regulating time of meeting of assessors."

Line 5, "book" to "books," "blank" to "blanks."

Line 10, "numbers of acres" to "number of acres."

Line 12, "assessor" to "assessors," "first" to "second."

And when so amended recommend the same do pass.

JOHN STEEN,
Chairman.

The committee on judiciary made the following report:

Mr. Speaker:

Your committee on judiciary to whom was referred

House Bill No. 95,

A bill for an act to amend section 7182 of the revised codes of 1905, relating to costs on appeal from justice court.

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

B. G. SKULASON,
Chairman.

Mr. Skulason 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. Speaker:

Your committee on education to whom was referred

House Bill No 6,

A concurrent resolution amending the constitution of the state of North Dakota, establishing and locating a state normal school in the city of Minot, county of Ward.

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

FRANK E. PLOYHAR,
Chairman.

Mr. Ployhar 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. Speaker:

Your committee on education to whom was referred

Senate Bill No. 25,

A bill for an act entitled "An act relating to the evidential effect of possession of real property by a surviving husband or wife claiming title under section 4928, revised codes for 1905, as against co-tenants and others."

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

In first line of title after the word "the" insert "revised codes of 1905, as amended by chapter 92 of the."

In line 1, section 1, after the word "of" insert "the revised codes of 1905, as amended by chapter 92 of."

Line 4, section 2, strike out the words "one thousand."

And when so amended recommend the same do pass.

FRANK E. PLOYHAR,

Chairman.

Mr. Baker of Cass moved

That the rules be suspended and that the report of the committee be adopted, and House Bill No. 25 be considered engrossed and placed upon its third reading and final passage.

Which motion prevailed.

House Bill No. 25,

A bill for an act to amend section 2439 of the 1907 session laws relating to sinking funds and the duty of county commissioners pertaining thereto.

Was read the third time

The question being on the final passage of the bill.

The roll was called and there were ayes 92, nays 0, absent and not voting 3.

Those who voted in the affirmative were:

Messrs.—

Aasheim

Akesson

Anderson

Atwood

Messrs.—

Hanley

Hemmingson

Hendrickson

Hill

Messrs.—

Peart

Pendray

Plath

Ployhar

| | | |
|----------------------|----------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Baker of Cass | Homnes | Poe |
| Baker of Stark | Honey | Pound |
| Bjorndahl | Hughes | Price |
| Brusletten | Jewett | Putnam |
| Brynjulson | Johnson of Bottineau | Schull |
| Burnett | Johnson of Rolette | Senour |
| Chatfield | Kinney of McLean | Sgutt |
| Christenson | Kinney of Richland | Sheils |
| Collins of Cass | Kneeland | Sinclair |
| Collins of Gd. Forks | Knox | Skinner |
| Crawford | Law | Skufason |
| Cunningham | Laithwaite | Sorlie |
| Davidson | Linde | Steen |
| Dibley | Lindvig | Storey |
| Doyle of Foster | Lucke | Streeter |
| Doyle of McIntosh | Martin | Thompson, Gd. Forks |
| Duncan | McCrea | Thompson of McLean |
| Evans | McLear | Thoreson |
| Fraine | Moen of Benson | Traynor |
| Freeman | Moen of Cavalier | Ward |
| Ganssle | Narum | Welford |
| Garden | Nelson of McHenry | White |
| Geidt | Nelson of Steele | Wisner |
| Gibbens | Nelson of Walsh | Wolbert |
| Goldammer | Nyhus | Young |
| Grant | Olson | Mr. Speaker |
| Hale | Paulson | |

Absent and not voting:

| | | |
|----------|-------------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Burns | Johnson of McLean | Kremer |

Messrs. Burns, Johnson of McLean and Kremer being excused.

So the bill passed and the title was agreed to.

Mr. McCrea moved

That the vote by which House Bill No. 25 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed

REPORTS OF STANDING COMMITTEES.

The committee on education made the following report:

Mr. Speaker:

Your committee on education to whom was referred

House Bill No. 37,

A bill for an act entitled "An act for the division of certain school districts, for the changing of the boundaries

thereof, for the adjustment of indebtedness and property of the different parts thereof and prescribing the mode of procedure to procure such division.”

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

FRANK E. PLOYHAR,
Chairman.

Mr. Ployhar moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

The committee on school and public lands made the following report:

Mr. Speaker:

Your committee on school and public lands to whom was referred

House Bill No. 18,

A bill for an act entitled an act to amend section 155 of chapter 4 of the political code of the state of North Dakota, and all acts or parts of acts amendatory thereof, providing for the investment of moneys belonging to the permanent funds of the common schools, university, school of mines, reform school, agricultural college, school for the deaf and dumb, normal schools and all other permanent funds derived from the sale of public lands or any other source belonging to the school divisions of the state.

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

In line 35 on page 3 of the printed bill strike out the word “principle” and insert instead the word “principal.”

In line 49 on page 3 of the printed bill after the words “interest on” strike out the word “same” and insert the words “the principal.”

In line 50 on page 3 of the printed bill after the words “advance of” insert the word “the.”

In line 50 on page 3 of the printed bill strike out after the word “payment” the words “and the whole amount.”

In line 51 on page 3 of the printed bill strike out the words “remaining due in such payment.”

In line 62 on page 4 of the printed bill strike out the letter "s" in the word "votes."

After the word "provided in line 18 on page 2 of the printed bill insert "that at least one-fourth of the whole amount of the several permanent funds aforesaid, as computed by the commissioner of university and school lands at the end of the fiscal year, shall be set apart for investment in first mortgages on farm lands in this state, and provided, further."

After line 64 on page 4 of the printed bill insert the following:

"Sec. 2. Satisfaction of Mortgage Loans on Real Estate.) The governor and superintendent of public instruction are respectively the chairman and secretary of the board of university and school lands, are hereby empowered and required to jointly satisfy real estate mortgages given to the board of university and school lands, whenever the loans secured by such mortgages shall have been fully paid, as attested by the records in the office of the state treasurer."

In line 1 of page 4 of the printed bill, in the section relating to repeal, strike out "Sec. 2" and insert "Sec. 3."

In the emergency clause on page 4 of the printed bill strike out the figure "3" and insert the figure "4."

And when so amended recommend that the same do pass.

A. S. GIBBENS,
Chairman.

MESSAGE FROM THE SENATE.

The following message was received from the senate.

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
January 23, 1909.

Mr. Speaker:

I have the honor to inform you that the president has named as senate members of the Lincoln's birthday memorial committee Messrs. Crane, Davis and Steel of Stutsman.

Very respectfully,
J. W. FOLEY,
Secretary.

REPORTS OF STANDING COMMITTEES.

The committee on state affairs made the following report:

Mr. Speaker:

Your committee on state affairs to whom was referred
House Bill No. 71,

A bill for an act to provide for the greater publicity of
the finances of the state.

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

W. J. PRICE,
Chairman.

Mr. Price moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on appropriations made the following re-
port:

Mr. Speaker:

Your committee on appropriations to whom was referred
House Bill No. 36,

A bill to amend section 1787 of the revised codes of North
Dakota, 1905.

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

S. N. PUTNAM,
Chairman.

Mr. Putnam moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on mileage and per diem made the follow-
ing report:

Mr. Speaker:

Your committee on mileage and per diem beg leave to
correct the report submitted to the house by striking out
"380" after the name "S. Hendrickson," and inserting in
lieu thereof "391."

O. J. SORLIE,
Chairman.

Mr. Sorlie moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

REPORT OF CONFERENCE COMMITTEE.

Mr. Speaker:

Your conference committee appointed to confer concerning the final adoption of Lincoln memorial day resolutions, beg leave to report an agreement to adopt the senate concurrent resolution on this subject.

MAYNARD CRANE,

Chairman Senate Conference Committee.

B. G. SKULASON,

Chairman House Conference Committee.

Mr. Skulason moved

That the report be adopted

Which motion prevailed, and

The report was adopted.

MOTIONS AND RESOLUTIONS.

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

Resolved by the House of Representatives, the Senate Concurring:

That when this legislative session adjourn, it shall stand adjourned until 2 o'clock p. m. on Thursday, January 28.

Which motion was lost.

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

Resolved by the House of Representatives of the State of North Dakota:

That it is the sense and desire of the members of the House of Representatives that an invitation be extended to Professor Ladd of the Agricultural College of this state and he be requested to attend the house and address its members on January 30, 1909, in regard to the pure food law, or the prevention of adulteration and misbranding of foods and beverages, the drug laws, formaldehyde and Paris green laws and the paint law, as well as matters appertaining and relating to tests of illuminating oils and gasoline and other kindred matters for the purpose of enabling the members of the house to receive enlightenment concerning these matters with the view and for the purpose of intelligently passing upon and acting upon various measures along those lines now pending in the house.

Mr. Skulason moved

As an amendment that after the words "the 30th of January" insert the words "or at such other time as the speaker of the house may deem convenient," and further, that after the name of "Ladd" add "Prof. E. J. Babcock of Grand Forks."

Which motion prevailed, and

The resolution was adopted as amended.

Mr. Senour introduced the following concurrent resolution:

Concurrent Resolution Providing for an Investigation of the Charges Against Various Officials, Who Have the Placing of State Moneys in Depositories.

Resolved by the House of Representatives of the Eleventh Assembly of the State of North Dakota, the Senate Concurring:

Whereas, the First National bank of Rugby has recently failed and one of the officers has left under what may be considered suspicious circumstances; and,

Whereas, said First National bank of Rugby has on deposit a large amount of state and other public moneys; and,

Whereas, it has been intimated that the money was in excess of the amount that should have been apportioned to said bank on the bond furnished; and,

Whereas, it has also been charged that the state moneys was deposited in said bank for political purposes; therefore, be it

Resolved, That a committee of three from the House shall be appointed to act with a like number from the Senate in making a thorough investigation of all the questions involved, and place the blame, if any, where it should rest, and exonerate any and all the officials who are now serving the state and also whose terms of office have expired, who may be found blameless in the conduct of their offices in thier dealings with said bank.

Mr. Skulason moved

That the concurrent resolution be referred to the committee on state affairs.

Which motion prevailed, and

The concurrent resolution was referred to the committee on state affairs.

The speaker called Mr. Price to the chair.

INTRODUCTION, FIRST AND SECOND READING OF HOUSE BILLS

Mr. Hemmingson introduced

House Bill No. 144,

A concurrent resolution amending the constitution of the state of North Dakota, relating to the election, term of office,

duties and compensation of all county, township and district offices.

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

Mr. Putnam (by request) introduced

House Bill No. 145,

A bill for an act for an appropriation to reimburse Professor E. F. Ladd for disbursements and expenses incurred in the enforcement of the pure food laws.

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

Mr. Putnam introduced

House Bill No. 146,

A concurrent resolution amending section 158 of the constitution of the state of North Dakota, providing for the purchase of and sale of school and public lands.

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

Mr. Hendrickson introduced

House Bill No. 147,

A bill for an act relating to the qualifications of members of state, county, city, township, town and village boards of equalization.

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

Mr. Thompson of Grand Forks introduced

House Bill No. 148,

A bill for an act to amend section 2437 of the revised codes of North Dakota for 1905, relating to the proposals and acceptance of bonds of county depositaries.

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

Mr. Brynjulson introduced

House Bill No. 149,

A bill for an act, entitled an act to define and prohibit unfair competition and discrimination, and to define the powers and duties of the attorney general in regard thereto.

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

The speaker in the chair.

Mr. Duncan introduced

House Bill No. 150,

A bill for an act to amend section 4073 of the revised codes of the state of North Dakota of 1905, relating to the granting of alimony in divorce cases.

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

Mr. Brusletten introduced

House Bill No. 151,

A bill for an act to amend sections 5510 and 5511 of the revised codes of the state of North Dakota for the year 1905, prescribing lawful rates of interest for any legal indebtedness, and defining usury.

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

Mr. Baker of Cass introduced

House Bill No. 152,

A bill for an act to amend section 4475 of the revised codes of the state of North Dakota for 1905, relating to the tax levied upon insurance companies doing business within the state.

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

Mr. Anderson introduced

House Bill No. 153,

A bill for an act to amend section 2620 of the revised codes of 1905, relating to legal rates for publication of legal notices.

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

Mr. Kneeland introduced

House Bill No. 154,

A bill for an act to amend section 2173 of the revised codes of the state of North Dakota for 1905, relating to automobiles.

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

Mr. Brynjulson (by request) introduced

House Bill No. 155,

A bill for an act creating and establishing a fish hatchery at Lake Hiawatha, in Wells county, near Sykeston, North Dakota, and providing for its management, and making appropriation therefor.

Which was read the first and second times and Referred to the committee on fish and game laws.

THIRD READING OF HOUSE BILLS.

House Bill No. 12,

A bill authorizing counties to procure seed grain for relief of persons unable to procure same; authorizing board of county commissioners and boards of township supervisors to provide for the relief of persons unable to procure seed grain.

Was read the third time

Mr. Chatfield moved

That the further consideration of House Bill No. 12 be referred back to the committee on state affairs.

Which motion prevailed, and

The further consideration of the bill was referred back to the committee on state affairs.

House Bill No. 65,

A bill for an act relating to evidence regarding the chain of title to real estate.

Was read the third time

The question being on the final passage of the bill.

The roll was called and there were ayes 89, nays 1, absent and not voting 5.

Those who voted in the affirmative were:

Messrs.—

Aasheim
Akesson
Anderson
Atwood
Baker of Cass
Baker of Stark
Bjorndahl
Brusletten
Brynjulson
Burnett

Messrs.—

Hemmingson
Hendrickson
Hill
Homnes
Honey
Hughes
Jewett
Johnson of Bottineau
Johnson of Rolette
Kinney of McLean

Messrs.—

Paulson
Peart
Pendray
Plath
Ployhar
Poe
Pound
Price
Putnam
Sgutt

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|--------------------|---------------------|
| Chatfield | Kinney of Richland | Sheils |
| Christenson | Kneeland | Sinclair |
| Collins of Gd. Forks | Knox | Skinner |
| Crawford | Law | Skulason |
| Cunningham | Laithwaite | Sorlie |
| Davidson | Linde | Steen |
| Dibley | Lindvig | Storey |
| Doyle of Foster | Lucke | Streeter |
| Doyle of McIntosh | Martin | Thompson, Gd. Forks |
| Duncan | McCrea | Thompson of McLean |
| Fraine | McLear | Thoreson |
| Freeman | Moen of Benson | Traynor |
| Ganssle | Moen of Cavalier | Ward |
| Garden | Narum | Welford |
| Geidt | Nelson of McHenry | White |
| Gibbens | Nelson of Steele | Wisner |
| Goldammer | Nelson of Walsh | Wolbert |
| Grant | Nyhus | Young |
| Hale | Olson | Mr. Speaker |
| Hanley | | |

Absent and not voting:

| Messrs.— | Messrs.— | Messrs.— |
|-----------------|-------------------|----------|
| Burns | Evans | Kremer |
| Collins of Cass | Johnson of McLean | Senour |

Mr. Schull voted in the negative.

Messrs. Burns, Johnson of McLean and Kremer being excused.

So the bill passed and the title was agreed to.

Mr. White moved

That the vote by which House Bill No. 65 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed

House Bill No. 73,

A bill for an act to amend chapter 75 of the session laws of the state of North Dakota for the year 1907, prescribing the salary of the state's attorney, assistant, and clerk.

Was read the third time

The question being on the final passage of the bill.

The roll was called and there were ayes 58, nays 32, absent and not voting 5.

Those who voted in the affirmative were:

| Messrs.— | Messrs.— | Messrs.— |
|------------|----------------------|-----------------|
| Aasheim | Hendrickson | Nelson of Walsh |
| Akesson | Hill | Olson |
| Atwood | Homnes | Paulson |
| Brynjulson | Honey | Pear |
| Burnett | Jewett | Plath |
| Chatfield | Johnson of Bottineau | Putnam |

| | | |
|----------------------|-------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Collins of Cass | Kinney of McLean | Schull |
| Collins of Gd. Forks | Kneeland | Stutt |
| Crawford | Knox | Skulason |
| Davidson | Laithwaite | Sorlie |
| Dibley | Linde | Streeter |
| Doyle of Foster | Lindvig | Thompson, Gd. Forks |
| Doyle of McIntosh | Lucke | Thompson of McLean |
| Duncan | Martin | Traynor |
| Fraine | Moen of Benson | Ward |
| Garden | Moen of Cavalier | White |
| Geidt | Narum | Wisner |
| Gibbens | Nelson of McHenry | Wolbert |
| Hale | Nelson of Steele | Mr. Speaker |
| Hanley | | |

Those who voted in the negative were:

| | | |
|----------------|--------------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Anderson | Hemmingson | Pound |
| Baker of Cass | Hughes | Price |
| Baker of Stark | Johnson of Rolette | Shells |
| Bjorndahl | Kinney of Richland | Sinclair |
| Brusletten | Law | Skinner |
| Christenson | McCrea | Steen |
| Cunningham | McLear | Storey |
| Freeman | Nyhus | Thoreson |
| Ganssle | Pendray | Welford |
| Goldammer | Ployhar | Young |
| Grant | Poe | |

Absent and not voting:

| | | |
|----------|-------------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Burns | Johnson of McLean | Senour |
| Evans | Kremer | |

Messrs. Burns, Johnson of McLean and Kremer being excused.

So the bill passed and the title was agreed to.

Mr. Hendrickson moved

That the vote by which House Bill No. 73 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

Mr. Chatfield moved

That the house resolve itself into a committee of the whole for the consideration of general orders.

Which motion prevailed, and

The house resolved itself into a committee of the whole.

The speaker called Mr. Chatfield to the chair.

GENERAL ORDERS.

When the committee rose it submitted the following report:

Mr. Speaker:

The committee of the whole have had under consideration House Bill No. 69,

A bill for an act to amend section 8184 of the revised codes of North Dakota.

And recommend that the title be amended to read as follows: "An act to amend section 8184 of the revised codes of North Dakota for 1905, relating to the commissions to be allowed administrators and executors when no provision is made in the will."

And when so amended recommend the same do pass.

Also,

House Bill No. 66,

A bill for an act to amend section 8049 of the revised codes of North Dakota of 1905, relating to the bonds of executors, administrators and guardians.

And recommend the same be amended as follows:

On page 2, line 22 of the printed bill by striking out the word "take" and inserting the word "accept," and striking out the word "either" and inserting the words "executor, administrator or guardian," on page 2, line 26, by striking out the word "of" and inserting the word "by," and on page 2, line 31, in the word "occurring" by inserting the letter "r" after the letter "r."

And when so amended recommend the same do pass.

Also,

House Bill No. 72,

A bill for an act amending section 4114 of the revised code of the state of North Dakota for the year 1905, relating to the adoption of a minor child.

And recommend that the same be amended as follows:

On page 1, line 5 of the printed bill, after the word "the" by inserting the words "district court or the."

And when so amended recommend the same do pass.

M. M. CHATFIELD,
Chairman.

Mr. Anderson moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The speaker in the chair.

COURTESIES OF THE FLOOR.

The privileges of the floor were extended to J. E. Campbell, Mandan; W. J. Doyle, Carrington.

Mr. Skulason moved

That the house do now adjourn.

Which motion prevailed, and

The house adjourned.

W. D. AUSTIN,
Chief Clerk.

TWENTY-FIRST DAY

**HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
January 25, 1909.**

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

The speaker presiding.

Prayer by the chaplain.

Roll call.

All members present except Messrs. Baker of Cass, Dibley, Kremer and Price, who were excused.

REFERENCE OF THE JOURNAL.

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

Mr. Speaker:

Your committee on revision and correction of the journal have carefully examined the journal of the 19th day and find the same correct.

And recommend that the same be approved.

**S. J. DOYLE,
Chairman**

Mr. Doyle moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

REPORT OF CONFERENCE COMMITTEE.

The following report of the conference committee relative to the investigation of the affairs of the state penitentiary and twine plant was presented:

Mr. Speaker:

Your committee recommend the following substitute resolution in lieu of senate resolution, as amended by the house, on the subject of the investigation of the affairs of the state penitentiary and twine plant:

Be it Resolved by the Senate of the State of North Dakota, the House of Representatives Concurring:

Whereas, Charges of mismanagement have been made through different newspapers of our state as to the former and present administration of our state penitentiary and twine plant, and,

Whereas, Such charges have created a blot upon the character of the men involved and a stigma upon our state; be it therefore

Resolved, That the President of the Senate is hereby authorized and directed to appoint a committee of three to act with a like committee of three to be appointed by the Speaker of the House of Representatives, to compose an investigating committee relatives to the affairs of the penitentiary and twine plant. Be it further

Resolved, That the said committee be and here is authorized and empowered to require and enforce the attendance of witnesses and the production of all books and papers relative to the subject matter of this investigation, to administer oaths and to employ a competent accountant and stenographer, said stenographer to be assigned from the clerical force of the Senate or House of Representatives. Be it further

Resolved, That said committee shall call upon the Attorney General and his assistants for counsel and whatever legal advice may become necessary during said investigation. Be it further

Resolved, That said committee is hereby authorized to call upon the sergeant-at-arms of either the Senate or House to perform all duties relating to the service of process upon any person, requiring their attendance or the production of any books and papers for the use of said committee. Be it further

Resolved, That in the event of the refusal of any witness subpoenaed before this committee to testify or produce any books or papers or any evidence, whatsoever having a bearing upon the subject matter of this investigation, the committee shall report such refusal forthwith to the legislative assembly. Be it further

Resolved, that the place of meeting of said committee shall be left to their discretion. Be it further

Resolved, That said committee shall organize by selecting one of its members as chairman, and the stenographer of said committee shall act as secretary thereof.

JUDSON LAMOURE,
ED. PIERCE,
F. S. TALCOTT,

Conferees on Behalf of the Senate.

A. L. PEART,
A. S. GIBBENS,
C. A. HALE,

Conferees on Behalf of the House.

Mr. Sorlie moved

That the report be referred to committee on state affairs
Which motion prevailed

And the report of the conference committee was referred to the committee on state affairs.

REPORTS OF STANDING COMMITTEES.

The committee on judiciary made the following report:

Mr. Speaker:

Your committee on judiciary to whom was referred
House Bill No. 8,

A concurrent resolution for an amendment to the constitution of the state of North Dakota, creating the office of justice of the peace and fixing and providing for the jurisdiction thereof.

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

B. G. SKULASON,
Chairman.

Mr. Skulason moved

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

Also,

Your committee on judiciary to whom was referred
House Bill No. 43,

A bill for an act authorizing the judges of the district courts in certain cases to require petit jurors to serve at the term next succeeding the term for which they are called.

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

B. G. SKULASON,
Chairman.

Mr. Skulason moved

That the report be adopted
Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Also,

Your committee on judiciary to whom was referred
House Bill No. 89,

A bill for an act protecting the wages of mechanics, salesmen, clerks or other employees and giving them a lien upon property for such wages.

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

B. G. SKULASON,
Chairman.

Mr. Skulason moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Also,

Your committee on judiciary to whom was referred
House Bill No. 94,

A bill for an act to amend section 7304 and section 7305, relating to privileged communications.

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

B. G. SKULASON,
Chairman.

Mr. Skulason moved

That the report be adopted

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on judiciary to whom was referred
House Bill No. 53,

A bill for an act requiring operators of steam threshing rigs to give bond or carry insurance to cover damage caused by fires originating from steam threshing engines.

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

On page 2, section 1, line 19, of the printed bill, by inserting the following words, " provided that the provisions of this section shall not apply to a person threshing his own grain", and a further amendment, in section 2, line 4 and

5, by striking out the words and figures "one hundred (100.00)", and inserting the words and figures "fifty (50.00)", and on lines 5 and 6 in the same section, by striking out the words and figures "three hundred (300.00)", and inserting the words and figures "one hundred (100.00)", and when so amended be recommended for passage.

The vote in the committee was a tie, there being three members absent, and sixteen present and voting.

B. G. SKULASON,
Chairman.

The committee on public health made the following report:

Mr. Speaker:

Your committee on public health to whom was referred House Bill No. 63,

For an act to amend sections 1, 2, 3, 4, 6, and 14 of chapter 135 of the laws of 1907.

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

C. H. SHEILS,
Chairman,

Mr. Sheils moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

MOTIONS AND RESOLUTIONS.

Mr. Knox introduced the following concurrent resolution:

Whereas, the people of the State of North Dakota wishing to show their honor and respect for the brave and gallant soldiers who were killed in the battle of Whitestone Hills on the third day of September, 1863, and,

Whereas, there were numbered among the slain in that battle many members of the 6th and 7th Iowa Cavalry and also many members of the 2d Nebraska Cavalry, and,

Whereas, the government of the United States has granted to the State of North Dakota a tract of land embracing the site of said battlefield, and,

Whereas, the governor of the State of North Dakota has appointed a board of trustees to care for said ground by erecting a monument and headstones and otherwise improving and beautifying said grounds, and,

Whereas, an exigency exists for the creation of a fund to carry out the above named purposes, therefore, be it

Resolved by the House of Representatives, the Senate Concurring:

That we hereby respectfully request the Legislative Assemblies of the states of Iowa and Nebraska each to make a liberal appropriation to aid in carrying to completion the work as above outlined and any monies arising from any appropriations for purposes above stated to be paid to the treasurer of the State of North Dakota to be held as a special fund therefor, and, be it further

Resolved, That a copy of these resolutions be at once transmitted to the Legislative Assemblies of the states of Iowa and Nebraska.

Mr. Skulason moved

That the resolution be referred to the committee on state affairs

Which motion prevailed, and

The resolution was referred to the committee on state affairs.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
January 25, 1909.

Mr. Speaker:

I have the honor to transmit herewith
Senate Bill No. 24,

An act to amend section 1582 of the revised codes of North Dakota for the year 1905, relating to the redemption of real estate.

Also,

Senate Bill No. 39,

A bill for an act fixing the times and place for holding the general terms of the supreme court and providing for special terms in certain cases.

Also,

Senate Bill No. 44,

A bill for an act providing when surety may be released on bond and prescribing mode of procedure.

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

Also,

Mr. Speaker:

I have the honor to inform you that the senate had adopted the report of the conference committee relating to a penitentiary investigation.

Very respectfully,
J. W. FOLEY,
Secretary.

INTRODUCTION, FIRST AND SECOND READING OF HOUSE BILLS.

Mr. Hale introduced

House Bill No. 156,

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

Which was read the first and second times and
Referred to the committee on fish and game

Mr. Wolbert introduced

House Bill No. 157,

A bill for an act to provide for probation for persons convicted of felonies and misdemeanors.

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

Mr. Wolbert introduced

House Bill No. 158,

A bill for an act, to provide indeterminate sentences of persons convicted of certain crimes; providing for a board of experts empowered to prescribe suitable rules of conduct and treatment; and to determine how and when a person sentenced under this act shall be paroled or released; and providing for a parole officer.

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

Mr. Wolbert introduced

House Bill No. 159,

A bill for an act entitled an act to amend section 2206 of the revised codes of the state of North Dakota for the year

1905 relating to the fees to be paid by Hawkers and Peddlers.

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

Mr. Nelson of McHenry introduced

House Bill No. 160,

An amendment to the constitution of the state of North Dakota limiting the amount of indebtedness which may be incurred by any county, township, city, town, school district or other political subdivision.

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

Mr. Welford introduced

House Bill No. 161,

A bill for an act to require relatives to support the poor and providing for the manner of obtaining permanent relief.

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

Mr. Moen of Benson introduced

House Bill No. 162,

A bill for an act to regulate the public service of stallions of North Dakota.

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

Mr. Gibbens introduced

House Bill No. 163.

For amendment to the constitution of the state of North Dakota, relating to revenue and taxation.

Which was read the first and second times and
Referred to the committee on taxation and tax laws.

Mr. Homnes introduced

House Bill No. 164,

A bill for an act to amend section 9544 of the revised codes of the state of North Dakota of 1905, relating to the disposition of fines and forfeitures.

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

Mr. Cunningham introduced
House Bill No. 165,

A bill for an act to amend section 533 of the 1905 revised codes of North Dakota relative to the authorization of officers to administer oaths.

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

Mr. Traynor introduced
House Bill No. 166,

An act making an appropriation to meet the deficiency incurred by the state live stock sanitary board in carrying out the purposes of chapter 169 of session laws of 1907.

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

Mr. Thoreson introduced
House Bill No. 167,

A bill for an act to permit the construction of cattleways under public highways; regulating the construction of same, and prescribing duties of road supervisors in relation thereto.

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

Mr. Ployhar introduced
House Bill No. 168,

A bill for an act to legalize certain floating indebtedness incurred by cities of this state under certain circumstances and bonds issued or that may be issued, to fund the same.

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

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
January 25, 1909.

Mr. Speaker:

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

Whereas, the interests of the State of North Dakota are agricultural and its grain crop is its chief source of wealth, and,

Whereas, the interests of the grain producer of the State of North Dakota are inseparably dependent upon a system of inspection which shall give to the producer a just reward for his toil, and,

Whereas, after a careful and exhaustive investigation of the subject of grain grading it is apparent that such a uniform grading and inspection can be attained only under federal supervision, and

Whereas, such a federal system and inspection would eliminate present injustice, do away with fraud and discrimination, and insure to the farmer the profits which are frequently taken by those who have produced none of the actual wealth, and,

Whereas, 90 per cent of the grain handled at terminals is interstate, which would insure federal supervision over nearly the entire crop of the north-west, if a federal inspection law were passed, and,

Whereas, federal inspection of meats, and foods has resulted in untold benefits to the people of this country, and

Whereas the only remedy for present injustice in grain grading lies in the absolute divorce of the purchasing interests from the inspection and grading of grain. Now, therefore, be it

Resolved by the Senate of the State of North Dakota, the House of Representatives Concurring:

That Senate Bill No. 382, known as the McCumber Bill, which provides for fair, adequate and just system of federal inspection be approved and endorsed by this Legislative Assembly on behalf of the great producing classes of this state, and that its passage by the Congress of the United States be earnestly recommended; and be it further

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

Which the senate has adopted and your favorable consideration is respectfully requested.

Very respectfully,
J. W. FOLEY,
Secretary.

Mr. Nelson (of McHenry) moved that house bill No. 107 be placed on the same footing as House Bill No. 6.

Mr. Gibbons moved as an amendment that House Bills No. 107 and No. 6 be made a special order for 3 o'clock February 10th.

Mr. Chatfield moved as an amendment that House Bills No. 107 and No. 6 be made a special order for 3 o'clock Thursday.

Which motion was lost.

Mr. Streeter moved as a substitute that House Bills No. 107 and No. 6 be made a special order for Wednesday at 3 o'clock.

Which motion prevailed.

FIRST AND SECOND READING OF SENATE BILLS.**Senate Bill No. 9,**

A bill for an act to amend section 9366 of the revised codes of North Dakota 1905, defining what shall be considered and held to be intoxicating liquors.

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

Senate Bill No. 17,

A bill for an act to amend section 5187 of the revised codes of 1905 relating to order of succession.

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

Senate Bill No. 20,

A bill for an act to amend sections 7083 and 7085 of the revised codes of the state of North Dakota for the year 1905, relating to the method of renewing liens and judgments and providing for renewing the same without suit for an additional term of ten years and allowing execution thereon after renewal.

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

Senate Bill No. 23,

A bill for an act, entitled an act to amend chapter 119 of session laws of 1907 of the state of North Dakota, in regard to evidence as to statements and transactions with decedent.

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

Senate bill No. 28,

A bill for an act, entitled "An act defining the duties of district school boards in relation to the planting, cultivation and protection of trees and shrubs upon school house grounds.

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

Senate Bill No. 53,

A bill for an act to amend chapter 75 of the session laws of the state of North Dakota for the year 1907, prescribing the salary of the state's attorney, assistant and clerk.

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

Senate Bill No. 58,

A bill for an act to amend section 955 of the revised codes of North Dakota, 1905, relating to compensation of members of the board of education.

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

Senate Bill No. 24,

An act to amend section 1582 of the revised codes of North Dakota for the year 1905, relating to the redemption of real estate.

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

Senate Bill No. 39,

A bill for an act fixing the times and place for holding the general terms of the supreme court and providing for special terms in certain cases.

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

Senate Bill No. 44,

A bill for an act providing when surety may be released on bond and prescribing mode of procedure.

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

GENERAL ORDERS.

Mr. Grant moved

That the house resolve itself into a committee of the whole for the consideration of general orders

Which motion prevailed and,

The house resolved itself into a committee of the whole.

The speaker called Mr. Collins of Cass to the chair.

When the committee arose it submitted the following report.

Mr. Speaker:

The committee of the whole have had under consideration

House Bill No. 68,

A bill for an act to amend section 1513 of the revised codes of North Dakota for 1905, relating to meeting of assessors.

And recommended that the same be amended as follows:

Title amended by inserting after the words "relating to" the words "the furnishing by county auditors of assessment books and blanks and lists of real property, and regulating time of meeting of assessors."

Line 5, "book" to "books," "blank" to "blanks."

Line 10, "numbers of acres" to "number of acres."

Line 12, "assessor" to "assessors," "first" to "second."

And when so amended recommend the same do pass.

Also,

House Bill No. 18,

A bill for an act entitled an act to amend section 155 of chapter 4 of the political code of the state of North Dakota, and all acts or parts of acts amendatory thereof, providing for the investment of moneys belonging to the permanent funds of the common schools, university, school of mines, reform school, agricultural college, school for the deaf and dumb, normal schools and all other permanent funds derived from the sale of public lands or any other source belonging to the school divisions of the state.

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

In line 35 on page 3 of the printed bill strike out the word "principle" and insert instead the word "principal."

In line 49 on page 3 of the printed bill after the words "interest on" strike out the word "same" and insert the words "the principal."

In line 50 on page 3 of the printed bill after the words "advance of" insert the word "the."

In line 50 on page 3 of the printed bill strike out after the word "payment" the words "and the whole amount."

In line 51 on page 3 of the printed bill strike out the words "remaining due in such payment."

In line 62 on page 4 of the printed bill strike out the letter "s" in the word "votes."

After the word "provided in line 18 on page 2 of the printed bill insert "that at least one-fourth of the whole amount of the several permanent funds aforesaid, as computed by the commissioner of university and school lands at the end of the fiscal year, shall be set apart for invest-

ment in first mortgages on farm lands in this state, and provided, further.”

After line 64 on page 4 of the printed bill insert the following:

“Sec. 2. Satisfaction of Mortgage Loans on Real Estate.) The governor and superintendent of public instruction are respectively the chairman and secretary of the board of university and school lands, are hereby empowered and required to jointly satisfy real estate mortgages given to the board of university and school lands, whenever the loans secured by such mortgages shall have been fully paid, as attested by the records in the office of the state treasurer.”

In line 1 of page 4 of the printed bill, in the section relating to repeal, strike out “Sec. 2” and insert “Sec. 3.”

In the emergency clause on page 4 of the printed bill strike out the figure “3” and insert the figure “4.”

And recommend that the same be referred back to the committee on school and public lands.

J. F. COLLINS,
Chairman.

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

COURTESIES OF THE FLOOR.

The privileges of the floor were extended to Dr. Orr Sanders, Eugene Fritz, C. J. Murphy, Grand Forks; F. W. McLean, Fargo; W. B. Dickson, Langdon; G. H. Naromore, Geo. Broman, Linton, C. N. Barnes, Grand Forks, E. J. Pravda, Lankin; W. R. McIntosh, Bottineau; John Fryer, John Satterberg, Emil Nilson, Nikolae Hanson, Wells county; Elmer E. Elliott, Barnes county, John Sterling, Hazelton; Daniel Sully.

Mr. Gibbens moved
That the house do now adjourn.
Which motion prevailed, and
The house adjourned.

W. D. AUSTIN,
Chief Clerk.

TWENTY-SECOND DAY

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
January 26, 1909.

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

The speaker presiding.

Prayer by the chaplain.

Roll call.

All members present except Messrs. Baker of Cass, Baker of Stark, Kremer and Paulson, who were excused.

REFERENCE OF THE JOURNAL.

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

Mr. Speaker:

Your committee on revision and correction of the journal have carefully examined the journal of the twenty-first day and recommend that the same be corrected as follows:

Page 14, line 18, strike out after "and" the words "when so amended."

And when so corrected recommend that the same be approved.

J. S. DOYLE,
Chairman.

Mr. Doyle moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

PRESENTATION OF PETITIONS AND COMMUNICATIONS.

BISMARCK, January 25, 1909.

To the Members of the Eleventh Legislative Assembly, Bismarck, N. D.

Gentlemen: On behalf of the Bismarck Council No. 325 United Commercial Travelers of America, I wish to extend a cordial invitation to the members of this body to attend our social dancing parties every Saturday evening at Patterson Hall, excepting Saturday evening, February 13. Mr. Patterson has kindly donated the hall and the Bismarck Council will take great pleasure in entertaining the members of this body. This invitation is to be construed as a special invitation to every member and his friends during the session, with the exception of this one date, February 13.

(Signed) T. D. HUGHES,
Past Councillor.

REPORTS OF STANDING COMMITTEES.

The committee on engrossment made the following report:

Mr. Speaker:

Your committee on engrossment have examined
House Bill No 6,

A concurrent resolution amending the constitution of the state of North Dakota, establishing and locating a state normal school in the city of Minot, county of Ward.

Also,

House Bill No. 36,

A bill to amend section 1787 of the revised codes of North Dakota, 1905.

Also,

House Bill No.66,

A bill for an act to amend section 8049 of the revised codes of North Dakota of 1905, relating to the bonds of executors, administrators and guardians.

Also,

House Bill No. 69,

A bill for an act to amend section 8184 of the revised codes of North Dakota for 1905, relating to the commissions to be allowed administrators and executors when no provision is made in the will.

Also,

House Bill No. 71,

A bill for an act to provide for the greater publicity of the finances of the state.

Also,

House Bill No. 72,

A bill for an act amending section 4114 of the revised code of the state of North Dakota for the year 1905, relating to the adoption of a minor child.

Also,

House Bill No. 95,

A bill for an act to amend section 7182 of the revised codes of 1905, relating to costs on appeal from justice court.

Also,

House Bill No. 8,

A concurrent resolution for an amendment to the constitution of the state of North Dakota, creating the office of justice of the peace and fixing and providing for the jurisdiction thereof.

Also,

House Bill No. 63,

For an act to amend sections 1, 2, 3, 4, 6, and 14 of chapter 135 of the laws of 1907.

Also,

House Bill No. 68,

A bill for an act to amend section 1513 of the revised codes of North Dakota for 1905, relating to the furnishing by county auditors of assessment books and blanks and lists of real property, and regulating time of meeting of assessors.

Also,

House Bill No. 94,

A bill for an act to amend section 7304 and section 7305, relating to privileged communications.

And find the same correctly engrossed.

C. C. CRAWFORD,
Chairman.

Mr. Crawford moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

MESSAGE FROM THE SENATE.

The following message was received from the senate.

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
January 26, 1909.

Mr. Speaker:

I have the honor to transmit herewith

Senate Bill No. 7,

A bill for an act to prohibit the removing of threshing machines, bundle wagons or grain wagons from one farm to another, before cleaning, and providing penalties for violations thereof.

Also,

Senate Bill No. 10,

A bill for an act defining the duties of the register of deeds relating to foreclosure of mortgages on real property by advertisement, and prescribing the penalty for violating the same.

. Also,

Senate Bill No. 42,

A bill for an act to amend section 6, chapter 140, laws of 1903, being section 2550 of the code of 1905, relating to public administrator.

Also,

Senate Bill No. 49,

A bill for an act to prohibit the throwing or depositing of glassware of any kind upon the streets of any village or city or upon public highways and providing for a penalty for the violation thereof.

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

Very respectfully,
 J. W. FOLEY,
 Secretary.

REPORTS OF STANDING COMMITTEES.

The committee on state affairs made the following report:

Mr. Speaker:

Your committee on state affairs to whom was referred the concurrent resolution from the senate relating to the investigation of the affairs of the North Dakota penitentiary at Bismarck, N. D.

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

O. J. SORLIE,
 Acting Chairman.

Mr. Sorlie moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The speaker appointed Messrs. Traynor, Peart and Atwood as house members of the joint committee to investigate the penitentiary.

Mr. Speaker:

Your committee on state affairs to whom was referred House Bill No. 12,

A bill authorizing counties to procure seed grain for relief of persons unable to procure same; authorizing board of county commissioners and boards of township supervisors to provide for the relief of persons unable to procure seed grain.

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

Section 1, line 1, before the word "any" insert the word "if."

Section 1, line 3, before the word "is" insert "who."

Section 4, line 4½, erase the word "eight" and substitute therefor the word "nine."

Section 7, line 7, after the word "distribution" insert "such grain to be cleaned and free from foul seed."

Section 8, line 2, erase the word "whereas."

Section 8, line 5, erase the word "county" and insert in lieu thereof the word "township."

And when so amended recommend the same do pass.

O. J. SORLIE,
Acting Chairman.

Mr. Kinney of McLean moved

That the rules be suspended and the report of the committee be adopted, and House Bill No. 12 be considered engrossed and placed upon its third reading and final passage.

Which motion prevailed, and

House Bill No. 12,

A bill authorizing counties to procure seed grain for relief of persons unable to procure same; authorizing board of county commissioners and boards of township supervisors to provide for the relief of persons unable to procure seed grain.

Was read the third time

The question being on the final passage of the bill.

The roll was called and there were ayes 90, nays 0, absent and not voting 5.

Those who voted in the affirmative were:

| | | |
|----------------------|----------------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Hanley | Peart |
| Akesson | Hendrickson | Pendray |
| Anderson | Hill | Plath |
| Atwood | Homnes | Ployhar |
| Bjorndahl | Honey | Poe |
| Brusletten | Hughes | Pound |
| Brynjulson | Jewett | Price |
| Burnett | Johnson of Bottineau | Putnam |
| Burns | Johnson of McLean | Schull |
| Chatfield | Johnson of Rolette | Senour |
| Christenson | Kinney of McLean | Sgutt |
| Collins of Cass | Kinney of Richland | Shells |
| Collins of Gd. Forks | Kneeland | Sinclair |

| | | |
|-------------------|-------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Crawford | Knox | Skinner |
| Cunningham | Law | Skufason |
| Davidson | Laithwaite | Sorlie |
| Dibley | Linde | Steen |
| Doyle of Foster | Lindvig | Storey |
| Doyle of McIntosh | Lucke | Streeter |
| Duncan | Martin | Thompson, Gd. Forks |
| Evans | McCrea | Thompson of McLean |
| Fraine | McLear | Thoreson |
| Freeman | Moen of Benson | Traynor |
| Ganssle | Moen of Cavalier | Ward |
| Garden | Narum | Welford |
| Geidt | Nelson of McHenry | White |
| Gibbens | Nelson of Steele | Wisner |
| Goldammer | Nelson of Walsh | Wolbert |
| Grant | Nyhus | Young |
| Hale | Olson | Mr. Speaker |

Absent and not voting:

| | | |
|----------------|------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Baker of Cass | Hemmingson | Paulson |
| Baker of Stark | Kremer | |

Messrs. Baker of Cass, Baker of Stark, Kremer and Paulson being excused.

So the bill passed and the title was agreed to.

Mr. Kinney of McLean moved

That the vote by which House Bill No. 12 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
January 26, 1909.

Mr. Speaker:

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

Be it Resolved by the Senate of the State of North Dakota, the House of Representatives Concurring:

SECTION 1. That Whereas, Mr. Andrew Carnegie, realizing that the least rewarded of all the professions is that of the teacher in our higher educational institutions, has generously donated the sum of fifteen million dollars to found a fund which has become known as the Carnegie Foundation for the Promotion of Teaching, and has made it possible for the colleges and higher institutions of learning to become the beneficiaries thereof, and has

conditioned that in order for such institutions to participate therein, the legislative assembly of the state wherein the institution desiring to avail itself of the benefit offered is located, must first approve a request in its behalf,

Now, therefore, the Legislative Assembly of the State of North Dakota does hereby respectfully request that the North Dakota Agricultural College be made a beneficiary of the Carnegie Foundation for the Promotion of Teaching and hereby instructs and directs the trustees of said institution to formally accept the said benefaction in behalf of the state, and to use their best efforts to secure the benefits thereof.

Which the senate has adopted and your favorable consideration is respectfully requested.

Very respectfully,
J. W. FOLEY,
Secretary.

REPORTS OF STANDING COMMITTEES.

The committee on taxation and tax laws made the following report:

Mr. Speaker:

Your committee on taxation and tax laws to whom was referred

House Bill No. 92,

A bill for an act defining the method of taxation of grain elevators and warehouses and grain therein.

Have had the same under consideration and recommend that the same be re-referred to the judiciary committee.

JOHN STEEN,
Chairman.

Mr. Steen moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. Speaker:

Your committee on taxation and tax laws to whom was referred

House Bill No. 50,

A bill for an act to provide for the collection of delinquent personal taxes.

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

JOHN STEEN,
Chairman.

Mr. Steen moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

The committee on election and privileges made the following report:

Mr. Speaker:

Your committee on elections and privileges to whom was referred

House Bill No. 41,

A bill for an act to amend section 687 of the revised codes of the state of North Dakota, prescribing compensation of elective officers.

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

MATT JOHNSON,
Chairman.

Mr. Johnson moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Mr. Speaker:

Your committee on elections and privileges to whom was referred

House Bill No. 70,

A bill for an act amending section 687 of the revised codes of 1905.

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

MATT JOHNSON,
Chairman.

Mr. Johnson 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. Speaker:

Your committee on education to whom was referred
House Bill No. 107,

A bill amending the constitution of the state of North Dakota, establishing and locating a state normal school in the city of Velva, county of McHenry.

Have had the same under consideration and recommend that it be referred back to the house without recommendation.

FRANK E. PLOYHAR,
Chairman.

Mr. Ployhar moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on school and public lands made the following report:

Mr. Speaker:

Your committee on school and public lands to whom was referred

House Bill No. 18,

A bill for an act entitled an act to amend section 155 of chapter 4 of the political code of the state of North Dakota, and all acts or parts of acts amendatory thereof, providing for the investment of moneys belonging to the permanent funds of the common schools, university, school of mines, reform school, agricultural college, school for the deaf and dumb, normal schools and all other permanent funds derived from the sale of public lands or any other source belonging to the school divisions of the state.

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

Strike out all after the enacting clause and insert the following:

SECTION 1. *Amendment.*) Section 155 of the political code of the state of North Dakota is hereby amended to read as follows:

SECTION 155. *Board Invests Funds. Compensation of Board. Conditions of Loans.*) Said board shall have power, and it is made its duty from time to time to invest any money belonging the permanent funds of the common schools, university, school of mines, reform school, agricultural college, and the school for the deaf and the dumb, normal schools and all other permanent funds derived from the sale of public lands or from any other

source, in bonds of school corporations or of counties, or of townships, or of municipalities within the state, bonds issued for the construction of drains under authority of law within the state, bonds of the United States, bonds of the State of North Dakota, bonds of other states, provided, such states have never repudiated any of their indebtedness, or in first mortgages on farm lands in this state, not exceeding in amount one-third of the actual value of any sub-division of which the same may be loaned, such value to be determined by the board of appraisal of school lands, provided, that at least one-third of the whole amount of the several permanent funds aforesaid, as computed by the commissioner of university and school lands at the end of the fiscal year, shall be set apart for an investment in first mortgages on farm lands in this state, and provided further, that for said services as such board of appraisal, the county auditor and county superintendent of schools shall receive only their necessary traveling expenses, but that the chairman of the board of county commissioners shall be entitled to the same mileage and per diem as when serving on the board of county commissioners. The first mortgages on farm lands in this state shall be made only in the following manner, to-wit:

1. The first mortgages on farm lands, and each of them, shall run for a period of time not to exceed twelve years, and the funds so invested shall bear interest at the rate of five per cent per annum, payable annually to the county treasurer of the county in which said lands lie, as provided in section 192 of the revised codes of 1905. For the first five years payments shall consist only of interest paid annually, and commencing with the sixth year, the interest shall be paid annually, as above stated, and the borrower shall have his option of paying ten per cent or any multiple thereof of the principal at any interest bearing date, and the interest when paid shall be covered into and become a part of the interest and income fund.

2. First mortgage loans shall only be made upon cultivated lands within the state and to persons who are actual residents thereof, and in no case on lands of which the appraised value is less than seven dollars and fifty cents per acre, and in sums of not more than five thousand dollars, to any person, firm or corporation.

3. Any or all of said mortgages may be satisfied at any time after three years from the date when made on payment of the whole amount due thereon; provided, if the loan is sought to be paid off in full previous to the time specified for payment in the contract, then the party so paying said loan shall pay in addition to the interest then due on such loan the interest on the principal for six months in advance of the date of such payment. All proceedings in regard to investments in first mortgages, as provided in this chapter shall conform to and be governed by the laws of the state of North Dakota in such case made and provided. Said board of university and school lands shall not purchase or approve the purchase of any bonds or mortgages except at a legal session thereof, nor unless every member of the board is notified by the secretary of said board in time to be present at such meeting, and notified also that the question of purchasing or acting on a proposition for the purchase of certain bonds or mortgages is to be considered at the meeting nor unless a majority of all the members vote in favor of such purchase, and the vote on the purchase of every bond and mortgage shall be taken by the ayes and nays and shall be duly recorded in the books of the board.

SEC. 2. *Satisfaction of Mortgage Loans on Real Estate.*) The governor and superintendent of public instruction are respectively the chairman and secretary of the board of university and school lands, are hereby empowered and required to jointly satisfy real estate mortgages given to the board of university and school lands, whenever the loans secured by such mortgages shall have been fully paid, as attested by the records in the office of the state treasurer.

SEC. 3. *Repeal.*) Chapters 224 and 228 of the laws of 1907, and all acts and parts of acts in conflict with this act are hereby repealed.

SEC. 4. *Emergency.*) Whereas, an emergency exists, in that there is no law governing the provisions of this act, therefore, this act shall take effect and be in force from and after its passage and approval.

And when so amended recommend the same do pass.

A. S. GIBBENS,
Chairman.

The committee on judiciary made the following report:

Mr. Speaker:

A majority of your committee on judiciary to whom was referred

House Bill No. 20,

A bill for an act to amend section 1571 of the revised codes of 1905 providing when real estate taxes shall become due and delinquent, and for penalty and interest in the event of delinquency thereof.

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

B. G. SKULASON,
Chairman.

Mr. Speaker:

The undersigned, members of the judiciary committee, to which committee was referred House Bill No. 20, and which committee have had the same under consideration, and have reported the same for indefinite postponement, beg leave to dissent from the opinion of the majority of the committee, and hereby wish to recommend that the bill do pass. Our reasons for dissenting are as follows:

The object of this bill is to permit the payment of taxes in two installments, one-half before March first and the remaining half before November first of each year, and thus save the taxpayer penalty and interest. We believe that this would be a convenience to the taxpayer of small means. The bill was objected to in the committee chiefly on two grounds. First, that the payment of taxes in this manner would disarrange the finances of our counties and of the state. We believe that if any confusion did result, it would be only temporary. The second objection urged was that the time between November 1st and the time when the county auditor is required by law to publish the delinquent tax list is too short, but a reference to the statute will show that the auditor would have, in any case, from eight

days to two weeks to prepare such delinquent tax lists. And, again, the list would doubtless be much shorter than at the present time, as the taxes would be more promptly paid. Another objection has been urged against this bill, which, however, was not urged in the committee, and that is, that this method of paying taxes would entail additional work upon the county treasurer. This we feel is not a valid argument against the bill, as, if additional work would result, a little additional clerical help would take care of it.

Thirteen of the states have laws similar to this proposed law.

We therefore respectfully recommend the bill to the careful consideration of the house.

S. J. DOYLE,
B. G. SKULASON,

Also,

Mr. Speaker:

Your committee on judiciary to whom was referred House Bill No. 80,

A concurrent resolution for an amendment to the constitution providing for the initiative and referendum.

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

On page 1, line 13 of the printed bill, by striking out the word "the" before the word "initiative"; on page 2, line 22, of the printed bill, by inserting the words "each of" after the word "in"; by inserting after the word "state" on page 2, line 22, of the printed bill, the words "provided, that not more than ten per cent of such voters shall be required on any petition"; on line 58, page 4 of the printed bill, after the word "in" the words "each of"; that the word "at" in line 59 of the printed bill be stricken out; in line 59, page 4 of the printed bill, after the word "state" the words "provided, that not more than seven per cent of such voters should be required on any referendum petition and", and on line 59, page 4 of the printed bill, after the word "provided," insert the word "further", and on line 75, page 4 of the printed bill, by striking out the words "initiated by, or."

And when so amended recommend the same do pass.

B. G. SKULASON,
Chairman.

Also,

Mr. Speaker:

A majority of your committee on judiciary to whom was referred

House Bill No. 86,

A bill for an act making contracts containing provisions, preventing purchasers from setting up defects in articles of commerce as counter claims, void as against public policy.

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

On page 1, line 1 of the printed bill, by striking out the letters "in" in the word "hereinafter," and on line 3 by inserting the word "as" after the word "up."

And when so amended recommend the same do pass.

B. G. SKULASON,
Chairman.

Mr. Speaker:

The minority of members of the judiciary committee to which was referred House Bill No. 86, and which committee have had the same under consideration, and has recommended that the same do pass, hereby respectfully dissent from the opinion of the majority, and recommend that the bill be indefinitely postponed. Our reasons are as follows:

We believe that if this bill becomes a law, it would result in great injustice to the vendors of personal property, and under such a law the vendee could keep and use the property until sued for the purchase price, and then set up by way of defense or counterclaim, alleging defects existing at the time of the purchase.

S. J. DOYLE,
E. D. KINNEY.

Also,

Mr. Speaker:

Your committee on judiciary to whom was referred

House Bill No. 77,

A bill for an act to amend sections 4036, 4037, 4038, 4039 and 4042 of the revised codes of the state of North Dakota for 1905, relating to marriage contract, who may solemnize marriages, marriage licenses, marriage certificates, marriage records and certified copies of marriage records.

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

B. G. SKULASON,
Chairman.

Mr. Skulason moved

That the report be adopted
Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Also,

Mr. Speaker:

Your committee on judiciary to whom was referred
House Bill No. 90,

A bill for an act to amend section 2600 of the revised codes of 1905, and to repeal section 2601 of the revised code of 1905.

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

By adding thereto the words "relating to sheriff's fees"; after the enacting clause insert "Sec. 1. Amendment. Section 2600 of the revised codes of 1905 is hereby amended to read as follows:" on line 5 by striking out the words "each defendant"; on page 6, line 109 of the printed bill, by striking out all the words and figures after the word "loss", by striking out all of line 110, 111, 112, 113, 114, 115, 116, 117 and 118, and in line 119, before the word "section" by inserting the words and figures "Sec. 2. Repeal."

And when so amended recommend the same do pass.

B. G. SKULASON,
Chairman.

Mr. Skulason moved

That the report be adopted.
Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. Speaker:

Your committee on judiciary to whom was referred
House Bill No. 91,

A bill for an act amending section 2550 of the revised codes of North Dakota for 1905, relating to powers, duties and remedies of public administrators.

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

On page 1, line 9, of the printed bill, by inserting after the word "regard" the word "to".

And when so amended recommend the same do pass.

B. G. SKULASON,
Chairman.

Mr. Skulason moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. Speaker:

Your committee on judiciary to whom was referred House Bill No. 93,

A concurrent resolution for an amendment to the constitution providing for the initiative and referendum.

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

B. G. SKULASON,
Chairman.

Mr. Skulason moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Mr. Sheils moved

That the vote by which House Bill No. 93 was indefinitely postponed be reconsidered, and the motion to reconsider be laid upon the table.

Which motion prevailed.

MOTIONS AND RESOLUTIONS.

Mr. Chatfield offered the following concurrent resolution and moved its adoption:

Resolved by the House of Representatives of the State of North Dakota, the Senate Concurring:

That when the legislative assembly adjourns on Wednesday, January 27, 1909, it shall stand adjourned until 2 o'clock p. m., February 2, 1909.

Mr. Skulason moved

As an amendment that when the house adjourned Friday that it adjourn until 2 o'clock Thursday, the 4th of February.

Mr. Price moved

As an amendment to the amendment that when the house adjourn Thursday it adjourn until the following Thursday at 2 o'clock, February 4th.

Which motion prevailed.

THIRD READING OF HOUSE BILLS.

House Bill No. 36,

A bill to amend section 1787 of the revised codes of North Dakota, 1905.

Was read the third time.

Mr. Skulason asked unanimous consent to amend the bill.

There being no objection Mr. Skulason offered the following amendment, and moved its adoption:

That the words in parenthesis in lines 12 and 13 of the printed bill be stricken out.

Which motion prevailed

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

The roll was called and there were ayes 84, nays 0, absent and not voting 11.

Those who voted in the affirmative were:

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|----------------------|---------------------|
| Aasheim | Hendrickson | Pendray |
| Anderson | Hill | Plath |
| Akesson | Honey | Ployhar |
| Atwood | Hughes | Poe |
| Brusletten | Jewett | Pound |
| Burnett | Johnson of Bottineau | Price |
| Burns | Johnson of McLean | Putnam |
| Chatfield | Johnson of Rolette | Schull |
| Christenson | Kinney of McLean | Senour |
| Collins of Cass | Kinney of Richland | Sgutt |
| Collins of Gd. Forks | Kneeland | Sheils |
| Crawford | Knox | Skinner |
| Cunningham | Law | Skulason |
| Davidson | Lai'whaite | Sorlie |
| Dibley | Linde | Steen |
| Doyle of McIntosh | Lindvig | Storey |
| Duncan | Lucke | Streeter |
| Evans | McCrea | Thompson, Gd. Forks |
| Fraine | McLear | Thompson of McLean |

| | | |
|-----------|-------------------|-------------|
| Messrs.— | Messrs.— | Messrs.— |
| Freeman | Moen of Benson | Thoreson |
| Ganssle | Moen of Cavalier | Traynor |
| Garden | Narum | Ward |
| Geidt | Nelson of McHenry | Welford |
| Gibbens | Nelson of Steele | White |
| Goldammer | Nelson of Walsh | Wisner |
| Grant | Nyhus | Wolbert |
| Hale | Olson | Young |
| Hanley | Peart | Mr. Speaker |

Absent and not voting:

| | | |
|----------------|-----------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Baker of Cass | Doyle of Foster | Martin |
| Baker of Stark | Hemmingson | Paulson |
| Bjorndahl | Homnes | Sinclair |
| Brynjulson | Kremer | |

Messrs. Baker of Cass, Baker of Stark, Kremer and Paulson being excused.

So the bill passed and the title was agreed to.

Mr. Price moved

That the vote by which House Bill No. 36 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 71,

A bill for an act to provide for the greater publicity of the finances 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 81, nays 2, absent and not voting 12.

Those who voted in the affirmative were:

| | | |
|----------------------|----------------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Hanley | Peart |
| Akesson | Hill | Plath |
| Anderson | Honey | Ployhar |
| Atwood | Jewett | Poe |
| Brusletten | Johnson of Bottineau | Pound |
| Brynjulson | Johnson of McLean | Price |
| Burnett | Johnson of Rolette | Putnam |
| Chatfield | Kinney of McLean | Schull |
| Christenson | Kinney of Richland | Senour |
| Collins of Cass | Kneeland | Sgutt |
| Collins of Gd. Forks | Knox | Sheils |
| Crawford | Law | Skinner |
| Cunningham | Laithwaite | Skulason |
| Davidson | Linde | Sorlie |
| Dibley | Lindvig | Steen |
| Doyle of Foster | Lucke | Storey |

| | | |
|-------------------|-------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Doyle of McIntosh | McCrea | Thompson, Gd. Forks |
| Duncan | McLear | Thoreson |
| Evans | Moen of Benson | Traynor |
| Freeman | Moen of Cavalier | Ward |
| Ganssle | Narum | Welford |
| Garden | Nelson of McHenry | White |
| Geidt | Nelson of Steele | Wisner |
| Gibbens | Nelson of Walsh | Wolbert |
| Goldammer | Nyhus | Young |
| Grant | Oison | Mr. Speaker |
| Hale | | |

Those who voted in the negative were:

| | | |
|----------|-------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Fraine | Hendrickson | |

Absent and not voting:

| | | |
|----------------|----------|--------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Baker of Cass | Homnes | Paulson |
| Baker of Stark | Hughes | Sinclair |
| Bjorndahl | Kremer | Streeter |
| Burns | Martin | Thompson of McLean |
| Hemmingson | | |

Messrs. Baker of Cass, Baker of Stark, Kremer and Paulson being excused.

So the bill passed and the title was agreed to.

Mr. Price moved

That the vote by which House Bill No. 71 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 95,

A bill for an act to amend section 7182 of the revised codes of 1905, relating to costs on appeal from justice court. Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 82, nays 0, absent and not voting 13.

Those who voted in the affirmative were:

| | | |
|-------------|----------------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Hanley | Peart |
| Akesson | Hendrickson | Pendray |
| Anderson | Hill | Plath |
| Atwood | Honey | Poe |
| Brusletten | Jewett | Pound |
| Brynjulson | Johnson of Bottineau | Price |
| Burnett | Johnson of McLean | Putnam |
| Chatfield | Johnson of Rolette | Schull |
| Christenson | Kinney of McLean | Senour |

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|--------------------|---------------------|
| Collins of Cass | Kinney of Richland | Sgutt |
| Collins of Gd. Forks | Kneeland | Sheils |
| Crawford | Knox | Skinner |
| Cunningham | Law | Skulason |
| Davidson | Laithwaite | Sorlie |
| Dibley | Linde | Steen |
| Doyle of Foster | Lindvig | Storey |
| Loyle of McIntosh | Lucke | Thompson, Gd. Forks |
| Duncan | McCrea | Thompson of McLean |
| Evans | McLear | Thoreson |
| Fraine | Moen of Benson | Traynor |
| Freeman | Moen of Cavalier | Ward |
| Ganssle | Narum | Welford |
| Garden | Nelson of McHenry | White |
| Geidt | Nelson of Steele | Wisner |
| Gibbens | Nelson of Walsh | Wolbert |
| Goldammer | Nyhus | Young |
| Grant | Olson | Mr. Speaker |
| Hale | | |

Absent and not voting:

| Messrs.— | Messrs.— | Messrs.— |
|----------------|----------|----------|
| Baker of Cass | Homness | Paulson |
| Baker of Stark | Hughes | Ployhar |
| Bjorndahl | Kremer | Sinclair |
| Burns | Martin | Streeter |
| Hemmingson | | |

Messrs. Baker of Cass, Baker of Stark, Kremer and Paulson being excused.

So the bill passed and the title was agreed to.

Mr. Skulason moved

That the vote by which House Bill No. 95 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 68,

A bill for an act to amend section 1513 of the revised codes of North Dakota for 1905, relating to the furnishing by county auditors of assessment books and blanks and lists of real property, and regulating time of meeting of assessors.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 83, nays 0, absent and not voting 12.

Those who voted in the affirmative were:

| | | |
|----------------------|----------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Hale | Olson |
| Akesson | Hanley | Pearl |
| Anderson | Hendrickson | Pendray |
| Atwood | Hill | Plath |
| Brusletten | Homnes | Poe |
| Brynjulson | Honey | Pound |
| Burnett | Hughes | Price |
| Burns | Jewett | Schull |
| Chatfield | Johnson of Bottineau | Sgutt |
| Christenson | Johnson of McLean | Sheils |
| Collins of Cass | Johnson of Rolette | Skinner |
| Collins of Gd. Forks | Kinney of McLean | Skulason |
| Crawford | Kinney of Richland | Sorlie |
| Cunningham | Kneeland | Steen |
| Davidson | Knox | Storey |
| Dibley | Law | Streeter |
| Doyle of Foster | Laithwaite | Thompson, Gd. Forks |
| Doyle of McIntosh | Linde | Thompson of McLean |
| Duncan | Lindvig | Thoreson |
| Evans | Lucke | Traynor |
| Frane | McCrea | Ward |
| Freeman | Moen of Benson | Welford |
| Ganssle | Moen of Cavalier | White |
| Garden | Narum | Wisner |
| Geidt | Nelson of McHenry | Wolbert |
| Gibbens | Nelson of Steele | Young |
| Goldammer | Nelson of Walsh | Mr. Speaker |
| Grant | Nyhus | |

Absent and not voting:

| | | |
|----------------|----------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Baker of Cass | Kremer | Ployhar |
| Baker of Stark | Martin | Putnam |
| Bjorndahl | McLear | Senour |
| Hemmingson | Paulson | Sinclair |

Messrs. Baker of Cass, Baker of Stark, Kremer and Paulson being excused.

So the bill passed and the title was agreed to.

Mr. White moved

That the vote by which House Bill No. 66 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 69,

A bill for an act to amend section 8184 of the revised codes of North Dakota for 1905, relating to the commissions to be allowed administrators and executors when no provision is made in the will.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 87, nays 0, absent and not voting 8.

Those who voted in the affirmative were:

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|--------------------|---------------------|
| Aasheim | Hanley | Pendray |
| Akesson | Hendrickson | Plath |
| Anderson | Hill | Ployhar |
| Atwood | Homnes | Poe |
| Brusletten | Honey | Pound |
| Brynjulson | Hughes | Price |
| Burnett | Jewett | Putnam |
| Burns | Johnson of McLean | Schull |
| Chatfield | Johnson of Rolette | Senour |
| Christenson | Kinney of McLean | Sgutt |
| Collins of Cass | Kinney of Richland | Shells |
| Collins of Gd. Forks | Kneeland | Skinner |
| Crawford | Knox | Skulason |
| Cunningham | Law | Sorlie |
| Davidson | Laithwaite | Steen |
| Dibley | Linde | Storey |
| Doyle of Foster | Lucke | Streeter |
| Doyle of McIntosh | Martin | Thompson, Gd. Forks |
| Duncan | McCrea | Thompson of McLean |
| Evans | McLear | Thoreson |
| Fraine | Moer of Benson | Traynor |
| Freeman | Moer of Cavalier | Ward |
| Ganssle | Narum | Welford |
| Garden | Nelson of McHenry | White |
| Geidt | Nelson of Steele | Wisner |
| Gibbens | Nelson of Walsh | Wolbert |
| Goldammer | Nyhus | Young |
| Grant | Olson | Mr. Speaker |
| Hale | Peart | |

Absent and not voting:

| Messrs.— | Messrs.— | Messrs.— |
|----------------|----------------------|----------|
| Baker of Cass | Hemmingson | Lindvig |
| Baker of Stark | Johnson of Bottineau | Paulson |
| Bjorndahl | Kremer | Sinclair |

Messrs. Baker of Cass, Baker of Stark, Kremer and Paulson being excused.

So the bill passed and the title was agreed to.

Mr. Fraine moved

That the vote by which House Bill No. 69 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 72,

A bill for an act amending section 4114 of the revised code of the state of North Dakota for the year 1905, relating to the adoption of a minor child.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 85, nays 2, absent and not voting 8.

Those who voted in the affirmative were:

| | | |
|----------------------|----------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Hendrickson | Olson |
| Akesson | Hill | Peart |
| Anderson | Homes | Pendray |
| Atwood | Honey | Plath |
| Brusletten | Hughes | Ployhar |
| Brynjulson | Jewett | Poe |
| Burnett | Johnson of Bottineau | Pound |
| Burns | Johnson of McLean | Price |
| Chatfield | Johnson of Rolette | Putnam |
| Christenson | Kinney of McLean | Schull |
| Collins of Cass | Kinney of Richland | Senour |
| Collins of Gd. Forks | Kneeland | Sgutt |
| Crawford | Knox | Sheils |
| Cunningham | Law | Skinner |
| Davidson | Laithwaite | Skulason |
| Dibley | Linde | Sorlie |
| Doyle of McIntosh | Lindvig | Steen |
| Duncan | Lucke | Storey |
| Evans | Martin | Streeter |
| Fraine | McCrea | Thompson, Gd. Forks |
| Freeman | McLear | Thoreson |
| Ganssle | Moen of Benson | Traynor |
| Garden | Moen of Cavalier | Ward |
| Geidt | Narum | Welford |
| Gibbens | Nelson of McHenry | White |
| Goldammer | Nelson of Steele | Wisner |
| Grant | Nelson of Walsh | Wolbert |
| Hale | Nyhus | Young |
| Hanley | | |

Those who voted in the negative were:

| | | |
|-----------------|-------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Doyle of Foster | Mr. Speaker | |

Absent and not voting:

| | | |
|----------------|------------|--------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Baker of Cass | Hemmingson | Sinclair |
| Baker of Stark | Kremer | Thompson of McLean |
| Bjorndahl | Paulson | |

Messrs. Baker of Cass, Baker of Stark, Kremer and Paulson being excused.

So the bill passed and the title was agreed to.

Mr. Gibbens moved

That the vote by which House Bill No. 72 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 8,

A concurrent resolution for an amendment to the constitution of the state of North Dakota, creating the office of justice of the peace and fixing and providing for the jurisdiction thereof.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 82, nays 2, absent and not voting 10.

Those who voted in the affirmative were:

Messrs.—

Aasheim
Akesson
Anderson
Atwood
Brusletten
Burns
Chatfield
Christenson
Collins of Cass
Collins of Gd. Forks
Crawford
Cunningham
Davidson
Dibley
Doyle of Foster
Duncan
Evans
Fraine
Freeman
Ganssle
Garden
Geidt
Gibbens
Goldammer
Grant
Hale
Hanley
Hendrickson

Messrs.—

Hill
Homness
Honey
Hughes
Jewett
Johnson of Bottineau
Johnson of McLean
Kinney of McLean
Kinney of Richland
Kneeland
Knox
Law
Laithwaite
Linde
Lindvig
Lucke
Martin
McCrea
McLear
Moen of Benson
Moen of Cavalier
Narum
Nelson of McHenry
Nelson of Steele
Nyhus
Olson
Peart
Pendray

Messrs.—

Plath
Ployhar
Poe
Pound
Price
Putnam
Schull
Senour
Sgutt
Sheils
Skinner
Skulason
Sorlie
Steen
Streeter
Thompson, Gd. Forks
Thompson of McLean
Thoreson
Traynor
Storey
Ward
Welford
White
Wisner
Wolbert
Young
Mr. Speaker

Those who voted in the negative were:

Messrs.—

Brynjulson

Messrs.—

Johnson of Rolette

Messrs.—

Absent and not voting:

| Messrs.— | Messrs.— | Messrs.— |
|----------------|-------------------|-----------------|
| Baker of Cass | Doyle of McIntosh | Nelson of Walsh |
| Baker of Stark | Hemmingson | Paulson |
| Bjorndahl | Kremer | Sinclair |
| Burnett | | |

Messrs. Baker of Cass, Baker of Stark, Kremer and Paulson being excused.

So the bill passed and the title was agreed to.

Mr. Schull moved

That the vote by which House Bill No. 8 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 94,

A bill for an act to amend section 7304 and section 7305, relating to privileged communications.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 76, nays 5, absent and not voting 14.

Those who voted in the affirmative were:

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|----------------------|--------------------|
| Aasheim | Hale | Pearl |
| Akesson | Hendrickson | Pendray |
| Anderson | Hill | Plath |
| Atwood | Homness | Pound |
| Brusletten | Honey | Price |
| Burnett | Jewett | Putnam |
| Burns | Johnson of Bottineau | Senour |
| Chatfield | Johnson of McLean | Sgutt |
| Christenson | Johnson of Rolette | Sheils |
| Collins of Cass | Kinney of McLean | Skinner |
| Collins of Gd. Forks | Kinney of Richland | Skulason |
| Crawford | Kneeland | Sorlie |
| Cunningham | Knox | Steen |
| Davidson | Law | Storey |
| Dibley | Laithwaite | Streeter |
| Doyle of Foster | Linde | Thompson of McLean |
| Duncan | Lucke | Thoreson |
| Evans | McCrea | Traynor |
| Fraine | McLear | Storey |
| Freeman | Moen of Benson | Ward |
| Ganssle | Moen of Cavalier | Welford |
| Garden | Narum | White |
| Geidt | Nelson of McHenry | Wisner |
| Gibbens | Nelson of Walsh | Young |
| Goldammer | Nyhus | Mr. Speaker |
| Grant | Olson | |

Those who voted in the negative were:

| | | |
|----------|----------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Hughes | Martin | Schull |
| Lindvig | Poe | |

Absent and not voting:

| | | |
|-------------------|------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Baker of Cass | Hanley | Ployhar |
| Baker of Stark | Hemmingson | Sinclair |
| Bjorndahl | Kremer | Thompson, Gd. Forks |
| Brynjulson | Nelson of Steele | Wolbert |
| Doyle of McIntosh | Paulson | |

Messrs. Baker of Cass, Baker of Stark, Kremer and Paulson being excused.

So the bill passed and the title was agreed to.

Mr. Skulason moved

That the vote by which House Bill No. 94 passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 63,

For an act to amend sections 1, 2, 3, 4, 6, and 14 of chapter 135 of the laws of 1907.

Was read the third time.

Mr. Wolbert asked unanimous consent to amend the bill. There being no objection Mr. Wolbert offered the following amendment and moved its adoption. On page 4 in line 3 of section 5 of the printed bill, strike out the word "plumbed" and insert in lieu thereof the words "when plumbing is put in such hotel it shall be done"

Which motion prevailed.

The question being on the final passage of the bill; as amended.

The roll was called and there were ayes 50, nays 38, absent and not voting 7.

Those who voted in the affirmative were:

| | | |
|----------------------|-------------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Hale | Putnam |
| Akesson | Hendrickson | Schull |
| Atwood | Homes | Senour |
| Burnett | Hughes | Shells |
| Chatfield | Jewett | Skinner |
| Collins of Gd. Forks | Johnson of McLean | Skulason |
| Cunningham | Kneeland | Sorlie |
| Dibley | Law | Storey |

| | | |
|-------------------|-------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Doyle of Foster | Laithwaite | Streeter |
| Doyle of McIntosh | Lucke | Thompson, Gd. Forks |
| Duncan | Nelson of McHenry | Thompson of McLean |
| Evans | Olson | Ward |
| Fraine | Peart | White |
| Freeman | Ployhar | Wisner |
| Garden | Poe | Young |
| Geidt | Pound | Mr. Speaker |
| Gibbens | Price | |

Those who voted in the negative were:

| | | |
|-----------------|----------------------|------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Anderson | Honey | Narum |
| Brusletten | Johnson of Bottineau | Nelson of Steele |
| Brynjulson | Johnson of Rolette | Nelson of Walsh |
| Burns | Kinney of McLean | Nyhus |
| Christenson | Kinney of Richland | Pendray |
| Collins of Cass | Knox | Plath |
| Crawford | Linde | Sgutt |
| Davidson | Lindvig | Steen |
| Ganssle | Martin | Thoreson |
| Goldammer | McCrea | Traynor |
| Grant | McLear | Welford |
| Hanley | Moen of Benson | Wolbert |
| Hill | Moen of Cavalier | |

Absent and not voting:

| | | |
|----------------|------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Baker of Cass | Hemmingson | Paulson |
| Baker of Stark | Kremer | Sinclair |
| Bjorndahl | | |

Messrs. Baker of Cass, Baker of Stark, Kremer and Paulson being excused.

So the bill passed and the title was agreed to.

Mr. Sorlie moved

That the vote by which House Bill No. 63 passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 68,

A bill for an act to amend section 1513 of the revised codes of North Dakota for 1905, relating to the furnishing by county auditors of assessment books and blanks and lists of real property, and regulating time of meeting of assessors.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 87, nays none, absent and not voting 8.

Those who voted in the affirmative were:

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|--------------------|---------------------|
| Aasheim | Hale | Oison |
| Akesson | Hanley | Pearl |
| Anderson | Hemmingson | Pendray |
| Atwood | Hendrickson | Plath |
| Bjorndahl | Hill | Ployhar |
| Brusletten | Hommes | Poe |
| Brynjulson | Honey | Pound |
| Burnett | Hughes | Price |
| Burns | Jewett | Putnam |
| Chatfield | Johnson of McLean | Schull |
| Christenson | Johnson of Rolette | Senour |
| Collins of Cass | Kinney of McLean | Sgutt |
| Collins of Gd. Forks | Kinney of Richland | Sheils |
| Crawford | Knox | Skinner |
| Cunningham | Law | Skulason |
| Davidson | Laithwaite | Sorlie |
| Dibley | Linde | Steen |
| Doyle of Foster | Lindvig | Storey |
| Doyle of McIntosh | Lucke | Thompson, Gd. Forks |
| Duncan | Martin | Thompson of McLean |
| Evans | McCrea | Thoreson |
| Fraïne | McLear | Traynor |
| Freeman | Moen of Benson | Ward |
| Ganssle | Moen of Cavalier | Welford |
| Garden | Narum | White |
| Geidt | Nelson of McHenry | Wisner |
| Gibbens | Nelson of Steele | Wolbert |
| Goldammer | Nelson of Walsh | Young |
| Grant | Nyhus | Mr. Speaker |

Absent and not voting:

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|----------|----------|
| Baker of Cass | Kneeland | Sinclair |
| Baker of Stark | Kremer | Streeter |
| Johnson of Bottineau | Paulson | |

Messrs. Baker of Cass, Baker of Stark, Kremer and Paulson being excused.

So the bill passed and the title was agreed to.

Mr. Grant moved

That the vote by which House Bill No. 68 passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

CONSIDERATION OF MESSAGES FROM THE
SENATE.

Mr. Schull moved that the house do now concur in the senate concurrent resolution

Recommending U. S. Senate Bill No. 382 known as the McCumber Bill

Which motion prevailed, and

And the house concurred in the senate concurrent resolution.

The speaker announced that the name of Collins of Cass be substituted in place of Tuttle as a member of the committee on agriculture.

COURTESIES OF THE FLOOR.

The privileges of the floor were extended to: Fred McLean, Fargo, M. S. Cuskelly, Oakdale, Wm. Connelly, Bailey R. D. Lytle, Manning, Adam Soibr, Mannhaven, Matt Camitsch, M. L. Larson, John A. Fortin, Fargo, D. H. Houser, L. E. Hedstrum, Valley City, A. C. Jensen, Edenburg.

Mr. Gibbens moved

That the house do now adjourn.

Which motion prevailed, and

The house adjourned.

W. D. AUSTIN,
Chief Clerk.

TWENTY-THIRD DAY

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
January 27, 1909.

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

The speaker presiding.

Prayer by the chaplain.

Roll call.

All members present except Messrs. Baker of Stark and Kremer, who were excused.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
January 27, 1909.

Mr. Speaker:

I have the honor to inform you that the president of the senate has named as members of the penitentiary investigating committee on the part of the senate, Messrs. Pierce, McArthur and Overson.

Very respectfully,
J. W. FOLEY,
Secretary.

REFERENCE OF THE JOURNAL.

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

Mr. Speaker:

Your committee on revision and correction of the journal have carefully examined the journal of the 22nd day and find the same correct.

And recommend that the same be approved.

S. J. DOYLE,
Chairman

Mr. Doyle moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

REPORTS OF STANDING COMMITTEES.

The committee on highways, bridges and ferries made the following report:

Mr. Speaker:

Your committee on highways, bridges and ferries to whom was referred

House Bill No. 88,

A bill for an act to amend section 1388 of the revised codes of 1905 relating to road poll tax

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

F. E. DIBLEY,
Chairman.

Mr. Dibley moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Also,

Mr. Speaker:

Your committee on highways, bridges and ferries to whom was referred

House Bill No. 62,

A bill for an act relative to injuries received on highways, resulting from snow or ice.

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

In line 1 of page 1 of the printed bill, after the word "village" insert "or owner or occupant of abutting property."
And when so amended recommend the same do pass.

F. E. DIBLEY,
Chairman.

The committee on railroads made the following report:

Mr. Speaker:

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

A bill for an act fixing a penalty for any person sweeping passenger coaches while in use and occupied by passengers.

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

G. A. WHITE,
Chairman.

Mr. White moved

That the report be adopted.

Which motion prevailed and

The further consideration of the bill was indefinitely postponed.

Also,

Your committee on railroads to whom was referred

House Bill No. 83,

A bill for an act entitled an act to prohibit the use of four wheel cabooses, known as dinky cabooses, on all railroad trains operated in the state of North Dakota; to prevent the use of box cars as cabooses and to fix the minimum size and manner of construction of all cars used as cabooses and fixing the penalties for violation of this act.

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

By inserting before the word "it" in line 1, section 1 of the printed bill, the following: "On and after the first day of November, A. D. 1909."

And when so amended recommend the same do pass.

G. A. WHITE
Chairman.

The committee on drains and drainage made the following report:

Mr. Speaker:

Your committee on drains and drainage to whom was referred

House Bill No. 81,

A bill for an act relating to the assessment of lands for the construction of drains and providing for an appeal from the decision of the drainways board, and fixing the compensation of drain commissioners.

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

Section 3, line 2 of the printed bill, strike out the letter "d" in the word "and;" in section 4, line 6, strike out the word "the."

And when so amended recommend the same do pass.

FERDINAND LUCKE,
Chairman.

Also,

Your committee on drains and drainage to whom was referred

House Bill No. 34,

A bill for an act permitting farmers and land owners to drain their lands into road ditches and other depressions, when such ditch or depression is wholly upon the owner's land.

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

FERDINAND LUCKE,
Chairman.

Mr. Lucke moved

That the report be adopted.

Mr. Sorlie moved

As a substitute that House Bill No. 34 be referred back to the committee on drainage.

Which motion prevailed.

The committee on drains and drainage made the following report:

Mr. Speaker:

Your committee on drains and drainage to whom was referred

House Bill No. 10,

A bill for an act amending section 1821 of chapter 23 of the political code of North Dakota, relating to drains.

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

FERDINAND LUCKE,
Chairman.

Mr. Lucke moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

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

Mr. Speaker:

Your committee on corporations other than municipal to whom was referred

House Bill No. 98,

A bill for an act to amend section 2884, article 7, chapter 31, of the revised codes of the state of North Dakota for 1905, relating to powers and duties of village officers.

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

In section 1, line 14 of the printed bill after the words "shall" insert the word "so."

In line 8 of same section strike out the word "the" and insert the word "said."

In line 4 of same section strike out the word "when" and insert the word "where."

In line 8 of same section strike out the letter "e" at the end of the word "therefore."

In line 9 of same section strike out the word "the" and insert the word "said."

And when so amended recommend the same do pass.

MARK M. CHATFIELD,
Chairman.

Also,

Your committee on corporations other than municipal to whom was referred

House Bill No. 138,

A bill for an act to amend section 9312 of the revised codes of 1905; relating to malicious injuries to or obstruction of telephone, telegraph or other electric wires.

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

That after the word "amend" in the first line of the title the words "section 1 of chapter 247 of the session laws of 1907, amending."

And when so amended recommend the same do pass.

MARK M. CHATFIELD,
Chairman.

The committee on agriculture made the following report:

Mr. Speaker:

Your committee on agriculture to whom was referred

House Bill No. 39,

A bill for an act to prevent the spread of noxious weeds.

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

JAMES DUNCAN,
Chairman.

Mr. Duncan moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

The committee on live stock made the following report:

Mr. Speaker:

Your committee on live stock to whom was referred

House Bill No. 139,

An act to repeal chapter 169 of the session laws of 1907, entitled "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" and to re-enact articles 15 to 19 inclusive of chapter 24 of the revised codes of North Dakota, being sections 1993 to 2050 of the political code.

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

A. W. CUNNINGHAM,
Chairman.

Mr. Cunningham moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Also,

Your committee on live stock to whom was referred

House Bill No. 14,

An act to amend section 2 of chapter 170 of the laws of North Dakota, 1907, relating to indemnifying all owners for animals killed or destroyed according to law for being affected with the disease known as glanders.

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

A. W. CUNNINGHAM,
Chairman.

Mr. Cunningham moved

That the report be adopted.

Which motion prevailed and

The further consideration of the bill was indefinitely postponed.

Also,

Your committee on live stock to whom was referred

House Bill No. 24,

A bill for an act to amend section 19 of chapter 169 of the laws of 1907, entitled "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."

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

At line 1 of printed bill strike out "2" after the word "Sec.," and substitute "19."

At line 1, section 3, printed bill, strike out "3" after the word "sec.," and substitute "2."

At line 1, page 2, after "sec." strike out "4" and substitute "3."

And when so amended recommend the same do pass.

A. W. CUNNINGHAM,
Chairman.

Mr. Cunningham 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. Speaker:

Your committee on state affairs to whom was referred

The concurrent resolution providing for an investigation of the charges against various officials who have had the placing of state moneys in depositaries.

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

W. J. PRICE,
Chairman.

Mr. Price moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on state affairs to whom was referred

House Bill No. 96,

A bill for an act authorizing the state engineer, on the approval of the governor, to receive and receipt to the secretary of state for all the field notes, maps, records and other papers appertaining to land titles within the state of North Dakota, and for such other property and records as the government may direct to be turned over to the state when all of the public surveys in the state of North Dakota shall have been completed.

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

W. J. PRICE,
Chairman.

Mr. Price 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. Speaker:

Your committee on judiciary to whom was referred
House Bill No. 116,

A bill for an act to amend section 473 of the revised codes of North Dakota of 1905, relating to the boundaries and terms of court in the fifth judicial district.

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

B. G. SKULASON,
Chairman.

Mr. Skulason moved

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

Also,

Your committee on judiciary to whom was referred
House Bill No. 119,

An act to amend section 8089 of the revised codes of 1905 of North Dakota relating to the exemption of personal property and disposition thereof in the matter of estates pending in county court.

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

By striking out the words "exempt personal property, disposition of the county court," following the words "A bill."

On line 1, page 1 of the printed bill, before the word "that" insert the words and figures, "Sec. 1. Amendment," and strike out the word "that," and before the printed matter on line 3 insert the following words and figures: "Section 8089. Exempt Personal Property. Disposition of," and that in line 9 there be inserted a "semi-colon (;)" after the syllable "ment," that the next word "of" be stricken out, and the word "and" be inserted in the place

thereof, and that the "comma (,)" and word "and" following the word "property" be stricken out.

And when so amended recommend the same do pass.

B. G. SKULASON,
Chairman.

Also,

Your committee on judiciary to whom was referred
House Bill No. 141,

A bill for an act relating to the removal from mortgaged land of buildings, fixtures, or other appurtenances.

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

On page 1, line 2 of the printed bill, by striking out the letter "x" in the word "exery" and inserting the letter "v."

And when so amended recommend the same do pass.

B. G. SKULASON,
Chairman.

Also,

Your committee on judiciary to whom was referred
House Bill No. 1,

A bill for an act to amend sections 7472, 7473 and 7475 of the revised codes of North Dakota for 1905, relating to procedure in foreclosure of real estate mortgages by advertisement, and to provide for the service of notice of the foreclosure sale upon the person in actual possession of the mortgaged premises.

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

B. G. SKULASON,
Chairman.

Mr. Skulason moved

That the report be adopted

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Also,

Your committee on judiciary to whom was referred
House Bill No. 7,

A bill for an act to amend section 7459 of the revised codes of 1905, relating to notice of sale in the foreclosure by advertisement of a mortgage on real estate.

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

B. G. SKULASON,
Chairman.

Mr. Skulason moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Also,

Your committee on judiciary to whom was referred
House Bill No. 111,

A bill for an act to amend section 7045 of the revised codes of 1905, relating to the calling of another judge on account of prejudice or bias.

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

B. G. SKULASON,
Chairman.

Mr. Skulason moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Also,

Your committee on judiciary to whom was referred
House Bill No. 118,

An act to amend section 7459 of the revised codes relating to publication of notice of sale and the giving of notice thereof to the occupant of the premises.

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

B. G. SKULASON,
Chairman.

Mr. Skulason moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Also,

Your committee on judiciary to whom was referred

House Bill No. 23,

A bill for an act fixing the rate of interest on the redemption of lands sold on execution or foreclosure.

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

B. G. SKULASON,
Chairman.

Mr. Skulason moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Also,

Your committee on judiciary to whom was referred

House Bill No. 46,

A bill for an act in relation to the execution and acknowledgment by a member of a partnership of instruments affecting liens upon real estate.

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

B. G. SKULASON,
Chairman.

Mr. Skulason moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on judiciary to whom was referred
House Bill No. 128

An act to amend section 8894 of the revised codes of 1905
of North Dakota, relating to the age of consent of females
and males in cases of rape, and the degree thereof.

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

B. G. SKULASON,
Chairman.

Mr. Skulason moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely
postponed.

Also,

Your committee on judiciary to whom was referred
House Bill No. 122,

An act relating to county judges and county clerks pro-
hibiting them from acting as attorney for or giving advice
to persons interested in matters pending or about to be
commenced in said county.

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

B. G. SKULASON,
Chairman.

Mr. Skulason moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely
postponed.

Also,

Your committee on judiciary to whom was referred
House Bill No. 135,

A bill for an act defining exempt property.

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

B. G. SKULASON,
Chairman.

Mr. Skulason moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Also,

Your committee on judiciary to whom was referred

House Bill No. 123,

An act making the possession of a negotiable promissory note by the endorsee prima facie evidence that the same was endorsed by the person by whom it purports to be endorsed, and making every written instrument purporting to have been signed or executed prima facie evidence of such signing or execution, unless the signing or execution thereof is denied under oath.

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

B. G. SKULASON,
Chairman.

Mr. Skulason moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Also,

Your committee on judiciary to whom was referred

House Bill No. 126,

An act to amend section 8896 of the revised codes of 1905 of North Dakota, relating to the punishment of rape in the second degree.

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

B. G. SKULASON,
Chairman.

Mr. Skulason moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Also,

Your committee on judiciary to whom was referred

House Bill No. 127,

An act to amend section 8895 of the revised codes of 1905 of North Dakota, relating to the punishment for rape in the first degree.

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

B. G. SKULASON,
Chairman.

Mr. Skulason moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Also,

Your committee on judiciary to whom was referred

House Bill No. 129

An act relating to the filing of claims against the estates of deceased persons in county courts and hearings thereon, and appeals from decisions allowing or rejecting such claims.

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

B. G. SKULASON,
Chairman.

Mr. Skulason moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Also,

Your committee on judiciary to whom was referred

House Bill No. 120,

An act to amend section 7140 of the revised codes of 1905 of the state of North Dakota, relating to payment of the

redemption on execution sale and giving notice thereof.

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

B. G. SKULASON,
Chairman.

Mr. Skulason moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

MOTIONS AND RESOLUTIONS.

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

Whereas the legislative assembly is about to adjourn for several days; and,

Whereas, it is usual and customary to appoint a committee to visit the public institutions of the state and report their conditions and needs; therefore, be it

Resolved, That the speaker appoint three committees of three members each to visit all public institutions and report at an early date their present condition and needs.

Which motion prevailed, and
The resolution was adopted.

Mr. Gibbens moved

That the vote by which the resolution passed be reconsidered.

Which motion was lost.

REPORT OF STANDING COMMITTEES

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

Mr. Speaker:

Your committee on engrossment have examined:

House Bill No. 70,

A bill for an act amending section 687 of the revised codes of 1905.

Also,

House Bill No. 12,

A bill authorizing counties to procure seed grain for relief of persons unable to procure same; authorizing board of county commissioners and boards of township supervisors to provide for the relief of persons unable to procure seed grain.

And find the same correctly re-engrossed.

C. C. CRAWFORD,
Chairman.

Mr. Crawford moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

INTRODUCTION, FIRST AND SECOND READING OF HOUSE BILLS

Mr. Thompson introduced

House Bill No. 169,

A bill for an act defining the sixth judicial district, state of North Dakota and fixing the terms of court in said district.

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

Mr. Knox introduced

House Bill No. 170,

A bill for an act to provide for the maintenance of the state normal industrial school located at Ellendale and for making necessary improvements and providing appropriations therefor.

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

Mr. Senour introduced

House Bill No. 171,

A bill for an act to amend section 3195 of the revised codes of the state of North Dakota for the year 1905 relating to the fees of pound master and providing for adver-

tising estrays according to chapter 117 of the session laws of the year 1907.

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

Mr. Ployhar introduced

House Bill No. 172,

A bill for an act making appropriation for the Valley City normal school located in Valley City, Barnes county, North Dakota.

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

Mr. Atwood introduced

House Bill No. 173,

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

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

Mr. Anderson introduced

House Bill No. 174,

A bill for an act to amend section 6237 and section 6238 of the revised codes of 1905, relating to mechanic's liens.

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

Mr. Atwood introduced

House Bill No. 175,

A bill for an act to provide an appropriation for the erection of new buildings and other improvements at the state hospital for the insane of North Dakota at Jamestown.

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

Mr. Akesson introduced

House Bill No. 176,

A bill for an act to amend section 3213 of the revised codes of North Dakota for the year 1905, relating to the purchase of road machinery.

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

Mr. Traynor introduced

House Bill No. 177,

A bill for an act providing for the creating, establishing and maintaining of a biological station on the shore of Devils Lake in Ramsey county, North Dakota, for the control of such station and work associated therewith, appointment of directors of such station and its associated work, prescribing the duties of such directors and making appropriations therefor.

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

Mr. Honey introduced

House Bill No. 178,

A bill for an act making an appropriation for the improvement, betterment, conservation and preservation of the Rock Island Military Wood Reservation in Ramsey County, North Dakota.

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

Messrs. Ward and Brusletten introduced

House Bill No. 179,

A bill for an act to provide an appropriation for the current and contingent expenses and for permanent improvements for the state school of science at Wahpeton.

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

Mr. Garden introduced.

House Bill No. 180,

A bill for an act to provide for the making of improvements at the North Dakota school of forestry, to assist in the maintenance thereof and for other purposes and making appropriations therefor.

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

Mr. Welford introduced

House Bill No. 181,

A bill for an act to amend section 3153 of the revised codes of 1905, relating to meetings of township board of auditors.

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

Mr. Welford introduced

House Bill No. 182,

A bill for an act to amend section 3141 of the revised codes of 1905, relating to bond to be given by clerks of civil townships.

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

Mr. Doyle introduced

House Bill No. 183,

A bill for an act to amend sections 926 and 928 of the revised codes of North Dakota, 1905, as amended by chapter 103 of the session laws of 1907, relating to depositories of school funds.

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

Mr. Olson introduced

House Bill No. 184,

A bill for an act to amend section 831 of chapter 95 of the session laws of 1907, relating to schools to be organized on petition, and location thereof.

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

Mr. Doyle introduced

House Bill No. 185,

A bill for an act to amend section 922 of the revised codes of North Dakota relating to proposals for depositories of school funds.

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

Mr. White introduced

House Bill No. 186,

A bill for an act to amend section 1446 of the revised codes of North Dakota, of the revision of 1905, relating to the duties of officers in relation to highways in cities.

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

Mr. McCrea introduced

House Bill No. 187,

A bill for an act to prevent the development and dissemination of the seeds of noxious weeds.

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

Mr. McCrea introduced

House Bill No. 188,

A bill for an act to punish the giving of checks or drafts on any bank or other depository wherein the person so giving such check or draft shall not have sufficient funds or a credit for payment of same and providing penalties therefor.

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

Mr. Skulason, by request introduced

House Bill No. 189,

A bill for an act to authorize the secretary of state to enter into a contract on behalf of the state of North Dakota with the Lawyers' Co-operative Publishing Company for the printing and publishing of the supreme court reports.

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

Mr. Skulason introduced

House Bill No. 190,

A bill for an act providing for the office of chief justice of the supreme court, and prescribing the duties of the Chief Justice.

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

Mr. Hendrickson introduced

House Bill No. 191,

A bill for an act to amend section 422 of the revised codes of 1905, relating to vacancies in office.

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

Mr. Kinney of McLean introduced

House Bill No. 192,

A bill for an act to establish a state fair and locate the same at Fargo, North Dakota, and make an appropriation therefor.

Which was read the first and second times and

Referred to the committee on state affairs.

Mr. Martin introduced

House Bill No. 193,

A bill for an act to amend section 10243 of the revised codes of North Dakota, relating to reprieves, commutations and pardons, by the board of pardons.

Which was read the first and second times and

Referred to the committee on Judiciary.

Mr. Hendrickson, by request introduced

House Bill No. 194,

A bill for an act, providing for a jury to be official witnesses of the execution of persons executed at the state penitentiary, providing for guards to act as death watch over condemned prisoners, and fixing the executioner's fee.

Also an appropriation to defray all expenses incurred in connection with the execution of a condemned man.

Which was read the first and second times and

Referred to the committee on Judiciary.

Mr. Dibely introduced

House Bill No. 195,

A bill for an act creating a state highway commission, defining its powers and duties, creating a state highway fund, providing for the expenditure thereof, and providing for the appointment of county superintendents of highways and town road inspectors, and abolishing the office of township road overseer.

Which was read the first and second times and

Referred to the committee on highways and bridges.

Mr. Wisner introduced

House Bill No. 196,

A bill for an act to amend section 7453 of the revised codes of North Dakota for 1905, relating to the foreclosure of mortgages upon real property, containing a power of

sale, by advertisement, and limiting the time in which proceedings for such foreclosure may be commenced.

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

Mr. Collins of Grand Forks, introduced

House Bill No. 197,

A bill for an act, entitled an act making appropriations for permanent improvements at the state university and school of mines of North Dakota.

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

MESSAGE FROM THE GOVERNOR.

The following message was received from the governor:

GOVERNOR'S OFFICE, NORTH DAKOTA.
Bismarck, January 27, 1909.

To the Members of the House of Representatives of the Eleventh Legislative Assembly of the State of North Dakota:

By request, I hand you herewith special report of the Railway Commissioners of the State of North Dakota. The matters discussed and recommendations made in this report are of great importance, and I respectfully submit the same to you for consideration.

JOHN BURKE,
Governor.

RECOMMENDATIONS OF THE BOARD OF RAILROAD COMMISSIONERS.

To Hon. John Burke, Governor:

Sir: We, the members of the Board of Railroad Commissioners, submit for your consideration the following recommendations as to legislation needed to make the work of this board more efficient and of better service to the people of the state:

The Inter-State Commerce Act of Congress requires the Inter-State Commerce Commission to investigate any complaint brought to its notice by the railroad commission of a state, but in this state there is no law requiring the state commission to perform this important duty and inasmuch as a great deal of traffic in this state, is inter-state traffic, we would recommend that a law be passed making it the duty of the Railroad Commission of this state to not only forward complaints of an inter-state character, wherein the local commission have no jurisdiction to the Inter-State Commerce Commission, but that it be made the duty of said commission to appear and prosecute cases of this nature before the Inter-State Commerce Commission, if the best interests of the public so require.

The necessity for such a measure can be readily seen. The expense incident thereto and the lack of knowledge of the procedure on the part of the individual, in bringing such action before a tribunal at the capitol of the United States, might prevent him from bringing such action, whereas, the interests of the public require it.

We would recommend that provision be made in the law making it the duty of this commission to employ a competent person to inspect and test all railway track scales in this state and to provide a penalty for the failure on the part of the railroad company operating such scale to correct any irregularities as may be found to exist, when ordered by this commission.

We also recommend that before any railroad corporation or common carrier doing business in this state, shall change its rates, the statute shall require a copy of the proposed change or changes to be submitted to the railroad commission of this state for its written approval and such change shall not become effective until approved by the commission.

We also recommend that a law be passed requiring railroad companies to obtain written permission from the state railroad commission before building any line of railroad in this state, in order to do away with the needless paralleling of lines in the same territory.

We further recommend that suitable provision be made for the making of a physical valuation of all railroad property in this state in order that the commission may know before putting rates into effect that the rates fixed shall not be confiscatory, and that a sufficient amount of money be appropriated to carry out this work in an efficient manner.

WAREHOUSES AND GRAIN GRADING.

The commission would recommend that Section 2242 of the revised codes of 1905, be amended in such a manner as to authorize the board to revoke the licenses of warehouses for fraudulent or oppressive acts in the grain trade.

We would recommend that the board of railroad commissioners be authorized to employ a competent person or persons to work under its direction and supervision, whose duty it shall be to inspect all grain elevators and warehouses, their capacity, scales, and the methods in use in issuing receipts and grain tickets and such other matters as would under the law be within the duties of the commission to regulate such elevators and warehouses.

TERMINAL GRAIN INSPECTION.

We recommend the employment by this commission of a competent person or persons at each of the terminal grain markets, namely, Duluth and Minneapolis, whose duty it shall be to inspect the weighing, grading, mixing, cleaning and docking of grain and the condition of cars on their arrival at said terminals from points in this state and to make reports to the shippers of such grain in each case where marked discrepancies are shown between the weights and grades reported to them and given on the bill of lading issued at the shipping point and the report of the state weighmaster, broker or commission merchant.

The grain trade of North Dakota is one of our chief industries and every safeguard should be thrown about it in the interest of our farmers and grain merchants and in order that the farmers and shippers may know the names and addresses of the inspectors at said terminals, the commission suggest that provision be made in our law authorizing the commission to post printed notices, giving such information, in every elevator and grain warehouse in the state where they may be prominently displayed and be kept intact for the information of the shippers and general public.

STANDARD FORM OF RECEIPTS.

In order that all warehouses of this state shall comply with the provisions of Article 46 of the Revised Codes of 1905, and such amendments as the legislative assembly shall provide, we recommend that this commission be authorized to prescribe a standard form of warehouse storage receipts.

APPROPRIATIONS.

In order that the work of the commission may be carried out in an efficient and practical manner and that the results of its labor may be of the fullest benefit to our people, it is recommended that this commission be authorized to employ a rate clerk and such other assistants in each department as they find necessary and that a sufficient amount be appropriated to defray the expenses incident to such work.

TENURE OF OFFICE.

We recommend that the law be so changed as to provide that a majority of the members of this board shall be hold-overs, so that there shall always be a working membership who are familiar with the details of the work of the commission. No other board or commission is elected or appointed in the manner the present law prescribes, and it can readily be seen that it is not in the interests of the people of the state, that the entire membership of the commission should be subject to change at the same time.

EXPENSES OF THE COMMISSION.

We also desire to impress upon Your Excellency the fact that the appropriations for the operating expenses of the commission in the past have been totally inadequate, and that former commissions have been greatly handicapped for want of funds with which to carry on the work of the commission; in fact, at times have been forced to practically abandon all work involving the expenditure of money. There are a great many ways in which the board can make itself useful to the citizens of the state, but unless it has money with which to defray at least ordinary expenses, it will be forced to confine its activities to the routine work of the office, and will be unable to take up any additional work upon its own initiative.

SALARY OF SECRETARY.

In closing this communication we desire to call the attention of the Governor and of the legislature, through the Governor, to the wholly insufficient compensation provided by law for the services of a secretary to this board. It is absolutely essential to the successful conduct of the affairs of this commission that it have a competent secretary to attend to the ministerial duties connected with it. There should be at all times at the offices of the commission a man of mature judgment, of seasoned intelligence, and of wide experience who can handle with tact and discernment the many matters coming before the commission, especially during times when it is not in session. It is needless to say that such a man cannot be asked to give up his other work in life, and remove with his family from wherever he may reside and take up his residence at the capital of the state, upon a paltry salary of one thousand dollars a year. We feel confident that when this matter is put before the legislature in the right light, its sense of justice will not permit this situation to continue.

Inasmuch as it appears that the work of the commission is increasing to such an extent as to require the almost continuous session of the commission, we would recommend that chapter 213, laws 1907, be so amended as to permit the commission to remain in continuous session, or to hold as many and as frequent sessions at any place in the state as the business of the commission may require. Under the law at present there is some doubt in the minds of the members whether the commission can hold more than five sessions each year, unless the governor calls special meetings, and then only at one of the five designated places.

We recommend that the commission be vested with the power to require crossings to be placed over the tracks and right of way of the railroads of the state, at any point where, in its judgment, the public convenience requires

it, whether such point be within the limits of an incorporated city or in the country districts.

We recommend that all elevators and warehouses in the state be required to furnish fidelity bonds, instead of personal bonds, as now permitted. With two thousand elevators in the state it is practically impossible for this commission to determine whether the sureties upon the personal bonds offered are at all times solvent and sufficient.

Respectfully submitted,

THOMAS HALL, Secretary.

W. H. STUTSMAN,
President.

O. P. N. ANDERSON,
W. H. MANN,

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
January 27, 1909.

Mr. Speaker:

I have the honor to inform you that the senate has concurred in the house resolution that when this legislative assembly adjourn on Thursday, January 28, it stand adjourned to Thursday, February 4.

Which the senate has adopted and your favorable consideration is respectfully requested.

Very respectfully,
J. W. FOLEY,
Secretary.

GENERAL ORDERS.

Mr. Chatfield moved

That the house resolve itself into a committee of the whole for the consideration of special orders.

Which motion prevailed, and

The house resolved itself into a committee of the whole.

The speaker called Mr. Garden to the chair.

When the committee arose it submitted the following report:

Mr. Speaker:

The committee of the whole have had under consideration

House Bill No. 107,

A bill amending the constitution of the state of North Dakota, establishing and locating a state normal school in the city of Velva, county of McHenry.

And recommend that the further consideration of the bill be indefinitely postponed.

Also,

House Bill No 6,

A concurrent resolution amending the constitution of the state of North Dakota, establishing and locating a state normal school in the city of Minot, county of Ward.

And recommend that the same be made a special order for February 11th at 3 o'clock.

E. S. GARDEN,
Chairman.

Mr. Streeter moved

That the report of the committee of the whole in regard to House Bill No. 107 be adopted.

Which motion prevailed.

Mr. Streeter moved

That the house do not concur in the report of the committee of the whole as to house bill No. 6.

Roll call demanded.

The roll was called and there were ayes 43, nays 46, absent and not voting 6.

Those who voted in the affirmative were:

Messrs.—

Atwood
Brusletten
Brynjulson
Burnett
Chatfield
Collins of Gd. Forks
Cunningham
Davidson
Duncan
Ganssle
Garden
Hale
Hendrickson
Hill
Hommes

Messrs.—

Honey
Jewett
Johnson of Bottineau
Kinney of McLean
Kinney of Richland
Kneeland
Knox
Laithwaite
Linde
Lucke
McCrea
Ployhar
Poe
Schull

Messrs.—

Sgutt
Skinner
Skulason
Sorlie
Storey
Streeter
Thompson of McLean
Traynor
Ward
Welford
Wisner
Wolbert
Young
Mr. Speaker

Those who voted in the negative were:

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|--------------------|---------------------|
| Aasheim | Goldammer | Nyhus |
| Akesson | Grant | Oison |
| Anderson | Hemmingson | Paulson |
| Baker of Cass | Johnson of McLean | Peart |
| Bjorndahl | Johnson of Rolette | Pendray |
| Burns | Law | Plath |
| Christenson | Lindvig | Pound |
| Collins of Cass | Martin | Price |
| Crawford | McLear | Putnam |
| Dibley | Moen of Benson | Senour |
| Doyle of McIntosh | Moen of Cavaller | Sinclair |
| Evans | Narum | Steen |
| Fraine | Nelson of McHenry | Thompson, Gd. Forks |
| Freeman | Nelson of Steele | Thoreson |
| Geidt | Nelson of Walsh | White |
| Gibbens | | |

Absent and not voting:

| Messrs.— | Messrs.— | Messrs.— |
|-----------------|----------|----------|
| Baker of Stark | Hanley | Kremer |
| Doyle of Foster | Hughes | Sheils |

Messrs. Baker of Stark and Kremer being excused.

So the motion was lost, and

The report of the committee was adopted.

There being no objections the house returned to the tenth order of business.

INTRODUCTION, FIRST AND SECOND READING OF HOUSE BILLS.

Mr. Cunningham introduced

House Bill No. 198.

A bill to amend section 2 of chapter 71 of the session laws of 1907.

Which was read the first and second times and

Referred to the committee on judiciary.

Mr. White introduced

House Bill No. 199,

A bill for an act making appropriation for completing and furnishing dormitory, for establishing and changing heating plant, for grounds and walks, students' hospital and other equipment for the state normal school at Mayville and for maintenance.

Which was read the first and second times and

Referred to the committee on appropriations.

THIRD READING OF HOUSE BILLS.

House Bill No. 70,

A bill for an act amending section 687 of the revised codes of 1905.

Was read the third time

The question being on the final passage of the bill.

The roll was called and there were ayes 73, nays 1, absent and not voting 21.

Those who voted in the affirmative were:

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|----------------------|---------------------|
| Aasheim | Homes | Peart |
| Akesson | Honey | Pendray |
| Anderson | Jewett | Plath |
| Atwood | Johnson of Bottineau | Pound |
| Brusletten | Johnson of McLean | Price |
| Burnett | Johnson of Rolette | Putnam |
| Chatfield | Kinney of McLean | Senour |
| Christenson | Kinney of Richland | Sinclair |
| Collins of Gd. Forks | Kneeland | Skinner |
| Cunningham | Knox | Skulason |
| Davidson | Law | Sorlie |
| Dibley | Laithwaite | Steen |
| Duncan | Lindvig | Storey |
| Fraine | Lucke | Thompson, Gd. Forks |
| Freeman | Martin | Thompson of McLean |
| Ganssle | McCrea | Thoreson |
| Garden | Moen of Benson | Traynor |
| Geidt | Moen of Cavalier | Ward |
| Gibbens | Nelson of McHenry | Welford |
| Goldammer | Nelson of Steele | White |
| Grant | Nelson of Walsh | Wisner |
| Hale | Nyhus | Wolbert |
| Hanley | Olson | Young |
| Hemmingson | Paulson | Mr. Speaker |
| Hill | | |

Absent and not voting:

| Messrs.— | Messrs.— | Messrs.— |
|-----------------|-------------------|----------|
| Baker of Cass | Doyle of McIntosh | Narum |
| Baker of Stark | Evans | Ployhar |
| Bjorndahl | Hendrickson | Poe |
| Burns | Hughes | Schull |
| Collins of Cass | Kremer | Sgutt |
| Crawford | Linde | Sheils |
| Doyle of Foster | McLear | Streeter |

Mr. Brynjulson voted in the negative.

Messrs. Baker of Stark and Kremer being excused.

So the bill passed and the title was agreed to.

FIRST AND SECOND READING OF SENATE BILLS.**Senate Bill No. 49,**

A bill for an act to prohibit the throwing or depositing of glassware of any kind upon the streets of any village or city or upon public highways and providing for a penalty for the violation thereof.

Was read the first and second times, and

Referred to the committee on highways and bridges.

Senate Bill No. 7,

A bill for an act to prohibit the removing of threshing machines, bundle wagons or grain wagons from one farm to another, before cleaning, and providing penalties for violations thereof.

Was read the first and second times and

Referred to the committee on Agriculture.

Senate Bill No. 42,

A bill for an act to amend section 6, chapter 140, laws of 1903, being section 2550 of the code of 1905, relating to public administrator.

Was read the first and second times and

Referred to the committee on judiciary.

Senate Bill No. 10,

A bill for an act defining the duties of the register of deeds relating to foreclosure of mortgages on real property by advertisement, and prescribing the penalty for violating the same.

Was read the first and second times, and

Referred to the committee on judiciary.

COURTESIES OF THE FLOOR.

The privileges of the floor were extended to J. E. Galehouse, Jr., J. O. Robertson, Chas. Bell, Carrington; J. A. White, Edgeley; C. I. Hutchinson, LaMoure; Mr. Brown, Leeds; B. B. Grinley, Portland; E. A. Bjelde, N. D. Nilson, Mayville; A. G. Kraabel, Clifford; Louis Patrico, Dickinson; A. G. Stebbins, Rochester, Minn.; C. F. Ladner, T. G. Walther, B. G. How, St. Cloud; Judge Conklin, P. W. Eddy, M. Sinclair, Wm. Mueller, Jamestown; Henry Boyle, J. S. Watson, Geo. Hall, W. B. Douglas, Judge Young, Dr. Rindland, W. A. Burdick, Fargo; W. E. Petrie; H.

Bactelaus, Linton; A. C. Jensen, Edinburg; Ole Bjorg, Bottineau; Alfred Zuger, A. P. Paulson, W. A. Gordon, Wm. Olson, Father Sailer, Valley City; W. L. Nuessle, J. H. McCullom, R. A. Moore.

Mr. Honey moved

That the house do now adjourn.

Which motion prevailed, and

The house adjourned.

W. D. AUSTIN,
Chief Clerk.

TWENTY-FOURTH DAY

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
January 28, 1909.

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

The speaker presiding.

Prayer by the chaplain.

Roll call.

All members present except Messrs. Aasheim, Dibley, Doyle of Foster, Grant, Hendrickson, Hughes, Kremer, Sheils, Sinclair and Ward, who were excused.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
January 28, 1909.

Mr. Speaker:

I have the honor to transmit herewith

Senate Bill No. 21,

A bill for an act authorizing counties to issue bonds to procure seed grain for needy farmers resident therein.

Also,

Senate Bill No. 27,

For an act entitled "An act to amend section 155 of chapter 4 of the political code of the state of North Dakota, and

all acts or parts of acts amendatory thereof, providing for the investment of moneys belonging to the permanent funds of the common schools, university, school of mines, agricultural college school for the deaf and dumb, normal schools and all other funds derived from the sale of public lands or any other source belonging to the school divisions of the state.

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

Very respectfully,
J. W. FOLEY,
Secretary.

REFERENCE OF THE JOURNAL.

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

Mr. Speaker:

Your committee on revision and correction of the journal have carefully examined the journal of the twenty-third day and recommend that the same be corrected as follows:

On page 11, line 11, strike out the letter "v."

On page 11, line 15, add the letter "v" after the word "letter."

On page 20, line 20, add "Messrs." before the name "Ward."

On page 23, line 10, strike out "An act entitled" and substitute "A bill for."

On page 27, line 31, strike out the word "general" and substitute "special."

On page 28, line 21, strike out "now" and substitute "not."

And when so corrected recommend that the same be approved.

S. J. DOYLE,
Chairman.

Mr. Doyle moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Mr. Traynor asked unanimous consent to pass to the sixth order of business.

There being no objection the house passed to the sixth order of business.

REPORT OF SELECT COMMITTEE.

The following report of the select committee on investigation of penitentiary affairs was presented:

To the Legislative Assembly:

Gentlemen: Your joint committee, appointed by the president of the senate and speaker of the house, by virtue of a concurrent resolution, to investigate the affairs of the penitentiary and twine plant, beg leave to report as follows:

That it has made diligent inquiry into the nature of the duties required of it under and by virtue of the terms of said resolution and relative to the facilities at its command for the purpose of conducting such investigation, and has consulted with the attorney general relative to the extent of the services and assistance which his office is at this time, with the force and funds at his command, able to furnish to it, and after such investigation, inquiry and consultation, your committee finds that it would be impossible for it to satisfactorily and effectively perform the duties required of it within the time provided therefor without further powers and facilities than those provided for by said concurrent resolution.

Your committee therefore requests that this committee, in addition to the powers already conferred upon it by said concurrent resolution, be further empowered to employ an attorney for and during the time which will necessarily be consumed in the performance of its duties; and further, that provision be made for the payment of the expenses which will necessarily be incurred in the further performance of the duties of this committee.

Dated, January 28, 1909.

ED. PIERCE,
W. B. OVERSON,
FRED J. TRAYNOR,
A. L. PEART,
T. J. ATWOOD,
D. H. McARTHUR.

Mr. Traynor moved

That the report be adopted

Which motion prevailed, and

The report of the committee was adopted.

Mr. Hanley asked unanimous consent to reconsider the resolution with reference to committees appointed to visit the different state institutions.

Unanimous consent being granted.

Mr. Gibbens moved

That the vote by which the resolution passed be reconsidered.

Which motion prevailed.

Mr. Hanley offered the following concurrent resolution and moved its adoption:

Resolved by the House of Representatives, the Senate concurring:

That, whereas, the legislative assembly is about to adjourn for several days, and

Whereas, it is usual and customary to appoint committees to visit the public institutions of the state, and report their conditions and needs; therefore, be it

Resolved, That four committees of five members, consisting each of three members of the house and two of the senate be appointed to act jointly and visit all public institutions, and report at an early date their conditions and needs.

Which motion prevailed, and
The resolution was adopted.

MESSAGE FROM THE SENATE.

The following message was received from the senate.

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
January 28, 1909.

Mr. Speaker:

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

Whereas, the matter of grain inspection and grading is one of the most important to the farmers of the state of North Dakota, and

Whereas, there has been complaint and dissatisfaction with reference to the methods of grain inspection and grading now in force, and

Whereas, many of the injustices and inequalities of the present system might be adjusted through a conference with the grain inspection department of the state of Minnesota and with the committee of the Minnesota legislature having to do with this important matter, and for the purpose of thereby agreeing upon and formulating uniform laws in the states of Minnesota and North Dakota. Now, therefore, be it

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

That a committee of three members from the Senate be appointed by the president of the Senate and three members of the House be appointed by the speaker of the House to visit the terminal grain markets at Minneapolis and confer with the department of grain inspection and with the committee of the Minnesota legislature having to do with the inspection and grading of grain for such a conference as may enable this legislative assembly best to dispose of the matter of grading and inspection of grain, and that the

expenses of such committee be paid from the state treasury as a proper expense of this legislative assembly.

Which the senate has adopted and your favorable consideration is respectfully requested.

Very respectfully,
J. W. FOLEY,
 Secretary.

Mr. Gibbens moved

That the house concur in the senate concurrent resolution.

Which motion prevailed, and

The house concurred in the senate concurrent resolution.

Mr. Traynor offered the following concurrent resolution and moved its adoption:

Resolved by the House of Representatives, the Senate Concurring:

That the joint committee appointed by virtue of a concurrent resolution for the purpose of investigating the affairs of the state penitentiary and twine plant be and said committee is hereby authorized and empowered to employ an attorney to assist the committee in the performance of its duties. Be it further

Resolved, That all items of expense incurred by or authorized by said committee in the performance of its duties, including attorney's fees and expenses of an accountant and witnesses and such other items of expense as may be necessarily incurred, shall, when approved by the chairman of said joint committee, be audited and allowed in the same manner as other expenses of government and paid out of the general fund.

Which motion prevailed, and

The resolution was adopted.

REPORT OF STANDING COMMITTEES.

The committee on state affairs made the following report:

Mr. Speaker:

Your committee on state affairs to whom was referred

The concurrent resolution from the senate relating to a bill now pending before the congress of the United States providing that the government of the United States shall reserve unto itself all mining rights to all of the coal deposits underlying government grants for which patent has not been issued for the surface of the land only, etc., as per resolution.

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

W. J. PRICE,
 Chairman.

Mr. Price moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Mr. Schull moved

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

Mr. Hanley moved

That the motion to reconsider be laid on the table.

Which motion prevailed.

The committee on state affairs made the following report:

Mr. Speaker:

Your committee on state affairs to whom was referred

The concurrent resolution introduced by Mr. Knox, relating to the battlefield of Whitestone Hills.

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

W. J. PRICE,
Chairman.

Mr. Price 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. Speaker:

Your committee on judiciary to whom was referred House Bill No. 106,

A bill for an act to amend section 7117 of the code of civil procedure of the revised codes of 1905, relating to additional exemptions.

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

B. G. SKULASON,
Chairman.

Mr. Skulason moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Also,

Your committee on judiciary to whom was referred
House Bill No. 144,

A concurrent resolution amending the constitution of the
state of North Dakota, relating to the election, term of office,
duties and compensation of all county, township and dis-
trict offices.

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

B. G. SKULASON,
Chairman.

Mr. Skulason moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely
postponed.

COURTESIES OF THE FLOOR.

The privileges of the floor were extended to J. W. Baird,
Munich; W. M. Kemerer, Minneapolis; John A. Layne,
Fessenden; H. E. Plymar, Rolla; Prof. Bolley, Fargo;
Tollef Garnaas, Sheyenne; James A. Manly, New Rockford;
C. B. Cronn, Carrington; Lee Combs, Valley City; Tracy
Bangs, J. B. Wineman, F. B. Feetham, Grand Forks;
Judge E. G. Burke, Valley City.

The speaker announced the appointment of the follow-
ing committees:

Committee to visit the normal schools—Messrs. Duncan,
Hanley and Baker of Cass, chairman.

On penal institutions—Messrs. Gibbens, Anderson and
Brusletten.

Charitable institutions—Messrs. Kneeland, Laithwaite,
and Kinney of McLean.

Agricultural college and university—Messrs. Garden,
Price and Wolbert.

Mr. Streeter moved

That the house do now adjourn.

Which motion prevailed, and

The house adjourned.

W. D. AUSTIN,
Chief Clerk.

THIRTY-FIRST DAY

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 4, 1909.

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

The speaker presiding.
Prayer by the chaplain.
Roll call.

All members present except Messrs. Baker of Cass, Brusletten, Dibley, Hemmingson and Jewett, who were excused.

REFERENCE OF THE JOURNAL.

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

Mr. Speaker:

Your committee on revision and correction of the journal have carefully examined the journal of the twenty-fourth day and recommend that the same be corrected as follows:

In line 5, page 4, strike out the name "Hanlon" and insert the name "Hanley."

And when so corrected recommend that the same be approved.

S. J. DOYLE,
Chairman

Mr. Doyle moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
February 4, 1909.

Mr. Speaker:

I have the honor to transmit herewith

Senate Bill No. 54,

A bill for an act to amend section 4657 of the revised codes of 1905 relating to the limit of bank loans to one concern.

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

Also,

I have the honor to inform you that the senate has concurred in the house resolution for committee to inquire into the needs of state institutions and that the following persons have been named on behalf of the senate:

Penal institutions—McLean, Baker.

Normal schools—Cashel, Wiley, J. M.

Charitable institutions—Koffel, Gilbert.

Agricultural college and university—Crane, Steel of Stutsman.

Also,

I have the honor to inform you that the senate has concurred in the house resolution enlarging the powers and scope of the penitentiary investigating committee, transmitted on January 28.

Very respectfully,

J. W. FOLEY,

Secretary.

PETITONS AND COMMUNICATIONS.

To the Honorable Body of Legislators of the State of North Dakota:

GENTLEMEN: We, the undersigned, farmers, voters and taxpayers, hereby respectfully petition your honorable body to enact, at this 1909 session, laws for the relief and benefit of the farmers of the state of North Dakota, as follows:

1st. That all improvements on farm lands upon which a farmer actually resides and makes his living from his labors on such land, shall be non-assessable.

2d. That all debts owed by such farmers (given in under oath, with a state's prison sentence as penalty for perjury in such case) shall be deducted from their assessed valuation.

3d. That all railroad companies shall pay 10 per cent interest upon all damages done by them, from thirty days after said damage is done until settlement has been made in full.

4th. That the county commissioners shall have authority to furnish to needy farmers seed grain to be paid back to the county on or before the 15th day of January following, together with a reasonable rate of interest.

5th. That a plant shall be established at the prison at Bismarck for the manufacture of farm machinery, to be sold to the farmers of North Dakota.

A. V. SWANSON,
And 314 Others.

REPORTS OF STANDING COMMITTEES.

The committee on engrossment made the following report:

Mr. Speaker:

Your committee on engrossment have examined House Bill No. 46,

A bill for an act in relation to the execution and acknowledgment by a member of a partnership of instruments affecting liens upon real estate.

Also,

House Bill No. 96,

A bill for an act authorizing the state engineer, on the approval of the governor, to receive and receipt to the secretary of state for all the field notes, maps, records and other papers appertaining to land titles within the state of North Dakota, and for such other property and records as the government may direct to be turned over to the state when all of the public surveys in the state of North Dakota shall have been completed.

Also,

House Bill No. 116,

A bill for an act to amend section 473 of the revised codes of North Dakota of 1905, relating to the boundaries and terms of court in the fifth judicial district.

And find the same correctly engrossed.

C. C. CRAWFORD,
Chairman.

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

INTRODUCTION, FIRST AND SECOND READING OF HOUSE BILLS

Mr. Honey introduced
House Bill No. 200,

A bill for an act to amend section 4, chapter 140 of the 1907 session laws of the state of North Dakota, relating to insurance.

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

Mr. Wolbert introduced
House Bill No. 201,

A bill for an act fixing the terms of court in the Sixth judicial district.

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

Mr. Knox introduced

House Bill No. 202,

A bill for an act to amend section 2693 of the revised codes of 1905, relating to qualifications of city officers.

Which was read the first and second times and

Referred to the committee on municipal corporations.

Mr. Wolbert introduced

House Bill No. 203,

A concurrent resolution amending the constitution of the state of North Dakota, establishing and locating a state normal school in the city of Bismarck, county of Burleigh.

Which was read the first and second times and

Referred to the committee on education.

[Mr. Nyhus introduced

House Bill No. 204,

A bill for an act prohibiting the locking or obstructing of railroad crossings on rural highways or on village or city streets by railroad companies or their employes, by allowing cars, engines, or train of cars to stand on such crossings for a longer period than five minutes at any one time, and providing penalties for violations of this act.

Which was read the first and second times and

Referred to the committee on railroads.

Mr. Ployhar introduced

House Bill No. 205,

A bill for an act providing for the revision and compilation of the school laws of the state of North Dakota, and appropriate money therefor.

Which was read the first and second times and

Referred to the committee on education.

Mr. Skulason introduced

House Bill No. 206,

A bill for an act to provide for the better protection of life and property by establishing the office of chief state examiner of engineers; to provide for the examination and licensing of engineers of steam engines; to prescribe the fees for licenses, and to prescribe penalties for the violation of this act.

Which was read the first and second times and

Referred to the committee on State Affairs.

Mr. Skulason introduced

House Bill No. 207,

A bill for an act to regulate the employment of child labor and to prescribe penalties for violations of this act.

Which was read the first and second times and

Referred to the committee on labor

Mr. Bjorndahl introduced

House Bill No. 208,

A bill for an act to prohibit certain classes of medical advertising, and provide punishment for the violation thereof.

Which was read the first and second times and

Referred to the committee on public health.

Mr. Moen of Benson introduced

House Bill No. 209,

A bill for an act to amend sections 525 and 527 of the revised codes of 1905, relating to the summoning of jurors.

Which was read the first and second times and

Referred to the committee on judiciary.

Mr. Duncan (by request) introduced

House Bill No. 210,

A bill for an act to amend section 8577 of the revised codes of the state of North Dakota for the year 1905, relating to punishment for Sabbath breaking.

Which was read the first and second times and

Referred to the committee on state affairs.

Mr. Schull introduced

House Bill No. 211,

A bill for an act relating to the issuance of stock by corporations.

Which was read the first and second times and

Referred to the committee on corporations other than municipal.

Mr. Evans introduced

House Bill No. 212,

A bill for an act to prohibit the burning of old railroad ties upon the right of way of any railroad company owning or operating a railroad in this state, and providing a penalty for the violation thereof.

Which was read the first and second times and

Referred to the committee on railroads.

Mr. Johnson of Rolette introduced

House Bill No. 213,

A bill for an act creating, establishing and locating a fish hatchery and fish cultural station at Fish lake, Birchwood park, in Rolette county, North Dakota, and providing for its management, and making an appropriation therefor.

Which was read the first and second times and
Referred to the committee on fish and game

Mr. Chatfield introduced

House Bill No. 214,

A bill for an act to amend section 482 of chapter 7 of the revised codes for the year 1905, providing that in courts of record the stenographer's minutes shall be in all cases transcribed and filed with the clerk of such court.

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

Mr. Traynor introduced

House Bill No. 215,

A bill for an act to establish and permanently fix the state fair at Devils Lake, in Ramsey county, North Dakota, making appropriation therefor, and to repeal sections 1306 and 1307 of the revised codes of the state of North Dakota for the year 1905.

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

Mr. Garden introduced

House Bill No. 216,

A bill for an act for the inspection of fermented and spirituous liquors, malt liquors, wines, ciders and all beverages manufactured, sold or offered for sale as a substitute for intoxicating liquors, and providing for the appointment of a state inspector and deputies, prescribing their duties, designating their fees, and prescribing rules and regulations for such inspection, providing for the payment and disposition of such fees, providing penalties for the violation of the provisions of this act, designating ports of entry where liquor shipped into this state shall be inspected.

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

Mr. Chatfield introduced

House Bill No. 217,

A bill for an act to amend section 2432 of the revised codes of 1905, of chapter 28 of the political code of the state of North Dakota, providing for the publishing of all records and proceedings of the board of county commissioners.

Which was read the first and second times and

Referred to the committee on state affairs

Mr. Aasheim introduced

House Bill No. 218,

A bill for an act to amend section 1513 of the revised codes of 1905, relating to assessment books and blanks, real property subject to assessment, and meeting of assessors.

Which was read the first and second times and

Referred to the committee on taxation and tax laws..

Mr. Traynor introduced

House Bill No. 219,

A bill for an act to amend article 4 of chapter 32 of the political code of North Dakota, as found in the revised codes of North Dakota for 1905, relating to changing limits of cities, towns and villages, and to repeal sections 2948 and 2949 of the revised codes for 1905.

Which was read the first and second times and

Referred to committee on judiciary.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
February 4, 1909.

Mr. Speaker:

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

Whereas, a certain portion of the Fort Berthold Reservation lying on the south side of the Missouri river in Section four (4), Township one hundred forty-eight (148), North, Range eighty-eight (88), West, is uniquely marked as the site of the last two and distinctively typical villages

occupied by the A-rik-a-ra Indians before the said A-rik-a-ras joined the Mandan and Hi-dat-sa tribes, and

Whereas; many of these resident A-rik-a-ra Indians who are living recall the history of their villages and tribal customs and have expressed a desire to see said village sites and accompanying burial grounds preserved from the certain destruction which follows the white man's cultivation of the soil, and

Whereas, the State Historical Society of North Dakota and the National Smithsonian Institution are deeply interested in the perpetuation of these most interesting monuments, of a markedly intelligent but dying race; therefore, be it

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

That the President of the United States is hereby petitioned to have such portions of the Fort Berthold Reservation as have herein been described, set aside as a National Reserve and given such national protection as will permit these aboriginal village sites to long remain objects of romantic interest and value; and

That a copy of this resolution be transmitted by the Secretary of the Senate to Theodore Roosevelt, President of the United States, and a copy to each of our Representatives in the National Congress.

Which the senate has adopted and your favorable consideration is respectfully requested.

Mr. Traynor moved

That the house do now concur in the senate concurrent resolution relating to Indian villages.

Which motion prevailed.

Also,

Mr. Speaker:

I have the honor to inform you that the senate will be pleased to meet with the house in joint session on Friday, February 5, at 3 o'clock to hear addresses by Drs. Grassick and Ruediger on the subject of tuberculosis.

Very respectfully,
J. W. FOLEY,
Secretary.

Mr. Sheils moved

That the house would be pleased to receive the senate in joint session in the house chamber on February 5th at 3 o'clock p. m. to hear addresses by Drs. Grassick and Ruediger on the subject of tuberculosis.

Which motion prevailed.

THIRD READING OF HOUSE BILLS.

House Bill No. 46,

A bill for an act in relation to the execution and acknowledgment by a member of a partnership of instruments affecting liens upon real estate.

Was read the third time

The question being on the final passage of the bill.

The roll was called and there were ayes 75, nays 13, absent and not voting 7.

Those who voted in the affirmative were:

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|----------------------|---------------------|
| Akesson | Homnes | Plath |
| Anderson | Honey | Ployhar |
| Atwood | Hughes | Poe |
| Baker of Stark | Johnson of Bottineau | Pound |
| Brynjulson | Johnson of McLean | Putnam |
| Burnett | Johnson of Rolette | Senour |
| Chatfield | Kinney of McLean | Sgutt |
| Collins of Cass | Kinney of Richland | Sheils |
| Collins of Gd. Forks | Kneeland | Sinclair |
| Crawford | Knox | Skinner |
| Cunningham | Law | Skulason |
| Davidson | Laithwaite | Sorlie |
| Doyle of Foster | Lindvig | Steen |
| Duncan | Lucke | Storey |
| Fraine | McCrea | Streeter |
| Freeman | Moen of Benson | Thompson, Gd. Forks |
| Ganssle | Narum | Thompson of McLean |
| Garden | Nelson of McHenry | Thoreson |
| Geidt | Nelson of Steele | Traynor |
| Gibbens | Nelson of Walsh | Ward |
| Goldammer | Nyhus | Welford |
| Grant | Olson | White |
| Hale | Paulson | Wisner |
| Hendrickson | Peart | Wolbert |
| Hill | Pendray | Young |

Those who voted in the negative were:

| Messrs.— | Messrs.— | Messrs.— |
|-------------------|----------|------------------|
| Aasheim | Hanley | Moen of Cavalier |
| Bjorndahl | Linde | Price |
| Burns | Martin | Schull |
| Christenson | McLear | Mr. Speaker |
| Doyle of McIntosh | | |

Absent and not voting:

| Messrs.— | Messrs.— | Messrs.— |
|---------------|------------|----------|
| Baker of Cass | Evans | Jewett |
| Brusletten | Hemmingson | Kremer |
| Dibley | | |

Messrs. Baker of Cass, Brusletten, Dibley, Hemmingson and Jewett being excused.

Mr. Hanley moved

That the title of the bill be amended as follows:

After the word "estate" add the words "and validating the execution and acknowledgment of such instruments heretofore made."

Which motion prevailed, and

The amendment was adopted.

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

House Bill No. 96,

A bill for an act authorizing the state engineer, on the approval of the governor, to receive and receipt to the secretary of state for all the field notes, maps, records and other papers appertaining to land titles within the state of North Dakota, and for such other property and records as the government may direct to be turned over to the state when all of the public surveys in the state of North Dakota shall have been completed.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 84, nays 0, absent and not voting 11.

Those who voted in the affirmative were:

| | | |
|----------------------|----------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Hendrickson | Paulson |
| Akesson | Hill | Peart |
| Anderson | Homnes | Pendray |
| Atwood | Honey | Plath |
| Baker of Stark | Hughes | Poe |
| Brynjulson | Johnson of Bottineau | Pound |
| Burnett | Johnson of McLean | Putnam |
| Burns | Johnson of Rolette | Schull |
| Chatfield | Kinney of McLean | Sgutt |
| Christenson | Kinney of Richland | Sheils |
| Collins of Gd. Forks | Kneeland | Sinclair |
| Crawford | Knox | Skinner |
| Cunningham | Law | Skulason |
| Davidson | Laithwaite | Sorlie |
| Doyle of Foster | Linde | Steen |
| Doyle of McIntosh | Lindvig | Storey |
| Duncan | Lucke | Streeter |
| Evans | Martin | Thompson, Gd. Forks |
| Fraine | McCrea | Thompson of McLean |
| Freeman | McLear | Thoreson |
| Ganssle | Moen of Benson | Traynor |
| Garden | Moen of Cavalier | Ward |
| Geidt | Narum | Welford |
| Gibbens | Nelson of McHenry | White |
| Goldammer | Nelson of Steele | Wisner |

| | | |
|----------|-----------------|-------------|
| Messrs.— | Messrs.— | Messrs.— |
| Grant | Nelson of Walsh | Wolbert |
| Hale | Nyhus | Young |
| Hanley | Olson | Mr. Speaker |

Absent and not voting:

| | | |
|-----------------|------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Baker of Cass | Dibley | Ployhar |
| Bjorndahl | Hemmingson | Price |
| Brusletten | Jewett | Senour |
| Collins of Cass | Kremer | |

Messrs. Baker of Cass, Brusletten, Dibley, Hemmingson and Jewett being excused.

Mr. Thompson of McLean moved

That the vote by which House Bill No. 96 passed the re-considered, and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 116,

A bill for an act to amend section 473 of the revised codes of North Dakota of 1905, relating to the boundaries and terms of court in the fifth judicial district.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 83, nays 1, absent and not voting 11.

Those who voted in the affirmative were:

| | | |
|----------------------|----------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Homnes | Pearl |
| Akesson | Honey | Pendray |
| Anderson | Hughes | Plath |
| Atwood | Johnson of Bottineau | Poe |
| Baker of Stark | Johnson of McLean | Pound |
| Bjorndahl | Johnson of Rolette | Price |
| Brynjulson | Kinney of McLean | Putnam |
| Burnett | Kinney of Richland | Schull |
| Burns | Kneeland | Senour |
| Chatfield | Knox | Sgutt |
| Christenson | Law | Shells |
| Collins of Cass | Laithwaite | Sinclair |
| Collins of Gd. Forks | Linde | Skinner |
| Crawford | Lindvig | Skulason |
| Cunningham | Lucke | Sorlie |
| Davidson | Martin | Steen |
| Doyle of Foster | McCrea | Storey |
| Duncan | McLear | Thompson, Gd. Forks |
| Fraine | Moen of Benson | Thompson of McLean |
| Freeman | Moen of Cavalier | Traynor |
| Ganssle | Narum | Ward |
| Gibbens | Nelson of McHenry | Welford |
| Goldammer | Nelson of Steele | White |

| | | |
|-------------|-----------------|-------------|
| Messrs.— | Messrs.— | Messrs.— |
| Grant | Nelson of Walsh | Wisner |
| Hale | Nyhus | Wolbert |
| Hanley | Olson | Young |
| Hendrickson | Paulson | Mr. Speaker |
| Hill | | |

Absent and not voting:

| | | |
|-------------------|------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Baker of Cass | Evans | Kremer |
| Brusletten | Garden | Ployhar |
| Dibley | Hemmingson | Streeter |
| Doyle of McIntosh | Jewett | Thoreson |

Mr. Giedt voted in the negative.

Messrs. Baker of Cass, Brusletten, Dibley, Hemmingson and Jewett being excused.

Mr. Kneeland moved

That the vote by which House Bill No. 116 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

Mr. Gibbens moved

That the house resolve itself into a committee of the whole for the consideration of general orders

Which motion prevailed and,

The house resolved itself into a committee of the whole.

The speaker called Mr. Gibbens to the chair.

When the committee arose it submitted the following report.

Mr. Speaker:

The committee of the whole have had under consideration

House Bill No. 53,

A bill for an act requiring operators of steam threshing rigs to give bond or carry insurance to cover damage caused by fires originating from steam threshing engines.

And recommend that the further consideration of the bill be indefinitely postponed.

Also,

House Bill No. 18,

A bill for an act entitled an act to amend section 155 of chapter 4 of the political code of the state of North Dakota,

and all acts or parts of acts amendatory thereof, providing for the investment of moneys belonging to the permanent funds of the common schools, university, school of mines, reform school, agricultural college, school for the deaf and dumb, normal schools and all other permanent funds derived from the sale of public lands or any other source belonging to the school divisions of the state.

And recommend that the same be amended as follows:

SECTION 1. *Amendment.*) Section 155 of the political code of the state of North Dakota is hereby amended to read as follows:

SECTION 155. *Board Invests Funds. Compensation of Board. Conditions of Loans.*) Said board shall have power, and it is made its duty from time to time to invest any money belonging the permanent funds of the common schools, university, school of mines, reform school, agricultural college, and the school for the deaf and the dumb, normal schools and all other permanent funds derived from the sale of public lands or from any other source, in bonds of school corporations or of counties, or of townships, or of municipalities within the state, bonds issued for the construction of drains under authority of law within the state, bonds of the United States, bonds of the State of North Dakota, bonds of other states, provided, such states have never repudiated any of their indebtedness, or in first mortgages on farm lands in this state, not exceeding in amount one-third of the actual value of any sub-division of which the same may be loaned, such value to be determined by the board of appraisal of school lands, provided, that at least one-third of the whole amount of the several permanent funds aforesaid, as computed by the commissioner of university and school lands at the end of the fiscal year, shall be set apart for an investment in first mortgages on farm lands in this state, and provided further, that for said services as such board of appraisal, the county auditor and county superintendent of schools shall receive only their necessary traveling expenses, but that the chairman of the board of county commissioners shall be entitled to the same mileage and per diem as when serving on the board of county commissioners. The first mortgages on farm lands in this state shall be made only in the following manner, to-wit:

1. The first mortgages on farm lands, and each of them, shall run for a period of time not to exceed twelve years, and the funds so invested shall bear interest at the rate of five per cent per annum, payable annually to the county treasurer of the county in which said lands lie, as provided in section 192 of the revised codes of 1905. For the first five years payments shall consist only of interest paid annually, and commencing with the sixth year, the interest shall be paid annually, as above stated, and the borrower shall have his option of paying ten per cent or any multiple thereof of the principal at any interest bearing date, and the interest when paid shall be covered into and become a part of the interest and income fund.

2. First mortgage loans shall only be made upon cultivated lands within the state and to persons who are actual residents thereof, and in no case on lands of which the appraised value is less than seven dollars and fifty cents per acre, and in sums of not more than five thousand dollars, to any person, firm or corporation.

3. Any or all of said mortgages may be satisfied at any time after three years from the date when made on payment of the whole amount due thereon; provided, if the loan is sought to be paid off in full previous to the time specified for payment in the contract, then the party so paying said loan shall pay in addition to the interest then due on such loan the interest on the principal for six months in advance of the date of such payment. All proceedings in regard to investments in first mortgages, as provided in this chapter shall conform to and be governed by the laws of the state

of North Dakota in such case made and provided. Said board of university and school lands shall not purchase or approve the purchase of any bonds or mortgages except at a legal session thereof, nor unless every member of the board is notified by the secretary of said board in time to be present at such meeting, and notified also that the question of purchasing or acting on a proposition for the purchase of certain bonds or mortgages is to be considered at the meeting nor unless a majority of all the members vote in favor of such purchase, and the vote on the purchase of every bond and mortgage shall be taken by the ayes and nays and shall be duly recorded in the books of the board.

SEC. 2. *Satisfaction of Mortgage Loans on Real Estate.*) The governor and superintendent of public instruction are respectively the chairman and secretary of the board of university and school lands, are hereby empowered and required to jointly satisfy real estate mortgages given to the board of university and school lands, whenever the loans secured by such mortgages shall have been fully paid, as attested by the records in the office of the state treasurer.

SEC. 3. *Repeal.*) Chapters 224 and 228 of the laws of 1907, and all acts and parts of acts in conflict with this act are hereby repealed.

SEC. 4. *Emergency.*) Whereas, an emergency exists, in that there is no law governing the provisions of this act, therefore, this act shall take effect and be in force from and after its passage and approval.

And when so amended recommend the same do pass.

Also,

House Bill No. 20,

A bill for an act to amend section 1571 of the revised codes of 1905 providing when real estate taxes shall become due and delinquent, and for penalty and interest in the event of delinquency thereof.

And recommend that the same be indefinitely postponed.

A. S. GIBBENS,
Chairman.

Mr. Anderson moved that the report of the committee of the whole be adopted.

Which motion prevailed, and

The report of the committee was adopted.

COURTESIES OF THE FLOOR.

The privileges of the floor were extended to G. H. Burnham and wife and Geo. W. Burnham, Carrington; John A. Dunn, Park River; H. O. Stonlie, Langdon; Ed. Erickson, Marrius Erickson, W. B. Rustan, Fargo; R. McBride, A. Robbie, Cavalier; Forger Sinnis, M. A. Lisles, Benson county; Dean A. A. Bruce, Grand Forks; Geo. H. Brower, Wells county; C. A. Arness, Ward county; Harvey Coxwall,

Jamestown; M. W. Spaulding, Grand Forks; H. J. Davis, Mandan; Ray Wickham, Glen Ullin; John Christianson, New Salem.

Mr. Senour moved

That the house take a recess until 10 o'clock tomorrow.

Which motion prevailed, and

The house took a recess until 10 o'clock tomorrow.

W. D. AUSTIN,
Chief Clerk.

THIRTY-FIRST DAY AFTER RECESS
AND
THIRTY-SECOND DAY

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 5, 1909.

The house assembled at 10 o'clock a. m., pursuant to recess taken.

GENERAL ORDERS.

Mr. Chatfield moved

That the house resolve itself into a committee of the whole for the consideration of general orders.

Which motion prevailed, and

The house resolved itself into a committee of the whole.

The speaker called Mr. McCrea to the chair.

When the committee arose it submitted the following report:

Mr. Speaker:

The committee of the whole have had under consideration

House Bill No. 80,

A concurrent resolution for an amendment to the constitution providing for the initiative and referendum.

And recommend that the further consideration of the bill be indefinitely postponed.

GEO. A. McCREA,
Chairman.

Mr. Thoreson moved

That the report of the committee of the whole be adopted.
Roll call demanded.

The roll was called and there were ayes 45, nays 40, absent and not voting 10.

Those who voted in the affirmative were:

| | | |
|----------------------|--------------------|--------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Hanley | Pendray |
| Akesson | Hughes | Plath |
| Baker of Stark | Johnson of McLean | Ployhar |
| Bjorndahl | Johnson of Rolette | Pound |
| Brynjulson | Kinney of Richland | Price |
| Burns | Kneeland | Schull |
| Christenson | Kremer | Senour |
| Collins of Cass | Law | Sgutt |
| Collins of Gd. Forks | Linde | Sinclair |
| Davidson | Lindvig | Skinner |
| Doyle of McIntosh | Martin | Thompson of McLean |
| Fraine | McCrea | Thoreson |
| Ganssle | McLear | White |
| Goldammer | Olson | Wolbert |
| Hale | Peart | Young |

Those who voted in the negative were:

| | | |
|-----------------|----------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Anderson | Homes | Paulson |
| Atwood | Honey | Poe |
| Burnett | Johnson of Bottineau | Putnam |
| Chatfield | Kinney of McLean | Sheils |
| Crawford | Knox | Skulason |
| Cunningham | Laithwaite | Sorlie |
| Doyle of Foster | Lucke | Storey |
| Duncan | Moen of Benson | Thompson, Gd. Forks |
| Freeman | Moen of Cavalier | Traynor |
| Garden | Narum | Ward |
| Gibbens | Nelson of McHenry | Welford |
| Grant | Nelson of Steele | Wisner |
| Hendrickson | Nelson of Walsh | Mr. Speaker |
| Hill | | |

Absent and not voting:

| | | |
|---------------|------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Baker of Cass | Geidt | Nyhus |
| Brusletten | Hemmingson | Steen |
| Dibley | Jewett | Streeter |
| Evans | | |

Messrs. Baker of Cass, Brusletten, Dibley, Evans, Giedt, Hemmingson, Jewett, Nyhus and Steen being excused.

So the motion prevailed.

Mr. Honey moved

That the house do now adjourn.

Which motion prevailed, and

The house adjourned.

W. D. AUSTIN,
Chief Clerk.

THIRTY-SECOND DAY

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 5, 1909.

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

The speaker presiding.

Prayer by the chaplain.

Roll call.

All members present except Messrs. Brusletten, Giedt, Hemmingson and Streeter, who were excused.

REFERENCE OF THE JOURNAL.

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

Mr. Speaker:

Your committee on revision and correction of the journal have carefully examined the journal of the thirty-first day and find the same correct.

And recommend that the same be approved.

S. J. DOYLE,
Chairman.

Mr. Doyle 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. Speaker:

Your committee on engrossment have examined:
House Bill No. 18,

A bill for an act entitled an act to amend section 155 of chapter 4 of the political code of the state of North Dakota, and all acts or parts of acts amendatory thereof, providing for the investment of moneys belonging to the permanent funds of the common schools, university, school of mines, reform school, agricultural college, school for the deaf and dumb, normal schools and all other permanent funds derived from the sale of public lands or any other source belonging to the school divisions of the state.

And find the same correctly engrossed.

C. C. CRAWFORD,
Chairman.

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

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
February 5, 1909.

Mr. Speaker:

I have the honor to transmit herewith
Senate Bill No. 13,

A bill for an act making it unlawful for corporations having banking powers to invest more than thirty per cent of its capital stock in banking house, furniture and fixtures.

Also,

Senate Bill No. 40,

A joint resolution for the making of inquiry relating to the carrying charges upon grain in bulk from points in the state of North Dakota to terminal markets in Minnesota and Wisconsin, and for the bringing about of such reforms or reductions in such carrying charges as the circumstances shall warrant.

Also,

Senate Bill No. 59,

A bill for an act authorizing and regulating the incorporation, organization and operation of co-operative associations, and providing for the regulation and control of the same.

Also,

Senate Bill No. 106,

A bill for an act to amend section 1889 of the revised codes of 1905 of the state of North Dakota, relating to commissioners of insanity.

Also,

Senate Bill No. 109,

A bill for an act providing for the removal of cars from spurs and sidetracks of railroads that have been loaded for shipment for billing by the same common carriers, and providing penalties for failure to do same.

Also,

Senate Bill No. 110,

A bill for an act to amend section 7508 of the revised codes of the state of North Dakota for the year 1905, relating to places of sale upon foreclosure of personal property.

Also,

Senate Bill No. 112,

A bill for a concurrent resolution amending the constitution of the state of North Dakota.

Also,

Senate Bill No. 116,

A bill for an act to amend and re-enact section 830 of the revised codes of 1905, relating to school house sites, how they may be obtained and the maximum area therefor.

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

Also,

Mr. Speaker:

I have the honor to return herewith
House Bill No. 25,

A bill for an act to amend sections 2439 of the 1907 session laws relating to sinking funds and the duty of county commissioners pertaining thereto.

Which the senate has amended as follows:

That in line 12 of the printed bill the word "or" be stricken out and the word "nor" substituted therefor.

That in line 4 the words "five hundred dollars" be stricken out and the words "one thousand dollars" be substituted therefor.

And passed as amended.

Very respectfully,
J. W. FOLEY,
Secretary.

Mr. McCrea moved

That the house do now concur in the senate amendment to House Bill No. 25.

Which motion prevailed.

Mr. McCrea moved

That the rules be suspended and House Bill No. 25 be placed upon its third reading and final passage as amended by the senate.

Which motion prevailed

House Bill No. 25,

A bill for an act to amend section 2439 of the 1907 session laws relating to sinking funds and the duty of county commissioners pertaining thereto.

Was read the third time.

The question being on the final passage of the bill as amended by the senate.

The roll was called and there were ayes 91, nays 0, absent and not voting 4.

Those who voted in the affirmative were:

Messrs.—

Aasheim
Akesson
Anderson
Atwood
Baker of Cass
Baker of Stark

Messrs.—

Hendrickson
Hill
Homness
Honey
Hughes
Jewett

Messrs.—

Paulson
Peart
Pendray
Plath
Ployhar
Poe

| | | |
|----------------------|----------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Bjorndahl | Johnson of Bottineau | Pound |
| Brynjulson | Johnson of McLean | Price |
| Burnett | Johnson of Rolette | Putnam |
| Burns | Kinney of McLean | Schull |
| Chatfield | Kinney of Richland | Senour |
| Christenson | Kneeland | Sgutt |
| Collins of Cass | Knox | Sheils |
| Collins of Gd. Forks | Kremer | Sinclair |
| Crawford | Law | Skinner |
| Cunningham | Laithwaite | Skulason |
| Davidson | Linde | Sorlie |
| Dibley | Lindvig | Steen |
| Doyle of Foster | Lucke | Storey |
| Doyle of McIntosh | Martin | Thompson, Gd. Forks |
| Duncan | McCrea | Thompson of McLean |
| Evans | McLear | Thoreson |
| Fraine | Moen of Benson | Traynor |
| Freeman | Moen of Cavalier | Ward |
| Ganssle | Narum | Welford |
| Garden | Nelson of McHenry | White |
| Gibbens | Nelson of Steele | Wisner |
| Goldammer | Nelson of Walsh | Wolbert |
| Grant | Nyhus | Young |
| Hale | Olson | Mr. Speaker |
| Hanley | | |

Absent and not voting:

| | | |
|------------|------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Brusletten | Hemmingson | Streeter |
| Geidt | | |

Messrs. Brusletten, Giedt, Hemmingson and Streeter being excused.

So the bill passed and the title was agreed to.

Mr. McCrea moved

That the vote by which House Bill No. 25 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed

PRESENTATION OF PETITIONS AND COMMUNICATIONS.

The following communication was received:

To the House of Representatives of the State of North Dakota, Bismarck, N. D.

I beg to submit herewith copy of resolution adopted at a recent meeting of the Board of University and School Lands, together with copies of the communication therein referred to. This is submitted at the request of the board for such consideration as the legislative assembly may deem proper.

Respectfully,

O. I. HEGGE,
Commissioner.

RESOLUTION.

Adopted by the Board of University and School Lands at a meeting held in the office of Land Commissioner on February 3, 1909:

Whereas, communications having been received by this board of university and school lands wherein it appears that school lands in the counties of Richland and Steele have been drained by artificial drains built by farmers in said counties, and

Whereas, it appears from said communications that the said school lands are greatly benefited thereby and their value increased by reason of said drains, and

Whereas, there is no authority for taxing said school lands for the purpose of paying a proportionate part of the cost of building said drains, and

Whereas, this board is powerless to assist in any way in paying any proportionate share of the cost of said drains; therefore, be it

Resolved, That said communications, together with this resolution, be transmitted to the eleventh legislative assembly now in session, for its consideration.

(A true copy:)

W. L. STOCKWELL,
Secretary.

To the Board of University and School Lands:

Gentlemen: Whereas, there is a body of low lands extending from the western shore of Lake Traverse in the state of South Dakota, extending in a northwesterly direction across the northeast part of the said state, and extending up into the state of North Dakota, to-wit: into Elma township, which is Township One hundred Twenty-nine (129) North, of Range Fifty (50) West of the Fifth (5th) Principal Meridian; and

Whereas, the landowners of said lands situated in the state of South Dakota have caused to be made a ditch or drain to carry off the water from said low lands, adding very much to the usefulness and value of said lands; and

Whereas, your undersigned petitioners seeing the advantages to be gained thereby, have caused to be made a ditch or drain connecting with the drain made by the landowners in the state of South Dakota, and in the making thereof have been compelled, in order to carry off the water from said low lands, to make a drain across the following described land, which we are informed is under the control of your honorable board, to-wit: the Southwest quarter of the Northeast quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$), and the Southeast quarter of the Northwest quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$), in Section Twenty-five (25), Township One Hundred Twenty-nine (129), North, of Range Fifty (50) West of the Fifth Principal Meridian, in the county of Richland and state of North Dakota; and

Whereas, in the making of said ditch across said school land, your petitioners have expended about the sum of One Hundred Twenty-five (\$125) Dollars; and

Whereas, this ditch or drain starts on the Southwest quarter of Section Thirteen (13), in said Elma Township, and extends in a southerly direction across Sections 24 and 25 in said Township of Elma;

Now, then, your petitioners, the undersigned, respectfully petition your honorable board, that you send at once some competent person to view said ditch or drain which passes through said school land, and if in the opinion of said person sent to view said drain, said lands have been benefited by reason of said drain being made, that your said board will make an appropriation to reimburse your petitioners for the money expended by them in the making of said drain across said school land.

Dated at Hankinson, North Dakota, October 13, 1908.

(Names of land owners who own land along the line of said drain in North Dakota.)

E. HUNGER,
JOHN R. JONES,
PETER HENTZ,
GEO. KRETSCHMAN,
EBBO UPKES.

Colgate, N. D., Jan. 27, 1909.

The Hon. Steene Nelson, House of Representatives, Bismarck, N. Dak.:

Dear Sir: As you are perhaps aware that the Drain Commissioners of Steele county have already let the construction of Fuller Drain No. 1, and have made a contract therefor with "John Kohler" of Frazee, Minn., who is under bond for the sum of \$7,000 for the faithful construction of the same, and as this drain runs through and reclaims a part of Sections 16 and 36, Colegate township, and also a part of Section 36, Hugo township, which are State School lands, and as you are aware, no doubt, that there are no provisions made in our statutes enabling the Board of Drain Commissioners to assess and collect taxes for benefits to public lands, and as it look like an unfair proposition to require the individual farmer who has to pay a heavy assessment on his own land in order to reclaim it, to also pay for the reclamation of the public land in order to reclaim his own, and especially so as the public land will be enhanced in value by such reclamation more than four times the cost of such reclamation. Now the assessments are light, as you will see by the following figures (approximate), I have not the exact figures before me, but it is, I think, about \$185 and including the State School land, Sections 16 and 36, Colgate township, and Section 36, Hugo township. The state engineer (Mr. T. R. Atkinson), I think can give you the exact figures from his files (but if necessary will make a trip to the county seat for exact figures.) We will need the full amount of our assessment to complete construction and hope that there may be some provision made whereby the public should bear their honest share of the burdens of such improvements.

Very respectfully and sincerely yours,

R. A. POPE.

To the Legislature of North Dakota:

We, the undersigned hardware dealers, in attendance at the State Hardware Dealers' Convention, respectfully petition your honored body to pass an act to create a board of immigration, or board of immigration, agriculture and labor, to be composed of five members, the governor, auditor of state and secretary of state to be ex-officio members, who shall select the other two members, the term of office of said appointed members to be for two years, or until their successors are appointed; each member of the board to be a citizen of this state, the governor to be ex-officio chairman of said board and the members of the board should serve without any salary or compensation whatsoever. They could appoint the present commissioner of agriculture to act as executive agent or any other good person who should carry on the work of advertising the state's

advantages by all forms of legitimate advertising and exhibits of the state's products, and by the distribution of statistics showing the state's resources and advantages as a place of residence, to facilitate the immigration of good settlers into the state.

We also recommend an appropriation of at least fifty thousand (\$50,000) dollars to carry on this work, as the settlement of the unoccupied land of the state is the most important problem that confronts us today.

GEO. A. STATE,
And 26 Others.

To the Members of the Senate and House of Representatives, Now Assembled at Bismarck, the State Capital, North Dakota:

GENTLEMEN: We, the undersigned, being members in good standing in Camp No. 2878 of the Modern Woodmen of America, where so indicated after our names, and having our particular location at the city of Willow City, Bottineau county, N. D., together with our friends and sympathizers do hereby respectfully show and represent to each of your honorable bodies:

First. That the Modern Woodmen of America is a fraternal and beneficiary society, having its chief office and place of business at the city of Rock Island in the state of Illinois, and that it is incorporated under the laws of said state.

Second. That the benefices paid by said society are collected and paid by a system of assessments levied upon all members of said society in good standing at the time of making said assessments.

Third. That during the life of said society and up to the present time the assessments so levied have been sufficient to pay all losses accruing under its particular laws and charter.

Fourth. That at no time since its organization has the Modern Woodmen defaulted in any just claim made upon it, and that further, its affairs are now in a healthy condition, and it invites the closest inspection of its methods and financial standing.

Fifth. That the Modern Woodmen of America is not now, nor ever has been, a member of the National Fra-

ternal Congress and the Associated Fraternities, so called, nor is it a party to or in any way connected with a certain so called "Uniform Bill," which has been introduced into the different legislatures of the several states that are now in session, and which your petitioners believe will be introduced into the legislative assembly now in session at the city of Bismarck.

Sixth . We do hereby earnestly protest against the passage of any such bill should the same come before your honorable body, for the reasons that the Modern Woodmen is solely a fraternal and beneficiary society and not organized for gain or profit; that its members are, as a rule, men of limited means and dependent upon their earnings for the support of their several families; that they do not believe the so called "Uniform Bill" to be an honest one, and that the legislature ought not to countenance any such measure, especially as any such action would make rates compulsory and not at all at the discretion of the members of such society, no matter how its affairs financial or otherwise may be.

In other words, gentlemen, the Modern Woodmen of America asks of your hands the right to regulate its affairs among its members as sound business principles and the state of the society may dictate from time to time. Where in the past it has been desirable or necessary to increase the assessments to meet losses, this has been done, and the membership has cheerfully responded, forecasting, therefore, the future by the past, we still believe we will be able to meet all exigencies as they arise.

Therefore, we respectfully ask that should such a measure as the above be introduced into your honorable body, you will earnestly endeavor to accomplish its defeat, as we believe such a measure is not for the good of the greatest number, but simply and solely in the interests of corporations, who in the past have demonstrated their unfitness to carefully handle and conserve the interests of all the people.

And as in duty bound, your petitioners will ever pray,
etc.

EDWARD H. RICHARDS,
And 69 Others.

REPORTS OF STANDING COMMITTEES.

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

Your committee on judiciary to whom was referred
House Bill No. 92,

A bill for an act defining the method of taxation of grain
elevators and warehouses and grain therein.

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

B. G. SKULASON,
Chairman.

Mr. Skulason moved
That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely
postponed.

Also,

Your committee on judiciary to whom was referred
House Bill No. 100,

For an act to amend section 8403 of the 1905 revised
codes of North Dakota relating to service of garnish sum-
mons.

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

On page 1, line 3 of the printed bill, insert the word
"garnishment" in place of the word "garnishee."

On page 1, line 7, insert the word "garnishment" in
place of the word "garnishee."

Page 1, line 12, insert the word "garnishment" in place
of the word "garnishee."

On page 2, line 14, insert the word "garnishment" in
place of the word "garnishee."

On page 1, line 12, after the word "summons" insert
the words "or affidavit"; on same line after the word "de-
fendant" insert the words "or his attorney."

On page 2, line 18, by striking out the word "to" and in-
serting the word "or."

And when so amended recommend the same do pass.

B. G. SKULASON,
Chairman.

Also,

Your committee on judiciary to whom was referred
House Bill No. 121,

An act to amend section 6237 of the revised codes of 1905,
relating to the filing of mechanics' liens, the giving of notice
of furnishing materials to contractors and subcontractors.

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

B. G. SKULASON,
Chairman.

Mr. Skulason moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely
postponed.

Also,

Your committee on judiciary to whom was referred
House Bill No. 124,

An act to amend section 6246 of the revised codes of
North Dakota, relating to requiring a mechanic lien holder
to bring suit thereon or lose his lien.

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

B. G. SKULASON,
Chairman.

Mr. Skulason moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely
postponed.

Also,

Your committee on judiciary to whom was referred
House Bill No. 133,

A bill for an act prescribing the powers, duties and liabilities
of constables.

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

B. G. SKULASON,
Chairman.

Mr. Skulason moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

REPORT OF SPECIAL COMMITTEE.

Mr. Speaker:

Your committee appointed to visit the charitable institutions of the state begs leave to submit the following report:

Your committee has visited the institution for the feeble minded, located in the city of Grafton, and also the deaf and dumb asylums, located in the city of Devils Lake; also the state hospital for the insane, located in the city of Jamestown, and your committee has made as thorough and comprehensive an investigation of said institutions as possible to be made in one day's visit.

Your committee further found said institutions to be well conducted, in a high state of efficiency and under excellent management.

Your committee further found said institutions to be overcrowded with insufficient room to accommodate all patients who should properly be committed to the same, and it therefore recommends that an appropriation be allowed for additional buildings at each of said institutions.

Your committee makes no recommendations as to the amount of the appropriations at this time, but will make a further, fuller and more detailed report to your committee on appropriations.

THEODORE KOFFEL,

E. F. GILBERT,

F. G. KNEELAND,

GEO. W. KINNEY,

G. H. LAITHWAITE,

Committee.

Mr. White moved

That the vote by which House Bill No. 80 was indefinitely postponed be reconsidered.

Mr. Schull moved

As a substitute that the motion to reconsider be laid upon the table.

Which substitute motion was lost.

The question being upon the original motion.

The same prevailed.

Mr. White moved

That House Bill No. 80 be referred to general orders.

Which motion prevailed

GENERAL ORDERS.

Mr. White moved

That the house resolve itself into a committee of the whole for the consideration of general orders.

Which motion prevailed, and

The house resolved itself into a committee of the whole.

The speaker called Mr. Putnam to the chair.

When the committee arose it submitted the following report:

Mr. Speaker:

The committee of the whole have had under consideration

House Bill No. 80,

A concurrent resolution for an amendment to the constitution providing for the initiative and referendum.

And recommend that the same be amended as follows:

Strike out the committee amendment after the word "state" in line 22, and insert the following: "Provided, that at least fifteen per cent of all the voters of the state shall be required on such petition."

Strike out the committee amendment after the word "state" in line 59, and insert after the word "provided" in said line, the following: "That at least ten per cent of all the voters of the state shall be required on such petition, and provided further."

And when so amended recommend that the same be made a special order for 2:30 o'clock p. m. Monday, February 8th.

S. N. PUTNAM,
Chairman.

Mr. White moved

That the report of the committee of the whole be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The house took a recess subject to the call of the speaker.

JOINT SESSION.

The senate and house met in joint session to listen to the addresses of Drs. Ruediger and Grassick on the subject of tuberculosis.

AFTER RECESS.

Mr. Hughes moved

That the house do now adjourn.

Which motion was lost.

REPORT OF STANDING COMMITTEES

The committee on appropriations made the following report:

Mr. Speaker:

Your committee on appropriations to whom was referred House Bill No. 166,

An act making an appropriation to meet the deficiency incurred by the state live stock sanitary board in carrying out the purposes of chapter 169 of session laws of 1907.

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

S. N. PUTNAM,
Chairman.

Mr. Putnam moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

REPORT OF SPECIAL COMMITTEE.

Mr. Skulason moved

That the reading of the reports of the special committees be dispensed with.

Which motion prevailed.

Mr. Speaker:

Your special committee appointed to visit the penal institutions of the state have visited the same, and respectfully submit the following report:

The state penitentiary, located at Bismarck, which we have visited, in our opinion is under good management. We find the roofs of engine room, main building and old cell house are badly in need of repair; also electrical wiring is defective and requires material changes. The appropriation asked for by the managers of the institution are possibly required, but as the appropriations contemplated by the various institutions of the state will probably far exceed the revenues available to meet the same, therefore, it is our opinion that the following items in appropriation bill for said institution is not absolutely necessary for the present:

| | |
|---|-------------|
| 1. Resident quarters of officers | \$ 5,000.00 |
| 2. Building for condemned prisoners | 5,000.00 |
| 3. Erecting foundation and shell for a new cell house | 25,000.00 |

Also the state reform school, located at Mandan, which we have visited, in our opinion is under very good management, and the appropriation asked for seems modest and we consider the same should be allowed if consistent with revenues available to meet the same. And we would further especially recommend that the sum asked for for building and equipping a building for girls be allowed, as the same seems proper from a moral standpoint.

HENRY McLEAN,
 F. A. BAKER,
 S. A. GIBBENS,
 BERNT ANDERSON,
 Committee.

MOTIONS AND RESOLUTIONS.

Mr. Traynor introduced the following resolution and moved its adoption:

Whereas, the joint committee upon investigation of penitentiary affairs, has chosen George Schnepfer, one of the stenographers to house members,

as the stenographer and secretary of said committee, and whereas, his entire time during the session is required by said committee, therefore be it

Resolved, That the said George Schnepfer be excused from further service upon the members of this house and that another stenographer be placed at the service of the house members at the Grand Pacific.

Which motion prevailed, and
The resolution was adopted.

Mr. Price introduced the following concurrent resolution and moved its adoption:

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

That, whereas, there are a number of blind persons in the United States who, with proper opportunities for an education, would become some of the best citizenship of the country, and who, by reason of their blindness would devote their whole power and energy to the upbuilding of the country and its institutions, and would become some of the leaders in the councils of the nation and the states, and

Whereas, the nation is committed to the promotion of the "common welfare" of the whole people, and the number of blind persons who would be comparatively few and but one college would be necessary, and

Whereas, it is the duty of every nation to look to and provide for the welfare of all citizens, and particularly those who met with misfortune either at birth or afterwards; therefore,

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

That congress be respectfully requested to provide for a National College for the Blind where they may be properly educated in the higher branches of learning. Be it further

Resolved, That a copy of this resolution be sent to each of our representatives and senators in congress, and a copy to the senate and the house of each of the states of South Dakota and Minnesota and their concurrence herein respectfully requested, and their representatives and senators be requested to support the same in congress.

Which motion prevailed, and
The resolution was adopted.

FIRST AND SECOND READING OF HOUSE BILLS.

Mr. Burns introduced

House Bill No. 220,

A concurrent resolution amending the constitution of the state of North Dakota, establishing and locating a state normal school in the city of Glen Ullin, county of Morton.

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

Mr. White introduced

House Bill No. 221,

A bill for an act to amend sections 4329 and 4342 of the revised codes for the year 1905, relating to the powers and duties of the board of railroad commissioners, and providing a penalty for violating the orders of said board.

Which was read the first and second times and

Referred to the committee on railroads.

Mr. Davidson introduced

House Bill No. 222,

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.

Which was read the first and second times and

Referred to the committee on elections and privileges.

Mr. Baker of Cass introduced

House Bill No. 223,

A bill for an act providing for the organization, authorization and operation of co-operative life and casualty companies, associations or societies.

Which was read the first and second times and

Referred to the committee on insurance.

Mr. White introduced

House Bill No. 224,

A bill for an act to amend section 1313 of the revised codes of North Dakota of the revision of 1905, relating to county fairs.

Which was read the first and second times and

Referred to the committee on state affairs

Mr. Bjorndahl introduced

House Bill No. 225,

A bill for an act to regulate the itinerant vending of medicines, nostrums and appliances for the treatment of disease, injury or deformity.

Which was read the first and second times and

Referred to the committee on public health.

Mr. Schull introduced

House Bill No. 226,

A bill for an act providing for the appointment of a commission to compile, revise and codify the laws of the state

of North Dakota, relating to matters of substantive law and procedure concerning probate and testamentary matters and matters of administration and guardianship, and to report the same to the twelfth legislative assembly for adoption or rejection, and to provide for the compensation of the members thereof.

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

Mr. Storey introduced

House Bill No. 227,

A bill for an act to amend section 2071 of the revised codes of the state of North Dakota for 1905.

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

Mr. Duncan introduced

House Bill No. 228,

A bill for an act to amend section 1574 of the revised codes of 1905, relating to auditor's notice of tax sale.

Which was read the first and second times and
Referred to the committee on taxation and tax laws.

Mr. Traynor introduced

House Bill No. 229,

A bill for an act to amend section 126 of the revised codes of 1905, providing for the appointment of assistant attorneys general, and fixing their salary, and appropriating money to pay the same.

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

Mr. Schull introduced

House Bill No. 230,

A bill for an act to amend section 2248 of the revised codes of North Dakota for 1905, requiring owners or their agents of elevators and warehouses to issue receipts for grain or seeds delivered to them for the purpose of storage and making the failure to comply a misdemeanor.

Which was read the first and second times and
Referred to the committee on warehousing, grain and grain grading.

Mr. Kneeland introduced

House Bill No. 231,

A bill for an act to amend section 9650 of the revised codes of 1905, relating to bastardy proceedings.

Which was read the first and second times and

Referred to the committee on judiciary.

Mr. Kneeland introduced

House Bill No. 232,

A bill for an act to amend section 8320 of the revised codes of 1905, relating to inheritance tax.

Which was read the first and second times and

Referred to the committee on taxation and tax laws.

Mr. Honey introduced

House Bill No. 233,

A bill for an act to define what is an official newspaper.

Which was read the first and second times and

Referred to the committee on public printing.

THIRD READING OF HOUSE BILLS.

House Bill No. 18,

A bill for an act entitled an act to amend section 155 of chapter 4 of the political code of the state of North Dakota, and all acts or parts of acts amendatory thereof, providing for the investment of moneys belonging to the permanent funds of the common schools, university, school of mines, reform school, agricultural college, school for the deaf and dumb, normal schools and all other permanent funds derived from the sale of public lands or any other source belonging to the school divisions 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 81, nays 1, absent and not voting 13.

Those who voted in the affirmative were:

| | | |
|----------------|--------------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Hale | Olson |
| Akesson | Hanley | Pålson |
| Anderson | Hendrickson | Peart |
| Atwood | Hill | Pendray |
| Baker of Stark | Homnes | Poe |
| Bjorndahl | Honey | Pound |
| Brynjulson | Hughes | Putnam |
| Burnett | Jewett | Schull |
| Burns | Johnson of McLean | Senour |
| Chatfield | Johnson of Rolette | Sgutt |
| Christenson | Kinney of McLean | Shells |

| | | |
|-------------------|--------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Collins of Cass | Kinney of Richland | Skinner |
| Crawford | Kneeland | Skulason |
| Cunningham | Knox | Sorlie |
| Davidson | Law | Steen |
| Dibley | Laithwaite | Storey |
| Doyle of Foster | Lindvig | Thompson, Gd. Forks |
| Doyle of McIntosh | Lucke | Thompson of McLean |
| Duncan | McCrea | Thoreson |
| Evans | McLear | Traynor |
| Fraine | Moen of Benson | Ward |
| Freeman | Moen of Cavalier | Welford |
| Ganssle | Narum | White |
| Garden | Nelson of McHenry | Wisner |
| Gibbens | Nelson of Steele | Wolbert |
| Goldammer | Nelson of Walsh | Young |
| Grant | Nyhus | Mr. Speaker |

Absent and not voting:

| | | |
|----------------------|----------------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Baker of Cass | Johnson of Bottineau | Plath |
| Brusletten | Kremer | Ployhar |
| Collins of Gd. Forks | Linde | Sinclair |
| Geidt | Martin | Streeter |
| Hemmingson | | |

Mr. Price voted in the negative.

Messrs. Brusletten, Giedt and Hemmingson being excused.

So the bill passed and the title was agreed to.

Mr. Skulason moved

That the vote by which House Bill No. 18 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

The name of A. H. Crawford was substituted for Henry Holter as doorkeeper, and the speaker administered the oath of office to A. H. Crawford.

COURTESIES OF THE FLOOR.

The privileges of the floor were extended to M. D. Butler, Brocket; W. F. Leech, Nels Newton, David Denan, of Fargo; D. C. Crowley, Barnes county; S. E. Kurtz, Hazelton; Ben Johnson, Linton.

Mr. Putnam moved

That the house take a recess until tomorrow at 10 o'clock a. m.

Which motion prevailed, and

The house took a recess until 10 o'clock a. m. tomorrow.

W. D. AUSTIN,
Chief Clerk.

THIRTY-SECOND DAY AFTER RECESS
AND
THIRTY-THIRD DAY

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 6, 1909.

The house assembled at 10 o'clock a. m., pursuant to recess taken.

GENERAL ORDERS.

Mr. Chatfield moved

That the house resolve itself into a committee of the whole for the consideration of general orders.

Which motion prevailed.

The house resolved itself into a committee of the whole.

The speaker called Mr. Welford to the chair.

When the committee arose it submitted the following report:

Mr. Speaker:

Your committee of the whole have had under consideration

House Bill No. 86,

A bill for an act making contracts containing provisions, preventing purchasers from setting up defects in articles

of commerce as counter claims, void as against public policy.

And recommend that the same be amended as follows:

On page 1, line 1 of the printed bill, by striking out the letters "in" in the word "hereinafter," and on line 3 by inserting the word "as" after the word "up."

And when so amended recommend the same do pass.

Also,

House Bill No. 90,

A bill for an act to amend section 2600 of the revised codes of 1905, and to repeal section 2601 of the revised codes of 1905.

And recommend that the title be amended as follows:

By adding thereto the words "relating to sheriff's fees"; after the enacting clause insert "Sec. 1. Amendment. Section 2600 of the revised codes of 1905 is hereby amended to read as follows:" On line 5 by striking out the words "each defendant"; on page 6, line 109 of the printed bill, by striking out all of the words and figures after the word "loss", by striking out all of line 110, 111, 112, 113, 114, 115, 116, 117 and 118, and in line 119, before the word "section" by inserting the words and figures "Sec. 2. Repeal."

And when so amended recommend the same do pass.

Also,

House Bill No. 91,

A bill for an act amending section 2550 of the revised codes of North Dakota for 1905, relating to powers, duties and remedies of public administrators.

And recommend the same be amended as follows:

On page 1, line 9 of the printed bill, by inserting after the word "regard" the word "to."

And when so amended recommend the same do pass.

Also,

House Bill No. 62,

A bill for an act relative to injuries received on highways, resulting from snow or ice.

And recommend the same be amended as follows:

In line 1, page 1 of the printed bill, after the word "village" insert "or owner or occupant of abutting property."

And when so amended recommend the same do pass.

Also,

House Bill No. 83,

A bill for an act entitled an act to prohibit the use of four wheel cabooses, known as dinky cabooses, on all railroad trains operated in the state of North Dakota; to prevent the use of box cars as cabooses and to fix the minimum size and manner of construction of all cars used as cabooses and fixing the penalties for violation of this act.

And recommend that the same be amended as follows:

By inserting after the word "it" in line 1, section 1 of the printed bill, the following: "On and after the first day of November, A. D. 1909."

And when so amended recommend the same do pass.

Also,

House Bill No. 98,

A bill for an act to amend section 2884, article 7, chapter 31, of the revised codes of the state of North Dakota for 1905, relating to powers and duties of village officers.

And recommend that the same be amended as follows:

In section 1, line 4 of the printed bill, after the words "shall" insert the word "so."

In line 8 of same section strike out the word "the" and insert the word "said."

In line 4 of same section strike out the word "when" and insert the word "where."

In line 8 of same section strike out the letter "e" at the end of the word "therefore."

In line 9 of same section strike out the word "the" and insert the word "said."

And when so amended recommend the same do pass.

Also,

House Bill No. 138,

A bill for an act to amend section 9312 of the revised codes of 1905; relating to malicious injuries to or obstruction of telephone, telegraph or other electric wires.

And recommend the same be amended as follows:

That after the word "amend" in the first line of the title the words "section 1 of chapter 247 of the session laws of 1907, amending."

And when so amended recommend the same do pass.

Also,

House Bill No. 24,

A bill for an act to amend section 19 of chapter 169 of the laws of 1907, entitled "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."

And recommend the same be amended as follows:

At line 1 of printed bill strike out "2" after the word "Sec." and substitute "19."

At line 1, section 3, printed bill, strike out "3" after the word "sec." and substitute "2."

In line 1, page 2, after "sec." strike out "4" and substitute "3."

And when so amended recommend the same do pass.

Also,

House Bill No. 119,

An act to amend section 8089 of the revised codes of 1905 of North Dakota relating to the exemption of personal property and disposition thereof in the matter of estates pending in county court.

And recommend that the same be amended as follows:

By striking out the words "exempt personal property, disposition of the county court, "following the words "A bill."

On line 1, page 1 of the printed bill, before the word "that" insert the words and figures "Sec. 1. Amendment," and strike out the word "that," and before the printed matter on line 3 insert the following words and figures: "Section 8089. Exempt Personal Property. Disposition of," and that in line 9 there be inserted a semi-colon (;) after the syllable "ment," that the next word "of" be stricken out and the word "and" be inserted in the place thereof, and that the "comma (,)" and word "and" following the word "property" be stricken out.

And when so amended recommend the same do pass.

Also,

House Bill No. 81,

A bill for an act relating to the assessment of lands for the construction of drains and providing for an appeal from

the decision of the drainways board, and fixing the compensation of drain commissioners.

And recommend that the same be amended as follows:

Section 3, line 2 of the printed bill, strike out the letter "d" in the word "and;" in section 4, line 6, strike out the word "the."

And when so amended recommend the same do pass.

Also,

House Bill No. 141,

A bill for an act relating to the removal from mortgaged land of buildings, fixtures, or other appurtenances.

And recommend the same be amended as follows:

On page 1, line 2 of the printed bill, by striking out the letter "x" in the word "exery" and inserting the letter "v."

And when so amended recommend the same do pass.

WALTER WELFORD,
Chairman.

Mr. Welford moved

That the report of the committee of the whole be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Mr. Senour moved

That the house do now adjourn.

Which motion prevailed, and

The house adjourned.

W. D. AUSTIN,
Chief Clerk.

THIRTY-THIRD DAY

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 6, 1909.

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

The speaker presiding.

Prayer by the chaplain.

Roll call.

All members present except Messrs. Brusletten, Geidt, Hemmingson and Kremer, who were excused.

REFERENCE OF THE JOURNAL.

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

Mr. Speaker:

Your committee on revision and correction of the journal have carefully examined the journal of the thirty-first day after recess and thirty-second day and recommend that the same be corrected as follows:

On page four, after the name "Streeter," add the following "who were excused."

On page 16, line 4, insert "substitute" after "which."

And when so corrected recommend that the same be approved.

S. J. DOYLE,
Chairman

Mr. Doyle moved.

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
February 6, 1909.

Mr. Speaker:

I have the honor to transmit herewith

Senate Bill No. 60,

A bill for an act to prevent miscegnation, by prohibiting the marriage of white persons to negro persons, by prohibiting negro man and white woman, or negro woman and white man, occupying same room; by prohibiting adultery and fornication between whites and negroes; by prohibiting the issuing of marriage licenses for white persons to negro persons; by prohibiting the performance of the marriage ceremony between white persons and negroes; by prescribing penalties for violations of the provisions of this act and defining a negro person.

Also,

Senate Bill No. 72,

A bill for an act creating the office of forest fire warden and prescribing the powers, duties and compensations of such office.

Also,

Senate Bill No. 101,

A bill for an act to amend and re-enact section 496 of the revised codes of North Dakota of 1905, relating to qualifications of applicants for admission to the bar of the state of North Dakota.

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

Very respectfully,
J. W. FOLEY,
Secretary.

REPORT OF STANDING COMMITTEES.

The committee on engrossment made the following report:

Mr. Speaker:

Your committee on engrossment have examined
House Bill No. 133,

A bill for an act prescribing the powers, duties and liabilities of constables.

Also,

House Bill No. 166,

An act making an appropriation to meet the deficiency incurred by the state live stock sanitary board in carrying out the purposes of chapter 169 of session laws of 1907.

And find the same correctly engrossed.

C. C. CRAWFORD,
Chairman.

Mr. Crawford moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on enrollment made the following report:

Mr. Speaker:

Your committee on enrollment have examined

House Bill No. 25,

A bill for an act to amend section 2439 of the 1907 session laws relating to sinking funds and the duty of county commissioners pertaining thereto.

And find the same correctly enrolled.

H. J. LINDE,
Chairman.

Mr. Linde moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The chief clerk announced that the speaker was about to sign

House Bill No. 25,

A bill for an act to amend section 2439 of the 1907 session laws relating to sinking funds and the duty of county commissioners pertaining thereto.

And the speaker signed the same in the presence of the house.

PETITONS AND COMMUNICATIONS.

Mr. Thompson of McLean presented the following petition:

We, the undersigned, legal voters of McLean county, North Dakota, respectfully petition the eleventh legislative assembly to make an appropriation to cover House Bill No. 225, session 1907, relating to glanders, to indemnify owners of animals killed or destroyed since above act was passed, and also for those who may come under this act in the ensuing two years.

OTTO OLSON,
And 38 Others.

REPORTS OF STANDING COMMITTEES.

The committee on school and public lands made the following report:

Mr. Speaker:

Your committee on school and public lands to whom was referred

House Bill No. 125,

A bill for an act entitled: "An act giving holders of contracts for the purchase of state lands the right to bring actions in the courts in certain cases with reference thereto, and providing for the protection of the interest of the state in such property when taken by railways for right of way or other purposes, and providing for the release of the claim of the state thereto."

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

A. S. GIBBENS,
Chairman.

Mr. Gibbens moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on school and public lands to whom was referred

House Bill No. 131,

A bill for an act making it the duty of the board of university and school lands to accept payment in full and issue patent for any school or institution lands required by any person, firm or corporation holding contract therefor, for townsite purposes.

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

A. S. GIBBENS,
Chairman.

Mr. Gibbens 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. Speaker:

Your committee on state affairs to whom was referred

The concurrent resolution of the senate relating to a state flag.

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

W. J. PRICE,
Chairman.

Mr. Price moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on state affairs to whom was referred

House Bill No. 181,

A bill for an act to amend section 3153 of the revised codes of 1905, relating to meetings of township board of auditors.

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

Change title so as to read "For an act to amend section 3153 and the repeal of section 3154 of the revised codes of 1905, relating to meetings of township board of auditors."

In line 1 of the repeal clause of the printed bill, change the figure "2" after the word "Sec." to "3." In the same section and line change the figures "3153" to the figures "3154."

And when so amended recommend the same do pass.

W. J. PRICE,
Chairman.

REPORT OF SPECIAL COMMITTEE.

Mr. President:

Your special committee named under resolution of the house and senate to visit the terminal grain markets at Minneapolis, and to confer with the officials of the state of Minnesota with reference to the matter of grain grading and inspection, with a view to bringing about better conditions by the enactment of such legislation as will insure to the grain producers of this state the benefits to which they are entitled as the creators of a great share of the actual wealth of the northwest, begs leave to submit the following report:

Your committee organized with the selection of Senator F. S. Talcott as chairman, and the election of J. W. Foley as secretary. On Tuesday your committee met by arrangement at St. Paul and was greeted by representatives of the senate and house of the legislative assembly of Minnesota, and by Mr. Flagg, of the department of elevator supervision of the Minnesota railroad and warehouse commission and was in consultation with him during the morning. At two o'clock on Tuesday by arrangement, your committee held a conference with the Minnesota railroad and warehouse commission, where the entire matter of grain grading and inspection, the complaints that have been lodged by the producers of the state of North Dakota, and the best means for insuring to the producers of this state a betterment of present conditions, or confidence in the present system of grain grading and inspection, were discussed.

The members of your committee and of the Minnesota railroad and warehouse commission were entirely frank, fair and open in this discussion. To the Minnesota railroad and warehouse commission it was contended, on the part of your committee, that the state of North Dakota marketed in Minnesota annually approximately one hundred millions of bushels of grain; that there was complaint and dissatisfaction on the part of the North Dakota producers; that such complaints, whether well founded or whether arising from the naturally opposite views taken by producers and consumers, were nevertheless actual and of general existence; and that it was only fair to the producers of this state and to the terminal market interests of the state of Minnesota that nothing should be left undone to bring about a better condition of grain grading and inspection, if it could be accomplished by wise and sensible legislation, or a better understanding between the diverse interests of grain production and consumption, if such could be gained by broad, liberal and mutually beneficial enactments.

For the railroad and warehouse commission of Minnesota, it deserves to be said that its members met your committee in a spirit of fairness, openness and frankness, and expressed their agreement with the contention of your committee that North Dakota, as the producer of so much of the grain that is marketed in Minnesota, was entitled to consideration, aside from geographical or political considerations. It was the view of your committee as expressed at this conference, that North Dakota, from a commercial and agricultural standpoint, was of one state and people with Minnesota, and that it was entitled to as much consideration from this standpoint as though the two states were one. Mr. Staples of the railroad and warehouse commission stated to your committee that he believed this contention was just and well founded, and this sentiment was subsequently acquiesced in by the other members of the commission, Commissioner Elmquist, Mr. Mills and Secretary Claussen. In this connection it should be said that all of the members of the commission vigorously and with earnestness declared their confidence in the present system of grain grading and inspection practiced by the state of Minnesota, and insisted that its agreement with the contentions of your committee was not through any belief that the system of grain grading and inspection in effect in Minnesota was not as good as it was possible for experience, wisdom, commercial necessity and human agency to make. The contentions of your committee were admitted to be sound from the standpoint of commercial and economical fairness and justice, and were agreed to by the members of the Minnesota commission in the same spirit in which they were suggested by the members of your special committee.

The suggestion that was made by your committee to the Minnesota railroad and warehouse commission was that North Dakota should be represented, by the appointment of North Dakota men, skilled in the raising, handling and grading of grain, upon the board of appeals of the state of Minnesota. This board establishes the grades of grain, makes the rules and regulations for its grading and marketing, and passes finally upon all appeals from the grades fixed by the state department of inspection. The importance and justice of having representation upon this board in the interests of the producers and shippers of a hundred million of bushels of grain will be appreciated by those who have considered the different phases of this subject of grain grading and marketing. If such representation could be gained, your committee believes it would be the first step toward a better understanding between the producing and consuming interests and toward the allaying of a sentiment of hostility that should not exist between sections of a great territory whose interests are necessarily of the same kind and dependent upon a system of grading and inspection in which all of its people shall have confidence and that shall do equal justice to producers, in whatever state they may be situated.

In making this suggestion, your committee appreciated that it was treading upon the sometimes delicate ground of state pride, state authority and state jealousy of its own institutions and resentment of suggestions that might involve a reflection upon state institutions. Notwithstanding this, it was contended by your committee that this was the only practical manner in which the present difficulties could and should be adjusted as between these two states, and the suggestion was received in the same wise and considerate spirit in which it was intended to be presented. The members of the railroad and warehouse commission agreed to indorse and recommend legislation having in view the North Dakota representation on the Minnesota Board of Grain Appeals, and Governor Johnson, who subsequently conferred with your committee, stated that while he had entire confidence in the system of grain inspection at present in effect in Minnesota, he believed the proposal of your committee was fair and should be met in the same spirit and that if the legislature of Minnesota would pass a law permitting him to do so he would name North Dakota men upon

the board of appeals, which is the primary and final authority in the matter of grain grading, inspection and market regulation.

At this conference between your committee, the Minnesota railroad and warehouse commission and Governor Johnson, there was present also Mr. Eva, chief of the Minnesota department of grain inspection. Upon the following day, in company with Mr. Eva, your committee went through the inspection department of the state of Minnesota. It saw the samples that were brought in from the cars, the methods and manner of their inspection, the manner of reporting upon inspection and the conditions of cars, the weighmaster's department, the methods of the board of appeals in passing upon cases where an appeal was taken from the inspectors, and witnessed the detail work of both the department of inspections and appeals. Mr. Eva was ready at all times to grant your committee every opportunity to gain information on the subject under consideration. Following upon this inspection of the methods of grain grading and marketing, your committee, by arrangement, met with the house and senate committees on warehousing and grain grading. After an extended conference, the contentions of your committee were admitted by the members of the joint committee to be founded on justice and right, although the members of the committee declared their belief in the fairness and uprightness of the present system of inspection. The members of this committee, after hearing the representations of your committee, adopted the following resolution:

"Resolved, That it is the sense of the grain and warehouse committee of the house and senate that the request of the committee from the senate and house of North Dakota for representation on our boards of appeal at Minneapolis and Duluth should be granted, provided it can be constitutionally and legally accomplished and upon further inquiry and investigation it shall be found to be practical."

With reference to the latter clause of this resolution your committee has been advised since its return that some, if not all, of the possible objections to such representation as your committee asked for have already been overcome, and your committee has been assured that a committee bill will be presented to the Minnesota legislature, to grant the representation requested. The passage of such a bill has been indorsed by the boards of directors of the Chamber of Commerce at Minneapolis and Duluth without the solicitation of your committee. Such a committee bill, approved by the railroad and warehouse commission, which is a body that enjoys public confidence and regard, should stand an excellent chance of passage and, in the event of its passage, your committee has the statement of the governor that North Dakota representatives will be named on the boards of appeal. This, your committee believes, is the vital point of this entire matter, and is the most that the producers of this state could ask for or obtain in the adjustment of the difficulties and differences that have arisen between the grain producing and grain buying interests. There is much that might be said with reference to evils that are claimed to exist. It is another and more difficult thing, considering the fact that two sovereign states are concerned and that whatever legislation is had between them must be by mutual agreement and concession, to point a remedy. Your committee believes that such representation as suggested offers a partial remedy, at least, for the producers of this state, and that a considerable step in advance of present conditions will have been taken if such representation can be obtained.

With reference to the matter of dockage and the sale of screenings, of which complaint has been made that those screenings are sold at terminals for a considerable sum, none of which goes to the producers of the grain, the members of the Minnesota commission stated to your committee that this same difficulty arises in Minnesota and the commission there has been so far unable to point out a remedy. The remedy, it seems to your committee, lies with the producers of this state, in the proper cleaning of their grain, either locally or at some intermediate cleaning house, before it

reaches the terminal market. This is a commercial proposition, for which commercial wisdom and response to public demand will no doubt devise a remedy.

Your committee concludes: That the officials of the state of Minnesota, including the governor and members of the joint committee on warehouses and grain grading, and of the railroad and warehouse commission, have entire confidence that the present system of grading and inspection is, while not infallible, as good as human wisdom and agency can devise, and are confident that the inspectors, who are under civil service and selected for their knowledge of the subject of grain grading, are capable and honest.

That it is the disposition of the officials with whom your committee conferred to accord to the producers of the state of North Dakota a representation, if not as great as the proportionate share of grain shipped by this state would justify, at least as great as could be expected, considering the fact that two states are involved, one asking the other to surrender a share of its rights and prerogatives in the name of commercial and economical fairness.

That the representation asked for upon the board of appeals is a remedy for existing conditions as between the two states, and is the surest safeguard under existing laws against unfairness, inequality, discrimination, or methods of any sort which, if practiced, would result in loss to the farmers of this state. This is the board that fixes the grades, makes the rules and regulations upon which the system of grain grading and marketing is based, and is practically the court of last resort as between the producers and the consumers of grain. Representation upon such a board would, your committee believes, do much to inform the people of the state as to the matters of which they are necessarily in ignorance, to correct abuses, if any exist, and to bring about better conditions of trade and exchange between two great states, whose interests are much the same, and whose differences have arisen through the fact that the great seaports of one lie within the boundaries of the other, and that the self interests of wealth that have come from trafficking in these conditions may have led to the injury of the producing classes of both states.

If the final authority in the control of these great grain markets shall be placed in the hands of fair and capable men representing the producers of both states, and the experience of the great producing state shall be reflected upon the board as well as that of the state whose wealth lies not only in producing but in marketing the crop, your committee believes that some of the present differences will be solved.

Respectfully submitted,

JAMES W. FOLEY, Secretary.

F. S. TALCOTT,
G. S. TRIMBLE,
H. J. BESSESEN,
J. H. FRaine,
S. J. DOYLE,
JAMES HILL,

Committee.

INTRODUCTION, FIRST AND SECOND READING OF HOUSE BILLS

Mr. Sorlie introduced
House Bill No. 234,

A bill for an act providing for the creating of a state tuberculosis exhibition, for the control of such exhibition and for making an appropriation therefor.

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

Mr. Sorlie introduced

House Bill No. 235,

A bill for an act making an appropriation for the salary of the state registrar of vital statistics and for the current and contingent expenses of the state bureau of vital statistics.

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

Mr. Storey introduced

House Bill No. 236,

A bill for an act to amend section 651 of the revised codes of the state of North Dakota for 1905.

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

Mr. Christenson introduced

House Bill No. 237,

A bill for an act to create a board of immigration and for the support of such board.

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

Mr. Baker of Cass introduced

House Bill No. 238,

A bill for an act regulating employment agents and agencies, requiring persons and corporations engaging in such business to procure a license therefor, prohibiting unreasonable charges for compensation by such persons or corporations, and providing suitable penalties for its violation.

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

Mr. Knox introduced

House Bill No. 239,

A bill for an act prohibiting the sending and circulating of false and derogatory reports about the crops, the condition of the weather and the coal and fuel supplies.

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

Mr. Nelson of Steele introduced

House Bill No. 240,

A bill for an act to regulate the width of sleighs, sleds and cutters on public highways.

Which was read the first and second times and

Referred to the committee on highways and bridges.

Mr. Baker of Stark introduced

House Bill No. 241,

A bill for an act creating and establishing an agricultural experiment station, to be located at or near the village of Hettinger, in Adams county, in connection with the North Dakota agricultural college at Fargo, and under the direction of the board of directors of said college, and making an appropriation therefor.

Which was read the first and second times and

Referred to the committee on state affairs

THIRD READING OF HOUSE BILLS.

House Bill No. 133,

A bill for an act prescribing the powers, duties and liabilities of constables.

Was read the third time.

Mr. White asked unanimous consent to amend the bill.

Consent being granted, Mr. White offered the following amendment and moved its adoption:

In line 5 of the printed bill insert after the word "justice" the following words: "of the peace."

Which motion prevailed, and

The amendment was adopted.

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

The roll was called and there were ayes 84, nays 0, absent and not voting 11.

Those who voted in the affirmative were:

| | | |
|----------------|----------------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Hendrickson | Peart |
| Akesson | Hill | Pendray |
| Anderson | Homnes | Ployhar |
| Atwood | Honey | Poe |
| Baker of Stark | Hughes | Pound |
| Bjorndahl | Jewett | Price |
| Brynjolfson | Johnson of Bottineau | Putnam |
| Burnett | Johnson of McLean | Schull |

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|--------------------|---------------------|
| Chatfield | Johnson of Rolette | Senour |
| Christenson | Kinney of McLean | Sgutt |
| Collins of Cass | Kinney of Richland | Sheils |
| Collins of Gd. Forks | Kneeland | Sinclair |
| Crawford | Knox | Skinner |
| Cunningham | Law | Skulason |
| Davidson | Laithwaite | Sorlie |
| Dibley | Linde | Steen |
| Doyle of Foster | Lindvig | Storey |
| Doyle of McIntosh | Lucke | Thompson, Gd. Forks |
| Duncan | McLear | Thompson of McLean |
| Evans | Moen of Benson | Thoreson |
| Fraine | Moen of Cavalier | Traynor |
| Freeman | Narum | Ward |
| Ganssle | Nelson of McHenry | Welford |
| Garden | Nelson of Steele | White |
| Gibbens | Nelson of Walsh | Wisner |
| Goldammer | Nyhus | Wolbert |
| Hale | Olson | Young |
| Hanley | Paulson | Mr. Speaker |

Absent and not voting:

| Messrs.— | Messrs.— | Messrs.— |
|---------------|------------|----------|
| Baker of Cass | Grant | McCrea |
| Brusletten | Hemmingson | Plath |
| Burns | Kremer | Streeter |
| Geidt | Martin | |

Messrs. Brusletten, Giedt, Hemmingson and Kremer being excused.

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

Mr. Homnes moved

That the vote by which House Bill No. 133 passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 166,

An act making an appropriation to meet the deficiency incurred by the state live stock sanitary board in carrying out the purposes of chapter 169 of session laws of 1907.

Was read the third time

The question being on the final passage of the bill.

The roll was called and there were ayes 88, nays 0, absent and not voting 7.

Those who voted in the affirmative were:

| Messrs.— | Messrs.— | Messrs.— |
|---------------|-------------|----------|
| Aasheim | Hendrickson | Peart |
| Akesson | Hill | Pendray |
| Anderson | Homnes | Plath |
| Atwood | Honey | Poe |
| Baker of Cass | Hughes | Pound |

| | | |
|----------------------|----------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Baker of Stark | Jewett | Price |
| Bjorndahl | Johnson of Bottineau | Putnam |
| Brynjulson | Johnson of McLean | Schull |
| Burnett | Johnson of Rolette | Senour |
| Chatfield | Kinney of McLean | Sgutt |
| Christenson | Kinney of Richland | Sheils |
| Collins of Cass | Kneeland | Sinclair |
| Collins of Gd. Forks | Knox | Skinner |
| Crawford | Law | Skulason |
| Cunningham | Laithwaite | Sorlie |
| Davidson | Linde | Steen |
| Dibley | Lindvig | Storey |
| Doyle of Foster | Lucke | Streeter |
| Doyle of McIntosh | McCrea | Thompson, Gd. Forks |
| Duncan | McLear | Thompson of McLean |
| Evans | Moer of Benson | Thoreson |
| Fraine | Moer of Cavalier | Traynor |
| Freeman | Narum | Ward |
| Ganssle | Nelson of McHenry | Welford |
| Garden | Nelson of Steere | White |
| Gibbens | Nelson of Walsh | Wisner |
| Goldammer | Nyhus | Wolbert |
| Grant | Olson | Young |
| Hale | Paulson | Mr. Speaker |
| Hanley | | |

Absent and not voting:

| | | |
|------------|------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Brusletten | Hemmingson | Martin |
| Burns | Kremer | Ployhar |
| Geidt | | |

Messrs. Brusletten, Geidt, Hemmingson and Kremer being excused.

So the bill passed and the title was agreed to.

Mr. Traynor moved

That the vote by which House Bill No. 166 passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

FIRST AND SECOND READING OF SENATE BILLS.

Senate Bill No. 21,

A bill for an act authorizing counties to issue bonds to procure seed grain for needy farmers resident therein.

Was read the first and second times, and

Referred to the committee on state affairs.

Senate Bill No. 27,

For an act entitled "An act to amend section 155 of chapter 4 of the political code of the state of North Dakota, and

all acts or parts of acts amendatory thereof, providing for the investment of moneys belonging to the permanent funds of the common schools, university, school of mines, agricultural college, school for the deaf and dumb, normal schools and all other funds derived from the sale of public lands or any other source belonging to the school divisions of the state.

Was read the first and second times and

Referred to the committee on school and public lands

Senate Bill No. 54,

A bill for an act to amend section 4657 of the revised codes of 1905 relating to the limit of bank loans to one concern.

Was read the first and second times and

Referred to the committee on banking.

Senate Bill No. 13,

A bill for an act making it unlawful for corporations having banking powers to invest more than thirty per cent of its capital stock in banking house, furniture and fixtures.

Was read the first and second times and

Referred to the committee on banking.

Senate Bill No. 40,

A joint resolution for the making of inquiry relating to the carrying charges upon grain in bulk from points in the state of North Dakota to terminal markets in Minnesota and Wisconsin, and for the bringing about of such reforms or reductions in such carrying charges as the circumstances shall warrant.

Was read the first and second times, and

Referred to the committee on railroads.

Senate Bill No. 106,

A bill for an act to amend section 1889 of the revised codes of 1905 of the state of North Dakota, relating to commissioners of insanity.

Was read the first and second times, and

Referred to the committee on public health.

Senate Bill No. 109,

A bill for an act providing for the removal of cars from spurs and sidetracks of railroads that have been loaded

for shipment for billing by the same common carriers, and providing penalties for failure to do same.

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

Senate Bill No. 110,

A bill for an act to amend section 7508 of the revised codes of the state of North Dakota for the year 1905, relating to places of sale upon foreclosure of personal property.

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

Senate Bill No. 112,

A bill for a concurrent resolution amending the constitution of the state of North Dakota.

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

Senate Bill No. 116,

A bill for an act to amend and re-enact section 830 of the revised codes of 1905, relating to school house sites, how they may be obtained and the maximum area therefor.

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

Senate Bill No. 59,

A bill for an act authorizing and regulating the incorporation, organization and operation of co-operative associations, and providing for the regulation and control of the same.

Was read the first and second times, and
Referred to the committee on corporations other than municipal.

Senate Bill No. 72,

A bill for an act creating the office of forest fire warden and prescribing the powers, duties and compensations of such office.

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

Senate Bill No. 60,

A bill for an act to prevent miscegnation, by prohibiting the marriage of white persons to negro persons, by prohibiting negro man and white woman, or negro woman and

white man, occupying same room; by prohibiting adultery and fornication between whites and negroes; by prohibiting the issuing of marriage licenses for white persons to negro persons; by prohibiting the performance of the marriage ceremony between white persons and negroes; by prescribing penalties for violations of the provisions of this act and defining a negro person.

Was read the first and second times and
Referred to the committee on Public Health.

Senate Bill No. 101,

A bill for an act to amend and re-enact section 496 of the revised codes of North Dakota of 1905, relating to qualifications of applicants for admission to the bar of the state of North Dakota.

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

GENERAL ORDERS.

Mr. Chatfield moved

That the house resolve itself into a committee of the whole for the consideration of general orders.

Which motion prevailed, and

The house resolved itself into a committee of the whole.
The speaker called Mr. Skulason to the chair.

When the committee arose it submitted the following report:

Mr. Speaker:

The committee of the whole have had under consideration

House Bill No. 100,

For an act to amend section 8403 of the 1905 revised codes of North Dakota relating to service of all garnish summons.

And recommend that the same be amended as follows:

On page 1, line 3 of the printed bill, insert the word "garnishment" in place of the word "garnishee."

On page 1, line 7, insert the word "garnishment" in place of the word "garnishee."

Page 1, line 12, insert the word "garnishment" in place of the word "garnishee."

On page 2, line 14, insert the word "garnishment" in place of the word "garnishee."

On page 1, line 12, after the word "summons" insert the words "or affidavit"; on same line after the word "defendant" insert the words "or his attorney."

On page 2, line 18, by striking out the word "to" and inserting the word "or."

And when so amended recommend the same do pass.

B. G. SKULASON,
Chairman.

Mr. Chatfield moved

That the report of the committee of the whole be adopted.

Which motion prevailed, and

The report of the committee was adopted.

COURTESIES OF THE FLOOR.

The privileges of the floor were extended to M. D. Williams, Dr. Baldwin, John Fried, Jamestown; H. J. Mitchell, New Rockford; James Taylor, Cañdo.

Mr. Sorlie moved

That the house do now adjourn.

Which motion prevailed, and

The house adjourned.

W. D. AUSTIN,
Chief Clerk.

THIRTY-FIFTH DAY

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 8, 1909.

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

The speaker presiding.

Prayer by the chaplain.

Roll call.

All members present except Messrs. Brusletten and Hemmingson, who were excused.

REFERENCE OF THE JOURNAL.

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

Mr. Speaker:

Your committee on revision and correction of the journal have carefully examined the journal of the thirty-second day after recess and thirty-third day and find the same correct.

And recommend that the same be approved.

S. J. DOYLE,
Chairman.

Mr. Doyle moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
February 8, 1909.

Mr. Speaker:

I have the honor to return herewith
House Bill No. 72,

A bill for an act amending section 4114 of the revised code of the state of North Dakota for the year 1905, relating to the adoption of a minor child.

Which the senate has indefinitely postponed.

Also,

Mr. Speaker:

I have the honor to transmit herewith
Senate Bill No. 144,

A bill for an act to prohibit the manufacture, sale or use of adulterated cigarettes and prohibiting the use of tobacco by minor persons and by all minor pupils of public schools, and providing penalties therefor.

Also,

Senate Bill No. 31,

A bill to amend chapter 74 of the laws of 1907 (being an amendment of section 2580 of the revised codes of 1905) relating to the salaries of clerks of the district court.

Also,

Senate Bill No. 74,

A bill for an act to repeal section 9395 of the revised code of North Dakota 1905, relating to rewards for the arrest and conviction of violators of the prohibition law.

Also,

Senate Bill No. 79,

A bill for an act to amend chapter 192 of the session laws of 1907, entitled "An act to prohibit the soliciting of orders for the future delivery without this state of intoxicating liquors to be transported into this state to be used or sold in violation of the laws thereof, and providing a penalty for its violation.

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

Very respectfully,
J. W. FOLEY,
Secretary.

REPORTS OF STANDING COMMITTEES.

The committee on engrossment made the following report:

Mr. Speaker:

Your committee on engrossment have examined:
House Bill No. 133,

A bill for an act prescribing the powers, duties and liabilities of constables.

And find the same correctly re-engrossed.

C. C. CRAWFORD,
Chairman.

Mr. Crawford moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. Speaker:

Your committee on engrossment have examined
House Bill No. 24,

A bill for an act to amend section 19 of chapter 169 of the laws of 1907, entitled "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."

Also,

House Bill No. 62,

A bill for an act relative to injuries received on highways resulting from snow or ice.

Also,

House Bill No. 81,

A bill for an act relating to the assessment of lands for the construction of drains and providing for an appeal from the decision of the drainways board, and fixing the compensation of drain commissioners.

Also,

House Bill No. 83,

A bill for an act entitled an act to prohibit the use of four wheel cabooses, known as dinky cabooses, on all railroad trains operated in the state of North Dakota; to prevent the use of box cars as cabooses and to fix the minimum size and manner of construction of all cars used as cabooses and fixing the penalties for violation of this act.

Also,

House Bill No. 86,

A bill for an act making contracts containing provisions, preventing purchasers from setting up defects in articles of commerce as counter claims, void as against public policy.

Also,

House Bill No. 90,

A bill for an act to amend section 2600 of the revised codes of 1905, and to repeal section 2601 of the revised codes of 1905.

Also,

House Bill No. 91,

A bill for an act amending section 2550 of the revised codes of North Dakota for 1905, relating to powers, duties and remedies of public administrators.

Also,

House Bill No. 98,

A bill for an act to amend section 2884, article 7, chapter 31, of the revised codes of the state of North Dakota for 1905, relating to powers and duties of village officers.

Also,

House Bill No. 100,

For an act to amend section 8403 of the 1905 revised codes of North Dakota relating to service of all garnish summons.

Also,

House Bill No. 119,

An act to amend section 8089 of the revised codes of 1905 of North Dakota relating to the exemption of personal property and disposition thereof in the matter of estates pending in county court.

Also,

House Bill No. 125,

A bill for an act entitled: "An act giving holders of contracts for the purchase of state lands the right to bring actions in the courts in certain cases with reference thereto, and providing for the protection of the interest of the state in such property when taken by railways for right of way or other purposes, and providing for the release of the claim of the state thereto."

Also,

House Bill No. 131,

A bill for an act making it the duty of the board of university and school lands to accept payment in full and issue patent for any school or institution lands required by any person, firm or corporation holding contract therefor, for townsite purposes.

Also,

House Bill No. 138,

A bill for an act to amend section 9312 of the revised codes of 1905; relating to malicious injuries to or obstruction of telephone, telegraph or other electric wires.

Also,

House Bill No. 141,

A bill for an act relating to the removal from mortgaged land of buildings, fixtures, or other appurtenances.

And find the same correctly engrossed.

C. C. CRAWFORD,
Chairman.

Mr. Crawford moved.

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

PETITONS AND COMMUNICATIONS.

Mr. Anderson presented the following petition:

Churchs Ferry, N. D., Feb. 3, 1909.

To the Honorable Members of the Legislative Body of the State of North Dakota:

We, the officers and members of the Women's Christian Temperance Union of Churchs Ferry, N. D., respectfully petition your honorable body to pass at this session a more stringent druggists' permit law.

Believing, as we do, that the present permit system is vicious in practice as tending to disrespect the law and order, and consequently demoralizing to society;

Also the enactment of such laws as will safeguard our youth from the sale of cigarettes, and also protect our children from the commercialism of child labor.

(Signed)

MAUDE D. WHITNEY, President,
And 20 Others.

REPORTS OF STANDING COMMITTEES.

The committee on live stock made the following report:

Mr. Speaker:

Your committee on live stock to whom was referred House Bill No. 54,

A bill for an act to repeal section 1933, 1934, 1935, 1936 and 1937 of the revised codes of 1905, relating to time when lawful for stock to run at large.

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

A. W. CUNNINGHAM,
Chairman.

Mr. Cunningham moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Mr. Senour moved

That the vote by which House Bill No. 54 was indefinitely postponed be reconsidered, and the motion to reconsider be laid upon the table.

Which motion prevailed.

The committee on judiciary made the following report:

Mr. Speaker:

Your committee on judiciary to whom was referred House Bill No. 64,

A bill for an act to amend the law of succession.

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

After the words "A bill" strike out the words "for an act to amend the laws of succession" and insert in lieu thereof the words "for an act to amend section 5187 of the revised codes of 1905, relating to the law of succession."

In line 20, page 2 of the printed bill, after the second word "issue" strike out the words "and if such issue leaves issue."

In line 21, page 2, strike out the words "the whole estate goes to such issue."

In line 30, page 2, strike out the word "goes" and insert the words "in equal shares"; in the same line after the word "father" insert the words "and mother"; also in the same line strike out the words "if he is dead, to decedent's mother," and insert in place thereof "but if either parent is dead, to the survivor."

In line 36, page 2, after the word "father" strike out the words "and if he is dead, to the mother," and insert in place thereof the following words, "and mother in equal shares, and if either parent is dead, to the survivor."

On page 3 strike out subdivision "fourth," and lines 44, 45, 46 and 47.

In line 48, page 3, strike out the word "fifth" and insert instead thereof the word "fourth."

In line 61, page 4, at the beginning of the line, insert the word "fifth," and in line 68, page 4, strike out the word "seventh" and insert the word "sixth."

And when so amended recommend the same do pass.

B. G. SKULASON,
Chairman.

Also,

Your committee on judiciary to whom was referred
House Bill No. 154,

A bill for an act to amend section 2173 of the revised codes of the state of North Dakota for 1905, relating to automobiles.

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

By inserting the word "or" after the word "hand" in line 8 of page 1 of the printed bill; by striking out the word "a" in the same line and inserting instead thereof the word "other"; by striking out the word "attract" and inserting in place thereof the word "attract" in the same line.

And when so amended recommend the same do pass.

B. G. SKULASON,
Chairman.

Also,

Your committee on judiciary to whom was referred
House Bill No. 164,

A bill for an act to amend section 9544 of the revised codes of the state of North Dakota of 1905, relating to the disposition of fines and forfeitures.

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

B. G. SKULASON,
Chairman.

Mr. Skulason moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Also,

Your committee on judiciary to whom was referred
House Bill No. 146,

A concurrent resolution amending section 158 of the constitution of the state of North Dakota, providing for the purchase of and sale of school and public lands.

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

By transposing lines 37 and 38.

And when so amended recommend the same do pass.

B. G. SKULASON,
Chairman.

Also,

Your committee on judiciary to whom was referred
House Bill No. 160,

An amendment to the constitution of the state of North Dakota limiting the amount of indebtedness which may be incurred by any county, township, city, town, school district or other political subdivision.

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

B. G. SKULASON,
Chairman.

Mr. Skulason moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Also,

Your committee on judiciary to whom was referred
House Bill No. 196,

A bill for an act to amend section 7453 of the revised codes of North Dakota for 1905, relating to the foreclosure of mortgages upon real property, containing a power of sale, by advertisement, and limiting the time in which proceedings for such foreclosure may be commenced.

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

On page 1, line 10 of the printed bill, after the word "mortgage" insert the words "by advertisement."

On page 2, line 2 of section 2, strike out the words and figures "October 1, 1909," and insert the words and figures "January 1, 1910."

And when so amended recommend the same do pass.

B. G. SKULASON,
Chairman.

Also,

Your committee on judiciary to whom was referred House Bill No. 165,

A bill for an act to amend section 533 of the 1905 revised codes of North Dakota relative to the authorization of officers to administer oaths.

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

B. G. SKULASON,
Chairman.

Mr. Skulason moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on highways, bridges and ferries made the following report:

Mr. Speaker:

Your committee on highways, bridges and ferries to whom was referred

House Bill No. 33,

A bill for an act to amend section 1380 of the revised codes of 1905, relating to location and building of bridges.

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

Amend the title to read as follows: "An act to amend section 1380 of the revised codes of 1905, as amended in chapter 42 of the session laws of 1907."

Also in line 2, page 1 of the printed bill after the figures "1905" add "as amended in chapter 42 of the session laws of 1907."

Also in section 1, line 3 of the printed bill, after the word "such" insert "bridges and."

And when so amended recommend the same do pass.

F. E. DIBLEY,
Chairman.

Also,

Your committee on highways, bridges and ferries to whom was referred

Senate Bill No. 49,

A bill for an act to prohibit the throwing or depositing of glassware of any kind upon the streets of any village or city or upon public highways and providing for a penalty for the violation thereof.

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

In section 1, line 3, after the word "kind" add the following: "crockery, wire, nails, tacks, paper or any old building material while in the act of moving same."

Strike out all of section 2 and in lieu thereof insert the following: "It shall be the duty of any city auditor or clerk to have posted in a conspicuous place in the city hall, postoffice, court house, if any, and in at least two places in each ward of any city, and in the postoffice of any village, the provisions of section 1."

Section 3 to contain the provisions of section 2.

Also amend title to read as follows: After the word "kind" insert "crockery, wire, nails, tacks, paper or any old building material while in the act of moving same."

And when so amended recommend the same do pass.

F. E. DIBLEY,
Chairman.

The committee on education made the following report:

Mr. Speaker:

Your committee on education to whom was referred

House Bill No. 97,

A bill for an act to amend section 4177 of the revised codes of North Dakota for the year 1905, for the purpose of encouraging the formation of athletic associations and bands of musicians.

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

FRANK E. PLOYHAR,
Chairman.

Mr. Ployhar moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on education to whom was referred

Senate Bill No. 28,

A bill for an act entitled "An act defining the duties of district school boards in relation to the planting, cultivation and protection of trees and shrubs upon school house grounds.

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

FRANK E. PLOYHAR,
Chairman.

Mr. Ployhar moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on education to whom was referred

House Bill No. 183,

A bill for an act to amend sections 926 and 928 of the revised codes of North Dakota, 1905, as amended by chapter 103 of the session laws of 1907, relating to depositories of school funds.

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

FRANK E. PLOYHAR,
Chairman.

Mr. Ployhar moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Also,

Your committee on education to whom was referred
House Bill No. 177,

A bill for an act providing for the creating, establishing and maintaining of a biological station on the shore of Devils Lake in Ramsey county, North Dakota, for the control of such station and work associated therewith, appointment of directors of such station and its associated work, prescribing the duties of such directors and making appropriations therefor.

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

Strike out the words "and making appropriation therefor" in the title of the bill, and all of section 3.

And when so amended recommend the same do pass.

FRANK E. PLOYHAR,
Chairman.

Also,

Your committee on education to whom was referred
Senate Bill No. 58,

A bill for an act to amend section 955 of the revised codes of North Dakota, 1905, relating to compensation of members of the board of education.

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

FRANK E. PLOYHAR,
Chairman.

Mr. Ployhar moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on education to whom was referred
House Bill No. 185,

A bill for an act to amend section 922 of the revised codes of North Dakota relating to proposals for depositories of school funds.

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

FRANK E. PLOYHAR,
Chairman.

Mr. Ployhar moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

REPORT OF SELECT COMMITTEE.

To the Members, House Appropriations Committee, Bismarck, N. D.

Gentlemen: The undersigned committee, appointed by the speaker, to visit the State Normal schools, desire to make the following recommendations to your committee:

FOR VALLEY CITY.

That you recommend the following appropriations:

| | |
|---|---------------|
| Maintenance | \$ 40,000.00 |
| Power house and electric plant, including changing of heating plant | 40,000.00 |
| To complete auditorium | 7,000.00 |
| To pay mortgage | 2,375.00 |
| Library | 1,000.00 |
| Furniture for auditorium | 2,500.00 |
| Museum | 1,500.00 |
| To improve grounds | 2,000.00 |
| For barn | 1,500.00 |
| Ladies' dormitory | 50,000.00 |
| Total | \$ 147,875.00 |

The request of this institution for an appropriation to build a detention hospital is submitted without recommendation.

Respectfully submitted,

THOMAS BAKER, JR.,

Chairman,

JAMES DUNCAN,

J. M. HANLEY.

Also,

Mr. Speaker:—Your committee appointed to visit the Normal schools during the recess beg leave to make the following report:

The entire membership of the committee, together with that from the senate, spent one day each at Mayville and Valley City, making as careful examination of the institutions as was possible to do in such a length of time.

MAYVILLE.

We found the buildings and equipments for this school entirely inadequate for the needs of the teachers and students. The attendance at this school during the years 1907 and 1908 was 211 regular and 182 attending the summer school. Many of the students are using the upper floor of the main school building for dormitory purposes. The dining-room for these students is at present located in the basement of this building and is in a much crowded condition, it being necessary to use one dining table in one of the halls; the kitchen is a small, inconvenient, unsuitable room for the

purposes used. The main building is in much need of new furniture and fixtures. The library, containing few books, needs replenishing.

Two years ago the state made an appropriation for a ladies' dormitory, which is now only partially finished. This building should be completed and furnished at once.

The institution is badly in need of an outside heating plant with sufficient capacity to heat all the buildings; a vacuum system should also be installed in the main building.

The grounds around the buildings are in much need of leveling and seeding and there should be a number of trees planted at once.

In a report to the appropriation committee we have made recommendations.

The attendance of the Mayville Normal school is drawn mainly from the immediate vicinity, a large percentage of the pupils residing in Traill county.

We found an earnest interest being taken in this institution by the president and faculty as well as by the students. The institution is excellently managed.

VALLEY CITY

This Normal school is in a flourishing condition, the attendance being nearly 600 by students residing in all counties of the state with the exception of two, a number of students also residing in adjoining states.

The buildings and equipment of this institution are in excellent condition, but the accommodations are not sufficient to properly accommodate the large number of students enrolled. The principal requirement for the institution is an additional dormitory for the girls, a complete outside heating and lighting plant, and additions and improvements to the grounds. This committee has made a separate report to the appropriations committee covering these and other requirements.

We found an earnest interest taken in this institution by the president, faculty and students. The institution enjoys a high reputation, both in this state and among educators in other states.

Respectfully submitted,

THOMAS BAKER, JR.,
Chairman,

JAMES DUNCAN,
J. M. HANLEY.

Also,

To the Members, House Appropriations Committee, Bismarck, N. D.

Gentlemen: The undersigned committee, appointed by the speaker, to visit the State Normal schools, desire to make the following recommendations to your committee:

FOR MAYVILLE.

That you recommend the following appropriations:

| | |
|---|--------------|
| To complete dormitory | \$ 35,000.00 |
| Outside heating plant and building | 17,000.00 |
| Vacuum system for old building | 3,000.00 |
| Library | 1,000.00 |
| Grounds | 3,000.00 |
| Gymnasium apparatus | 1,000.00 |
| Manual training and science | 1,000.00 |
| Furniture and fixtures for old building | 2,000.00 |
| Total | \$ 62,000.00 |

This institution asks for an appropriation to build and complete a hospital. This request is submitted to you without recommendation by the committee.

Respectfully submitted,

THOMAS BAKER, JR.,
Chairman,

JAMES DUNCAN,
J. M. HANLEY.

SPECIAL ORDER

For the consideration of
House Bill No. 80,
A concurrent resolution for an amendment to the constitution providing for the initiative and referendum.

Mr. White moved

That the rules be suspended and that House Bill No. 80 be placed upon its third reading and final passage as amended.

Which motion was lost.

Mr. Wolbert moved

That the report of the committee of the whole of Friday, February 15th, be corrected as follows:

By adding thereto the following: "That the bill be reprinted in full with all amendments and placed upon the members' desks."

Which motion prevailed.

Mr. Streeter moved

That House Bill No. 80 be made a special order for 2:30 o'clock p. m. Saturday, February 13th.

Which motion prevailed.

INTRODUCTION, FIRST AND SECOND READING OF HOUSE BILLS.

Mr. Knox introduced

House Bill No. 242,

A bill for an act to amend section 131 of the revised codes of North Dakota of 1905, relating to an appropriation to promote immigration, and creating a board of im-

migration, prescribing its powers and duties, and making an appropriation therefor.

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

Mr. Skinner introduced

House Bill No. 243,

A bill for an act requiring operators of steam threshing rigs to give bonds to secure payment of all employes and insure all loss from fire originating from steam threshing engines.

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

Mr. Duncan introduced

House Bill No. 244,

A concurrent resolution for an amendment to the constitution amending section 215 thereof, by abolishing the state normal school at the city of Mayville in the county of Traill.

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

Mr. Grant introduced

House Bill No. 245,

A bill for an act to appropriate money for the use of the board of university and school lands in the payment of assessments for benefits made for drainage purposes against unsold common school and institution lands within the state.

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

Mr. Linde introduced

House Bill No. 246,

A bill for an act to amend sections 232 and 234 of the revised codes of the state of North Dakota for 1905, relating to the designation of depositories for state funds.

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

Mr. Homnes introduced

House Bill No. 247,

A bill for an act to amend section 7459 of the revised codes of North Dakota of 1905, relating to the publication of the notice of foreclosure by advertisement, and prescribing the duty of the party, attorney or agent foreclosing the mortgage.

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

Mr. Nelson of Steele introduced

House Bill No. 248,

A bill for an act to amend sections 2405, 2407, 2408 and 2409 of the revised codes of the state of North Dakota for 1905, relating to the authorization of public improvements in counties, and providing for the levying of taxes to aid in the construction of the same.

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

Mr. Doyle of Foster introduced

House Bill No. 249,

A bill for an act to amend section 10,245 of the revised codes of North Dakota for 1905, relating to the place where the board of pardons shall hold its sessions.

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

Mr. Wolbert introduced

House Bill No. 250,

A bill for an act to amend chapter 70 of the laws of 1905, being sections 1310, 1311, 1312, 1313, 1314 and 1315 of the revised codes of 1905, relating to the levy of a tax in certain counties, to aid in the maintenance of county agricultural fair associations, and to repeal parts of same.

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

Mr. Traynor introduced

House Bill No. 251,

A bill for an act appropriating money to provide for the erection, equipment and maintenance of a biological station

at Devils Lake, North Dakota, and to carry on its associated work.

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

Mr. Anderson introduced
House Bill No. 252,

A bill for an act to require public warehouses to clean all grain handled by them before testing the same for grade, and providing a penalty for the violation of this act.

Which was read the first and second times and
Referred to the committee on warehousing, grain and grain grading.

Mr. Anderson introduced
House Bill No. 253,

A bill for an act to amend section 2432 of the revised codes of North Dakota of 1905, relating to the publication of the proceedings of the board of county commissioners.

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

Mr. Giedt introduced
House Bill No. 254,

A bill for an act to amend section 8478 of the 1905 revised codes, being section 6749 of the 1895 revised codes of the state of North Dakota, relating to change of venue in criminal actions in justices' court.

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

Mr. White introduced
House Bill No. 255,

A bill for an act to provide for an examination of the sight and hearing of pupils in public schools, and making an appropriation therefor.

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

Mr. Pendray introduced
House Bill No. 256,

A bill for an act to establish a state fair and locate the same at Jamestown, North Dakota, and make an appropriation therefor.

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

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
February 8, 1909.

Mr. Speaker:

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

Resolved by the Senate, the House of Representatives Concurring:

That the Eleventh Legislative Assembly meet in joint session at two-thirty (2:30) P. M., Friday, February the 12th, for the purpose of honoring the memory of Lincoln;

Resolved, Further, That the members of the Supreme Court and our State Officials be and are hereby invited and requested, to precede the Senate to the House Chamber on this occasion.

Which the senate has adopted and your favorable consideration is respectfully requested.

Very respectfully,
J. W. FOLEY,
Secretary.

Mr. Skulason moved

That the house concur in the senate concurrent resolutions relating to the memory of Lincoln.

Which motion prevailed, and

The resolution was concurred in.

THIRD READING OF HOUSE BILLS.

House Bill No. 86,

A bill for an act making contracts containing provisions, preventing purchasers from setting up defects in articles of commerce as counter claims, void as against public policy.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 69, nays 22, absent and not voting 4.

Those who voted in the affirmative were:

| | | |
|----------------------|----------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Hendrickson | Nyhus |
| Akesson | Hill | Olson |
| Anderson | Hommes | Paulson |
| Atwood | Honey | Pendray |
| Baker of Cass | Johnson of Bottineau | Plath |
| Bjorndahl | Johnson of McLean | Ployhar |
| Brynjulson | Johnson of Rolette | Poe |
| Burnett | Kinney of McLean | Price |
| Burns | Kneeland | Putnam |
| Chatfield | Knox | Skulason |
| Christenson | Law | Sorlie |
| Collins of Cass | Laithwaite | Steen |
| Collins of Gd. Forks | Linde | Storey |
| Crawford | Lindvig | Streeter |
| Cunningham | Lucke | Thompson, Gd. Forks |
| Doyle of McIntosh | Martin | Thompson of McLean |
| Duncan | McLear | Thoreson |
| Evans | Moen of Benson | Traynor |
| Freeman | Moen of Cavalier | Ward |
| Garden | Narum | White |
| Gibbens | Nelson of McHenry | Wisner |
| Grant | Nelson of Steele | Young |
| Hanley | Nelson of Walsh | Mr. Speaker |

Those who voted in the negative were:

| | | |
|-----------------|--------------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Baker of Stark | Hughes | Senour |
| Davidson | Jowett | Sgutt |
| Doyle of Foster | Kinney of Richland | Sheils |
| Fraine | Kremer | Sinclair |
| Ganssle | McCrea | Skinner |
| Geidt | Pound | Welford |
| Goldammer | Schull | Wolbert |
| Hale | | |

Absent and not voting:

| | | |
|------------|------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Brusletten | Hemmingson | Peart |
| Dibley | | |

Messrs. Brusletten and Hemmingson being excused.
So the bill passed and the title was agreed to.

Mr. Anderson moved

That the vote by which House Bill No. 86 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 90,

A bill for an act to amend section 2600 of the revised codes of 1905, and to repeal section 2601 of the revised code of 1905.

Was read the third time

The question being on the final passage of the bill.

The roll was called and there were ayes 92, nays 0, absent and not voting 3.

Those who voted in the affirmative were:

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|----------------------|---------------------|
| Aasheim | Hanley | Paulson |
| Akesson | Hendrickson | Peart |
| Anderson | Hill | Pendray |
| Atwood | Hommes | Plath |
| Baker of Cass | Honey | Ployhar |
| Baker of Stark | Hughes | Poe |
| Bjorn Dahl | Jewett | Pound |
| Brynjulson | Johnson of Bottineau | Put. am |
| Burnett | Johnson of McLean | Schull |
| Burns | Johnson of Rolette | Senour |
| Chatfield | Kinney of McLean | Sgutt |
| Christenson | Kinney of Richland | Sheils |
| Collins of Cass | Kneeland | Sinclair |
| Collins of Gd. Forks | Knox | Skinner |
| Crawford | Kremer | Skulason |
| Cunningham | Law | Sorlie |
| Davidson | Laithwaite | Steen |
| Dibley | Linde | Storey |
| Doyle of Foster | Lindvig | Streeter |
| Doyle of McIntosh | Lucke | Thompson, Gd. Forks |
| Duncan | Martin | Thompson of McLean |
| Evans | McCrea | Thoreson |
| Fraine | McLear | Traynor |
| Freeman | Moen of Benson | Ward |
| Ganssle | Moen of Cavalier | Welford |
| Garden | Narum | White |
| Geidt | Nelson of McHenry | Wisner |
| Gibbens | Nelson of Steele | Wolbert |
| Goldammer | Nelson of Walsh | Young |
| Grant | Nyhus | Mr. Speaker |
| Hale | Oison | |

Absent and not voting:

| Messrs.— | Messrs.— | Messrs.— |
|------------|------------|----------|
| Brusletten | Hemmingson | Price |

Messrs. Brusletten and Hemmingson being excused.
So the bill passed and the title was agreed to.

Mr. Doyle moved

That the vote by which House Bill No. 90 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed

House Bill No. 91,

A bill for an act amending section 2550 of the revised codes of North Dakota for 1905, relating to powers, duties and remedies of public administrators.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 88, nays 0, absent and not voting 7.

Those who voted in the affirmative were:

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|----------------------|---------------------|
| Aasheim | Honey | Pendray |
| Akesson | Hughes | Plath |
| Anderson | Jewett | Ployhar |
| Baker of Stark | Johnson of Bottineau | Poe |
| Bjorn Dahl | Johnson of McLean | Pound |
| Brynjulson | Johnson of Rolette | Price |
| Burnett | Kinney of McLean | Putnam |
| Burns | Kinney of Richland | Schull |
| Chatfield | Kneeland | Senour |
| Christenson | Knox | Sgutt |
| Collins of Cass | Kremer | Sheils |
| Collins of Gd. Forks | Law | Sinclair |
| Crawford | Laithwaite | Skinner |
| Cunningham | Linde | Skulason |
| Davidson | Lindvig | Sorlie |
| Doyle of Foster | Lucke | Steen |
| Doyle of McIntosh | Martin | Storey |
| Duncan | McCrea | Streeter |
| Evans | McLear | Thompson, Gd. Forks |
| Freeman | Moen of Benson | Thompson of McLean |
| Ganssle | Moen of Cavalier | Thoreson |
| Geidt | Narum | Traynor |
| Gibbens | Nelson of McHenry | Ward |
| Goldammer | Nelson of Steele | Welford |
| Grant | Nelson of Walsh | White |
| Hale | Nyhus | Wisner |
| Hanley | Olson | Wolbert |
| Hendrickson | Paulson | Young |
| Hill | Peart | Mr. Speaker |
| Homnes | | |

Absent and not voting:

| Messrs.— | Messrs.— | Messrs.— |
|---------------|----------|------------|
| Atwood | Dibley | Garden |
| Baker of Cass | Fraine | Hemmingson |
| Brusletten | | |

Messrs. Brusletten and Hemmingson being excused.

So the bill passed and the title was agreed to.

Mr. Chatfield moved

That the vote by which House Bill No. 91 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 62,

A bill for an act relative to injuries received on highways resulting from snow or ice.

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 53, absent and not voting 5.

Those who voted in the affirmative were:

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|------------------|---------------------|
| Anderson | Kneeland | Sgutt |
| Baker of Cass | Linde | Skulason |
| Brynjulson | Lindvig | Sorlie |
| Davidson | Lucke | Steen |
| Dibley | Moen of Benson | Storey |
| Duncan | Moen of Cavalier | Thompson, Gd. Forks |
| Ganssle | Nelson of Walsh | Welford |
| Geidt | Paulson | White |
| Gibbens | Pendray | Wisner |
| Hale | Pound | Wolbert |
| Johnson of Bottineau | Price | Young |
| Johnson of Rolette | Senour | Mr. Speaker |
| Kinney of Richland | | |

Those who voted in the negative were:

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|-------------------|-------------------|
| Aasheim | Grant | Nelson of McHenry |
| Akesson | Hanley | Nelson of Steele |
| Atwood | Hendrickson | Nyhus |
| Baker of Stark | Hill | Oison |
| Bjorndahl | Homnes | Peart |
| Burnett | Honey | Plath |
| Burns | Hughes | Ployhar |
| Chatfield | Jewett | Poe |
| Christenson | Johnson of McLean | Putnam |
| Collins of Cass | Kinney of McLean | Schull |
| Collins of Gd. Forks | Knox | Sheils |
| Crawford | Kremer | Sinclair |
| Cunningham | Law | Skinner |
| Doyle of Foster | Laithwaite | Streeter |
| Doyle of McIntosh | Martin | Thoreson |
| Evans | McCrea | Traynor |
| Freeman | McLear | Ward |
| Goldammer | Narum | |

Absent and not voting:

| Messrs.— | Messrs.— | Messrs.— |
|------------|------------|--------------------|
| Brusletten | Garden | Thompson of McLean |
| Fraine | Hemmingson | |

Messrs. Brusletten and Hemmingson being excused:
So the bill was lost.

Mr. Dibley moved

That the vote by which House Bill No. 62 was lost be reconsidered.

Mr. Streeter moved

That the motion to reconsider be laid upon the table.
Which motion prevailed.

The speaker called Mr. White to the chair.

House Bill No. 83,

A bill for an act entitled an act to prohibit the use of four wheel cabooses, known as dinky cabooses, on all railroad trains operated in the state of North Dakota; to prevent the use of box cars as cabooses and to fix the minimum size and manner of construction of all cars used as cabooses and fixing the penalties for violation of this act.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 91, nays 1, absent and not voting 3.

Those who voted in the affirmative were:

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|----------------------|---------------------|
| Aasheim | Hendrickson | Peart |
| Akesson | Hill | Pendray |
| Anderson | Hommes | Plath |
| Atwood | Honey | Ployhar |
| Baker of Cass | Hughes | Poe |
| Baker of Stark | Jewett | Pound |
| Ejorndahl | Johnson of Bottineau | Price |
| Brynjulson | Johnson of McLean | Putnam |
| Burnett | Johnson of Rolette | Schull |
| Burns | Kinney of McLean | Senour |
| Chatfield | Kinney of Richland | Sgutt |
| Christenson | Kneeland | Sheils |
| Collins of Cass | Kremer | Sinclair |
| Collins of Gd. Forks | Law | Skinner |
| Crawford | Laithwaite | Skulason |
| Cunningham | Linde | Sorlie |
| Davidson | Lindvig | Steen |
| Dibley | Lucke | Storey |
| Doyle of Foster | Martin | Streeter |
| Doyle of McIntosh | McCrea | Thompson, Gd. Forks |
| Duncan | McLear | Thompson of McLean |
| Evans | Moen of Benson | Thoreson |
| Freeman | Moen of Cavalier | Traynor |
| Ganssle | Narum | Ward |
| Garden | Nelson of McHenry | Welford |
| Geidt | Nelson of Steele | White |
| Gibbens | Nelson of Walsh | Wisner |
| Goldammer | Nyhus | Wolbert |

| | | |
|----------|----------|-------------|
| Messrs.— | Messrs.— | Messrs.— |
| Grant | Olson | Young |
| Hale | Paulson | Mr. Speaker |
| Hanley | | |

Absent and not voting:

| | | |
|------------|----------|------------|
| Messrs.— | Messrs.— | Messrs.— |
| Brusletten | Fraine | Hemmingson |

Mr. Knox voted in the negative.

Messrs. Brusletten and Hemmingson being excused.

So the bill passed and the title was agreed to.

Mr. Moen of Benson moved

That the vote by which House Bill No. 83 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 98,

A bill for an act to amend section 2884, article 7, chapter 31, of the revised codes of the state of North Dakota for 1905, relating to powers and duties of village officers.

Was read the third time

The question being on the final passage of the bill.

The roll was called and there were ayes 91, nays 1, absent and not voting 3.

Those who voted in the affirmative were:

| | | |
|----------------------|----------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Hill | Peart |
| Akesson | Homnes | Pendray |
| Anderson | Honey | Plath |
| Atwood | Hughes | Ployhar |
| Baker of Cass | Jewett | Poe |
| Baker of Stark | Johnson of Bottineau | Pound |
| Bjorndahl | Johnson of McLean | Price |
| Brynjulson | Johnson of Rolette | Putnam |
| Burnett | Kinney of McLean | Schull |
| Burns | Kinney of Richland | Senour |
| Chatfield | Kneeland | Sgutt |
| Christenson | Knox | Shells |
| Collins of Cass | Kremer | Sinclair |
| Collins of Gd. Forks | Law | Skinner |
| Crawford | Laithwaite | Skulason |
| Cunningham | Linde | Sorlie |
| Davidson | Lindvig | Steen |
| Dibley | Lucke | Storey |
| Doyle of Foster | Martin | Streeter |
| Duncan | McCrea | Thompson, Gd. Forks |
| Evans | McLear | Thompson of McLean |
| Freeman | Moen of Benson | Thoreson |
| Ganssle | Moen of Cavalier | Traynor |

| | | |
|-------------|-------------------|-------------|
| Messrs.— | Messrs.— | Messrs.— |
| Garden | Narum | Ward |
| Geidt | Nelson of McHenry | Welford |
| Gibbens | Nelson of Steele | White |
| Goldammer | Nelson of Walsh | Wisner |
| Grant | Nyhus | Wolbert |
| Hale | Oison | Young |
| Hanley | Paulson | Mr. Speaker |
| Hendrickson | | |

Absent and not voting:

| | | |
|------------|----------|------------|
| Messrs.— | Messrs.— | Messrs.— |
| Brusletten | Fraine | Hemmingson |

Mr. Doyle of McIntosh voted in the negative.

Messrs. Brusletten and Hemmingson being excused.

So the bill passed and the title was agreed to.

Mr. Nelson of Steele moved

That the vote by which House Bill No. 98 passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 138,

A bill for an act to amend section 9312 of the revised codes of 1905; relating to malicious injuries to or obstruction of telephone, telegraph or other electric wires.

Was read the third time

The question being on the final passage of the bill.

The roll was called and there were ayes 89, nays 1, absent and not voting 5.

Those who voted in the affirmative were:

| | | |
|----------------------|----------------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Hendrickson | Pendray |
| Akesson | Hill | Plath |
| Anderson | Homness | Ployhar |
| Atwood | Honey | Poe |
| Baker of Cass | Hughes | Pound |
| Baker of Stark | Jewett | Price |
| Bjorndahl | Johnson of Bottineau | Putnam |
| Brynjulson | Johnson of McLean | Schull |
| Burnett | Johnson of Rolette | Senour |
| Burns | Kinney of McLean | Sgutt |
| Chatfield | Kinney of Richland | Sheils |
| Christenson | Kneeland | Sinclair |
| Collins of Cass | Knox | Skinner |
| Collins of Gd. Forks | Kremer | Skulason |
| Crawford | Law | Sorlie |
| Cunningham | Laithwalte | Steen |
| Davidson | Linde | Storey |
| Dibley | Lindvig | Streete. |

| | | |
|-------------------|-------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Doyle of Foster | Lucke | Thompson, Gd. Forks |
| Doyle of McIntosh | McCrea | Thompson of McLean |
| Duncan | McLear | Thoreson |
| Evans | Moen of Cavalier | Traynor |
| Freeman | Narum | Ward |
| Ganssle | Nelson of McHenry | Welford |
| Garden | Nelson of Steele | White |
| Geidt | Nelson of Walsh | Wisner |
| Gibbens | Nyhus | Wolbert |
| Goldammer | Olson | Young |
| Grant | Paulson | Mr. Speaker |
| Hanley | Peart | |

Absent and not voting:

| | | |
|------------|------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Brusletten | Hale | Martin |
| Fraine | Hemmingson | |

Mr. Moen of Benson voted in the negative.

Messrs. Brusletten and Hemmingson being excused.

Mr. Hanley moved

That the title of the bill be amended as follows:

That after the word "wires" add the following words,
"providing a penalty therefor."

Which motion prevailed, and

The amendment was adopted.

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

House Bill No. 24,

A bill for an act to amend section 19 of chapter 169 of the laws of 1907, entitled "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 third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 76, nays 12, absent and not voting 7.

Those who voted in the affirmative were:

| | | |
|----------------|----------------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Akesson | Hanley | Peart |
| Anderson | Hill | Plath |
| Atwood | Homnes | Ployhar |
| Baker of Cass | Honey | Poe |
| Baker of Stark | Jewett | Pound |
| Bjorndahl | Johnson of Bottineau | Price |
| Brynjulson | Johnson of McLean | Schull |
| Burnett | Johnson of Rolette | Senour |
| Burns | Kinney of McLean | Stutt |

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|--------------------|---------------------|
| Chatfield | Kinney of Richland | Sheils |
| Collins of Cass | Kneeland | Skinner |
| Collins of Gd. Forks | Knox | Skulason |
| Crawford | Kremer | Sorlie |
| Cunningham | Law | Storey |
| Davidson | Laithwaite | Streeter |
| Dibley | Lindvig | Thompson, Gd. Forks |
| Doyle of Foster | Lucke | Thompson of McLean |
| Duncan | McCrea | Thoreson |
| Evans | McLear | Traynor |
| Freeman | Moen of Benson | Ward |
| Ganssle | Moen of Cavalier | Welford |
| Garden | Nelson of McHenry | White |
| Geidt | Nelson of Steele | Wisner |
| Gibbens | Olson | Young |
| Goldammer | Paulson | Mr. Speaker |
| Hale | | |

Those who voted in the negative were:

| Messrs.— | Messrs.— | Messrs.— |
|-------------------|-------------|-----------------|
| Aasheim | Grant | Nelson of Walsh |
| Christenson | Hendrickson | Nyhus |
| Doyle of McIntosh | Linde | Pendray |
| Fraine | Narum | Sinclair |

Absent and not voting:

| Messrs.— | Messrs.— | Messrs.— |
|------------|----------|----------|
| Brusletten | Martin | Steen |
| Hemmingson | Putnam | Wolbert |
| Hughes | | |

Messrs. Brusletten and Hemmingson being excused.

So the bill passed and the title was agreed to.

Mr. McCrea moved

That the vote by which House Bill No. 24 passed be reconsidered, and the motion to reconsider be laid on the table. Which motion prevailed

House Bill No. 119,

An act to amend section 8089 of the revised codes of 1905 of North Dakota relating to the exemption of personal property and disposition thereof in the matter of estates pending in 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 89, nays 0, absent and not voting 6.

Those who voted in the affirmative were:

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|----------------------|---------------------|
| Aasheim | Hanley | Paulson |
| Akesson | Hendrickson | Peart |
| Anderson | Hill | Pendray |
| Atwood | Homness | Plath |
| Baker of Stark | Honey | Ployhar |
| Bjorndahl | Hughes | Poe |
| Brynjulson | Jewett | Pound |
| Burnett | Johnson of Bottineau | Price |
| Burns | Johnson of McLean | Putnam |
| Chatfield | Johnson of Rolette | Schull |
| Christenson | Kinney of McLean | Sgutt |
| Collins of Cass | Kinney of Richland | Sheils |
| Collins of Gd. Forks | Kneeland | Sinclair |
| Crawford | Knox | Skinner |
| Cunningham | Kremer | Skulason |
| Davidson | Law | Sorlie |
| Dibley | Laithwaite | Steen |
| Doyle of Foster | Linde | Storey |
| Doyle of McIntosh | Lindvig | Streeter |
| Duncan | Lucke | Thompson, Gd. Forks |
| Evans | McCrea | Thompson of McLean |
| Fraine | McLear | Thoreson |
| Freeman | Moen of Benson | Traynor |
| Ganssle | Moen of Cavalier | Ward |
| Garden | Narum | Welford |
| Geidt | Nelson of McHenry | White |
| Gibbens | Nelson of Steele | Wisner |
| Goldammer | Nelson of Walsh | Young |
| Grant | Nyhus | Mr. Speaker |
| Hale | Olson | |

Absent and not voting:

| Messrs.— | Messrs.— | Messrs.— |
|---------------|------------|----------|
| Baker of Cass | Hemmingson | Senour |
| Brusletten | Martin | Wolbert |

Messrs. Brusletten and Hemmingson being excused.

So the bill passed and the title was agreed to.

Mr. Cunningham moved

That the vote by which House Bill No. 119 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed

House Bill No. 81,

A bill for an act relating to the assessment of lands for the construction of drains and providing for an appeal from the decision of the drainways board, and fixing the compensation of drain commissioners.

Was read the third time.

Mr. Fraine moved

That the further consideration of the bill be referred to a special committee.

Mr. Garden moved

That the bill be re-referred to the committee of the whole.

Which motion prevailed, and

The bill was so re-referred.

COURTESIES OF THE FLOOR.

The privileges of the floor were extended to Rev. H. G. Benz, Lehr; L. Rubin, Ashley; S. G. Wittmeir, Fredonia; Carl Adams, Steele; W. H. Batzer, Hazelton; F. O. Brewster, L. B. Mallander, Wells county; M. Y. Caspers, Oakes; Mons Johnson, Ole F. Hanson, Peter Davidson, Hillsboro; James Sneen, Knox; W. R. Kellogg, Jamestown; Peter Reid, Amos Abbott, Langdon; P. N. Korsmo, Northwood.

The speaker administered the oath of office to Mrs. Henry Murphy.

Mr. Baker of Cass moved

That the house take a recess until tomorrow at 10 o'clock a. m.

Which motion prevailed, and

The house took a recess until 10 o'clock a. m. tomorrow.

W. D. AUSTIN,
Chief Clerk.

THIRTY-FIFTH DAY AFTER RECESS
AND
THIRTY-SIXTH DAY

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 9, 1909.

The house assembled at 10 o'clock a. m., pursuant to recess taken.

FIRST AND SECOND READING OF HOUSE BILLS.

Mr. Baker of Cass introduced

House Bill No. 257,

A bill for an act to amend section 4429 of the revised codes of 1905, relating to the capital stock of insurance companies.

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

Mr. Senour introduced

House Bill No. 258,

A bill for an act to amend section 9263 of the revised codes of the state of North Dakota for the year of 1905, relating to unlawfully branding and stealing of live stock and prescribing penalties therefor.

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

Mr. Homnes introduced

House Bill No. 259,

A bill for an act to amend section 6839 of the revised codes of North Dakota for 1905, relating to the service of summons in civil actions.

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

Mr. Gibbens introduced

House Bill No. 260,

A bill for an act to amend section 204 of the revised codes of the state of North Dakota of 1905, relating to the manner of appraising school and institution lands for leasing purposes, and providing the manner of determining the minimum annual rental to be charged therefor.

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

Mr. Traynor introduced

House Bill No. 261,

A bill for an act to amend section 470 of the revised codes of 1905, relating to terms of court in the Second judicial district.

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

Mr. Baker of Cass introduced

House Bill No. 262,

A bill for an act repealing section 4465 of the revised codes of 1905, relating to the limit of risks of fire insurance companies in any one town or city.

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

Mr. Traynor introduced

House Bill No. 263,

A bill for an act to create a public warehouse fund and to provide for the use of such moneys and disbursements therefrom.

Which was read the first and second times and
Referred to the committee on warehousing, grain and grain grading.

Mr. Kinney of McLean introduced
House Bill No. 264,

A bill for an act amending section 6237, revised codes, 1905, providing who may file mechanic's liens and for what purpose.

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

Mr. Kinney of McLean introduced
House Bill No. 265,

A bill for an act, entitled "An act fixing the priority of mechanic's liens, and providing a remedy in the foreclosure thereof."

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

Mr. Baker of Cass introduced
House Bill No. 266,

A bill for an act prohibiting employes from obtaining transportation with intent to defraud.

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

Mr. White introduced
House Bill No. 267,

A bill for an act relating to railroad stations.

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

Mr. Hemmingson introduced
House Bill No. 268,

A bill for an act to amend section 9151 of the revised codes of 1905, relating to having burglars' instruments and explosives in possession.

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

FIRST AND SECOND READING OF SENATE BILLS.

Senate Bill No. 31,

A bill to amend chapter 74 of the laws of 1907 (being an amendment of section 2580 of the revised codes of 1905) relating to the salaries of clerks of the district court.

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

Senate Bill No. 74,

A bill for an act to repeal section 9395 of the revised code of North Dakota 1905, relating to rewards for the arrest and conviction of violators of the prohibition law.

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

Senate Bill No. 79,

A bill for an act to amend chapter 192 of the session laws of 1907, entitled "An act to prohibit the soliciting of orders for the future delivery without this state of intoxicating liquors to be transported into this state to be used or sold in violation of the laws thereof, and providing a penalty for its violation.

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

Senate Bill No. 144,

A bill for an act to prohibit the manufacture, sale or use of adulterated cigarettes and prohibiting the use of tobacco by minor persons and by all minor pupils of public schools, and providing penalties therefor.

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

GENERAL ORDERS.

Mr. Grant moved

That the house resolve itself into a committee of the whole for the consideration of general orders.

Which motion prevailed, and

The house resolved itself into a committee of the whole.

The speaker called Mr. White to the chair.

When the committee arose it submitted the following report:

Mr. Speaker:

Your committee of the whole have had under consideration

House Bill No. 181,

A bill for an act to amend section 3153 of the revised codes of 1905, relating to meetings of township board of auditors.

And recommend that the same be amended as follows:

Change title so as to read "For an act to amend section 3153 and the repeal of section 3154 of the revised codes of 1905, relating to meetings of township board of auditors."

In line 1 of the repeal clause of the printed bill, change the figure "2" after the word "Sec." to "3." In the same section and line change the figures "3153" to the figures "3154."

And when so amended recommend the same do pass.

Also,

House Bill No. 64,

A bill for an act to amend the law of succession.

And recommend that the same be amended as follows:

After the words "A bill" strike out the words "for an act to amend the laws of succession" and insert in lieu thereof the words "for an act to amend section 5187 of the revised codes of 1905, relating to the law of succession."

In line 20, page 2 of the printed bill, after the second word "issue" strike out the words "and if such issue leaves issue."

In line 21, page 2, strike out the words "the whole estate goes to such issue."

In line 30, page 2, strike out the word "goes" and insert the words "in equal shares"; in the same line after the word "father" insert the words "and mother"; also in the same line strike out the words "if he is dead, to decedent's mother," and insert in place thereof "but if either parent is dead, to the survivor."

In line 36, page 2, after the word "father" strike out the words "and if he is dead, to the mother," and insert in place thereof the following words, "and mother in equal shares, and if either parent is dead, to the survivor."

On page 3 strike out subdivision "fourth," and lines 44, 45, 46 and 47.

In line 48, page 3, strike out the word "fifth" and insert instead thereof the word "fourth."

In line 61, page 4, at the beginning of the line, insert the word "fifth," and in line 68, page 4, strike out the word "seventh" and insert the word "sixth."

And when so amended recommend the same do pass.

G. A. WHITE,
Chairman.

Mr. White moved

That the report of the committee of the whole be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The speaker appointed as a committee on designing the state flag, Messrs. Wisner, Bjordahl and Paulson.

THIRD READING OF HOUSE BILLS.

House Bill No. 141,

A bill for an act relating to the removal from mortgaged land of buildings, fixtures, or other appurtenances.

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 48, absent and not voting 21.

Those who voted in the affirmative were:

| | | |
|----------------------|--------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Akesson | Kinney of Richland | Skulason |
| Anderson | Kneeland | Steen |
| Burnett | Laithwaite | Storey |
| Collins of Gd. Forks | Linde | Thompson, Gd. Forks |
| Doyle of Foster | Narum | Welford |
| Ganssle | Paulson | Wisner |
| Grant | Price | Wolbert |
| Hale | Putnam | Mr. Speaker |
| Johnson of Rolette | Schull | |

Those who voted in the negative were:

| | | |
|-------------------|----------------------|------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Aashelm | Hanley | Moen of Cavalier |
| Bjordahl | Hendrickson | Nelson of Steele |
| Brynjulson | Hill | Nelson of Walsh |
| Burns | Homnes | Nyhus |
| Chatfield | Honey | Olson |
| Christenson | Jewett | Pearl |
| Collins of Cass | Johnson of Bottineau | Pendray |
| Crawford | Johnson of McLean | Plath |
| Davidson | Kinney of McLean | Senour |
| Doyle of McIntosh | Knox | Sheils |
| Duncan | Kremer | Skinner |
| Fraine | Lindvig | Sorlie |
| Freeman | Lucke | Thoreson |
| Garden | Martin | Traynor |

Messrs.—

Geldt
Gibbens

Messrs.—

McCrea
Moen of Benson

Messrs.—

Ward
White**Absent and not voting:**

Messrs.—

Atwood
Baker of Cass
Baker of Stark
Brusletten
Cunningham
Dibley
Evans

Messrs.—

Goldammer
Hemmingson
Hughes
Law
McLear
Nelson of McHenry
Ployhar

Messrs.—

Poe
Pound
Sgutt
Sinclair
Streeter
Thompson of McLean
Young

Messrs. Brusletten and Hemmingson being excused.

So the bill was lost.

Mr. Davidson moved

That the house do now adjourn.

Which motion prevailed, and

The house adjourned.

W. D. AUSTIN,
Chief Clerk.

THIRTY-SIXTH DAY

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 9, 1909.

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

The speaker presiding.

Prayer by the Rev. Geo. B. Newcomb.

Roll call.

All members present except Messrs. Brusletten, Hemmingson, Hughes and Sgutt, who were excused.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
February 9, 1909.

Mr. Speaker:

I have the honor to transmit herewith

Senate Bill No. 105,

A bill for an act to amend section 475 of the revised codes of 1905, being the section relative to the boundaries and terms of court in the Seventh judicial district of the state of North Dakota.

Also,

Senate Bill No. 152,

A bill for an act to amend section 6187 of the revised codes of the state of North Dakota for 1905, relating to the execution of mortgages of personal property and the qualifications of witness thereof.

Also.

Senate Bill No. 155,

A bill for an act to amend section 192 of the revised codes of the state of North Dakota of 1905, relating to the collection by county treasurers of moneys due on school lands held under contract or lease from the state, and providing the manner of reporting such collections to the state auditor and the commissioner of university and school lands, and prescribing the duties of the county treasurers, state auditor and land commissioner in connection therewith.

Also,

Senate Bill No. 156,

A bill for an act providing for the election of justices of the peace and constables in election precincts, comprising one or more unorganized townships, on petition of ten or more qualified electors of such precinct.

Also,

Senate Bill No. 170,

A bill for an act to amend chapter 161 of the session laws of 1907, relating to the boundaries of the Ninth judicial district, and prescribing and defining the terms of the district court therein.

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

Also,

I have the honor to inform you that the president of the senate has named as senate members of the committee on design for a state flag, Messrs. Stevens, Neal and Steel of Stutsman.

Also,

I have the honor to return herewith

House Bill No. 71,

A bill for an act to provide for the greater publicity of the finances of the state.

Which the senate has amended as follows:

Strike out all of line 2 in printed bill after the words "day of" and insert in lieu thereof the words "January, April, July and October of each year."

In line 15, page 2 of the printed bill, strike out the words "such month" where they appear after the words "day of" and insert in lieu thereof the words "each of said months."

And passed as amended.

Very respectfully,
J. W. FOLEY,
Secretary.

Mr. Jewett moved

That the house concur in the senate amendments to House Bill No. 71.

Mr. Skulason moved

That House Bill No. 71 be referred to a conference committee.

Which motion was lost.

The question being upon the motion to concur in the senate amendments the same prevailed, and the senate amendments were adopted.

Mr. Jewett moved

That the rules be suspended and House Bill No. 71 be placed upon its third reading and final passage as amended by the senate.

Which motion prevailed.

House Bill No. 71,

A bill for an act to provide for the greater publicity of the finances of the state.

Was read the third time

The question being on the final passage of the bill as amended by the senate.

The roll was called and there were ayes 71, nays 14, absent and not voting 10.

Those who voted in the affirmative were:

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|----------------------|---------------------|
| Aasheim | Homnes | Peart |
| Anderson | Honey | Pendray |
| Atwood | Jewett | Ployhar |
| Bjorndahl | Johnson of Bottineau | Poe |
| Brynjulson | Johnson of Rolette | Pound |
| Burnett | Kinney of McLean | Putnam |
| Burns | Kinney of Richland | Schull |
| Christenson | Kneeland | Senour |
| Collins of Cass | Knox | Sheils |
| Collins of Gd. Forks | Law | Sinclair |
| Cunningham | Linde | Skinner |
| Doyle of Foster | Lindvig | Sorlie |
| Doyle of McIntosh | Lucke | Steen |
| Duncan | Martin | Storey |
| Evans | McCrea | Streeter |
| Freeman | McLear | Thompson, Gd. Forks |
| Ganssle | Moen of Benson | Thoreson |
| Garden | Moen of Cavalier | Welford |
| Gibbens | Narum | White |
| Goldammer | Nelson of McHenry | Wisner |
| Grant | Nelson of Steele | Wolbert |
| Hale | Nyhus | Young |
| Hanley | Olsen | Mr. Speaker |
| Hill | Paulson | |

Those who voted in the negative were:

| Messrs.— | Messrs.— | Messrs.— |
|-----------|-------------------|--------------------|
| Chatfield | Hendrickson | Skulason |
| Crawford | Johnson of McLean | Thompson of McLean |
| Davidson | Kremer | Traynor |
| Fraine | Laithwaite | Ward |
| Geidt | Nelson of Walsh | |

Absent and not voting:

| Messrs.— | Messrs.— | Messrs.— |
|----------------|------------|----------|
| Akesson | Dibley | Plath |
| Baker of Cass | Hemmingson | Price |
| Baker of Stark | Hughes | Sgutt |
| Brusletten | | |

Messrs. Brusletten, Hemmingson, Hughes and Sgutt being excused.

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

Mr. Jewett moved

That the vote by which House Bill No. 71 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

REFERENCE OF THE JOURNAL.

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

Mr. Speaker:

Your committee on revision and correction of the journal have carefully examined the journal of the thirty-fifth day and find the same correct.

And recommend that the same be approved.

S. J. DOYLE,
Chairman

Mr. Doyle moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

REPORTS OF STANDING COMMITTEES.

The committee on engrossment made the following report:

Mr. Speaker:

Your committee on engrossment have examined
House Bill No. 138,

A bill for an act to amend section 1 of chapter 247 of the session laws of 1907, amending section 9312 of the revised codes of 1905, relating to malicious injuries to or obstruction of telephone, telegraph or other electric wires.

And find the same correctly re-engrossed.

C. C. CRAWFORD,
Chairman.

Mr. Crawford moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on engrossment have examined
House Bill No. 97,

A bill for an act to amend section 4177 of the revised codes of North Dakota for the year 1905, for the purpose

of encouraging the formation of athletic associations and bands of musicians.

Also,

House Bill No. 165,

A bill for an act to amend section 533 of the 1905 revised codes of North Dakota relative to the authorization of officers to administer oaths.

And find the same correctly engrossed.

C. C. CRAWFORD,
Chairman.

Mr. Crawford 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. Speaker:

Your committee on insurance to whom was referred
House Bill No. 200,

A bill for an act to amend section 4, chapter 140 of the 1907 session laws of the state of North Dakota, relating to insurance.

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

JOHN A. HONEY,
Chairman.

Mr. Honey moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. Speaker:

Your committee on insurance to whom was referred
House Bill No. 152,

A bill for an act to amend section 4475 of the revised codes of the state of North Dakota for 1905, relating to the tax levied upon insurance companies doing business within the state.

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

JOHN A. HONEY,
Chairman.

Mr. Honey moved

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

Also,

Your committee on insurance to whom was referred
House Bill No. 32,

A bill for an act to amend section 3119, of the revised codes for 1905, relating to insurance.

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

JOHN A. HONEY,
Chairman.

Mr. Honey moved

That the report be adopted.
Which motion prevailed, and
The further consideration of the bill was indefinitely postponed.

Also,

Your committee on insurance to whom was referred
House Bill No. 38,

A bill for an act amending section 4466 of the revised codes of 1905, relating to insurance.

Have had the same under consideration and recommend that the same be referred to the committee of the whole without recommendation.

JOHN A. HONEY,
Chairman.

Mr. Honey 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. Speaker:

Your committee on judiciary to whom was referred House Bill No. 153,

A bill for an act to amend section 2620 of the revised codes of 1905, relating to legal rates for publication of legal notices.

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

Strike out everything after the enacting clause and insert the following:

“Section 1. Amendment.) That section 2620 of the revised codes of 1905 be amended to read as follows:

“Section 2620. In all cases where publication of legal notices of any kind is required or allowed by law, the person or officer desiring such publication shall be required to pay seven cents per counted line of nonpareil type for the first insertion and four cents per line of nonpareil for each subsequent insertion; or five cents per counted line of brevier type for the first insertion and three cents per line of brevier type for each subsequent insertion. All tabulated rule and figure matter shall be computed at double the rates for straight matter. A line shall be construed to mean thirteen ems pica in length. In all cases of publication of notices in connection with sales upon execution, the plaintiff, except in divorce cases, may designate the newspaper published within the county in which such notice shall be published.

“Section 2. Repeal.) All acts or parts of acts in conflict with this act are hereby repealed.

“Section 3. Emergency.) Whereas, there is now much conflict and ambiguity in the laws relating to fees to be allowed for legal publications, an emergency exists; therefore, this act shall take effect and be in force from and after its passage and approval.”

And when so amended recommend the same do pass.

B. G. SKULASON,
Chairman.

Mr. Anderson moved

That House Bill No. 153 be referred to the committee on public printing.

Which motion prevailed, and
The bill was so referred

Also,

Your committee on judiciary to whom was referred
House Bill No. 182,

A bill for an act to amend section 3141 of the revised
codes of 1905, relating to bond to be given by clerks of civil
townships.

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

B. G. SKULASON,
Chairman.

Mr. Skulason moved

That the report be adopted

Which motion prevailed, and

The report of the committee was adopted.

The committee on live stock made the following report:

Mr. Speaker:

Your committee on live stock to whom was referred
House Bill No. 171,

A bill for an act to amend section 3195 of the revised
codes of the state of North Dakota for the year 1905 rela
ing to the fees of pound master and providing for adver
tising estrays according to chapter 117 of the session laws of
the year 1907.

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

A. W. CUNNINGHAM,
Chairman.

Mr. Cunningham moved

That the report be adopted.

Which motion prevailed and

The report of the committee was adopted.

The committee on appropriations made the following re
port:

Mr. Speaker:

Your committee on appropriations to whom was referred
House Bill No. 3,

A bill for an act, appropriating a sum of money to pay
outstanding claims to indemnify owners for animals killed
or destroyed according to law for being affected with the
disease commonly known as glanders, and making an an
nual appropriation for said purpose.

Also,

House Bill No. 17,

A bill for an act making an appropriation to indemnify owners of animals killed or destroyed under the provisions of chapter 170 of the laws of the tenth legislative assembly, entitled, "An act indemnifying owners for animals killed or destroyed according to law for being affected with the disease known as glanders."

Also,

House Bill No. 28,

For an act, entitled an act to appropriate the sum of ninety thousand dollars, or as much thereof as may be necessary to indemnify persons who have lost animals from the disease known as glanders.

Also,

House Bill No. No. 82,

A bill for an act to create a fund to indemnify owners of animals killed or destroyed according to law on account of being afflicted with epidemic diseases and providing for a levy for that purpose.

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

S. N. PUTNAM,
Chairman.

Mr. Putnam moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Also,

Your committee on appropriations to whom was referred House Bill No. 3,

A bill for an act, appropriating a sum of money to pay outstanding claims to indemnify owners for animals killed or destroyed according to law for being affected with the disease commonly known as glanders, and making an annual appropriation for said purpose.

Also,

House Bill No. 17,

A bill for an act making an appropriation to indemnify owners of animals killed or destroyed under the provisions of chapter 170 of the laws of the tenth legislative assembly, entitled, "An act indemnifying owners for animals killed or destroyed according to law for being affected with the disease known as glanders."

Also,

House Bill No. 28,

For an act, entitled an act to appropriate the sum of ninety thousand dollars, or as much thereof as may be necessary to indemnify persons who have lost animals from the disease known as glanders.

Also,

House Bill No. No. 82,

A bill for an act to create a fund to indemnify owners of animals killed or destroyed according to law on account of being afflicted with epidemic diseases and providing for a levy for that purpose.

Have drafted in lieu thereof a committee bill, entitled
House Bill No. 269,

A bill for an act indemnifying owners for animals killed or destroyed according to law for being affected with the disease known as glanders, and providing for a special tax for the payment thereof.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

Section 1. Appraisal of Animals.) Wherever the state veterinarian shall deem the slaughter of a horse, gelding, mare, ass or mule necessary under section 2000 of the political code of 1905, he shall notify in writing a justice of the peace of the county in which said diseased animals are, describing in said notice the diseased animal with a reasonable degree of certainty, stating the name of the owner when known. The said justice of the peace shall, after entering the same upon his docket, summon three disinterested citizens as witnesses are summoned in justice court, who shall not be residents of the immediate neighbor-

hood in which the animals are owned and kept. The said appraisers shall, before entering upon the discharge of their duties, be sworn to make a true and faithful appraisal of the value of said animals without prejudice or favor. Said appraisers shall certify in their return that they have made said appraisal, and has seen said animal or animals destroyed. In making the appraisal the value put upon the animal or animals shall be what they would have been worth had they not been affected with glanders, but the state shall not be liable in excess of fifty dollars for any one animal.

Section 2. Compensation for Animals Killed.) Claims against the state arising from the slaughter of animals as herein provided shall be made by filing with the state auditor a copy of the state veterinarian's notice to the justice of the peace and return with affidavits from the owner that the animal has been buried in accordance with section 2001 of the political code of 1905, which notice and return shall be certified to by the justice of the peace on whose docket they are recorded. The state auditor shall examine the same, and if found correct he shall issue a warrant on the state treasurer for one-half of the sum named in the appraisers' return; provided that in no case shall the state be liable for more than fifty dollars for any one animal.

Section 3. Proceedings, How Conducted Fees.) The justice of the peace before whom any such proceeding shall be conducted shall enter upon his docket a record of all such proceedings, and shall allow and tax all costs of justice officers, appraisers and witnesses the same as in other cases. The said appraisers shall be entitled at the rate of two dollars per day, or parts thereof, which costs and fees shall be certified by him to the board of county commissioners and shall be audited and paid out of the general county fund, the same as costs in criminal actions before justices of the peace.

Section 4. Payment, When Not Made.) The right to indemnify shall not exist, and payment shall not be made in the following cases: First, for animals belonging to the United States, or any city, county, township or village in the state; second, when the owner or claimant at the time of coming into possession of the animal knew it to be diseased; third, for animals found to have been diseased at

the time of their arrival in this state; fourth, animals that are brought into the state to do contract work; fifth, when the owner or claimant is a non-resident; sixth, when the animal at the time of its destruction has been in the state less than six months; seventh, when the owner shall have been guilty of negligence by wilfully exposing his animals to the influence of infectious or contagious surroundings.

Section 5. State Glander Fund Provided.) For the purpose of providing for the payment of said claims and the warrants thereon drawn, there is hereby created a fund to be known as the state glander fund.

Section 6. Duty of State Board of Equalization.) It shall be the duty of the state board of equalization, at the time of the levy of the annual tax, to levy a special tax of one-fifth of one mill on the dollar upon the assessed valuation of all property, which tax when collected shall be paid into the hands of the state treasurer, who shall at once enter the same into the state glander fund. Said fund shall be preserved inviolate for the payment of the state claims provided for herein.

Section 7. Appropriation.) Until the revenue provided for in section 6 hereof shall be available, claims heretofore and hereinafter presented, approved and allowed in the manner herein provided shall be paid out of any money in the general fund not otherwise appropriated.

Section 8. Repeal.) All acts or parts of acts in conflict herewith are hereby repealed.

Section 9. Emergency.) Whereas, chapter 190 of the laws of 1907 is obscure and conflicting in respect to the amount of liability of the state for any animals so destroyed under the provisions of the said act, and fails to provide for an appropriation with which to pay claims, therefore, an emergency exists, and this act shall take effect and be in force from and after its passage and approval.

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

S. N. PUTNAM,
Chairman.

Mr. Putnam moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Mr. Gibbens moved

That the house take a recess until 10 o'clock tomorrow.
Which motion was lost.

INTRODUCTION, FIRST AND SECOND READING OF HOUSE BILLS

Mr. Thoreson introduced

House Bill No. 270,

A concurrent resolution amending the state constitution
and providing for the future amendments thereof.

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

COURTESIES OF THE FLOOR.

The privileges of the floor were extended to A. L. Hauss-
man, Grafton; W. D. Sweet, W. A. Scott, B. W. Benson,
Chas. Wheelock, F. A. Irish, C. H. Anhier, Fargo; John A.
Lemery, Washburn; O. J. Seltun, Rolette.

Mr. Chatfield moved

That the house take a recess until 10 o'clock tomorrow.
Which motion prevailed, and
The house took a recess until 10 o'clock tomorrow.

W. D. AUSTIN,
Chief Clerk.

THIRTY-SIXTH DAY AFTER RECESS
AND
THIRTY-SEVENTH DAY

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 10, 1909.

The house assembled at 10 o'clock a. m., pursuant to recess taken.

GENERAL ORDERS.

Mr. Hanley moved

That the house resolve itself into a committee of the whole for the consideration of general orders.

Which motion prevailed, and

The house resolved itself into a committee of the whole.

The speaker called Mr. Hanley to the chair.

When the committee arose it submitted the following report:

Mr. Speaker:

The committee of the whole have had under consideration

House Bill No. 154,

A bill for an act to amend section 2173 of the revised codes of the state of North Dakota for 1905, relating to automobiles.

And recommend that the same be amended as follows:

By inserting the word "or" after the word "hand" in line 8 of page 1 of the printed bill; by striking out the word "a" in the same line and inserting instead thereof the word "other"; by striking out the word "attact" and inserting in place thereof the word "attract" in the same line.

And when so amended recommend the same do pass.

Also,

House Bill No. 146,

A concurrent resolution amending section 158 of the constitution of the state of North Dakota, providing for the purchase of and sale of school and public lands.

And recommend the same do pass.

Also,

House Bill No. 196,

A bill for an act to amend section 7453 of the revised codes of North Dakota for 1905, relating to the foreclosure of mortgages upon real property, containing a power of sale, by advertisement, and limiting the time in which proceedings for such foreclosure may be commenced.

And recommend the same be amended as follows:

On page 1, line 10 of the printed bill, after the word "mortgage" insert the words "by advertisement."

On page 2, line 2 of section 2, strike out the words and figures "October 1, 1909," and insert the words and figures "January, 1910."

And when so amended recommend the same do pass.

Also,

House Bill No. 33,

A bill for an act to amend section 1380 of the revised codes of 1905, relating to location and building of bridges.

And recommend that the same be amended as follows:

Amend the title to read as follows: "An act to amend Section 1380 of the revised codes of 1905, as amended in chapter 42 of the session laws of 1907."

Also in line 2, page 1 of the printed bill after the figures "1905" add "as amended in chapter 42 of the session laws of 1907."

Also in section 1, line 3 of the printed bill, after the word "such" insert "bridges and."

And when so amended recommend the same do pass.

Also,

Senate Bill No. 49,

A bill for an act to prohibit the throwing or depositing of glassware of any kind upon the streets of any village or city or upon public highways and providing for a penalty for the violation thereof.

And recommend the same be amended as follows:

In section 1, line 3, after the word "kind," add the following, "crochery, wire, nails, tacks, paper or any old building material."

Strike out all of section 2 and in lieu thereof insert the following: "It shall be the duty of any city auditor or clerk to have posted in a conspicuous place in the city hall, postoffice, court house, if any, and in at least two places in each ward of any city, and in the postoffice of any village, the provisions of section 1."

Section 3 to contain the provisions of section 2.

Also amend title to read as follows: After the word "kind" insert "crochery, wire, nails, tacks, paper or any old building material while in the act of moving same."

Strike out after the word "material" the words "while in the act of moving same" wherever it may appear.

And when so amended recommend the same do pass.

Also,

House Bill No. 177,

A bill for an act providing for the creating, establishing and maintaining of a biological station on the shore of Devils Lake in Ramsey county, North Dakota, for the control of such station and work associated therewith, appointment of directors of such station and its associated work, prescribing the duties of such directors and making appropriations therefor.

And recommend that the same be amended as follows:

Strike out the words "and making appropriation therefor" in the title of the bill, and all of section 3.

And when so amended recommend the same do pass.

Also,

House Bill No. 81,

A bill for an act relating to the assessment of lands for the construction of drains and providing for an appeal from the decision of the drainways board, and fixing the compensation of drain commissioners.

And recommend the same be amended as follows:

That the word "compiled" in line 3, page 1 of the printed bill be stricken out, and the word "political" be inserted; and after the figures "1905" insert the words "as amended by chapter 93 of the session laws of 1907."

That in line 9, page 1 of the printed bill, the word "majority" be stricken out, and the words "two-thirds" be inserted in lieu thereof.

That in line 8 of section 2 of the printed bill the word "petitions" be stricken out and the word "petitioners" be inserted in lieu thereof; that at the end of line 11, section 2, the period be stricken out and a semi-colon inserted; and that the paragraph beginning on line 12 of the same page be carried up to follow immediately after the word "section," and that capital "P" be changed to a small "p."

And when so amended recommend the same do pass.

J. M. HANLEY,
Chairman.

Mr. Hanley moved

That the report of the committee of the whole be adopted.
Which motion prevailed, and
The report of the committee was adopted.

COURTESIES OF THE FLOOR.

The privileges of the floor were extended to Mat McKnight, Hannah; John McGowran, Hugh McDowell, Jas. Powers, John Hamilton, M. M. Darling, Langdon; O. I. Gjevre, Nekonea.

Mr. Chatfield moved

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

W. D. AUSTIN,
Chief Clerk.

THIRTY-SEVENTH DAY

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 10, 1909.

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

The speaker presiding.

Prayer by the chaplain.

Roll call.

All members present except Messrs. Brusletten, Hemmingson and Hughes, who were excused.

REFERENCE OF THE JOURNAL.

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

Mr. Speaker:

Your committee on revision and correction of the journal have carefully examined the journal of the thirty-fifth day after recess and the thirty-sixth day and find the same correct.

And recommend that the same be approved.

S. J. DOYLE,
Chairman.

Mr. Doyle moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

REPORT OF STANDING COMMITTEES

The committee on engrossment made the following report:

Mr. Speaker:

Your committee on engrossment have examined:

House Bill No. 64,

A bill for an act to amend the law of succession.

Also,

House Bill No. 152,

A bill for an act to amend section 4475 of the revised codes of the state of North Dakota for 1905, relating to the tax levied upon insurance companies doing business within the state.

Also,

House Bill No. 171,

A bill for an act to amend section 3195 of the revised codes of the state of North Dakota for the year 1905 relating to the fees of pound master and providing for advertising estrays according to chapter 117 of the session laws of the year 1907.

Also,

House Bill No. 181,

A bill for an act to amend section 3153 of the revised codes of 1905, relating to meetings of township board of auditors.

Also,

House Bill No. 182,

A bill for an act to amend section 3141 of the revised codes of 1905, relating to bond to be given by clerks of civil townships.

Also,

House Bill No. 200,

A bill for an act to amend section 4, chapter 140 of the 1907 session laws of the state of North Dakota, relating to insurance.

And find the same correctly engrossed.

C. C. CRAWFORD,
Chairman.

Mr. Crawford moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on enrollment made the following report:

Mr. Speaker:

Your committee on enrollment have examined

House Bill No. 71,

A bill for an act to provide for the greater publicity of the finances of the state.

And find the same correctly enrolled.

H. J. LINDE,
Chairman.

Mr. Linde moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The chief clerk announced that the speaker was about to sign

House Bill No. 77,

A bill for an act to amend sections 4036, 4037, 4038, 4039 and 4042 of the revised codes of the state of North Dakota for 1905, relating to marriage contract, who may solemnize marriages, marriage licenses, marriage certificates, marriage records and certified copies of marriage records.

And the speaker signed the same in the presence of the house.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
February 10, 1909.

Mr. Speaker:

I have the honor to return herewith the following concurrent resolution.

Whereas, the people of the State of North Dakota wishing to show their honor and respect for the brave and gallant soldiers who were killed in the battle of Whitestone Hills on the third day of September, 1863, and,

Whereas, there were numbered among the slain in that battle many members of the 6th and 7th Iowa Cavalry and also many members of the 2d Nebraska Cavalry, and,

Whereas, the government of the United States has granted to the State of North Dakota a tract of land embracing the site of said battlefield, and,

Whereas, the governor of the State of North Dakota has appointed a board of trustees to care for said ground by erecting a monument and headstones and otherwise improving and beautifying said grounds, and,

Whereas, an exigency exists for the creation of a fund to carry out the above named purposes, therefore, be it

Resolved by the House of Representatives, the Senate Concurring:

That we hereby respectfully request the Legislative Assemblies of the states of Iowa and Nebraska each to make a liberal appropriation to aid in carrying to completion the work as above outlined and any moneys arising from any appropriations for purposes above stated to be paid to the treasurer of the State of North Dakota to be held as a special fund therefor, and, be it further

Resolved, That a copy of these resolutions be at once transmitted to the Legislative Assemblies of the states of Iowa and Nebraska.

In which the senate has concurred.

Very respectfully,
J. W. FOLEY,
Secretary.

PETITONS AND COMMUNICATIONS.

Mr. Martin presented the following petition:

Carson, N. D., January 26, 1909.

We, the voters and farmers of Carson, Morton county, N. Dak., do hereby request that you work for the following resolutions:

Legislation for better roads, and provide for the payment of all road taxes in cash.

Amended to read, viz:

All moneys thus raised to be spent in townships organized or unorganized, where taxes levied.

Assess property at its real value, less incumbrance, said incumbrance to be taxed, but taxes to go where surety is held.

A. E. PETERSON,
And 27 Others.

Mr. Hanley moved

That the vote by which House Bills Nos. 3, 17 and 28 were indefinitely postponed be reconsidered.

Which motion prevailed, and

House Bills Nos. 3, 17 and 28 were referred to general orders.

Mr. Doyle of McIntosh asked unanimous consent to move to reconsider the vote by which House Bills Nos. 183 and 185 were indefinitely postponed.

There being no objections, Mr. Doyle of McIntosh moved that the vote by which House Bills Nos. 183 and 185 were indefinitely postponed be reconsidered.

Which motion prevailed, and

House Bills Nos. 183 and 185 were referred to general orders.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
February 10, 1909.

Mr. Speaker:

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

Whereas, the people of the State of North Dakota are to be congratulated upon the fact that very few banks, either state or national, have failed within its limits, and that the financial condition of said state and of its banks is a matter of pride, and

Whereas, there has been in the past, however, an occasional failure of a national bank, and

Whereas, it has heretofore been the practice in the past that when a national bank fails in North Dakota for the comptroller of the currency to appoint as receiver to wind up the affairs of said defunct bank a person residing without the state of North Dakota, and

Whereas, the people of the state of North Dakota and the legislature thereof feel that they have among their citizens persons capable in every respect to wind up the affairs of such defunct institution, and

Whereas, they feel that the best interests of the creditors, stockholders and all interested in said banks will be best subserved by appointing as receiver of such defunct banks men living within the state who are familiar with the assets of said bank, the makers of such assets and that the laws of the state in relation thereto, instead of appointing as receivers of said defunct banks persons unfamiliar with the assets, the makers thereof and the laws of said state; and hereby protest against a continuance of said practice; therefore, be it

Resolved by the Senate, the House of Representatives concurring:

That our members of congress be and they are hereby requested to take up with the comptroller of the currency and the secretary of the treasury the question of changing the practice heretofore in force in relation to the appointment of receivers for defunct national banks within the state; and to secure the appointment of men within the state of North Dakota as such receivers to wind up the affairs of said bank. Be it further

Resolved, That a copy of this concurrent resolution be sent to each member of congress of the state of North Dakota.

Which the senate has adopted and your favorable consideration is respectfully requested.

Very respectfully,
J. W. FOLEY,
Secretary.

Mr. Skulason moved

That the senate concurrent resolution relating to national banks be referred to the committee on banking.

Which motion prevailed, and

The concurrent resolution was so referred.

REPORTS OF STANDING COMMITTEES.

The committee on state affairs made the following report:

Mr. Speaker:

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

A bill to provide for the assessment of property at a uniform rate.

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

W. J. PRICE,
Chairman.

Mr. Price moved

That the report be adopted.
Which motion prevailed, and
The further consideration of the bill was indefinitely postponed.

Also,

Your committee on state affairs to whom was referred
House Bill No. 31,
A bill for an act to amend section 2215 and 2218 of article
44 of the revised codes of 1905.

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

W. J. PRICE,
Chairman.

Mr. Price moved

That the report be adopted.
Which motion prevailed, and
The further consideration of the bill was indefinitely postponed.

The committee on judiciary made the following report:

Mr. Speaker:

Your committee on judiciary to whom was referred
House Bill No. 190,

A bill for an act providing for the office of chief justice
of the supreme court, and prescribing the duties of the
Chief Justice.

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

After the word "court" in line 5 of the printed bill insert
"provided, that whenever no member of said court is
qualified for the office of chief justice under the above
provisions, then the judges of said court shall select the
chief justice;" and after the word "serve" in line 6 of the
printed bill insert "or a judge selected by the court, as the
case may be."

And when so amended recommend the same do pass.

B. G. SKULASON,
Chairman.

Also,

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

A bill for an act to amend section 7083 and 7085 of the revised codes of the state of North Dakota for the year 1905, relating to the method of renewing liens and judgments and providing for renewing the same without suit for an additional term of ten years and allowing execution thereon after renewal.

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

By striking out the word "docket" after the word "judgment" in the 4th line in section 7085, and inserting the word "book," and by striking out the word "book" after the word "judgment" in the 6th line in said section, and inserting the word "docket" in the engrossed bill.

And when so amended recommend the same do pass.

B. G. SKULASON,
Chairman.

Also,

Your committee on judiciary to whom was referred
Senate Bill No. 53,

A bill for an act to amend chapter 75 of the session laws of the state of North Dakota for the year 1907, prescribing the salary of the state's attorney, assistant and clerk.

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

B. G. SKULASON,
Chairman.

Mr. Skulason moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on judiciary to whom was referred
Senate Bill No. 23,

A bill for an act, entitled an act to amend chapter 112 of session laws of 1907 of the state of North Dakota, in re-

gard to evidence as to statements and transactions with decedent.

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

B. G. SKULASON,
Chairman.

Mr. Skulason moved

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

Also,

Your committee on judiciary to whom was referred
Senate Bill No. 39,

A bill for an act fixing the times and place for holding the general terms of the supreme court and providing for special terms in certain cases.

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

B. G. SKULASON,
Chairman.

Mr. Skulason moved

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

Also,

Your committee on judiciary to whom was referred
House Bill No. 157,

A bill for an act to provide for probation for persons convicted of felonies and misdemeanors.

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

The word "juvenile" be inserted in place of the word "juveaal" at the end of line 6, page 1 of the printed bill.

Page 3, line 7, strike out the word "be" and insert the word "the" in lieu thereof.

In section 6, line 2, strike out the words "or more," and strike out the letter "s" in the word "officers" in the same line.

Also in line 3, same section, strike out the letter "s" in the word "officers."

On page 3, section 7, line 4, after the word "placed" strike out the letter "a" and insert the word "the."

On page 4, section 9, line 4, strike out the letter "s" in the word "officers."

And when so amended recommend the same do pass.

B. G. SKULASON,
Chairman.

The committee on banking made the following report:

Mr. Speaker:

Your committee on banking to whom was referred
House Bill No. 2,

A bill for an act to amend section 4641 of the revised codes of 1905, relating to capital stock banking corporations.

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

Strike out all of section 2.

And when so amended recommend the same do pass.

G. W. WOLBERT,
Chairman.

Also,

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

For an act making it unlawful for corporations having banking powers to invest more than thirty per cent of its capital stock in banking house, furniture and fixtures, defining its powers as to other real estate and repealing sec-4640 of the revised codes for the year 1905.

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

G. W. WOLBERT,
Chairman.

Mr. Wolbert moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on banking to whom was referred
Senate Bill No. 54,

A bill for an act to amend section 4657 of the revised codes of 1905 relating to the limit of bank loans to one concern.

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

G. W. WOLBERT,
Chairman.

Mr. Wolbert moved

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

Also,

Your committee on banking to whom was referred
House Bill No. 16,

A bill for an act to amend section 5510 and 5511 of the revised codes of 1905, relating to interest.

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

G. W. WOLBERT,
Chairman.

Mr. Wolbert moved

That the report be adopted.
Which motion prevailed, and
The further consideration of the bill was indefinitely postponed.

Also,

Your committee on banking to whom was referred
House Bill No. 151,

A bill for an act to amend sections 5510 and 5511 of the revised codes of the state of North Dakota for the year 1905, prescribing lawful rates of interest for any legal indebtedness, and defining usury.

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

G. W. WOLBERT,
Chairman.

Mr. Wolbert moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Also,

Your committee on banking to whom was referred
House Bill No. 55,

A bill for an act to amend section 5510 and 5511 of the revised codes of the state of North Dakota for the year 1905, prescribing lawful rates of interest for any legal indebtedness and defining usury.

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

G. W. WOLBERT,
Chairman.

Mr. Wolbert moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Also,

Your committee on banking to whom was referred
House Bill No. 47,

A bill for an act to provide for the guaranteeing of deposits in banking corporations.

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

And the minority report is attached to this.

G. W. WOLBERT,
Chairman.

Mr. Speaker:

The undersigned, a minority of your committee on banking to whom was referred

House Bill No. 47,

A bill for an act to provide for the guaranteeing of deposits in banking corporations.

Respectfully report that the same be recommended to pass.

WALTER WELFORD.

The committee on highways, bridges and ferries made the following report:

Mr. Speaker:

Your committee on highways, bridges and ferries to whom was referred

House Bill No. 195,

A bill for an act creating a state highway commission, defining its powers and duties, creating a state highway fund, providing for the expenditure thereof, and providing for the appointment of county superintendents of highways and town road inspectors, and abolishing the office of township road overseer.

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

F. E. DIBLEY,
Chairman.

Mr. Dibley moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on highways, bridges and ferries to whom was referred

House Bill No. 186,

A bill for an act to amend section 1446 of the revised codes of North Dakota, of the revision of 1905, relating to the duties of officers in relation to highways in cities.

Have had the same under consideration and request that the same be re-referred to the committee on municipal corporations.

F. E. DIBLEY,
Chairman.

Mr. Dibley moved

That the report be adopted.

Which motion prevailed.

And the bill was so referred.

Also,

Your committee on highways, bridges and ferries to whom was referred

House Bill No. 167,

A bill for an act to permit the construction of cattleways under public highways; regulating the construction of same, and prescribing duties of road supervisors in relation thereto.

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

On page 2, line 5 of section 2, after the word "pay" strike out balance of line.

Also all of line 6 and insert in lieu thereof the following: "The county or township board in which such cattle way is situated, shall recover the same in an action brought in the name of such board and it shall be the duty of the state's attorney to prosecute such action."

And when so amended recommend the same do pass.

F. E. DIBLEY,
Chairman.

INTRODUCTION, FIRST AND SECOND READING OF HOUSE BILLS.

Mr. Hemmingson introduced

House Bill No. 271,

A bill for an act to amend section 9079 of the revised codes of 1905, relating to the use and sale of cigarettes, cigars or tobacco to minors; and providing a penalty therefor.

Which was read the first and second times and

Referred to the committee on temperance.

Mr. Peart introduced

House Bill No. 272,

A bill for an act to amend section 2242 of the revised codes for 1905; relating to the handling, weighing and storing of grain, and providing for the revoking of warehouse licenses.

Which was read the first and second times and

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

Mr. Doyle of Foster introduced

House Bill No. 273,

A bill for an act to amend, repeal and reenact chapter 84 of the laws of 1907, relating to change of judges and change of venue in district courts in criminal cases.

Which was read the first and second times and

Referred to the committee on judiciary.

Mr. Honey introduced

House Bill No. 274.

A bill for an act to divide the state of North Dakota into two (2) congressional districts and defining the boundaries of each of said congressional districts of the state of North Dakota.

Which was read the first and second times and

Referred to the committee on judiciary.

Mr. Fraine introduced

House Bill No. 275,

A bill for an act entitled an act to provide for the determination of heirship and the share of such heirs respectively in claims to certain real estate by action in the district court.

Which was read the first and second times and

Referred to the committee on Judiciary.

Mr. Kneeland introduced

House Bill No. 276,

A bill for an act creating the eleventh judicial district of North Dakota, changing the boundaries of the third and

fifth and sixth judicial districts and providing for terms of court in each of said districts.

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

Mr. Linde (by request) introduced

House Bill No. 277,

A bill for an act regulating the practice of midwifery and prescribing the penalties for the violation thereof.

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

THIRD READING OF HOUSE BILLS.

House Bill No. 125,

A bill for an act entitled: "An act giving holders of contracts for the purchase of state lands the right to bring actions in the courts in certain cases with reference thereto, and providing for the protection of the interest of the state in such property when taken by railways for right of way or other purposes, and providing for the release of the claim of the state thereto."

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 83, nays 5, absent and not voting 7.

Those who voted in the affirmative were:

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|----------------------|---------------------|
| Aasheim | Hale | Paulson |
| Akesson | Hendrickson | Peart |
| Anderson | Hill | Pendray |
| Atwood | Homnes | Plath |
| Baker of Cass | Honey | Ployhar |
| Baker of Stark | Jewett | Poe |
| Bjorndahl | Johnson of Bottineau | Pound |
| Brynjulson | Johnson of McLean | Putnam |
| Burnett | Johnson of Rolette | Schull |
| Burns | Kinney of McLean | Senour |
| Chatfield | Kinney of Richland | Sgutt |
| Christenson | Kneeland | Sheils |
| Collins of Cass | Knox | Sinclair |
| Collins of Gd. Forks | Law | Skinner |
| Crawford | Laithwaite | Skulason |
| Cunningham | Linde | Steen |
| Davidson | Lindvig | Storey |
| Dibley | Lucke | Streeter |
| Doyle of Foster | McCrea | Thompson, Gd. Forks |

| | | |
|-------------------|-------------------|--------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Doyle of McIntosh | McLear | Thompson of McLean |
| Duncan | Moen of Benson | Thoreson |
| Evans | Moen of Cavalier | Traynor |
| Freeman | Narum | Ward |
| Ganssle | Nelson of McHenry | Welford |
| Geidt | Nelson of Steele | Wisner |
| Gibbens | Nelson of Walsh | Young |
| Goldammer | Nyhus | Mr. Speaker |
| Grant | Oison | |

Those who voted in the negative were:

| | | |
|----------|----------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Fraine | Martin | White |
| Hanley | Sorlie | |

Absent and not voting:

| | | |
|------------|----------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Brusletten | Hughes | Price |
| Garden | Kremer | Wolbert |
| Hemmingson | | |

Messrs. Brusletten, Hemmingson and Hughes being excused.

So the bill passed and the title was agreed to.

Mr. Lucke moved

That the vote by which House Bill No. 125 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 131,

A bill for an act making it the duty of the board of university and school lands to accept payment in full and issue patent for any school or institution lands required by any person, firm or corporation holding contract therefor, for townsite purposes.

Was read the third time

The question being on the final passage of the bill.

The roll was called and there were ayes 87, nays 0, absent and not voting 8.

Those who voted in the affirmative were:

| | | |
|----------|-------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Aashelm | Hale | Paulson |
| Akesson | Hanley | Peart |
| Anderson | Hendrickson | Pendray |
| Atwood | Hill | Plath |

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|----------------------|---------------------|
| Baker of Cass | Homnes | Ployhar |
| Baker of Stark | Honey | Poe |
| Bjorndahl | Jewett | Pound |
| Brynjulson | Johnson of Bottineau | Price |
| Burnett | Johnson of McLean | Putnam |
| Chatfield | Johnson of Rolette | Schull |
| Christenson | Kinney of McLean | Senour |
| Collins of Cass | Kinney of Richland | Sgutt |
| Collins of Gd. Forks | Kneeland | Sheils |
| Crawford | Knox | Sinclair |
| Cunningham | Law | Skinner |
| Davidson | Laithwaite | Skulason |
| Dibley | Linde | Sorlie |
| Doyle of Foster | Lindvig | Steen |
| Doyle of McIntosh | Lucke | Storey |
| Duncan | Martin | Streeter |
| Evans | McCrea | Thompson, Gd. Forks |
| Fraine | McLear | Thompson of McLean |
| Freeman | Moen of Benson | Traynor |
| Ganssle | Narum | Ward |
| Garden | Nelson of McHenry | Welford |
| Geldt | Nelson of Steele | White |
| Gibbens | Nelson of Walsh | Wisner |
| Goldammer | Nyhus | Young |
| Grant | Olson | Mr. Speaker |

Absent and not voting:

| Messrs.— | Messrs.— | Messrs.— |
|------------|------------------|----------|
| Brusletten | Hughes | Thoreson |
| Burns | Kremer | Wolbert |
| Hemmingson | Moen of Cavalier | |

Messrs. Brusletten, Hemmingson and Hughes being excused.

So the bill passed and the title was agreed to.

Mr. Traynor moved

That the vote by which House Bill No. 131 passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 100,

For an act to amend section 8403 of the 1905 revised codes of North Dakota relating to service of garnish summons.

Was read the third time

The question being on the final passage of the bill.

The roll was called and there were ayes 86, nays 0, absent and not voting 9.

Those who voted in the affirmative were:

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|--------------------|---------------------|
| Aasheim | Hanley | Peart |
| Akesson | Hendrickson | Pendray |
| Anderson | Hill | Plath |
| Atwood | Homnes | Ployhar |
| Baker of Cass | Honey | Poe |
| Baker of Stark | Jewett | Pound |
| Bjorndahl | Johnson of McLean | Price |
| Brynjulson | Johnson of Rolette | Putnam |
| Burnett | Kinney of McLean | Senour |
| Chatfield | Kinney of Richland | Sgutt |
| Christenson | Kneeland | Sheils |
| Collins of Cass | Knox | Sinclair |
| Collins of Gd. Forks | Law | Skinner |
| Crawford | Laithwaite | Skulason |
| Cunningham | Linde | Sorlie |
| Davidson | Lindvig | Steen |
| Dibley | Lucke | Storey |
| Doyle of McIntosh | Martin | Streeter |
| Duncan | McCrea | Thompson, Gd. Forks |
| Evans | McLear | Thompson of McLean |
| Fraine | Moen of Benson | Thoreson |
| Freeman | Moen of Cavalier | Traynor |
| Ganssle | Narum | Ward |
| Garden | Nelson of McHenry | Welford |
| Geidt | Nelson of Steele | White |
| Gibbens | Nelson of Walsh | Wisner |
| Goldammer | Nyhus | Young |
| Grant | Olson | Mr. Speaker |
| Hale | Paulson | |

Absent and not voting:

| Messrs.— | Messrs.— | Messrs.— |
|-----------------|----------------------|----------|
| Brusletten | Hemmingson | Kremer |
| Burns | Hughes | Schull |
| Doyle of Foster | Johnson of Bottineau | Wolbert |

Messrs. Brusletten, Hemmingson and Hughes being excused.

So the bill passed and the title was agreed to.

Mr. Chatfield moved

That the vote by which House Bill No. 100 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 165,

A bill for an act to amend section 533 of the 1905 revised codes of North Dakota relative to the authorization of officers to administer oaths.

Was read the third time

The question being on the final passage of the bill.
The roll was called and there were ayes 82, nays 1, absent and not voting 12.

Those who voted in the affirmative were:

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|----------------------|---------------------|
| Aasheim | Hill | Pendray |
| Akesson | Homnes | Plath |
| Anderson | Honey | Ployhar |
| Atwood | Johnson of Bottineau | Poe |
| Baker of Cass | Johnson of McLean | Pound |
| Baker of Stark | Johnson of Rolette | Price |
| Brynjulfson | Kinney of McLean | Putnam |
| Chatfield | Kinney of Richland | Senour |
| Christenson | Kneeland | Sgutt |
| Collins of Cass | Knox | Sheils |
| Collins of Gd. Forks | Law | Sinclair |
| Crawford | Laithwaite | Skinner |
| Cunningham | Linde | Skulason |
| Davidson | Lindvig | Sorlie |
| Dibley | Lucke | Steen |
| Doyle of McIntosh | McCrea | Storey |
| Duncan | McLear | Streeter |
| Evans | Moen of Benson | Thompson, Gd. Forks |
| Fraine | Moen of Cavalier | Thompson of McLean |
| Freeman | Narum | Thoreson |
| Gansle | Nelson of McHenry | Traynor |
| Garden | Nelson of Steele | Ward |
| Geidt | Nelson of Walsh | Welford |
| Gibbens | Nyhus | White |
| Goldammer | Olson | Wisner |
| Grant | Paulson | Young |
| Hale | Peart | Mr. Speaker |
| Hanley | | |

Absent and not voting:

| Messrs.— | Messrs.— | Messrs.— |
|-----------------|-------------|----------|
| Brusletten | Hemmingson | Kremer |
| Burnett | Hendrickson | Martin |
| Burns | Hughes | Schull |
| Doyle of Foster | Jewett | Wolbert |

Mr. Bjordahl voted in the negative.

Messrs. Brusletten, Hemmingson and Hughes being excused.

So the bill passed and the title was agreed to.

Mr. Cunningham moved

That the vote by which House Bill No. 165 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

The speaker called Mr. Kneeland to the chair.

House Bill No. 97,

A bill for an act to amend section 4177 of the revised codes of North Dakota for the year 1905, for the purpose of encouraging the formation of athletic associations and bands of musicians.

Was read the third time

Mr. Senour asked unanimous consent to amend the bill.

There being no objection Mr. Senour offered the following amendment and moved its adoption:

After the word "players" in line 18, page 2 of the printed bill the words "shall at or before the filing of the articles of incorporation pay into the state treasury."

Which motion prevailed, and

The amendment was adopted.

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

The roll was called and there were ayes 79, nays 0, absent and not voting 16.

Those who voted in the affirmative were:

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|--------------------|---------------------|
| Aasheim | Hale | Peart |
| Akesson | Hill | Pendray |
| Anderson | Homnes | Plath |
| Atwood | Honey | Ployhar |
| Baker of Cass | Johnson of McLean | Poe |
| Baker of Stark | Johnson of Rolette | Pound |
| Bjorn Dahl | Kinney of McLean | Price |
| Brynjulson | Kinney of Richland | Putnam |
| Chatfield | Kneeland | Schull |
| Christenson | Knox | Senour |
| Collins of Cass | Law | Shells |
| Collins of Gd. Forks | Laithwalte | Skinner |
| Crawford | Linde | Skulason |
| Cunningham | Lindvig | Sorlie |
| Davidson | Lucke | Steen |
| Dibley | McCrea | Storey |
| Doyle of McIntosh | McLear | Streeter |
| Duncan | Moen of Benson | Thompson, Gd. Forks |
| Evans | Moen of Cavalier | Thompson of McLean |
| Fraine | Narum | Thoreson |
| Freeman | Nelson of McHenry | Traynor |
| Ganssle | Nelson of Steele | Ward |
| Garden | Nelson of Walsh | Welford |
| Geidt | Nyhus | White |
| Gibbens | Olson | Wisner |
| Goldammer | Paulson | Young |
| Grant | | |

Absent and not voting:

| Messrs.— | Messrs.— | Messrs.— |
|-----------------|----------------------|-------------|
| Brusletten | Hendrickson | Martin |
| Burnett | Hughes | Sgutt |
| Burns | Jewett | Sinclair |
| Doyle of Foster | Johnson of Bottineau | Wolbert |
| Hanley | Kremer | Mr. Speaker |
| Hemmingson | | |

Messrs. Brusletten, Hemmingson and Hughes being excused.

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

Mr. Senour moved

That the vote by which House Bill No. 97 passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed
The speaker in the chair.

House Bill No. 181,

A bill for an act to amend section 3153 of the revised codes of 1905, relating to meetings of township board of auditors.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 75, nays 0, absent and not voting 20.

Those who voted in the affirmative were:

| Messrs.— | Messrs.— | Messrs.— |
|-------------------|--------------------|---------------------|
| Aasholen | Hendrickson | Pendray |
| Akesson | Hill | Plath |
| Anderson | Honey | Poe |
| Atwood | Johnson of McLean | Pound |
| Baker of Cass | Johnson of Rolette | Price |
| Bjornndahl | Kinney of McLean | Putnam |
| Brynjulson | Kinney of Richland | Schull |
| Chatfield | Kneeland | Senour |
| Christenson | Law | Sheils |
| Crawford | Laithwaite | Skinner |
| Cunningham | Linde | Skulason |
| Davidson | Lindvig | Sorlie |
| Dibley | Lucke | Steen |
| Doyle of McIntosh | McCrea | Storey |
| Duncan | McLear | Streeter |
| Evans | Moen of Benson | Thompson, Gd. Forks |
| Fraine | Moen of Cavalier | Thompson of McLean |
| Freeman | Narum | Thoreson |

| Messrs.— | Messrs.— | Messrs.— |
|-----------|-------------------|-------------|
| Ganssle | Nelson of McHenry | Traynor |
| Geidt | Nelson of Steele | Ward |
| Gibbens | Nelson of Walsh | Welford |
| Goldammer | Nyhus | White |
| Grant | Olson | Wisner |
| Hale | Paulson | Young |
| Hanley | Peart | Mr. Speaker |

Absent and not voting:

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|----------------------|----------|
| Baker of Stark | Garden | Kremer |
| Brusletten | Hemmingson | Martin |
| Burnett | Homnes | Ployhar |
| Burns | Hughes | Sgutt |
| Collins of Cass | Jewett | Sinclair |
| Collins of Gd. Forks | Johnson of Bottineau | Wolbert |
| Doyle of Foster | Knox | |

Messrs. Brusletten, Hemmingson and Hughes being excused.

So the bill passed and the title was agreed to.

Mr. Welford moved

That the vote by which House Bill No. 181 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 64,

A Bill for an act to amend the law of succession.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 74, nays 0, absent and not voting 21.

Those who voted in the affirmative were:

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|--------------------|----------|
| Aasheim | Hill | Plath |
| Akesson | Homnes | Poe |
| Anderson | Honey | Pound |
| Atwood | Jewett | Price |
| Baker of Cass | Johnson of McLean | Putnam |
| Brynjulson | Johnson of Rolette | Schull |
| Burnett | Kinney of McLean | Sencur |
| Chatfield | Kinney of Richland | Sheils |
| Christenson | Kneeland | Sinclair |
| Collins of Cass | Law | Skinner |
| Collins of Gd. Forks | Laithwaite | Skulason |
| Crawford | Lindvig | Sorlie |
| Cunningham | Lucke | Steen |

| Messrs.— | Messrs.— | Messrs.— |
|-------------------|-------------------|---------------------|
| Davidson | Martin | Storey |
| Dibley | McCrea | Streeter |
| Doyle of Foster | Moen of Benson | Thompson, Gd. Forks |
| Doyle of McIntosh | Moen of Cavalier | Thompson of McLean |
| Duncan | Narum | Thoreson |
| Evans | Nelson of McHenry | Traynor |
| Freeman | Nelson of Steele | Ward |
| Geidt | Nelson of Walsh | Welford |
| Gibbens | Nyhus | White |
| Goldammer | Olson | Wisner |
| Hanley | Paulson | Mr. Speaker |
| Hendrickson | Pendray | |

Absent and not voting:

| Messrs.— | Messrs.— | Messrs.— |
|----------------|----------------------|----------|
| Baker of Stark | Grant | Linde |
| Bjorndahl | Hale | McLear |
| Brusletten | Hemmingson | Peart |
| Burns | Hughes | Ployhar |
| Fraine | Johnson of Bottineau | Sgutt |
| Ganssle | Knox | Wolbert |
| Garden | Kremer | Young |

Messrs. Brusletten, Hemmingson and Hughes being excused.

So the bill passed and the title was agreed to.

Mr. Dibley moved

That the vote by which House Bill No. 64 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 200,

A bill for an act to amend section 4, chapter 140 of the 1907 session laws of the state of North Dakota, relating to insurance.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 75, nays 3, absent and not voting 14, passed 3.

Those who voted in the affirmative were:

| Messrs.— | Messrs.— | Messrs.— |
|---------------|-------------|----------|
| Anderson | Hanley | Plath |
| Atwood | Hendrickson | Ployhar |
| Baker of Cass | Hill | Poe |
| Bjorndahl | Homnes | Pound |
| Brynjulson | Honey | Price |
| Burnett | Jewett | Putnam |

| | | |
|----------------------|--------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Chatfield | Johnson of McLean | Schull |
| Christenson | Johnson of Rolette | Senour |
| Collins of Cass | Kinney of Richland | Sgutt |
| Collins of Gd. Forks | Kneeland | Sheils |
| Crawford | Law | Sinclair |
| Cunningham | Lindvig | Skinner |
| Davidson | Lucke | Skulason |
| Dibley | Martin | Sorlie |
| Doyle of Foster | McCrea | Steen |
| Doyle of McIntosh | McLear | Storey |
| Duncan | Moen of Benson | Thompson, Gd. Forks |
| Evans | Moen of Cavalier | Traynor |
| Fraine | Narum | Ward |
| Freeman | Nelson of Steele | Welford |
| Geidt | Nelson of Walsh | White |
| Gibbens | Olson | Wisner |
| Goldammer | Paulson | Wolbert |
| Grant | Peart | Young |
| Hale | Pendray | Mr. Speaker |

Those who voted in the negative were:

| | | |
|----------|------------------|--------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Kinnev of McLean | Thompson of McLean |

Absent and not voting:

| | | |
|----------------|----------------------|-------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Baker of Stark | Hemmingson | Laithwaite |
| Brusletten | Hughes | Linde |
| Burns | Johnson of Bottineau | Nelson of McHenry |
| Ganssle | Knox | Nyhus |
| Garden | Kremer | |

Messrs. Akesson, Streeter and Thoreson passed.

Mr. Kinney of McLean explained his vote.

Messrs. Brusletten, Hemmingson and Hughes being excused.

So the bill passed and the title was agreed to.

Mr. Honey moved

That the vote by which House Bill No. 200 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 152,

A bill for an act to amend section 4475 of the revised codes of the state of North Dakota for 1905, relating to the tax levied upon insurance companies doing business within 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 28, nays 59, absent and not voting 8.

Those who voted in the affirmative were:

| Messrs.— | Messrs.— | Messrs.— |
|-------------------|--------------------|-------------|
| Aasheim | Hale | Schull |
| Baker of Cass | Hanley | Sgutt |
| Davidson | Hill | Skinner |
| Doyle of McIntosh | Homnes | Skulason |
| Duncan | Honey | Steen |
| Evans | Jewett | Traynor |
| Frane | Kinney of Richland | Wolbert |
| Garden | McCrea | Young |
| Geidt | Nelson of Walsh | Mr. Speaker |
| Goldammer | | |

Those who voted in the negative were:

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|--------------------|---------------------|
| Akesson | Johnson of Rolette | Plath |
| Anderson | Kinney of McLean | Ployhar |
| Atwood | Kneeland | Poe |
| Bjorndahl | Knox | Pound |
| Brynjulson | Law | Price |
| Burnett | Laithwaite | Putnam |
| Chatfield | Lindvig | Senour |
| Christenson | Lucke | Sheils |
| Collins of Cass | Martin | Sinclair |
| Collins of Gd. Forks | McLear | Sorlie |
| Crawford | Moer of Benson | Storey |
| Cunningham | Moer of Cavalier | Streeter |
| Dibley | Narum | Thompson, Gd. Forks |
| Doyle of Foster | Nelson of McHenry | Thompson of McLean |
| Freeman | Nelson of Steele | Thoreson |
| Gibbens | Nyhus | Ward |
| Grant | Olson | Welford |
| Hendrickson | Paulson | White |
| Johnson of Bottineau | Pearl | Wisner |
| Johnson of McLean | Pendray | |

Absent and not voting:

| Messrs.— | Messrs.— | Messrs.— |
|----------------|------------|----------|
| Baker of Stark | Ganssle | Kremer |
| Brusletten | Hemmingson | Lindé |
| Burns | Hughes | |

Messrs. Brusletten, Hemmingson and Hughes being excused.

So the bill was lost.

House Bill No. 182,

A bill for an act to amend section 3141 of the revised codes of 1905, relating to bond to be given by clerks of civil townships.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 85, nays 1, absent and not voting 9.

Those who voted in the affirmative were:

| | | |
|----------------------|--------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Hill | Plath |
| Akesson | Homnes | Ployhar |
| Anderson | Honey | Poe |
| Atwood | Jewett | Pound |
| Baker of Cass | Johnson of McLean | Price |
| Bjorndahl | Johnson of Rolette | Putnam |
| Brynjolfson | Kinney of McLean | Schull |
| Burnett | Kinney of Richland | Senour |
| Chatfield | Kneeland | Sgutt |
| Christenson | Knox | Sheils |
| Collins of Cass | Law | Sinclair |
| Collins of Gd. Forks | Laithwalte | Skinner |
| Crawford | Lindvig | Skulason |
| Cunningham | Lucke | Sorlie |
| Davidson | Martin | Steen |
| Dibley | McCrea | Storey |
| Doyle of Foster | McLear | Streeter |
| Doyle of McIntosh | Moen of Benson | Thompson, Gd. Forks |
| Duncan | Moen of Cavalier | Thompson of McLean |
| Evans | Narum | Thoreson |
| Fraine | Nelson of McHenry | Traynor |
| Freeman | Nelson of Steele | Ward |
| Garden | Nelson of Walsh | Welford |
| Gibbens | Nyhus | White |
| Goldammer | Olson | Wisner |
| Grant | Paulson | Wolbert |
| Hale | Peart | Young |
| Hanley | Pendray | Mr. Speaker |
| Hendricksen | | |

Absent and not voting:

| | | |
|----------------|------------|----------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Baker of Stark | Ganssle | Johnson of Bottineau |
| Brusletten | Hemmingson | Kremer |
| Burns | Hughes | Linde |

Mr. Giedt voted in the negative.

Messrs. Brusletten, Hemmingson and Hughes being excused.

So the bill passed and the title was agreed to.

Mr. Gibbens moved

That the vote by which House Bill No. 182 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 171,

A bill for an act to amend section 3195 of the revised codes of the state of North Dakota for the year 1905 relating to the fees of pound master and providing for advertising estrays according to chapter 117 of the session laws of the year 1907.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 81, nays 0, absent and not voting 14.

Those who voted in the affirmative were:

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|----------------------|---------------------|
| Aasheim | Hill | Pendray |
| Anderson | Homnes | Ployhar |
| Akesson | Honey | Poe |
| Atwood | Jewett | Pound |
| Baker of Cass | Johnson of Bottineau | Price |
| Bjorndahl | Johnson of McLean | Putnam |
| Brynjulson | Johnson of Rolette | Senour |
| Burnett | Kinney of McLean | Sgutt |
| Chatfield | Kinney of Richland | Shells |
| Christenson | Kneeland | Sinclair |
| Collins of Cass | Law | Skinner |
| Collins of Gd. Forks | Lai'hwaite | Skulason |
| Crawford | Lindvig | Sorlie |
| Cunningham | Lucke | Steen |
| Davidson | Martin | Storey |
| Doyle of Foster | McCrea | Streeter |
| Doyle of McIntosh | McLear | Thompson, Gd. Forks |
| Evans | Moen of Benson | Thompson of McLean |
| Freeman | Moen of Cavalier | Thoreson |
| Garden | Narum | Traynor |
| Geidt | Nelson of McHenry | Ward |
| Gibbens | Nelson of Steele | Welford |
| Goldammer | Nelson of Walsh | White |
| Grant | Nyhus | Wisner |
| Hale | Oison | Wolbert |
| Hanley | Paulson | Young |
| Hendrickson | Peart | Mr. Speaker |

Absent and not voting:

| Messrs.— | Messrs.— | Messrs.— |
|----------------|------------|----------|
| Baker of Stark | Fraine | Kremer |
| Brusletten | Ganssle | Linde |
| Burns | Hemmingson | Plath |
| Dibley | Hughes | Schull |
| Duncan | Knox | |

Messrs. Brusletten, Hemmingson and Hughes being excused.

So the bill passed and the title was agreed to.

Mr. Senour moved

That the vote by which House Bill No. 171 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

THIRD READING OF SENATE BILLS.

Senate Bill No. 28,

A bill for an act entitled "An act defining the duties of district school boards in relation to the planting, cultivation and protection of trees and shrubs upon school house grounds.

Was read the third time.

Mr. Chatfield moved

That the further consideration of the bill be referred to the committee of the whole.

Mr. Sheils moved

As an amendment that the motion to refer be laid upon the table.

Which motion prevailed.

The question being on the final passage of the bill.

The roll was called and there were ayes 80, nays 2, absent and not voting 13.

Those who voted in the affirmative were:

Messrs.—

Aasheim
 Akesson
 Anderson
 Atwood
 Baker of Cass
 Bjordahl
 Brynjulson
 Burnett
 Chatfield
 Christenson
 Collins of Cass
 Collins of Gd. Forks
 Crawford
 Cunningham
 Davidson
 Doyle of Foster
 Doyle of McIntosh
 Duncan

Messrs.—

Hendrickson
 Hill
 Homnes
 Honey
 Jewett
 Johnson of Bottineau
 Johnson of McLean
 Johnson of Rolette
 Kinney of McLean
 Kinney of Richland
 Kneeland
 Knox
 Law
 Laithwaite
 Lindvig
 Lucke
 Martin
 McCrea

Messrs.—

Peart
 Pendray
 Plath
 Ployhar
 Poe
 Pound
 Price
 Putnam
 Schull
 Senour
 Sgutt
 Sheils
 Skinner
 Skulason
 Sorlie
 Storey
 Streeter
 Thompson of McLean

| Messrs.— | Messrs.— | Messrs.— |
|-----------|-------------------|-------------|
| Evans | McLear | Thoreson |
| Freeman | Moen of Benson | Traynor |
| Garden | Moen of Cavalier | Ward |
| Geidt | Narum | White |
| Gibbens | Nelson of McHenry | Wisner |
| Goldammer | Nelson of Steele | Wolbert |
| Grant | Nyhus | Young |
| Hale | Olson | Mr. Speaker |
| Hanley | Paulson | |

Those who voted in the negative were:

| Messrs.— | Messrs.— | Messrs.— |
|----------|----------|----------|
| Steen | Welford | |

Absent and not voting:

| Messrs.— | Messrs.— | Messrs.— |
|----------------|------------|---------------------|
| Baker of Stark | Ganssle | Linde |
| Brusletten | Hemmingson | Nelson of Walsh |
| Burns | Hughes | Sinclair |
| Dibley | Kremer | Thompson, Gd. Forks |
| Fraine | | |

Messrs. Brusletten, Hemmingson and Hughes being excused.

So the bill passed and the title was agreed to.

Mr. Cunningham moved

That the vote by which Senate Bill No. 28 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 955 of the revised codes of North Dakota, 1905, relating to compensation of members of the board of education.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 64, nays 16, absent and not voting 15.

Those who voted in the affirmative were:

| Messrs.— | Messrs.— | Messrs.— |
|------------|----------------------|----------|
| Aasheim | Hendrickson | Ployhar |
| Anderson | Honey | Poe |
| Atwood | Jewett | Pound |
| Bjorndahl | Johnson of Bottineau | Putnam |
| Brynjulson | Johnson of McLean | Schull |
| Burnett | Johnson of Rolette | Sgutt |

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|--------------------|---------------------|
| Chatfield | Kinney of Richland | Sheils |
| Christenson | Kneeland | Skinner |
| Collins of Cass | Knox | Skulason |
| Collins of Gd. Forks | Laithwaite | Sorlie |
| Crawford | Lindvig | Storey |
| Cunningham | Martin | Streeter |
| Davidson | McCrea | Thompson, Gd. Forks |
| Doyle of Foster | McLear | Thompson of McLean |
| Doyle of McIntosh | Moen of Benson | Thoreson |
| Evans | Narum | Ward |
| Freeman | Nelson of McHenry | White |
| Garden | Nelson of Walsh | Wisner |
| Gibbens | Olson | Wolbert |
| Goldammer | Paulson | Young |
| Hale | Peart | Mr. Speaker |
| Hanley | | |

Those who voted in the negative were:

| Messrs.— | Messrs.— | Messrs.— |
|----------|------------------|----------|
| Akesson | Moen of Cavalier | Senour |
| Duncan | Nelson of Steele | Sinclair |
| Geidt | Nyhus | Steen |
| Hill | Pendray | Traynor |
| Law | Plath | Welford |
| Lucke | | |

Absent and not voting:

| Messrs.— | Messrs.— | Messrs.— |
|----------------|------------|------------------|
| Baker of Cass | Fraine | Hughes |
| Baker of Stark | Ganssle | Kinney of McLean |
| Brusletten | Grant | Kremer |
| Burns | Hemmingson | Linde |
| Dibley | Homnes | Price |

Messrs. Brusletten, Hemmingson and Hughes being excused.

So the bill passed and the title was agreed to.

Mr. Sheils moved

That the vote by which Senate Bill No. 58 passed be reconsidered, and the motion to reconsider be laid on the table.

COURTESIES OF THE FLOOR.

The privileges of the floor were extended to Earl Atho, Gus Bromer, C. L. Lanc, Linton; James Cain, M. L. Foss, Peter Stadn, M. A. Wisnes, August Bolinshe, H. N. Opdahl, Benson county; Hans Anderson, P. N. Korsmo, Grand Forks; W. E. Schwabel, New Rockford; J. L. Fort, Fred B. Paul, Wells county; F. Sargent, C. Nelson, Cass

county; Con Levin, Hugh Laughead, Park River; A. G. Brown, Wheatland; A. L. Haussman, Grafton; N. N. Felson, Pembina; W. M. Husband; Hensel; D. J. Laxdahl, Cavalier; O. J. Nelson, Tower City; J. G. Jaberg, Sanborn; C. N. Nelson, A. P. Sigurdson, Lee Cowell, W. H. Pray, J. R. Getchell, Valley City; Chas. McDonald, Col. S. L. Nichols, Mandan; A. G. Faber, Glen Ullin; Andrew Blewett, Jamestown; C. Geisler, Medina; H. Post, Jamestown; Wm. Farley, Spiritwood; Frank Nordeen, New Home; J. Negosek, Kensal; E. W. Field, LaMoure; L. H. Connolly, A. H. Williams, Mandan.

Mr. Sheils moved

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

W. D. AUSTIN,
Chief Clerk.

THIRTY-EIGHTH DAY

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 11, 1909.

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

The speaker presiding.

Prayer by the chaplain.

Roll call.

All members present except Messrs. Brusletten, Burns, Hemmingson and Hughes, who were excused.

REFERENCE OF THE JOURNAL.

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

Mr. Speaker:

Your committee on revision and correction of the journal have carefully examined the journal of the thirty-sixth day after recess and the thirty-seventh day and find the same correct.

And recommend that the same be approved.

S. J. DOYLE,
Chairman.

Mr. Doyle moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

PETITIONS AND COMMUNICATIONS.

Mr. Streeter presented the following petition:

Steele, N. D., February 8, 1909.

Hon. Darwin Streeter, Bismarck, N. D.:

DEAR SIR: We, the undersigned citizens of Kidder county, N. D., and stockholders in local farmers' telephone companies, would respectfully urge you to oppose in every way possible the passage and enactment of House Bill No. 140, relative to telephone and telegraph lines. This bill requires the erection and maintenance of all telephone lines on poles not less than 24 feet from ground to cross arms (30-foot poles), the cost of such poles to bear one or two wires of a farmers' line would be prohibitive to the building and maintenance of such lines.

Living in a prairie country of long distances between neighbors and neighborhoods, farmers' telephone lines are of wonderful convenience and necessity. The building of such lines has just practically been commenced in this state, and we can only look at the enactment of such a law as a direct prohibition of these lines by law in the interest of corporation toll lines.

Respectfully,

W. C. BRODDY,

And 55 Others.

Mr. Traynor presented the following petition:

We, the members of Library Club of Devils Lake, N. D., hereby petition you, and the other members of this district who are of the North Dakota legislature, to work for the passage of the model food law bill.

LUELLE W. STREETER,

And 9 Others.

REPORTS OF STANDING COMMITTEES.

The majority of the committee on drains and drainage made the following report:

Mr. Speaker:

A majority of your committee on drains and drainage to whom was referred

House Bill No. 34,

A bill for an act permitting farmers and land owners to drain their lands into road ditches and other depressions when such ditch or depression is wholly upon the owner's land.

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

FERDINAND LUCKE,
Chairman.

A minority of the committee on drains and drainage made the following report:

Mr. Speaker:

The undersigned, members of your committee on drains and drainage, to whom was referred

House Bill No. 34,

A bill for an act permitting farmers and land owners to drain their lands into road ditches and other depressions when such ditch or depression is wholly upon the owner's land.

Which has been reported, recommending that the same be indefinitely postponed, hereby beg leave to dissent from the opinion of the majority, and recommend that the same be amended as follows:

After the word "highway" in line 5 of the printed bill, add, "with the consent of the board of township supervisors thereof."

And when so amended recommend the same do pass.

FERDINAND LUCKE,
W. J. BURNETT,
G. C. LAITHWAITE.

The committee on state affairs made the following report:

Mr. Speaker:

Your committee on state affairs to whom was referred House Bill No. 108,

A bill for an act providing for the inspection of refined petroleum oils and gasoline. Defining ports of entry. Appointment of oil inspector and deputies and fixing the salary of the same.

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

On page 2 in section 1, after line 25 of the printed bill, insert, "provided, that the salary of deputy oil inspectors at the designated points of entry shall be based on the last annual report of the state oil inspector as to the amount of barrels of oil inspected;" also in section 1, line 14, after the word "of" insert the word "such."

In section 1, line 23, strike out the dollar sign (\$) before the figures "15,000."

On page 4, section 3, after line 7, insert "for the purpose of making chemical and photometric tests, as hereinafter provided for, there shall be set aside from the inspection funds one thousand dollars (\$1,000.00), which sum, or so much thereof as is necessary, may be used under the direction of the state oil inspector in the employment of a competent chemist at the agricultural college and university."

On page 5, clause 5, in line 23, after the word "fahrenheit" add "when one hundred cubic centimeters of the oil are distilled from a side necked distilling flask $2\frac{3}{4}$ inches in diameter, and with a neck $2\frac{1}{2}$ inches in length, to the side necked tube, said flask to be covered with a closely adhering jacket of asbestos paper."

On same page, line 25, after the words "value of the oils" add, "which shall not be in the photometric test, when burning under normal conditions, show a fall of more than 25 per cent in candle power in a test for not less than six nor more than eight hours' duration."

Clause 3, page 5, after line 13, should read, "provided, that illuminating oil produced from petroleum of low gravity shall be labeled and sold as low gravity oil, and such illuminating oil shall have a gravity test of forty-two degrees (Beaume), or higher; and said oil shall conform in other respects to the tests as laid down in this statute."

On page 7, line 54, after the words "rejected for sale" add the following, "provided, that gasoline produced from petroleum of low gravity shall be labeled and sold as low gravity gasoline, and such gasoline shall have a gravity test of 63 per cent (Beaume), or higher; provided, that all gasoline offered for sale in this state shall, when 100 cubic centimeters are subjected to distillation in a flask as described for distilling oil, show not less than 3 per cent distilling at one hundred and fifty-eight (158) degrees Fahrenheit, and there shall not be more than 6 per cent residue at two hundred and eighty-four degrees Fahrenheit."

On page 10, line 23, after the word "Beaume" insert "except as provided for in this act."

On page 12, section 14, line 4, strike out the word "Bealand" and insert the word "Zealand" in place thereof.

And when so amended recommend the same do pass.

W. J. PRICE,
Chairman.

Mr. Price moved

That the rules be suspended and House Bill No. 108 be printed as amended and placed upon the members' desks, and be made a special order for 3 o'clock p. m. February 16th.

Which motion prevailed.

Also,

Your committee on state affairs to whom was referred House Bill No. 140,

An act to compel the removal and erection of telephone and telegraph poles by telephone and telegraph companies as well as private individuals to section lines, and their maintenance.

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

W. J. PRICE,
Chairman.

Mr. Price moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Also,

Your committee on state affairs to whom was referred
House Bill No. 256,

A bill for an act to establish a state fair and locate the
same at Jamestown, North Dakota, and make an appropriation
therefor.

Have had the same under consideration and recommend
that the same be referred to the committee of the whole.

W. J. PRICE,
Chairman.

Mr. Price moved

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

Also,

Your committee on state affairs to whom was referred
House Bill No. 215,

A bill for an act to establish and permanently fix the
state fair at Devils Lake, in Ramsey county, North Da-
kota, making appropriation therefor, and to repeal sections
1306 and 1307 of the revised codes of the state of North

Have had the same under consideration and recommend
that the same be referred to the committee of the whole.

W. J. PRICE,
Chairman.

Mr. Price moved

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

Mr. Skulason moved

That the further reading of the reports of standing com-
mittees of all bills not printed be dispensed with until such
bills are printed and placed upon the members' desks.

Which motion prevailed.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
February 11, 1909.

Mr. Speaker:

I have the honor to transmit herewith

Senate Bill No. 33,

A bill for an act to amend section two (2) of chapter forty-two (42) of the session laws of 1907, (same being section 1380 of the revised codes of 1905.) relating to locating, building and repairing of bridges.

Also,

Senate Bill No. 137,

A bill for an act to amend section 372 of the political code of the revised codes of 1905, relating to commissioners of deeds.

Also,

Senate Bill No. 140,

A bill for an act authorizing the board of trustees of the North Dakota state penitentiary to operate the twine plant more than ten hours per day; authorizing the employment of the inmates of the North Dakota state penitentiary during any part of the day; authorizing the board of trustees of the North Dakota state penitentiary to pay inmates, not to exceed the sum of six cents per day, for their labor; except that inmates working over time in the factory may be paid extra for over time; prescribing rules to be observed in the payment of wages, and the keeping of the accounts; providing that the wife, minor children or other person dependent on the inmate for support shall receive five-sixths of the wages, and otherwise providing for the manner in which the wages may be paid; and providing for a general inmates' benefit fund.

Also,

Senate Bill No. 141,

A bill for an act to amend section 10,387 of the code of criminal procedure of the revised codes of 1905, relating to the fiscal year and sinking fund of the twine plant.

Also,

Senate Bill No. 142,

A bill for an act authorizing the state auditor to advance such sums to the treasurer of the state penitentiary as may be necessary for the purpose of paying for the raw material and supplies necessary for the operation of the twine plant, and for conducting the business of the institution; providing that the warden of the state penitentiary or the board of trustees thereof, shall execute in writing a requisition setting forth the reason therefor.

Also,

Senate Bill No. 162,

A bill for an act to amend and re-enact section 344 of article 17 of the revised code of North Dakota of 1905, relating to qualifications of embalmers of dead human bodies, and the duties and relations for the shipment thereof.

Also,

Senate Bill No. 168,

A bill for an act to amend section 9151 of the revised codes of 1905 of North Dakota.

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

Very respectfully,

J. W. FOLEY.

Secretary.

REPORTS OF STANDING COMMITTEES.

The committee on railroads made the following report:

Mr. Speaker:

Your committee on railroads to whom was referred House Bill No. 204,

A bill for an act prohibiting the locking or obstructing of railroad crossings on rural highways or on village or

city streets by railroad companies or their employes, by allowing cars, engines, or train of cars to stand on such crossings for a longer period than five minutes at any one time, and providing penalties for violations of this act.

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

In line 5, section 1 of printed bill, strike out the word "five" and insert the word "ten."

In line 1 of the title of printed bill the word "locking" be stricken out and the word "blocking" be inserted.

In line 4 of the printed title strike out the word "five" and insert the word "ten."

In line 10 of the printed bill the words "twenty-five" be stricken out and the word "ten" inserted instead.

And when so amended recommend the same do pass.

G. A. WHITE,
Chairman.

The committee on public printing made the following report:

Mr. Speaker:

Your committee on public printing to whom was referred House Bill No. 153,

A bill for an act to amend section 2620 of the revised codes of 1905, relating to legal rates for publication of legal notices.

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

D. R. STREETER,
Chairman.

Mr. Streeter moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Also,

Your committee on public printing to whom was referred House Bill No. 189,

A bill for an act to authorize the secretary of state to enter into a contract on behalf of the state of North Dakota

with the Lawyers' Co-operative Publishing Company for the printing and publishing of the supreme court reports.

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

D. R. STREETER,
Chairman.

Mr. Streeter moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

The committee on judiciary made the following report:

Mr. Speaker:

Your committee on judiciary to whom was referred
House Bill No. 113,

A bill for an act to amend chapter 258 of the session laws of the state of North Dakota of 1907, being an act to prohibit discrimination between different sections, communities or localities, unfair competition and providing penalties for the violation thereof.

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

In the title of the bill after the word "for" strike out the words "an act to amend chapter 258 of the session laws of the state of North Dakota of 1907, being."

After the word "localities" in the title insert "and to prohibit."

On page 1, line 9, after the word "paid" insert the words "by such person, firm or corporation."

On line 1, page 2 of the printed bill, after the figure "2" insert the words "Duty of secretary of state and attorney general."

On page 3, line 1, after the figure "4" insert the word "repeal."

And when so amended recommend the same do pass.

M. M. CHATFIELD,
Acting Chairman.

The committee on municipal corporations made the following report:

Mr. Speaker:

Your committee on municipal corporations to whom was referred

House Bill No. 168,

A bill for an act to legalize certain floating indebtedness incurred by cities of this state under certain circumstances and bonds issued or that may be issued, to fund the same.

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

After the word "thereof" in line 12 of section 1 of the printed bill insert the words "having been thereunto authorized by a majority vote of the qualified electors of such city voting thereon at any regular or special election," and also by striking out the following words and figures in lines 13 and 14 of said section 1 of the printed bill, "pursuant to article 12 of chapter 32 of the political code of 1905."

And when so amended recommend the same do pass.

F. G. KNEELAND,
Chairman.

The committee on public health made the following report:

Mr. Speaker:

Your committee on public health to whom was referred
Senate Bill No. 60,

A bill for an act prohibiting the marriage of white persons to negro persons; prohibiting negro man and white woman, or negro woman and white man occupying same room; prohibiting adultery or fornication between whites and negroes; prohibiting the issuing of marriage licenses for white persons to negro persons; prohibiting the performance of the marriage ceremony between white persons and negroes; prescribing penalties for violations of the provisions of this act, and defining a negro person.

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

C. H. SHEILS,
Chairman,

Mr. Sheils moved

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

Also,

Your committee on public health to whom was referred Senate Bill No. 106,

A bill for an act to amend section 1889 of the revised codes of 1905 of the state of North Dakota, relating to commissioners of insanity.

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

C. H. SHEILS,
Chairman.

Mr. Sheils moved

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

The committee on engrossment made the following report:

Mr. Speaker:

Your committee on engrossment have examined House Bill No. 81,

A bill for an act relating to the assessment of lands for the construction of drains and providing for an appeal from the decision of the drainways board, and fixing the compensation of drain commissioners.

And find the same correctly re-engrossed.

C. C. CRAWFORD,
Chairman.

Mr. Crawford moved

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

Also,

Your committee on engrossment have examined
House Bill No. 33,

A bill for an act to amend section 1380 of the revised codes of 1905, relating to location and building of bridges.

Also,

House Bill No. 146,

A concurrent resolution amending section 158 of the constitution of the state of North Dakota, providing for the purchase of and sale of school and public lands.

Also,

House Bill No. 154,

A bill for an act to amend section 2173 of the revised codes of the state of North Dakota for 1905, relating to automobiles.

Also,

House Bill No. 177,

A bill for an act providing for the creating, establishing and maintaining of a biological station on the shore of Devils Lake in Ramsey county, North Dakota, for the control of such station and work associated therewith, appointment of directors of such station and its associated work, prescribing the duties of such directors and making appropriations therefor.

Also,

House Bill No. 195,

A bill for an act creating a state highway commission, defining its powers and duties, creating a state highway fund, providing for the expenditure thereof, and providing for the appointment of county superintendents of highways and town road inspectors, and abolishing the office of township road overseer.

Also,

House Bill No. 196,

A bill for an act to amend section 7453 of the revised codes of North Dakota for 1905, relating to the foreclosure of mortgages upon real property, containing a power of

sale, by advertisement, and limiting the time in which proceedings for such foreclosure may be commenced.

And find the same correctly engrossed.

C. C. CRAWFORD,
Chairman.

Mr. Crawford moved.

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Mr. Skulason moved

That the house instruct the chairman of the state affairs committee to report House Bill No. 192 forthwith.

Which motion was lost.

The speaker withdrew House Bill No. 250 from the committee on agriculture and referred the same to the committee on state affairs.

FIRST AND SECOND READING OF HOUSE BILLS.

Mr. Wolbert introduced

House Bill No. 278,

A bill for an act fixing the liability of a bank to its depositor for payment of forged or raised checks.

Which was read the first and second times and

Referred to the committee on banking.

Mr. Wolbert introduced

House Bill No. 279,

A bill for an act relating to the payment of deposits in two names.

Which was read the first and second times and

Referred to the committee on banking.

Mr. Wolbert introduced

House Bill No. 280,

A bill for an act to amend section 590 of the revised codes of 1905 of North Dakota, appropriating money for

clerk hire in the several state offices, and fixing the salaries of the chief deputy state officers.

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

The committee on public printing introduced
House Bill No. 281,

A bill for an act to amend section 2620 of the revised codes of 1905, relating to legal rates for publication of legal notices.

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

Mr. Hanley introduced

House Bill No. 282,

A concurrent resolution amending the constitution of the state of North Dakota, relating to the term of office of the commissioners of railroads.

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

Mr. McCrea introduced

House Bill No. 283,

A bill for an act to amend sections 9354, 9355, 9356, 9357, 9358, 9359, 9360, 9361, 9362, 9363, of the revised codes of 1905, and any acts amendatory thereof, and to re-enact sections 9364 and 9365 of said code, regulating the sale of intoxicating liquors by druggists who are registered pharmacists; and to provide a method of such sales, and of granting and revoking of permits.

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

Mr. Kneeland introduced

House Bill No. 284,

A bill for an act regulating the practice in county courts having increased jurisdiction, and all matters relating thereto; fixing the terms of court, compensation of judges and clerks and other officers of said courts and their duties, and repealing sections 8289 and 8319 inclusive, of the re-

vised codes of 1905 of North Dakota, and chapter 68, laws of 1907.

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

Mr. Kneeland introduced

House Bill No. 285,

A bill for an act to amend section 2589 of the revised codes of 1905, relating to the fees of county court.

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

Mr. Kneeland introduced

House Bill No. 286,

A bill for an act to amend section 5119 of the revised codes of 1905, relating to the succession of children of testator omitted from will.

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

Mr. Crawford (by request) introduced

House Bill No. 287,

A bill for an act providing for the appointment and removal of deputies and clerks in county offices and fixing their salaries.

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

Mr. Aasheim introduced

House Bill No. 288,

A bill for an act, entitled "An act concerning railroads and to better protect the life of railway employes and the traveling public, and providing penalties for the violation thereof."

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

Mr. Traynor introduced

House Bill No. 289,

A bill for an act to amend section 3061 of the revised codes for 1905, relating to annual township meetings.

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

THIRD READING OF HOUSE BILLS.

House Bill No. 154,

A bill for an act to amend section 2173 of the revised codes of the state of North Dakota for 1905, relating to automobiles.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 58, nays 25, absent and not voting 12.

Those who voted in the affirmative were:

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|--------------------|---------------------|
| Bjorndahl | Johnson of Rolette | Price |
| Chatfield | Kneeland | Putnam |
| Collins of Cass | Knox | Senour |
| Crawford | Laithwaite | Sgutt |
| Cunningham | Linde | Sinclair |
| Davidson | Lindvig | Skinner |
| Dibley | Lucke | Skulason |
| Doyle of Foster | McCrea | Sorlie |
| Duncan | McLear | Steen |
| Fraine | Moen of Benson | Storey |
| Freeman | Moen of Cavalier | Streeter |
| Geidt | Nelson of McHenry | Thompson, Gd. Forks |
| Goldammer | Nelson of Walsh | Thompson of McLean |
| Hanley | Nyhus | Traynor |
| Hill | Olson | Ward |
| Homnes | Peart | Wisner |
| Honey | Pendray | Wolbert |
| Jewett | Poe | Young |
| Johnson of Bottineau | Pound | Mr. Speaker |
| Johnson of McLean | | |

Those who voted in the negative were:

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|--------------------|------------------|
| Aasheim | Evans | Martin |
| Akesson | Ganssle | Narum |
| Anderson | Gibbens | Nelson of Steele |
| Baker of Cass | Grant | Paulson |
| Brynjulson | Hale | Plath |
| Burnett | Kinney of McLean | Schull |
| Christenson | Kinney of Richland | Sheils |
| Collins of Gd. Forks | Kremer | Welford |
| Doyle of McIntosh | | |

Absent and not voting:

| Messrs.— | Messrs.— | Messrs.— |
|----------------|-------------|----------|
| Atwood | Garden | Law |
| Baker of Stark | Hemmingson | Ployhar |
| Brusletten | Hendrickson | Thoreson |
| Burns | Hughes | White |

Messrs. Brusletten, Burns, Hemmingson and Hughes being excused.

So the bill passed and the title was agreed to.

Mr. Skulason moved

That the vote by which House Bill No. 154 passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

SPECIAL ORDER

House Bill No 6,

A concurrent resolution amending the constitution of the state of North Dakota, establishing and locating a state normal school in the city of Minot, county of Ward.

Was read the third time.

Mr. Chatfield moved

The previous question.

Which motion prevailed

The question being on the final passage of the bill.

The roll was called and there were ayes 69, nays 21, absent and not voting 5.

Those who voted in the affirmative were:

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|----------------------|---------------------|
| Akesson | Hanley | Pound |
| Atwood | Hendrickson | Price |
| Baker of Cass | Hill | Putnam |
| Baker of Stark | Hommes | Schull |
| Brynjulson | Honey | Senour |
| Burnett | Jewett | Sgutt |
| Chatfield | Johnson of Bottineau | Sheils |
| Collins of Cass | Johnson of McLean | Sinclair |
| Collins of Gd. Forks | Kinney of McLean | Skinner |
| Cunningham | Kinney of Richland | Skulason |
| Davidson | Kneeland | Sorlie |
| Doyle of Foster | Knox | Streeter |
| Doyle of McIntosh | Laithwaite | Thompson, Gd. Forks |
| Duncan | Linde | Thompson of McLean |
| Evans | Lucke | Thoreson |
| Fraine | Martin | Traynor |
| Ganssle | McCrea | Ward |
| Garden | McLear | Welford |
| Geidt | Nelson of Steele | White |
| Gibbens | Nelson of Walsh | Wisner |

| | | |
|-----------|----------|-------------|
| Messrs.— | Messrs.— | Messrs.— |
| Goldammer | Peart | Wolbert |
| Grant | Pendray | Young |
| Hale | Ployhar | Mr. Speaker |

Those who voted in the negative were:

| | | |
|-------------|--------------------|-------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Johnson of Rolette | Nelson of McHenry |
| Anderson | Kremer | Nyhus |
| Bjorndahl | Law | Olson |
| Christenson | Lindvig | Paulson |
| Crawford | Moen of Benson | Plath |
| Dibley | Moen of Cavalier | Poe |
| Freeman | Narum | Steen |

Absent and not voting:

| | | |
|------------|------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Brusletten | Hemmingson | Storey |
| Burns | Hughes | |

Messrs. Brusletten, Burns, Hemmingson and Hughes being excused.

So the bill passed and the title was agreed to.

Mr. Chatfield moved

That the vote by which House Bill No. 6 passed be reconsidered, and the motion to reconsider be laid on the table. Which motion prevailed

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
February 11, 1909.

Mr. Speaker:

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

Be it Resolved by the House of Representatives, the Senate Concurring:

Whereas, numerous complaints have been made from time to time by shippers of grain from this state to terminal points, of heavy losses through the bad condition of cars of the various railroads transporting the same, and

Whereas, the Wisconsin Grain and Warehouse Commission at Superior on which this state has a representative has inaugurated a system through diagrams illustrating the defects in bad order cars and publishing monthly statements of their number and condition when received, and

Whereas, during the months of September, October, November and December, 1908, said commission received 34,349 cars of grain, of which number there were 14,919 in bad order and leaky condition thereby entailing heavy losses to the shippers; therefore be it

Resolved, That the various railroads operating within and through this state, transporting our grain to terminal points, be and they are hereby respectfully and urgently requested not to allow cars in bad order to be delivered to shippers of grain, but to see that they are in good condition before leaving their yards. Be it further

Resolved, That copies of these resolutions be sent to the general managers of the freight departments of the respective railroads transporting grain to terminal points from North Dakota.

Which the senate has adopted and your favorable consideration is respectfully requested.

Very respectfully,
J. W. FOLEY,
Secretary.

Mr. Skulason moved

That the senate concurrent resolution relating to bad order of cars be referred to the committee on railroads.

Which motion prevailed, and

The concurrent resolution was so referred.

THIRD READING OF HOUSE BILLS.

House Bill No. 146,

A concurrent resolution amending section 158 of the constitution of the state of North Dakota, providing for the purchase of and sale of school and public lands.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 76, nays 0, absent and not voting 19.

Those who voted in the affirmative were:

Messrs.—

Aasheim
Akeson
Anderson
Atwood
Baker of Cass
Baker of Stark
Bjorndahl
Burnett
Christenson

Messrs.—

Hanley
Hill
Homness
Honey
Jewett
Johnson of Bottineau
Johnson of McLean
Johnson of Rolette
Kinney of McLean

Messrs.—

Olson
Paulson
Pendray
Plath
Ployhar
Pound
Price
Putnam
Schull

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|--------------------|--------------------|
| Collins of Cass | Kinney of Richland | Senour |
| Collins of Gd. Forks | Kneeland | Sheils |
| Crawford | Law | Sinclair |
| Cunningham | Laithwaite | Skulason |
| Davidson | Linde | Sorlie |
| Loyle of McIntosh | Lindvig | Streeter |
| Duncan | Lucke | Thompson of McLean |
| Fraine | Martin | Thoreson |
| Freeman | McCrea | Traynor |
| Ganssle | McLear | Ward |
| Garden | Moen of Cavalier | Welford |
| Geidt | Narum | White |
| Gibbens | Nelson of McHenry | Wisner |
| Goldammer | Nelson of Steele | Wolbert |
| Grant | Nelson of Walsh | Young |
| Hale | Nyhus | Mr. Speaker |
| Hendrickson | | |

Absent and not voting:

| Messrs.— | Messrs.— | Messrs.— |
|-----------------|----------------|---------------------|
| Brusletten | Hemmingson | Poe |
| Brynjulson | Hughes | Sgutt |
| Burns | Knox | Skinner |
| Chatfield | Kremer | Steen |
| Dibley | Moen of Benson | Storey |
| Doyle of Foster | Peart | Thompson, Gd. Forks |
| Evans | | |

Messrs. Brusletten, Burns, Hemmingson and Hughes being excused.

So the bill passed and the title was agreed to.

Mr. Gibbens moved

That the vote by which House Bill No. 146 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 196,

A bill for an act to amend section 7453 of the revised codes of North Dakota for 1905, relating to the foreclosure of mortgages upon real property, containing a power of sale, by advertisement, and limiting the time in which proceedings for such foreclosure may be commenced.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 83, nays 0, absent and not voting 12.

Those who voted in the affirmative were:

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|----------------------|---------------------|
| Aasheim | Hanley | Paulson |
| Akesson | Hendrickson | Peart |
| Anderson | Hill | Pendray |
| Atwood | Homnes | Ployhar |
| Baker of Cass | Honey | Poe |
| Baker of Stark | Jewett | Pound |
| Bjorndahl | Johnson of Bottineau | Price |
| Brynjulson | Johnson of McLean | Putnam |
| Burnett | Johnson of Rolette | Schull |
| Chatfield | Kinney of Richland | Sgutt |
| Christenson | Kneeland | Shells |
| Collins of Cass | Knox | Sinclair |
| Collins of Gd. Forks | Kremer | Skulason |
| Cunningham | Law | Sorlie |
| Davidson | Laithwaite | Steen |
| Doyle of Foster | Linde | Streeter |
| Doyle of McIntosh | Lindvig | Thompson, Gd. Forks |
| Duncan | Lucke | Thompson of McLean |
| Evans | Martin | Thoreson |
| Fraine | McCrea | Traynor |
| Freeman | McLear | Ward |
| Ganssle | Moen of Benson | Welford |
| Garden | Moen of Cavalier | White |
| Geidt | Narum | Wisner |
| Gibbens | Nelson of McHenry | Wolbert |
| Goldammer | Nelson of Steele | Young |
| Grant | Nelson of Walsh | Mr. Speaker |
| Hale | Nyhus | |

Absent and not voting:

| Messrs.— | Messrs.— | Messrs.— |
|------------|------------------|----------|
| Brusletten | Hemmingson | Plath |
| Burns | Hughes | Senour |
| Crawford | Kinney of McLean | Skinner |
| Dibley | Olson | Storey |

Messrs. Brusletten, Burns, Hemmingson and Hughes being excused.

So the bill passed and the title was agreed to.

Mr. Gibbens moved

That the vote by which House Bill No. 196 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 33,

A bill for an act to amend section 1380 of the revised codes of 1905, relating to location and building of bridges. Was read the third time.

Mr. Putnam moved

That the further consideration of the bill be re-referred to the committee on highways and bridges.

Which motion prevailed, and
The bill was so re-referred.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
February 11, 1909.

Mr. Speaker:

I have the honor to transmit herewith
Senate Bill No. 82,

A concurrent resolution, amending the constitution of the state of North Dakota, relating to the legislative department, and providing for direct legislation and reference of laws.

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

Very respectfully,
J. W. FOLEY,
Secretary.

THIRD READING OF HOUSE BILLS.

House Bill No. 177,

A bill for an act providing for the creating, establishing and maintaining of a biological station on the shore of Devils Lake in Ramsey county, North Dakota, for the control of such station and work associated therewith, appointment of directors of such station and its associated work, prescribing the duties of such directors and making appropriations therefor.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 72, nays 15, absent and not voting 8.

Those who voted in the affirmative were:

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|----------------------|---------------------|
| Akesson | Hanley | Plath |
| Anderson | Hendrickson | Ployhar |
| Atwood | Hill | Pound |
| Baker of Stark | Homnes | Price |
| Bjorndahl | Honey | Putnam |
| Burnett | Jewett | Schull |
| Chatfield | Johnson of Bottineau | Senour |
| Christenson | Johnson of McLean | Sgutt |
| Collins of Cass | Johnson of Rolette | Shells |
| Collins of Gd. Forks | Kinney of McLean | Skinner |
| Cunningham | Kinney of Richland | Skufason |
| Davidson | Kneeland | Sorlie |
| Dibley | Knox | Streeter |
| Doyle of Foster | Laithwaite | Thompson, Gd. Forks |
| Doyle of McIntosh | Linde | Thompson of McLean |
| Duncan | Lindvig | Thoreson |
| Fraine | Lucke | Traynor |
| Freeman | Martin | Ward |
| Ganssle | McCrea | Welford |
| Garden | McLear | White |
| Geidt | Moen of Benson | Wisner |
| Gibbens | Moen of Cavalier | Wolbert |
| Goldammer | Nelson of McHenry | Young |
| Hale | Peart | Mr. Speaker |

Those who voted in the negative were:

| Messrs.— | Messrs.— | Messrs.— |
|------------|------------------|----------|
| Aasheim | Narum | Paulson |
| Brynjulson | Nelson of Steele | Pendray |
| Evans | Nelson of Walsh | Poe |
| Grant | Nyhus | Sinclair |
| Kremer | Olson | Steen |

Absent and not voting:

| Messrs.— | Messrs.— | Messrs.— |
|---------------|------------|----------|
| Baker of Cass | Crawford | Law |
| Brusletten | Hemmingson | Storey |
| Burns | Hughes | |

Messrs. Brusletten, Burns, Hemmingson and Hughes being excused.

So the bill passed and the title was agreed to

Mr. Traynor moved

That the vote by which House Bill No. 177 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed

House Bill No. 81,

A bill for an act relating to the assessment of lands for the construction of drains and providing for an appeal from the decision of the drainways board, and fixing the compensation of drain commissioners.

Was read the third time.

Mr. Wolbert moved

That the further consideration of the bill be re-referred to the committee on judiciary for the purpose of consulting the state engineer.

Which motion was lost.

The question being on the final passage of the bill.

The roll was called and there were ayes 60, nays 25, absent and not voting 10.

Those who voted in the affirmative were:

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|--------------------|---------------------|
| Aasheim | Johnson of Rolette | Plath |
| Akesson | Kinney of McLean | Ployhar |
| Anderson | Kneeland | Pound |
| Atwood | Knox | Price |
| Bjorndahl | Kremer | Putnam |
| Brynjulson | Law | Senour |
| Burnett | Laithwaite | Sinclair |
| Christenson | Linde | Skulason |
| Cunningham | Lucke | Sorlie |
| Davidson | Martin | Steen |
| Doyle of McIntosh | McLear | Streeter |
| Evans | Moen of Benson | Thompson, Gd. Forks |
| Freeman | Moen of Cavaller | Thompson of McLean |
| Geidt | Narum | Thoreson |
| Gibbens | Nelson of McHenry | Traynor |
| Goldammer | Nelson of Steele | Ward |
| Grant | Nyhus | White |
| Hill | Paulson | Wisner |
| Homnes | Peart | Young |
| Johnson of Bottineau | Pendray | Mr. Speaker |

Those who voted in the negative were:

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|--------------------|-----------------|
| Baker of Stark | Garden | Lindvig |
| Chatfield | Hale | McCrea |
| Collins of Cass | Hanley | Nelson of Walsh |
| Collins of Gd. Forks | Hendrickson | Olson |
| Dibley | Honey | Schull |
| Doyle of Foster | Jewett | Sheils |
| Duncan | Johnson of McLean | Welford |
| Fratne | Kinney of Richland | Wolbert |
| Ganssle | | |

Absent and not voting:

| Messrs.— | Messrs.— | Messrs.— |
|---------------|------------|----------|
| Baker of Cass | Hemmingson | Sgutt |
| Brusletten | Hughes | Skinner |
| Burns | Poe | Storey |
| Crawford | | |

Messrs. Brusletten, Burns, Hemmingson and Hughes being excused.

So the bill passed and the title was agreed to.

Mr. Burnett moved

That the vote by which House Bill No. 81 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

There being no objection, the house returned to the tenth order of business.

INTRODUCTION, FIRST AND SECOND READING OF HOUSE BILLS.

Mr. Schull introduced

House Bill No. 290,

A bill for an act to authorize a popular vote upon the question of calling a delegate convention to amend and revise the constitution of the state of North Dakota.

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

Mr. Christenson introduced

House Bill No. 291,

A bill for an act to amend section 2247 of the revised codes of North Dakota for 1905, relating to bonds of public warehouses.

Which 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. 195,

A bill for an act creating a state highway commission, defining its powers and duties, creating a state highway fund, providing for the expenditure thereof, and providing for the appointment of county superintendents of highways and town road inspectors, and abolishing the office of township road overseer.

Was read the third time

Mr. Gibbens moved

That the further consideration of the bill be referred to the committee of the whole.

Which motion prevailed, and

The bill was so referred.

COURTESIES OF THE FLOOR.

The privileges of the floor were extended to John Norden, Homer Ballard, Kenneth Ferguson, Carrington; C. Rufwold, Thos. Gilbertson, Ransom; C. Sorenson, Grand Forks; Caron Levin, Hugh Loughead, J. A. Dunn, Park River; Frank Shanley, Andrew Jerrard, Thos. Hanson, Towner county; R. G. McFarland, John Knauf, Jamestown; J. G. Dailey, J. B. Defoe, Stephen Beauclaire, Eddy county; Gus Furstenan, Ole Nesseth, Wm. Maloney, Ray V. Bice, Wm. Samuels, Frank Emigle, Joseph Kelly, O. B. Keslin, Devils Lake; Messrs. Hurd and Farrington, Hettinger; Paul Kreithmer, Ashley; E. M. Atterbury, Williston; G. O. Drakely, Ray; C. O. Borstad, Bonetrail; W. L. Plath, Henry Heath, August Landblom, G. D. Kelly, L. J. Glomseth, Geo. Capes, Ed. White, A. H. Mekerm, W. R. Purdon, James Pitty, A. H. Lailand, Tom Huso, Chas. B. Carley, H. H. Hanson, C. L. Lindstrom, Langdon; C. S. Hagen, James Rueke, Pembina county; E. N. Meredith, E. E. Cole, H. N. Hartman, Fargo; P. G. McMichael, LaMoure; C. M. Washburn, Edgeley; David Taylor, Dickey;

J. M. Johnson, LaMoure; Fred P. Steele, Jud; M. C. LaSalle, LaMoure; C. Davis, D. E. Ellsworth, New Rockford; H. L. Lyon, Bowbells.

Mr. Fraine moved

That the house do now adjourn.

Which motion prevailed, and

The house adjourned.

W. D. AUSTIN,
Chief Clerk.

THIRTY-NINTH DAY

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 12, 1909.

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

The speaker presiding.

Prayer by the chaplain.

Roll call.

All members present except Messrs. Baker of Cass, Brusletten, Burns, Evans, Hemmingson and Hughes, who were excused.

REFERENCE OF THE JOURNAL.

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

Mr. Speaker:

Your committee on revision and correction of the journal carefully examined the journal of the thirty-eighth day and find the same correct.

And recommend that the same be approved.

S. J. DOYLE,
Chairman

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

PETITONS AND COMMUNICATIONS.

St. Paul, Minn., February 10, 1909.

Speaker House of Representatives, Bismarck, N. D.:

DEAR SIR: I enclose you herewith joint resolution adopted by the house of Representatives and senate of the state of Minnesota February 9th, and request that you call the matter to the attention of the North Dakota legislature to the end that it may join with Minnesota in urging the development of the Minnesota river and Red River of the North.

Very respectfully yours,

ARCHIBALD H. VERNON,
 Chief Clerk House of Representatives.

JOINT RESOLUTION.

Whereas, periodical floods of the Minnesota and the Red River of the North during the past ten years, have caused vast damage to the property in Minnesota and North and South Dakota, and

Whereas, it is the unanimous testimony of engineers familiar with these rivers and their watersheds, that it is entirely feasible and practicable to so regulate and control the waters of these streams by a system of empounding reservoirs and by the improvement of the channels thereof so as to entirely prevent these disastrous floods, and

Whereas, the construction of such empounding reservoirs will not only prevent destruction by floods, but will also be a most valuable aid in making national waterways of these streams and in creating vast water power thereon, and

Whereas, the State Drainage Commission of the State of Minnesota is now engaged in making a survey of the Minnesota river for the purpose of collecting data from which plans may be prepared for the proper regulation and control of the waters of the Minnesota river and the Red River of the North; therefore, be it

Resolved by the House of Representatives of the State of Minnesota, the Senate Concurring:

That our senators and representatives in congress be and they are hereby respectfully requested to work for the immediate development of the Minnesota and Red River of the North as waterways by the federal government.

Resolved, Further, That a copy of the foregoing resolution, when adopted, be sent by the chief clerk of the house to each of our senators and representatives in congress, also a copy to the speakers of the house of representatives of North and South Dakota, with a request for joint action by the legislatures of those states.

To the Members of the House of Representatives of the Eleventh Legislative Assembly of the State of North Dakota:

We respectfully submit to your honorable body for your consideration the following resolutions adopted by the County Auditors' Association of the State of North Dakota at their meeting held at Bismarck, February 11, 1909.

No. 1. On motion it was resolved that this Association recommend to the legislature of this state that lines 9, 10 and 11 and the first word in line 12 of section 1582 of the Revised Codes of 1905 be amended to read as follows: "sale up to date of redemption with interest at the date specified in the original certificate of sale, from the date of payment of such subsequent tax, which date of payment shall not be prior to the first day of October following the date upon which such subsequent tax became delinquent."

No. 2. On motion it was resolved that this Association recommend that section 1544 of the Revised Codes of 1905 be amended by striking out lines 6 to 17, inclusive, excepting the first word in line 6.

No. 3. On motion it was resolved that we endorse the present revenue laws in regard to the payment of taxes with the exception of that portion pertaining to subsequent taxes.

No. 4. On motion it was resolved that we recommend that chapter 219 of the laws of 1907 amending section 1597 of the Revised Codes of 1905 be amended by striking out the word "delinquent" in lines 3, 5, 8, 10 and 13 of said chapter.

No. 5. On motion it was resolved that a copy of these resolutions be presented to the Senate and a copy to the House of Representatives for their consideration.

Respectfully submitted,
PETER DAVIDSON,
Secretary.

REPORTS OF STANDING COMMITTEES.

The committee on judiciary made the following report:

Mr. Speaker:

A majority of your committee on judiciary to whom was referred

House Bill No. 174,

A bill for an act to amend section 6237 and section 6238 of the revised codes of 1905, relating to mechanic's liens.

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

B. G. SKULASON,
Chairman.

Also,

A minority of your committee on judiciary to whom was referred

House Bill No. 174,

A bill for an act to amend section 6237 and section 6238 of the revised codes of 1905, relating to mechanic's liens.

Have had the same under consideration and recommend that the same be indefinitely postponed for the reason that the changes in said bill are radical and revolutionary and would work a decided injury to the new settlers of this state.

J. H. FRAINE,
F. M. BAKER,
C. E. DAVIDSON,
B. G. SKULASON,
S. J. DOYLE,
S. B. HENDRICKSON.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
February 12, 1909.

Mr. Speaker:

I have the honor to transmit herewith
Senate Bill No. 55,

A bill for an act providing for the granting of certificates to teach certain graduates of the North Dakota agricultural college and of the state normal-industrial school, located at Ellendale, N. D.

Also,

Senate Bill No. 96,

A bill for an act, entitled an act creating a fund and providing for the disbursement thereof, for pensions and relief by fireman's relief associations, in cities, towns and villages.

Also,

Senate Bill No. 173,

A bill for an act to amend section 7329 of the revised codes of 1905, relating to cases when continued.

Also,

Senate Bill No. 181,

A bill for an act, entitled an act to amend and re-enact section 3195 of the revised codes of 1905.

Also,

Senate Bill No. 189,

A bill for an act repealing chapter 176, laws of 1903, being sections 216, 217, 218, 219, 220, 221, 222 and 223 of the revised codes of 1905, relating to the leasing of common school and other public lands for coal mining purposes.

Also,

Senate Bill No. 19,

An act to amend section 6237 of the revised codes of 1905, relating to the filing of mechanic's liens, the giving of notice of furnishing materials to contractors and sub-contractors.

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

Very respectfully,
J. W. FOLEY,
Secretary.

REPORTS OF STANDING COMMITTEES.

The committee on judiciary made the following report:

Mr. Speaker:

Your committee on judiciary to whom was referred House Bill No. 229,

A bill for an act to amend section 126 of the revised codes of 1905, providing for the appointment of assistant attorneys general, and fixing their salary, and appropriating money to pay the same.

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

B. G. SKULASON,
Chairman.

Mr. Skulason moved

That the report be adopted

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on judiciary to whom was referred House Bill No. 209,

A bill for an act to amend sections 525 and 527 of the revised codes of 1905, relating to the summoning of jurors.

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

B. G. SKULASON,
Chairman.

Mr. Skulason moved

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

Also,

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

A bill for an act to amend section 5187 of the revised codes of 1905 relating to order of succession.

Have had the same under consideration and recommend that the same, together with House Bill No. 64, be referred to a conference committee from the senate and house to consider which bill is to be recommended for passage.

B. G. SKULASON,
Chairman.

Mr. Skulason moved

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

Also,

Your committee on judiciary to whom was referred
House Bill No. 194,

A bill for an act, providing for a jury to be official witnesses of the execution of persons executed at the state penitentiary, providing for guards to act as death watch over condemned prisoners, and fixing the executioner's fee.

Also an appropriation to defray all expenses incurred in connection with the execution of a condemned man.

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

In line 2, section 1 of the printed bill, insert the word "three" in place of the word "twelve."

Strike out all of section 3, 4 and 5.

After the word "prisoners" in line 6 of the title, strike out all the remaining part of the title.

In the emergency clause strike out the words "and no funds are available to pay the fees and expenses" and insert in place thereof after the word "death" "and no provision of law exists authorizing the summoning of a jury to witness an execution."

And when so amended recommend the same do pass.

B. G. SKULASON,
Chairman.

Also,

Your committee on judiciary to whom was referred
House Bill No. 149,

A bill for an act, entitled an act to define and prohibit unfair competition and discrimination, and to define the powers and duties of the attorney general in regard thereto.

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

B. G. SKULASON,
Chairman.

Mr. Skulason moved

That the report be adopted
Which motion prevailed, and
The further consideration of the bill was indefinitely postponed.

Also,

Your committee on judiciary to whom was referred
Senate Bill No. 10,

A bill for an act defining the duties of the register of deeds relating to foreclosure of mortgages on real property by advertisement, and prescribing the penalty for violating the same.

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

In line 2, section 1 of the engrossed bill, strike out the word "sheriff's."

In line 3 of said section strike out the words "certificate of sale" and insert in lieu thereof after the words "of the" the following, "affidavit of publication of the notice of mortgage foreclosure."

In line 5 of section 1 of the engrossed bill, after the word "owner" insert the words "and to every subsequent mortgagee whose mortgage appears on record."

In line 5 of section 1 of the engrossed bill, strike out the words "sheriff's certificate of sale" and insert "affidavit of publication."

In line 4 of section 2 after the word "person" insert the words "or persons."

In the same line strike out the word "notice" and insert the words "affidavit of publication."

In line 5 of section 2, after the word "receipt" insert the words "or receipts."

In line 6 of section 2, after the word "receipt" insert the words "or receipts."

In the second line from the bottom, page 1, strike out the word "effect" and insert the word "affect."

In the last line of section 3 strike out the word "for" and insert the word "by."

And when so amended recommend the same do pass.

B. G. SKULASON,
Chairman.

Also,

Your committee on judiciary to whom was referred
House Bill No. 150,

A bill for an act to amend section 4073 of the revised codes of the state of North Dakota of 1905, relating to the granting of alimony in divorce cases.

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

In line 3 of the printed bill, strike out the words "when a divorce is granted."

Also strike out all of lines 4 to 18, both inclusive, of the printed bill, and insert the following:

"When a divorce is granted the court may make such suitable allowance to the wife for her support during her life or for a shorter period as the court may deem just, and may compel such husband to provide for the maintenance of the children of the marriage, having regard for the circumstances of the parties respectively, and except as provided for in section 4074 of this code the court may take into account the separate estates, real and personal, of the parties and assign the same to the respective parties in such pro-

portion or make such division thereof between the parties as the court from all the facts in the case and conditions of the parties may deem just; and the court may from time to time modify its orders in these respects."

And when so amended recommend the same do pass.

B. G. SKULASON,
Chairman.

Also,

Your committee on judiciary to whom was referred
House Bill No. 214,

A bill for an act to amend section 482 of chapter 7 of the revised codes for the year 1905, providing that in courts of record the stenographer's minutes shall be in all cases transcribed and filed with the clerk of such court.

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

B. G. SKULASON,
Chairman.

Mr. Skulason moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

The committee on temperance made the following report
Mr. Speaker:

Your committee on temperance to whom was referred
Senate Bill No. 74,

A bill for an act to repeal section 9395 of the revised code of North Dakota 1905, relating to rewards for the arrest and conviction of violators of the prohibition law.

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

E. L. GARDEN,
Chairman.

Mr. Garden moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on temperance to whom was referred
Senate Bill No. 144,

A bill for an act to prohibit the manufacture, sale or use of adulterated cigarettes and prohibiting the use of tobac-

co by minor persons and by all minor pupils of public schools, and providing penalties therefor.

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

E. L. GARDEN,
Chairman.

Mr. Garden moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on temperance to whom was referred Senate Bill No. 79,

A bill for an act to amend chapter 192 of the session laws of 1907, entitled "An act to prohibit the soliciting of orders for the future delivery without this state of intoxicating liquors to be transported into this state to be used or sold in violation of the laws thereof, and providing a penalty for its violation.

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

E. L. GARDEN,
Chairman.

Mr. Garden 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. Speaker:

Your committee on public health to whom was referred House Bill No. 208,

A bill for an act to prohibit certain classes of medical advertising, and provide punishment for the violation thereof.

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

After the word "bill" strike out the title and insert the following: "For an act to prohibit the printing, publishing, circulating or distributing of advertisements or ad-

vertising matter relating to the treatment or cure of venereal diseases or disorder or diseases of the sexual organs, or relating to any medicines, drugs, drug compounds, appliances or means for causing miscarriage or abortion or regulating or re-establishing suppressed menses, and providing punishment for the violation of this act."

In line 1, page 1, section 1 of the printed bill, strike out the word "of" and insert the word "or."

In line 7, page 1, of the printed bill, after the word "him" insert "an advertisement of."

In line 7, page 1 of the printed bill strike out the letter "i" in "venereal" and insert the letter "e."

In line 17, page 2 of the printed bill, strike out the word "gross."

In line 17, page 2 of the printed bill, after the word "and" insert the words "upon conviction."

Also strike out sections 3 and 4 of this bill.

And when so amended recommend the same do pass.

C. H. SHEILS,
Chairman.

There being no objection, the house passed to the ninth order of business.

INTRODUCTION, FIRST AND SECOND READING OF HOUSE BILLS

Mr. Duncan introduced
House Bill No. 292,

A bill for an act to amend section 1129 of the revised codes of North Dakota for the year 1905, relating to the agricultural and geological survey and appropriation therefor.

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

Mr. Duncan introduced
House Bill No. 293,

A bill for an act to amend chapter 71 of the session laws of North Dakota for 1907, relating to provision for the safe keeping of documents and bonds required to be deposited in the office of the county auditor.

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

Mr. Wolbert introduced

House Bill No. 294,

A bill for an act to amend section 150 of the revised codes of the state of North Dakota of 1905, relating to the appointment of deputies of the state examiner.

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

Mr. Wolbert introduced

House Bill No. 295,

A bill for an act to amend section 140 of the revised codes of the state of North Dakota of 1905, relating to the appointment of the state examiner.

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

Mr. Skulason (by request) introduced

House Bill No. 296,

A bill for an act to amend and re-enact article 10 of chapter 32 of the revised codes of 1905; relating to free public libraries.

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

Mr. Davidson introduced

House Bill No. 297,

A bill for an act to provide for the appointment of village marshal.

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

Mr. Geidt introduced

House Bill No. 298,

A bill for an act to regulate the maintenance of barns, stables and other structures for keeping animals within the residence portions of cities, towns and villages.

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

Mr. Chatfield introduced

House Bill No. 299,

A bill for an act to amend section 13 of chapter 109 of the session laws of 1907, relating to the selection of candidates for United States senator by popular vote.

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

Mr. Kremer introduced

House Bill No. 300,

A bill for an act to prohibit state or county officers from employing their own relatives in their respective offices, and providing penalties for violation thereof.

Which was read the first and second times and

Referred to the committee on state affairs.

There being no objections, the house returned to the seventh order of business.

MOTIONS AND RESOLUTIONS.

Mr. Laithwaite presented the following resolution and moved its adoption:

Resolved, that a committee of three be appointed to inform the senate that the house is ready to receive them in joint session.

Which motion prevailed, and
The amendment was adopted.

The speaker appointed Messrs. Laithwaite, Johnson of McLean and Paulson as a committee to inform the senate that the house was ready to receive the senate in joint session.

JOINT SESSION.

The senate and house met in joint session for the purpose of commemorating the one hundredth anniversary of the birth of Abraham Lincoln.

The president presiding.

Mr. Garden moved

That a committee of three be appointed consisting of one from the house and two from the senate to notify the governor and state officers that the joint assembly was ready to receive them.

Which motion prevailed.

The president appointed Senators Talcott and Leutz, the speaker appointed Mr. Knox of Dickey on the committee to notify the governor and state officers.

Mr. Talcott moved

That a committee of three be appointed consisting of two members from the house and one from the senate to notify the judges of the supreme court that the joint assembly was ready to receive them.

Which motion prevailed.

The president appointed Mr. Steele, the speaker appointed Messrs. Johnson of Bottineau and Young of Mercer as such committee.

The joint assembly was addressed by President J. H. Worst of the agricultural college of Fargo.

At the conclusion of the memorial exercises the joint assembly dissolved.

COURTESIES OF THE FLOOR.

The privileges of the floor were extended to D. Q. Larkin, J. P. Hanson, Mayville; Alvin Smith, J. E. Safford, Hillsboro; R. A. Nestos, Minot; E. A. Lewis, Carrington; C. T. Studness, Churchs Ferry; J. C. Lowe, Prof. O. A. Thompson, Edgeley.

Mr. Honey moved

That the house do now adjourn.

Which motion prevailed, and

The house adjourned.

W. D. AUSTIN,
Chief Clerk.

FORTIETH DAY

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 13, 1909.

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

The speaker presiding.

Prayer by the chaplain.

Roll call.

All members present except Messrs. Brusletten and Hughes, who were excused.

REFERENCE OF THE JOURNAL.

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

Mr. Speaker:

Your committee on revision and correction of the journal have carefully examined the journal of the thirty-ninth day and recommend that the same be corrected as follows:

Page 4, line 19, after the word "granting" strike out the words "the right" and insert in lieu thereof the words "of certificates."

And when so corrected recommend that the same be approved.

S. J. DOYLE,
Chairman

Mr. Doyle moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
February 13, 1909.

Mr. Speaker:

I have the honor to transmit herewith

Senate Bill No. 85,

A bill for an act to amend section 2795, chapter 30, of the revised codes of 1905 of the state of North Dakota, relating to special assessment by cities, for building of sidewalks and grading and improving streets.

Also,

Senate Bill No. 114,

A concurrent resolution for an act to amend section 158 of the constitution of the state of North Dakota, governing the sale of school lands to railroad companies.

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

Very respectfully,
J. W. FOLEY,
Secretary.

REPORT OF STANDING COMMITTEES.

The committee on public printing made the following report:

Mr. Speaker:

Your committee on public printing to whom was referred House Bill No. 233,

A bill for an act to define what is an official newspaper.

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

D. R. STREETER,
Chairman.

Mr. Streeter moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on live stock made the following report:

Mr. Speaker:

Your committee on live stock to whom was referred

House Bill No. 162,

A bill for an act to regulate the public service of stallions of North Dakota.

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

That after the enacting clause the balance of the bill be stricken out and the following bill substituted therefor.

SECTION 1. *Licenses. Recording of Licenses.* Every person, firm, or company standing or using any stallion for public service in this state shall cause the name, description, and pedigree of such stallion to be enrolled by a stallion registration board hereinafter provided for, and, shall secure a license from said board as provided in Section 3 of this act. All license certificates for stallions issued under this act shall be presented to and recorded by the register of deeds of the county or counties in which said stallion is used for public service.

SEC. 2. *Stallion Registration Board, How Composed, Duties, Compensation.* In order to carry out the provisions of this act, there shall be constituted a stallion registration board, whose duty it shall be to verify and register all pedigrees, and to provide the necessary inspection; to issue stallion license certificates, to make all necessary rules and regulations, and to perform such other duties as may be necessary to carry out the provisions of this act. Said board shall hold its meetings at the agricultural college; these meetings not to exceed four in number each year, providing that the president of the board has power to call special meetings whenever in his judgment it becomes necessary. The members of the board shall receive as compensation for their services the sum of three (\$3.00) dollars per day for each day employed, and five (5) cents per mile actually and necessarily traveled in attending the meetings of the board; which sum shall be paid out of the state treasury upon vouchers of the board, duly certified by the president and secretary thereof.

The stallion registration board shall be composed of the professor of animal husbandry of the state agricultural college, who shall be ex-officio secretary and executive officer of this board; the professor of veterinary science of the state agricultural college; the state commissioner of agriculture and labor; the president of the state live stock sanitary board, and the president of the North Dakota live stock association.

SEC. 3. *Veterinary Inspection and Verification of Breeding.* In order for the owner of a stallion to secure the license herein provided for, the stallion must pass a veterinary examination as herein provided for and be free from any infectious, contagious or transmissible disease or unsoundness. The owner of such stallion must also furnish to the stallion registration board the stud book registry certificate of pedigree of the stallion and all necessary papers relating to his breeding and ownership. Upon verification of pedigree and certificate of breeding (in case of pure bred stallions), and the horse has passed the necessary veterinary inspection, as provided for in this act, a license certificate shall be furnished.

The presence of any one or more of the following named diseases shall disqualify a stallion from public service and are hereby defined as infectious, contagious or transmissible disease or unsoundness for this act: cataract, amaurosis, laryngeal, hemiplegia (roaring or whistling), chorea (St. Vitus dance, campness, springhalt), glanders, farcy, maladie du cõit, urethral gleet, mange, bone spavin, side bone and curb when accompanied by curby hock. The stallion registration board is hereby authorized to refuse certificates of enrollment to any stallion affected with any of these diseases specified and to revoke a previously issued license certificate of any stallion found upon examination to be so affected.

SEC. 4. *The Examination of Stallions, Methods, Etc.* The veterinary examination of the stallions provided for in this act must be done by a qualified graduate veterinarian who shall be in the employ of the stallion registration board. The stallions must be brought for examination to the nearest point where the inspector will be stationed on specified dates. The stallion owner must be given at least ten (10) days' notice of the dates when the inspector will be at specified towns of the county, in which the owner of the stallion resides. The inspector must not make known the results of the inspection of a stallion to the owner, at the time of inspection, but report to the secretary of the stallion registration board, who will notify the owner at the time he grants or refuses to grant him a license certificate for his horse.

SEC. 5. *Method of Caring for Protests.* Wherever a stallion has been rejected by the registration board and the owner is not satisfied with the decision of the official of the board, the owner may file a protest against the decision of the official inspector, and said protest shall state that to the best knowledge and belief of the person making the protest, the stallion in question is eligible to be granted a license, whereupon an examination of the stallion in question shall be made by three experts, one appointed by the stallion registration board, one by the owner of the stallion, and the third by the other two experts already provided for, but all experts shall be graduates of recognized veterinary colleges. In case all three or any two of the experts declare the stallion is eligible to receive a license, then the expense of the consultation shall be paid by the stallion registration board, out of such funds as are hereinafter provided for, or if three or any two of the experts declare the horse not to be eligible in accordance with the provisions of this act, the expense incurred shall be paid by the person making the protest and it may be collected in same manner as in any case of an appeal in civil action.

SEC. 6. *Authority to Grant Temporary Licenses.* The stallion registration board is authorized in cases of emergency to grant temporary license certificates without veterinary examination, upon receipt of an affidavit of the owner to the effect that to the best of his knowledge and belief said horse is free from infectious, contagious or transmissible disease or unsoundness. Temporary license certificates shall be valid only until veterinary examination can reasonably be made.

SEC. 7. *Posting Copies of License Certificates.* The owner of any stallion standing for public service in this state shall post and keep affixed during

the entire breeding season copies of the license certificates of such stallion, issued under the provisions of this act, in a conspicuous place upon the main door leading into every stable or building where the said stallion stands for public service. Said copies shall be printed in bold face and conspicuous types, not smaller than pica, especially the word "pure bred," "grade," etc.

SEC. 8. *Form of License Certificate.* The license certificates issued after proper examination for a stallion whose sire and dam are of pure breeding and the pedigree of which is registered in a stud book recognized by the United States department of agriculture, or in any American stud book or registry association that recognizes and records stallions that have five (5) pure top crosses, shall be in the following form:

STALLION REGISTRATION BOARD.
LICENSE CERTIFICATE OF PURE BRED STALLION.

The pedigree of the stallion.....(name).....owned by..... bred bydescribed as follows....., has been examined at the agricultural college, N. D., division of animal husbandry, and it is hereby certified that the said stallion is of pure breeding, is registered in a studbook recognized by the department of agriculture, Washington, D. C. The above named stallion has been examined by..... a duly licensed veterinarian, and is reported as free from infectious, contagious or transmissible disease or unsoundness, and is licensed to stand for public service in the state of North Dakota.

(Signed)
Professor of Animal Husbandry and
Secretary Registration Board.

The license certificate issued after proper examination for a stallion whose sire or dam is not of pure breeding shall be in the following form:

STALLION REGISTRATION BOARD.
LICENSE CERTIFICATE OF GRADE STALLIONS.

The pedigree of the stallion.....(name).....owned by..... bred bydescribed as follows:color..... breed.....foaled in the year.....has been examined at the agricultural college, N. D., division of animal husbandry, and it is hereby certified that the said stallion is not of pure breeding and is, therefore not eligible for registration in any studbook recognized by the department of agriculture, Washington, D. C.

The above named stallion has been examined by..... a duly licensed veterinarian, and is reported as free from infectious, contagious or transmissible disease or unsoundness, and is licensed to stand for public service in the state of North Dakota.

(Signed)
Professor of Animal Husbandry and
Secretary Stallion Registration Board.

SEC. 9. Every bill, poster or advertisement issued by the owner of any stallion licensed under this act, or used by him for advertising such stallions shall contain a copy of his license certificate and shall not contain illustrations, pedigrees or other matter that is untruthful or misleading.

SEC. 10. *Fees for Granting License and Inspection.* A fee not exceeding \$2.00 shall be paid to the secretary of the stallion registration board for the examination and enrollment of each pedigree and the issuance of a license certificate in accordance with the breeding of the stallion as above provided. A fee not exceeding \$1.00 shall be paid annually for the renewal

of pedigree certificate and service license. A fee of \$5.00 shall also be paid for the veterinary examination of the stallion as provided in this act. This fee shall be collected by the inspector at the time the inspection is made. Stallions shall be examined every three years until ten years of age and after the first examination, they shall be exempt from re-examination if they are ten years of age or over.

SEC. 11. *Fee for Transfer of License.* Upon a transfer of the ownership of any licensed stallion under the provisions of this act, the license certificate may be transferred by the secretary of this board to the transferee upon submittal of satisfactory proof of such transfer of ownership upon payment of 50 cents.

SEC. 12. *How Expenses are Provided for. Board Make Annual Report to Governor.* The funds accruing from the above named fees shall be used by the stallion registration board to defray the expenses of enrollment of pedigrees and issuance of licenses; to pay for the services and expenses of the veterinary inspector; to publish reports or bulletins containing lists of stallions examined; to encourage the horse breeding interests of this state; to disseminate information pertaining to horse breeding, and for any other purpose as may be necessary to carry out the purposes and enforce the provisions of this act.

It shall be the duty of this board to make annual report, including financial statement, to the governor of the state, and all financial records of said board shall be subject to inspection at any time by the public examiner.

SEC. 13. *Provision for a Lien on the Colts of a Licensed Stallion.* If the provisions of this act are complied with, the owner of a stallion may file a lien upon any colt gotten by such stallion for the sum stipulated to be paid for the services of the stallion at any time before the colt is one year old, in case the price agreed upon for such service remains unpaid and sell the same at public auction upon ten days' notice to be posted in at least three public places in the town where the owner of such colt resides, and apply the proceeds of such sale to the payment of the amount due for such services and the expenses of such seizure and sale returning the residue if any to the owner of the colt.

SEC. 14. *Penalty for Violation of Law.* Violation of any of the provisions of this act shall be punished by a fine of not less than \$25.00 nor more than \$100.00 for each offense.

SEC. 15. *Power Over and of Peace Officers.* The stallion registration board shall have power to call any sheriff, deputy sheriff or constable to execute its orders, and officers shall obey the orders of said board, and the officers performing such duties shall receive compensation therefor as is prescribed by law for like services, and shall be paid therefor in like manner. Any officer may arrest or take before any justice of the peace of the county any person found violating any provision of this act, and such officers shall immediately notify the state's attorney of such arrest and he shall prosecute the person so offending according to law.

SEC. 16. *Repeal.* All acts and parts of acts inconsistent with any of the provisions of this act are hereby repealed.

SEC. 17. *When in Force.* This law will go into effect January 1, 1910.

And when so amended recommend the same do pass.

A. W. CUNNINGHAM,
Chairman.

The committee on judiciary made the following report:

Mr. Speaker:

Your committee on judiciary to whom was referred
House Bill No. 193,

A bill for an act to amend section 10243 of the revised codes of North Dakota, relating to reprieves, commutations and pardons, by the board of pardons.

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

B. G. SKULASON,
Chairman.

Mr. Skulason moved

That the report be adopted
Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Also,

Your committee on judiciary to whom was referred
House Bill No. 191,

A bill for an act to amend section 422 of the revised codes of 1905, relating to vacancies in office.

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

B. G. SKULASON,
Chairman.

Mr. Skulason moved

That the report be adopted.
Which motion prevailed, and

The report of the committee was adopted.

The committee on taxation and tax laws made the following report:

Mr. Speaker:

Your committee on taxation and tax laws to whom was referred

House Bill No. 228,

A bill for an act to amend section 1574 of the revised codes of 1905, relating to auditor's notice of tax sale.

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

After the word "sale" in line 14 of page 1 of the printed bill, strike out the words "in counties having daily papers the" and insert in lieu thereof the words "in case the newspaper so designated has a daily edition, then such."

And when so amended recommend the same do pass.

JOHN STEEN,
Chairman.

Also,

Mr. Speaker:

Your committee on taxation and tax laws to whom was referred

House Bill No. 232,

A bill for an act to amend section 8320 of the revised codes of 1905, relating to inheritance tax.

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

JOHN STEEN,
Chairman.

Mr. Gibbens moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The speaker called Mr. Ployhar to the chair.

The committee on state affairs made the following report:

Mr. Speaker:

Your committee on state affairs to whom was referred

House Bill No. 161,

A bill for an act to require relatives to support the poor and providing for the manner of obtaining permanent relief.

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

Section 1, line 2 of the printed bill, after the word "being" strike out the word "off" and insert in place thereof

the word "of;" in the same section, line 4, after the word "relieve" insert the word "and."

In section 4, line 2, strike out the word "they" and insert in place thereof the word "their"; in the same section, line 6, strike out the word "having" and insert in place thereof the word "has."

And when so amended recommend the same do pass.

W. J. PRICE,
Chairman.

Also,

Your committee on state affairs to whom was referred
House Bill No. 192,

A bill for an act to establish a state fair and locate the same at Fargo, North Dakota, and make an appropriation therefor.

Have had the same under consideration and recommend that the same be referred to the committee of the whole.

W. J. PRICE,
Chairman.

Mr. Price moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

REPORTS OF SELECT COMMITTEES.

Mr. Speaker:

Your committee appointed to visit the state agricultural college beg leave to make the following report:

We have investigated the needs of the institution as thoroughly as possible in the time at our disposal and find it under a most efficient management, and in our opinion each department doing very excellent work considering the equipment they have to work with.

We further find that the work of some departments is greatly handicapped by lack of facilities. This is especially true regarding the departments of dairying and veterinary science, and as these are two every essential depart-

ments for our state, we recommend that you give these items special attention and careful consideration.

We also find the equipment for the engineering department very much short of what is necessary for the best work of that department.

We also find there is a great need of a girls' dormitory, the present accommodations being entirely inadequate, and while the young men attending this college can go long distances for their room and board, we should provide a girls' dormitory on the grounds.

You can very profitably spend \$50,000 to \$100,000 more at this college, and still have it all used for the benefit and good of the farmers and people of this state.

E. L. GARDEN,
W. J. PRICE,
G. W. WOLBERT.

Also,

Mr. Speaker:

Your committee appointed to visit the state university make the following report:

We have investigated the needs of the above named institution and find it under the management of a most competent corps of instructors and doing excellent work.

We further find that there is a great need for several additions and improvements to the buildings, among which we name the following:

New roof and other repairs for science hall, which repairs will practically add one story more to the building and 25 per cent increase in capacity.

Equipment for testing department in school of mines, with which they can more practically work and test our clays, cements, minerals and coal.

Equipment for Carnegie library, which is now partially equipped and not paid for by the state.

New building for teachers' college.

We also find the heating plant entirely inadequate and in need of complete overhauling.

We know that many other departments need aid, but some of them will have to wait, and these are the more important as we found them.

E. L. GARDEN,
W. J. PRICE,
G. W. WOLBERT,

MOTIONS AND RESOLUTIONS.

The speaker in the chair.

Mr. Streeter moved

That the vote by which House Bill No. 80 was made a special order for 2:30 o'clock this afternoon be reconsidered.

Which motion was lost.

Mr. Doyle of Foster introduced the following resolution and moved its adoption:

Whereas, there are many state fair bills now pending before this honorable body, the purpose of which is for the permanent location of the North Dakota State Fair at some point in this state, and

Whereas, this condition has caused a great deal of discussion and friction between the members, and a great deal of mental anguish to the different members representing the different rival cities, and

Whereas, many of these members are not mentally constituted so as to be able to bear up under this great strain very much longer; now, therefore, be it

Resolved by this body, That all state fair bills pending before this honorable body be laid on the table with the exception of the bill relative to the city of Jamestown, and further,

It is the sense of this body that Jamestown, from a geographical, social and political standpoint is the proper place for the location of the state fair and we recommend that the fair be so located.

Mr. Baker of Cass moved

That the resolution relative to the Jamestown state fair be laid on the table.

Which motion prevailed.

The chief clerk announced that the speaker was about to sign

Senate Bill No. 58,

A bill for an act to amend section 955 of the revised codes of North Dakota, 1905, relating to compensation of members of the board of education.

And the speaker signed the same in the presence of the house.

The chief clerk announced that the speaker was about to sign

Senate bill No. 28,

A bill for an act, entitled "An act defining the duties of district school boards in relation to the planting, cultivation and protection of trees and shrubs upon school house grounds.

And the speaker signed the same in the presence of the house.

INTRODUCTION, FIRST AND SECOND READING OF HOUSE BILLS.

Mr. Martin introduced

House Bill No. 301,

A bill for an act prohibiting the running of theaters, vaudeville theaters and moving picture theaters in this state on Sunday and prescribing the penalty for a violation thereof.

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

Mr. Price introduced

House Bill No. 302,

A concurrent resolution for an amendment and repeal of certain sections of article 11 of the constitution of the state of North Dakota, and amendments amendatory thereof, relating to revenue and taxation, to allow of uniformity of taxation upon the same class of subjects, but without of necessity including all general property, the taxation of incomes, and for greater latitude in subjecting property to taxation for local revenue and improvement.

Which was read the first and second times and

Referred to the committee on taxation and tax laws.

Mr. Brynjulson introduced

House Bill No. 303,

A bill for an act to amend section 1933 of the revised codes of 1905 of the state of North Dakota, relative to when lawful for stock to run at large.

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

Mr. Garden introduced

House Bill No. 304,

A bill for an act to authorize, empower and require the board of railroad commissioners to ascertain and determine the true cash value of all the railroad property of every railroad company in this state, used in the operation and maintenance of their respective railways, and to employ experts and such other assistance as may be necessary to ascertain and determine such value, and making an appropriation therefor.

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

Mr. Hanley introduced

House Bill No. 305,

A bill for an act authorizing and requiring the board of railway commissioners to establish grades on grain and to appoint agents at terminal points of Duluth and Minneapolis for the benefit of shippers of grain in this state, and providing for their compensation, and appropriating funds for the purpose of carrying out the provisions of this act.

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

Mr. Hanley (by request) introduced

House Bill No. 306,

A bill for an act creating and establishing an agricultural experiment station on the reform school grounds near Mandan, in Morton county, providing for its management and making an appropriation therefor.

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

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
February 13, 1909.

Mr. Speaker:

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

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

That the members of the senate and house committee sent to confer with the Minnesota Warehouse, Grain and Grading Commission, and J. W. Foley, secretary of the committee, be each allowed twenty-five dollar and fifty cents (\$25.50) for round trip railroad fare and sleeper from Bismarck to St. Paul, and ten dollars (\$10) a day for four days in payment of all other necessary expenses, and

That members of committee visiting the State University and Agricultural College be each allowed ten dollars (\$10) per day for three days for all necessary expenses, and

That members of committee visiting the Charitable Institutions be each allowed ten dollars (\$10) per day for four days for all necessary expenses, and

That members of Senate Committee visiting the Normal Schools and J. M. Wiley, secretary of the committee, be each allowed ten dollars (\$10) per day for three days for all necessary expenses, and

That members of committee visiting Penal Institutions be each allowed ten dollars (\$10) per day for their services, and

That vouchers for this be signed by the proper officers of the respective houses and paid as other expenses of this legislative assembly.

Which the senate has adopted and your favorable consideration is respectfully requested.

Very respectfully,
J. W. FOLEY,
Secretary.

Mr. Wolbert moved

That the house do now concur in the senate concurrent resolution relating to the compensation of the senate and house committee sent to confer with the Minnesota grain and grading commission.

Mr. Steen moved

As a substitute that the concurrent resolution be referred to the committee on appropriations.

Which motion prevailed, and

The concurrent resolution was so referred.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
February 13, 1909.

Mr. Speaker:

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

Whereas, the Fifth Bi-ennial Report of the North Dakota Geological Survey under the direction of State Geologist Dr. A. G. Leonard, and now in the course of publication, will contain the results of years of careful investigation of the coal deposits and cement materials of North Dakota, aside from many chapters devoted to natural gas and road materials in the state together with a chapter on the geological history and development of North Dakota which may be used in the schools, and

Whereas, this report will be of great service in making known to the people of the state, and to outside investors and others, the great value, extent and possibilities of our natural resources, and will aid in the development of North Dakota; therefore, be it

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

That the printing commission be authorized to have two thousand (2000) extra copies of the Fifth Bi-ennial Report of the North Dakota Geological Survey printed for general circulation, and that two hundred of these copies be bound in cloth.

Which the senate has adopted and your favorable consideration is respectfully requested.

Very respectfully,

J. W. FOLEY,

Secretary.

Mr. Skulason moved

That the house do now concur in the senate concurrent resolution relative to the fifth biennial report of the North Dakota geological survey.

Which motion prevailed, and

The resolution was concurred in.

INTRODUCTION, FIRST AND SECOND READING OF
HOUSE BILLS.

Mr. Duncan introduced

House Bill No. 307,

A bill for an act to create a bureau of the department of agriculture and labor, to be known as the dairy department; to provide for the appointment of a dairy commissioner and an assistant dairy commissioner; fixing their compensation; defining their powers and duties; prescribing rules for the regulation of the manufacture and sale of dairy products; prescribing penalties for violations; providing a license for creameries, manufacturers of butter and cheese, stations and cream buyers throughout the state, and making an appropriation for the purposes of this act.

Which was read the first and second times and

Referred to the committee on agriculture.

Mr. Steen introduced

House Bill No. 308,

A bill for an act to amend section 1544 of the revised codes of 1905, relating to notice of rates of taxation to be given by county treasurer.

Which was read the first and second times and

Referred to the committee on taxation and tax laws.

Mr. Anderson introduced

House Bill No. 309,

A bill for an act prescribing the duty of the secretary of state, relative to laws enacted under section 122 of the constitution.

Which was read the first and second times and

Referred to the committee on judiciary.

Mr. Jewett introduced

House Bill No. 310,

A concurrent resolution amending the constitution of the state of North Dakota, relating to the taxation of farm property.

Which was read the first and second times and

Referred to the committee on taxation and tax laws.

Mr. Chatfield introduced

House Bill No. 311,

A bill for an act to amend section 960 of the revised codes of 1905, relating to the powers and duties of boards of education in special districts.

Which was read the first and second times and

Referred to the committee on education.

Mr. Christenson introduced

House Bill No. 312,

A bill for an act to prescribe a method of removal and discharge of persons admitted to the institution for the feeble minded.

Which was read the first and second times and

Referred to the committee on state affairs.

Mr. Giedt introduced

House Bill No. 313,

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

Which was read the first and second times and

Referred to the committee on agriculture.

Mr. Anderson introduced

House Bill No. 314,

A bill for an act to extend the right of suffrage to women on questions pertaining solely to the prohibition or regulation of the sale or importation of intoxicating liquors.

Which was read the first and second times and

Referred to the committee on judiciary.

Mr. Senour introduced

House Bill No. 315,

A bill for an act appropriating to F. M. Baker, assistant states' attorney of Stark county, \$450 attorney's fees for services rendered in the unorganized territory attached to

Stark county for judicial purposes during the years 1905, 1906 and 1907.

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

Mr. Sgutt introduced

House Bill No. 316,

A bill for an act creating and establishing an agricultural experiment station, to be located at or near the city of Harvey, in Wells county, in connection with the North Dakota agricultural college at Fargo, and under the direction of the board of directors of said college, and making an appropriation therefor.

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

Mr. Hanley introduced

House Bill No. 317,

A bill for an act to amend section 2 of chapter 174 of the session laws of North Dakota for 1907, entitled an act making an appropriation towards paying deficiency or debts on armories already constructed, or towards the construction of armories for the various military companies of the state of North Dakota, and for the creating of a board of armory supervisors, and defining its duties, for the transfer of armories upon the mustering out of any military organization enumerated, and defining the duties of the state treasurer in carrying out the provisions of this act.

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

Mr. Nelson of Steele introduced

House Bill No. 318,

A bill for an act providing for the betterment of public highways by creating the offices of county superintendent of roads and township road inspector, abolishing the offices of road supervisor and overseer of highways, providing for compensation of holders of offices created, prescribing duties and powers pertaining to such offices, fixing official bond, repealing sections 1386, 1387, 1389, 1390, 1392, 1393, 1394, 1395, 1396, 1397, 1399, 1403, 1410, 1411, 1412, 1413,

1414, 1417, 1422, 1424, 1426, 1428 1429, 1430, 1431, 1432, 1433, 1434, 1435, 1436, 1437, 1438, 1439, 1440, 1444 and 1445 of the revised codes of North Dakota for 1905, amending sections 1360, 1388, 1398, 1402, 1404, 1405, 1408, 1415, 1418, 1419, 1421, 1423, 1425, 1427, 1441, 1442, 1443, 3062 and 3209 of the revised codes of North Dakota for 1905, chapter 253 of the session laws of North Dakota for 1907, and placing certain restrictions on the road inspector and expenditure of road tax funds.

Which was read the first and second times and

Referred to the committee on highways and bridges.

Mr. Doyle of Logan introduced

House Bill No. 319,

A bill for an act creating and establishing a fish hatchery at Beaver Lake in Logan county, and providing for its management, and making appropriation therefor.

Which was read the first and second times and

Referred to the committee on fish and game

Mr. Christenson introduced

House Bill No. 320,

A bill for an act to prohibit the marriage of insane, epileptic or feeble minded persons.

Which was read the first and second times and

Referred to the committee on public health.

Mr. Steen introduced

House Bill No. 321,

A bill for an act to amend section 1597 of the revised codes of 1905 of the state of North Dakota, as amended by chapter 219 of the session laws of 1907, relating to duty of county auditor.

Which was read the first and second times and

Referred to the committee on taxation and tax laws.

The speaker recalled House Bill No. 293 from the state affairs committee and referred the same to the committee on judiciary.

SPECIAL ORDER

House Bill No. 80,

A concurrent resolution for an amendment to the constitution providing for the initiative and referendum.

Mr. Skulason moved

That the house limit itself to an hour and a half for the discussion of House Bill No. 80 and that each member be limited to ten minutes on the floor for his remarks, and that no member be allowed to speak more than twice.

Which motion prevailed.

GENERAL ORDERS.

Mr. Skulason moved

That the house resolve itself into a committee of the whole for the consideration of general orders.

Which motion prevailed, and

The house resolved itself into a committee of the whole.

The speaker called Mr. Doyle of Foster to the chair.

When the committee arose it submitted the following report:

Mr. Speaker:

The committee of the whole have had under consideration

House Bill No. 80,

A concurrent resolution for an amendment to the constitution providing for the initiative and referendum.

And recommend that the same be amended as follows:

That in line 23 of page 2 of the printed bill, after the word "and" insert the following words, "not more than twenty per cent."

Also on page 4, line 62 of the printed bill, after the words "per cent" insert the words "and not more than fifteen per cent," and at the end of line 72 on page 4 of the reprinted bill, add the following words, "and provided, further, that laws making appropriations for the current expenses

of the state government, for the maintenance of the state institutions and for the support of the public schools, shall not be subject to referendum.”

And when so amended recommend the same do pass.

S. J. DOYLE,
Chairman.

Mr. Doyle moved

That the report of the committee of the whole be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Mr. White moved

That the rules be suspended and that House Bill No. 80 be considered engrossed and placed upon its third reading and final passage.

Which motion was lost.

There being no objection the house passed to the thirteenth order of business.

FIRST AND SECOND READING OF SENATE BILLS.

Senate Bill No. 170,

A bill for an act to amend chapter 161 of the session laws of 1907, relating to the boundaries of the Ninth judicial district, and prescribing and defining the terms of the district court therein.

Was read the first and second times and

Referred to the committee on judiciary.

Senate Bill No. 156,

A bill for an act providing for the election of justices of the peace and constables in election precincts, comprising one or more unorganized townships, on petition of ten or more qualified electors of such precinct.

Was read the first and second times and

Referred to the committee on judiciary.

Senate Bill No. 152,

A bill for an act to amend section 6187 of the revised codes of the state of North Dakota for 1905, relating to

the execution of mortgages of personal property and the qualifications of witness thereof.

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

Senate Bill No. 155,

A bill for an act to amend section 192 of the revised codes of the state of North Dakota of 1905, relating to the collection by county treasurers of moneys due on school lands held under contract or lease from the state, and providing the manner of reporting such collections to the state auditor and the commissioner of university and school lands, and prescribing the duties of the county treasurers, state auditor and land commissioner in connection therewith.

Was read the first and second times and
Referred to the committee on school and public lands

Senate Bill No. 105,

A bill for an act to amend section 475 of the revised codes of 1905, being the section relative to the boundaries and terms of court in the Seventh judicial district of the state of North Dakota.

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

Senate Bill No. 33,

A bill for an act to amend section two (2) of chapter forty-two (42) of the session laws of 1907, (same being section 1380 of the revised codes of 1905.) relating to locating, building and repairing of bridges.

Was read the first and second times and
Referred to the committee on highways and bridges.

Senate Bill No. 82,

A concurrent resolution, amending the constitution of the state of North Dakota, relating to the legislative department, and providing for direct legislation and reference of laws.

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

Senate Bill No. 137,

A bill for an act to amend section 372 of the political code of the revised codes of 1905, relating to commissioners of deeds.

Was read the first and second times and

Referred to the committee on Judiciary.

Senate Bill No. 142,

A bill for an act authorizing the state auditor to advance such sums to the treasurer of the state penitentiary as may be necessary for the purpose of paying for the raw material and supplies necessary for the operation of the twine plant, and for conducting the business of the institution; providing that the warden of the state penitentiary or the board of trustees thereof, shall execute in writing a requisition setting forth the reason therefor.

Was read the first and second times and

Referred to the committee on ways and means.

Senate Bill No. 140,

A bill for an act authorizing the board of trustees of the North Dakota state penitentiary to operate the twine plant more than ten hours per day; authorizing the employment of the inmates of the North Dakota state penitentiary during any part of the day; authorizing the board of trustees of the North Dakota state penitentiary to pay inmates, not to exceed the sum of six cents per day, for their labor; except that inmates working over time in the factory may be paid extra for over time; prescribing rules to be observed in the payment of wages, and the keeping of the accounts; providing that the wife, minor children or other person dependent on the inmate for support shall receive five-sixths of the wages, and otherwise providing for the manner in which the wages may be paid; and providing for a general inmates' benefit fund.

Was read the first and second times and

Referred to the committee on ways and means.

Senate Bill No. 162,

A bill for an act to amend and re-enact section 344 of article 17 of the revised code of North Dakota of 1905, re-

lating to qualifications of embalmers of dead human bodies, and the duties and relations for the shipment thereof.

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

Senate Bill No. 168,

A bill for an act to amend section 9151 of the revised codes of 1905 of North Dakota.

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

Senate Bill No. 141,

A bill for an act to amend section 10,387 of the code of criminal procedure of the revised codes of 1905, relating to the fiscal year and sinking fund of the twine plant.

Was read the first and second times and
Referred to the committee on ways and means.

Senate Bill No. 181,

A bill for an act, entitled an act to amend and re-enact section 3195 of the revised codes of 1905.

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

Senate Bill No. 55,

A bill for an act providing for the granting the right to teach to certain graduates of the North Dakota agricultural college and of the state normal-industrial school, located at Ellendale, N. D.

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

Senate Bill No. 173,

A bill for an act to amend section 7329 of the revised codes of 1905, relating to cases when continued.

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

Senate Bill No. 96,

A bill for an act, entitled an act creating a fund and providing for the disbursement thereof, for pensions and relief

by fireman's relief associations, in cities, towns and villages.

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

Senate Bill No. 19,

An act to amend section 6237 of the revised codes of 1905, relating to the filing of mechanic's liens, the giving of notice of furnishing materials to contractors and sub-contractors.

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

Senate Bill No. 189, -

A bill for an act repealing chapter 176, laws of 1903, being sections 216, 217, 218, 219, 220, 221, 222 and 223 of the revised codes of 1905, relating to the leasing of common school and other public lands for coal mining purposes.

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

Senate Bill No. 114,

A concurrent resolution for an act to amend section 158 of the constitution of the state of North Dakota, governing the sale of school lands to railroad companies.

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

Senate Bill No. 85,

A bill for an act to amend section 2795, chapter 30, of the revised codes of 1905 of the state of North Dakota, relating to special assessment by cities, for building of sidewalks and grading and improving streets.

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

THIRD READING OF SENATE BILLS.

Senate Bill No. 49,

A bill for an act to prohibit the throwing or depositing of glassware of any kind upon the streets of any village or city or upon public highways and providing for a penalty for the violation thereof.

Was read the third time.

Mr. Welford moved

That the further consideration of the bill be indefinitely postponed.

Which motion was lost.

The question being on the final passage of the bill.

The roll was called and there were ayes 69, nays 20, absent and not voting 6.

Those who voted in the affirmative were:

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|----------------------|---------------------|
| Aasheim | Hale | Paulson |
| Akesson | Hemmingson | Pearl |
| Anderson | Hill | Plath |
| Atwood | Hornes | Ployhar |
| Baker of Cass | Honey | Poe |
| Baker of Stark | Jewett | Price |
| Bjorndahl | Johnson of Bottineau | Putnam |
| Brynjulson | Johnson of McLean | Senour |
| Burnett | Johnson of Rolette | Sgutt |
| Burns | Kinney of McLean | Skulason |
| Christenson | Kinney of Richland | Sorlie |
| Collins of Cass | Knox | Steen |
| Collins of Gd. Forks | Kremer | Storey |
| Crawford | Law | Streeter |
| Dibley | Lindvig | Thompson, Gd. Forks |
| Doyle of McIntosh | McCrea | Thoreson |
| Duncan | McLear | Traynor |
| Freeman | Moen of Benson | Ward |
| Ganssle | Narum | Welford |
| Garden | Nelson of McHenry | White |
| Geidt | Nelson of Steele | Wisner |
| Goldammer | Nyhus | Young |
| Grant | Olson | Mr. Speaker |

Those who voted in the negative were:

| Messrs.— | Messrs.— | Messrs.— |
|-----------------|------------------|--------------------|
| Chatfield | Laithwaite | Pound |
| Cunningham | Linde | Schull |
| Davidson | Lucke | Sheils |
| Doyle of Foster | Martin | Sinclair |
| Fraine | Moen of Cavalier | Skinner |
| Hanley | Nelson of Walsh | Thompson of McLean |
| Hendrickson | Pendray | |

Absent and not voting:

| Messrs.— | Messrs.— | Messrs.— |
|------------|----------|----------|
| Brusletten | Gibbens | Kneeland |
| Evans | Hughes | Wolbert |

Mr. Fraine explained his vote.

Messrs. Brusletten and Hughes being excused.

So the bill passed and the title was agreed to.

Mr. Dibley moved

That the vote by which Senate Bill No. 49 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 to amend chapter 75 of the session laws of the state of North Dakota for the year 1907, prescribing the salary of the states' attorney, assistant, and clerk.

Was read the third time

The question being on the final passage of the bill.

The roll was called and there were ayes 61, nays 28, absent and not voting 6.

Those who voted in the affirmative were:

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|----------------------|--------------------|
| Akesson | Honey | Paulson |
| Anderson | Jewett | Peart |
| Atwood | Johnson of Bottineau | Plath |
| Baker of Cass | Johnson of McLean | Ployhar |
| Burnett | Johnson of Rolette | Poe |
| Chatfield | Kinney of McLean | Price |
| Collins of Gd. Forks | Knox | Putnam |
| Crawford | Kremer | Schull |
| Davidson | Law | Sgutt |
| Dibley | Laithwaite | Skinner |
| Duncan | Linde | Skulason |
| Fraine | Lindvig | Sorlie |
| Freeman | Lucke | Streeter |
| Garden | Moen of Benson | Thompson of McLean |
| Goldammer | Moen of Cavalier | Traynor |
| Hale | Narum | Ward |
| Hanley | Nelson of McHenry | White |
| Hemmingson | Nelson of Steele | Wisner |
| Hendricksca | Nelson of Walsh | Young |
| Hill | Nyhus | Mr. Speaker |
| Homnes | | |

Those who voted in the negative were:

| Messrs.— | Messrs.— | Messrs.— |
|-------------------|--------------------|---------------------|
| Aasheim | Ganssle | Pound |
| Baker of Stark | Geidt | Senour |
| Bjorndahl | Grant | Sheils |
| Brynjulson | Kinney of Richland | Sinclair |
| Burns | Martin | Steen |
| Christenson | McCrea | Storey |
| Collins of Cass | McLear | Thompson, Gd. Forks |
| Cunningham | Olson | Thoreson |
| Doyle of Foster | Pendray | Welford |
| Doyle of McIntosh | | |

Absent and not voting:

Messrs.—

Brusletten
Evans

Messrs.—

Gibbens
Hughes

Messrs.—

Kneeland
Wolbert

Messrs. Brusletten and Hughes being excused.
So the bill passed and the title was agreed to.

Mr. Hendrickson moved

That the vote by which Senate Bill No. 53 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed

Senate Bill No. 23,

A bill for an act, entitled an act to amend chapter 119 of session laws of 1907 of the state of North Dakota, in regard to evidence as to statements and transactions with decedent.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 84, nays 3, absent and not voting 8.

Those who voted in the affirmative were:

Messrs.—

Aasheim
Akeson
Anderson
Atwood
Baker of Cass
Baker of Stark
Bjorndahl
Brynjulson
Burnett
Chatfield
Christenson
Collins of Cass
Collins of Gd. Forks
Crawford
Cunningham
Davidson
Dibley
Duncan
Fraire
Freeman
Ganssle
Garden
Geidt
Gibbens

Messrs.—

Hendrickson
Hill
Homnes
Honey
Johnson of Bottineau
Johnson of McLean
Johnson of Rolette
Kinney of McLean
Kinney of Richland
Knox
Kremer
Law
Lathwaite
Lindvig
Lucke
Martin
McCrea
McLear
Moen of Benson
Moen of Cavalier
Narum
Nelson of McHenry
Nelson of Steele
Nelson of Walsh

Messrs.—

Pendray
Plath
Ployhar
Poe
Pound
Price
Putnam
Senour
Stutt
Sheils
Sinclair
Skinner
Skulason
Sorlie
Steen
Storey
Streeter
Thompson, Gd. Forks
Thompson of McLean
Thoreson
Traynor
Ward
Welford
White

| | | |
|-----------|----------|-------------|
| Messrs.— | Messrs.— | Messrs.— |
| Goldammer | Nyhus | Wisner |
| Grant | Olson | Young |
| Hale | Paulson | Mr. Speaker |
| Hanley | Peart | |

Those who voted in the negative were:

| | | |
|-----------------|-------------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Doyle of Foster | Doyle of McIntosh | Schull |

Absent and not voting:

| | | |
|------------|------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Brusletten | Hemmingson | Kneeland |
| Burns | Hughes | Wolbert |
| Evans | Jewett | |

Messrs. Brusletten and Hughes being excused.
So the bill passed and the title was agreed to.

Mr. Thoreson moved

That the vote by which Senate Bill No. 23 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

Senate Bill No. 39,

A bill for an act fixing the times and place for holding the general terms of the supreme court and providing for special terms 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 89, nays 0, absent and not voting 6.

Those who voted in the affirmative were:

| | | |
|----------------------|----------------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Hemmingson | Peart |
| Akesson | Hendrickson | Pendray |
| Anderson | Hill | Plath |
| Atwood | Homnes | Ployhar |
| Baker of Cass | Honey | Poe |
| Baker of Stark | Jewett | Pound |
| Bjorndahl | Johnson of Bottineau | Price |
| Brynjulson | Johnson of McLean | Putnam |
| Burns | Johnson of Rolette | Schull |
| Chatfield | Kinney of McLean | Senour |
| Christenson | Kinney of Richland | Sgutt |
| Collins of Cass | Knox | Sheils |
| Collins of Gd. Forks | Kremer | Sinclair |

| Messrs.— | Messrs.— | Messrs.— |
|-------------------|-------------------|---------------------|
| Crawford | Law | Skinner |
| Cunningham | Laithwaite | Skulason |
| Davidson | Linde | Sorlie |
| Dibley | Lindvig | Steen |
| Doyle of Foster | Lucke | Storey |
| Doyle of McIntosh | Martin | Streeter |
| Duncan | McCrea | Thompson, Gd. Forks |
| Fraine | McLear | Thompson of McLean |
| Freeman | Moen of Benson | Thoreson |
| Ganssle | Moen of Cavalier | Traynor |
| Garden | Narum | Ward |
| Geidt | Nelson of McHenry | Welford |
| Gibbens | Nelson of Steele | White |
| Goldammer | Nelson of Walsh | Wisner |
| Grant | Nyhus | Young |
| Hale | Olson | Mr. Speaker |
| Hanley | Paulson | |

Absent and not voting:

| Messrs.— | Messrs.— | Messrs.— |
|------------|----------|----------|
| Brusletten | Evans | Kneeland |
| Burnett | Hughes | Wolbert |

Messrs. Brusletten and Hughes being excused.
So the bill passed and the title was agreed to.

Mr. McCrea moved

That the vote by which Senate Bill No. 39 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

The speaker appointed Messrs. Streeter and Garden to escort Former Speaker Twichell to the speaker's platform.

Senate Bill No. 13,

For an act making it unlawful for corporations having banking powers to invest more than thirty per cent of its capital stock in banking house, furniture and fixtures, defining its powers as to other real estate and repealing sec-4640 of the revised codes for the year 1905.

Was read the third time.

Mr. Sheils moved

That the further consideration of the bill be deferred until Tuesday, February 16th.

Which motion prevailed, and

The bill was so deferred.

Senate Bill No. 54,

A bill for an act to amend section 4657 of the revised codes of 1905 relating to the limit of bank loans to one concern.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 74; nays 12, absent and not voting 9.

Those who voted in the affirmative were:

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|----------------------|---------------------|
| Aasheim | Hendrickson | Peart |
| Akesson | Hill | Pendray |
| Anderson | Homnes | Plath |
| Atwood | Honey | Ployhar |
| Baker of Cass | Jewett | Poe |
| Baker of Stark | Johnson of Bottineau | Pound |
| Bjorndahl | Johnson of McLean | Price |
| Brynjulson | Johnson of Rolette | Senour |
| Burnett | Kinney of McLean | Sgutt |
| Burns | Kinney of Richland | Sheils |
| Christenson | Knox | Skulason |
| Collins of Cass | Kremer | Sorlie |
| Collins of Gd. Forks | Law | Storey |
| Crawford | Linde | Streeter |
| Cunningham | Lindvig | Thompson, Gd. Forks |
| Duncan | Lucke | Thompson of McLean |
| Fraine | Martin | Thoreson |
| Freeman | McCrea | Traynor |
| Ganssle | McLear | Ward |
| Garden | Moen of Benson | Welford |
| Geidt | Moen of Cavalier | Wisner |
| Gibbens | Narum | Wolbert |
| Goldammer | Nelson of McHenry | Young |
| Hale | Nyhus | Mr. Speaker |
| Hanley | Olson | |

Those who voted in the negative were:

| Messrs.— | Messrs.— | Messrs.— |
|-------------------|------------------|----------|
| Chatfield | Kneeland | Putnam |
| Davidson | Laithwaite | Schull |
| Doyle of McIntosh | Nelson of Steele | Sinclair |
| Grant | Paulson | Steen |

Absent and not voting:

| Messrs.— | Messrs.— | Messrs.— |
|-----------------|------------|-----------------|
| Brusletten | Evans | Nelson of Walsh |
| Dibley | Hemmingson | Skinner |
| Doyle of Foster | Hughes | White |

Messrs. Brusletten and Hughes being excused.
So the bill passed and the title was agreed to

Mr. Gibbens moved

That the vote by which Senate Bill No. 54 passed be reconsidered, and the motion to reconsider be laid on the table.
Which motion prevailed.

Senate Bill No. 60,

A bill for an act prohibiting the marriage of white persons to negro persons; prohibiting negro man and white woman, or negro woman and white man occupying same room; prohibiting adultery or fornication between whites and negroes; prohibiting the issuing of marriage licenses for white persons to negro persons; prohibiting the performance of the marriage ceremony between white persons and negroes; prescribing penalties for violations of the provisions of this act, and defining a negro person.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 57, nays 29, absent and not voting 9.

Those who voted in the affirmative were:

| Messrs.— | Messrs.— | Messrs.— |
|-------------------|--------------------|--------------------|
| Anderson | Grant | Pendray |
| Atwood | Hanley | Plath |
| Baker of Stark | Hendrickson | Ployhar |
| Bjorndahl | Honey | Pound |
| Brynjulson | Jewett | Price |
| Chatfield | Johnson of McLean | Schull |
| Christenson | Kinney of Richland | Senour |
| Collins of Cass | Knox | Sgutt |
| Crawford | Law | Sheils |
| Cunningham | Laithwaite | Skulason |
| Dibley | Lindvig | Sorlie |
| Doyle of Foster | McCrea | Storey |
| Doyle of McIntosh | Moen of Benson | Thompson of McLean |
| Duncan | Moen of Cavalier | Thoreson |
| Fraine | Nelson of McHenry | Traynor |
| Freeman | Nelson of Walsh | Ward |
| Garden | Nyhus | Wisner |
| Geidt | Olson | Wolbert |
| Goldammer | Peart | Mr. Speaker |

Those who voted in the negative were:

| Messrs.— | Messrs.— | Messrs.— |
|----------|----------------------|------------------|
| Aasheim | Johnson of Bottineau | Nelson of Steele |
| Akesson | Johnson of Rolette | Paulson |
| Burnett | Kinney of McLean | Poe |
| Burns | Kneeland | Putnam |

Messrs.—
 Davidson
 Ganssle
 Gibbens
 Hemmingson
 Hill
 Hommes

Messrs.—
 Kremer
 Linde
 Lucke
 Martin
 McLear
 Narum

Messrs.—
 Sinclair
 Steen
 Streeter
 Welford
 Young

Absent and not voting:

Messrs.—
 Baker of Cass
 Brusletten
 Collins of Gd. Forks

Messrs.—
 Evans
 Hale
 Hughes

Messrs.—
 Skinner
 Thompson, Gd. Forks
 White

Mr. Streeter explained his vote.

Messrs. Brusletten and Hughes being excused.

So the bill passed and the title was agreed to.

Mr. Hanley moved

That the vote by which Senate Bill No. 60 passed be reconsidered.

Mr. Traynor moved

That the motion to reconsider be laid on the table.

Which motion was lost.

The question being upon the motion to reconsider.

The same prevailed.

Mr. Schull moved

That Senate Bill No. 60 be referred to the judiciary committee.

Which motion prevailed

There being no objections the house returned to the tenth order of business.

FIRST AND SECOND READING OF HOUSE BILLS.

Mr. Gibbens introduced

House Bill No. 322,

A bill for an act providing for the establishment of county agricultural and training schools, and providing for their joint maintenance by the state and the county wherein located, and providing for a levy of state tax for the raising of funds to meet the state share of said cost of maintenance.

Was read the first and second times, and

Referred to committee on agriculture.

Mr. Schull (by request) introduced
House Bill No. 323,

A bill for an act authorizing and empowering and ordering the state auditing board to audit and approve and order paid the bills contracted by the capitol commission under chapter 166 of the session laws of 1905, for printing bills, for salary of members and bills for expenses of members of the capitol commission organized under chapter 166 of the session laws of 1905.

Was read the first and second times and
Referred to the committee on ways and means.

Mr. Homnes introduced
House Bill No. 324,

A bill for an act prescribing the powers and duties of village marshals.

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

There being no objections, the house returned to the seventh order of business.

MOTIONS AND RESOLUTIONS.

Mr. Skulason moved

That House Bills Nos. 192, 215 and 256 be made a special order for 2:30 o'clock, Monday, February 15th.

Which motion was lost.

COURTESIES OF THE FLOOR.

The privileges of the floor were extended to Theodore Mehill, Fargo; Judge Kirk, Bottineau; Dr. E. A. Pray, Valley City; Prof. Geo. A. McFarland, C. G. Boise, Frank A. Eddy, Adam Bolenger, R. J. Piper, B. Malough, Cass county.

Mr. Chatfield moved

That the house take a recess until 10 o'clock a. m. Monday, February 15th.

Which motion prevailed, and

The house took a recess until 10 o'clock a. m. Monday, February 15th.

W. D. AUSTIN,
Chief Clerk.

FORTIETH DAY AFTER RECESS

AND

FORTY-SECOND DAY

HOUSE OF REPRESENTATIVES,

BISMARCK, NORTH DAKOTA,

February 15, 1909.

The house assembled at 10 o'clock a. m., pursuant to recess taken.

There being no objections the house returned to the ninth order of business.

FIRST AND SECOND READING OF HOUSE BILLS.

Mr. McCrea introduced

House Bill No. 325,

A bill for an act to create a state board of control, and provide for the management and control of public property at the charitable, reformatory and penal institutions of the state, and to make an appropriation therefor, and abolishing existing boards governing such institutions.

Which was read the first and second times and

Referred to the committee on state affairs.

GENERAL ORDERS.

Mr. Skulason moved

That the house resolve itself into a committee of the whole for the consideration of House Bills Nos. 192, 215 and 256.

Which motion prevailed, and

The house resolved itself into a committee of the whole.

The speaker called Mr. Fraine to the chair.

And the committee arose without action.

J. A. FRAINE,
Chairman.

Mr. Baker of Cass moved

At call of the house.

Which motion prevailed.

Mr. Gibbens moved

That further proceedings under the call of the house be dispensed with.

Which motion prevailed, and

Further proceedings under the call were dispensed with.

GENERAL ORDERS.

Mr. Gibbens moved

That the house resolve itself into a committee of the whole for the consideration of general orders.

Which motion prevailed, and

The house resolved itself into a committee of the whole.

The speaker called Mr. Fraine to the chair.

When the committee arose it submitted the following report:

Mr. Speaker:

The committee of the whole have had under consideration

House Bill No. 38,

A bill for an act amending section 4466 of the revised codes of 1905, relating to insurance.

And recommend that the same do pass.

Also,

House Bill No. 269,

A bill for an act indemnifying owners for animals killed or destroyed according to law for being affected with the disease known as glanders, and providing for a special tax for the payment thereof.

And recommend that the same do pass.

Also,

House Bill No. 3,

A bill for an act, appropriating a sum of money to pay outstanding claims to indemnify owners for animals killed or destroyed according to law for being affected with the disease commonly known as glanders, and making an annual appropriation for said purpose.

Also,

House Bill No. 28,

For an act, entitled an act to appropriate the sum of ninety thousand dollars, or as much thereof as may be necessary to indemnify persons who have lost animals from the disease known as glanders.

Also,

House Bill No. 17,

A bill for an act making an appropriation to indemnify owners of animals killed or destroyed under the provisions of chapter 170 of the laws of the tenth legislative assembly, entitled, "An act indemnifying owners for animals killed or destroyed according to law for being affected with the disease known as glanders."

And recommend that Bills Nos. 3, 28 and 17 be made a special order for 4 o'clock p. m. Tuesday, February 23, 1909.

Also,

House Bill No. 183,

A bill for an act to amend sections 926 and 928 of the revised codes of North Dakota, 1905, as amended by chapter

103 of the session laws of 1907, relating to depositories of school funds.

And recommend that the same be amended as follows:

That the title of the bill be amended by striking out the figures "926" and the word "and" in the first line of the title; and that the figures "926" and the word "and" in line 1 of the printed bill be stricken out; also lines 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16 and 17.

And when so amended recommend the same do pass.

Also,

House Bill No. 185,

A bill for an act to amend section 922 of the revised codes of North Dakota relating to proposals for depositories of school funds.

And recommend that the same do pass.

Also,

House Bill No. 190,

A bill for an act providing for the office of chief justice of the supreme court, and prescribing the duties of the Chief Justice.

And recommend the same be amended as follows:

After the word "court" in line 5 of the printed bill insert "provided, that whenever no member of said court is qualified for the office of chief justice under the above provisions, then the judges of said court shall select the chief justice;" and after the word "serve" in line 6 of the printed bill insert "or a judge selected by the court, as the case may be."

And when so amended recommend the same do pass.

Also,

Senate Bill No. 20,

A bill for an act to amend section 7083 and 7085 of the revised codes of the state of North Dakota for the year 1905, relating to the method of renewing liens and judgments and providing for renewing the same without suit for an additional term of ten years and allowing execution thereon after renewal.

And recommend the same be amended as follows:

By striking out the word "docket" after the word "judgment" in the 4th line of section 7085, and inserting

the word "book," and by striking out the word "book" after the word "judgment" in the 6th line of said section, and inserting the word "docket" in the engrossed bill.

And when so amended recommend the same do pass.

Also,

House Bill No. 157,

A bill for an act to provide for probation for persons convicted of felonies and misdemeanors.

And recommend that the same be amended as follows:

The word "juvenile" be inserted in place of the word "juvaal" at the end of line 6, page 1 of the printed bill.

Page 3, line 7, strike out the word "be" and insert the word "the" in lieu thereof.

In section 6, line 2, strike out the words "or more," and strike out the letter "s" in the word "officers" in the same line.

Also in line 3, same section, strike out the letter "s" in the word "officers."

On page 3, section 7, line 4, after the word "placed" strike out the letter "a" and insert the word "the."

On page 4, section 9, line 4, strike out the letter "s" in the word "officers."

And when so amended recommend the same do pass.

Also,

House Bill No. 2,

A bill for an act to amend section 4641 of the revised codes of 1905, relating to capital stock banking corporations.

And recommend that the same be indefinitely postponed.

J. H. FRAINE,
Chairman.

Mr. Fraine moved

That the report of the committee of the whole be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Mr. Jewett moved

That the house do now adjourn.

Which motion prevailed, and

The house adjourned.

W. D. AUSTIN,
Chief Clerk.

FORTY-SECOND DAY

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 15, 1909.

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

The speaker presiding.

Prayer by the chaplain.

Roll call.

All members present except Mr. Hughes, who was excused.

REFERENCE OF THE JOURNAL.

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

Mr. Speaker:

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

Page 15, line 30, strike out after words "and that" the word "four" and insert in lieu thereof word "two."

Page 20, line 29, strike out "and" after "word" and insert after "words" the word "and."

And when so corrected recommend that the same be approved.

S. J. DOYLE,
Chairman.

Mr. Doyle moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

REPORTS OF STANDING COMMITTEES.

The committee on engrossment made the following report:

Mr. Speaker:

Your committee on engrossment have examined

House Bill No. 209,

A bill for an act to amend sections 525 and 527 of the revised codes of 1905, relating to the summoning of jurors.

Also,

House Bill No. 229,

A bill for an act to amend section 126 of the revised codes of 1905, providing for the appointment of assistant attorneys general, and fixing their salary, and appropriating money to pay the same.

Also,

House Bill No. 191,

A bill for an act to amend section 422 of the revised codes of 1905, relating to vacancies in office.

Also,

House Bill No. 232,

A bill for an act to amend section 8320 of the revised codes of 1905, relating to inheritance tax.

Also,

House Bill No. 233,

A bill for an act to define what is an official newspaper.
And find the same correctly engrossed.

C. C. CRAWFORD,
Chairman.

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

PETITONS AND COMMUNICATIONS.

Hon. U. L. Burdick, Speaker, and Members of the House:

GENTLEMEN: My attention has been called to certain newspaper articles which have appeared during the past week and which seriously reflect upon me as the head of the department of public instruction. It is not my usual practice to pay much attention to such articles, however, it is not my disposition to rest quietly under charges which affect my good name or my honesty of purpose. I therefore ask your honorable body to take such steps as in your judgment seem best to investigate thoroughly the conduct of my department. I have nothing to conceal and every assistance will be given any committee to make a full and fair investigation.

I am sending a similar request to the president of the senate and copies to his excellency, Governor John Burke.

Respectfully,

W. L. STOCKWELL,

Superintendent of Public Instruction.

Mr. Doyle of Foster moved
 That the communication from the superintendent of public instruction be referred to the committee on education.
 Which motion prevailed, and
 The communication was so referred.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
 BISMARCK, NORTH DAKOTA,
 February 15, 1909.

Mr. Speaker:

I have the honor to transmit herewith
 Senate Bill No. 11,

A concurrent resolution amending the constitution of the state of North Dakota, establishing and locating a state normal school in the city of Minot, county of Ward.

Also,

Senate Bill No. 46,

A bill for an act to empower the school board of any district to establish and maintain free kindergartens for the instruction of children between four and six years of age.

Also,

Senate Bill No. 118,

A bill for an act making it unlawful for any person, firm, association, copartnership or corporation doing business in the state to purchase grains at different weight for the bushel than is fixed by law, or to take or accept any dockage on grains not docked at the terminal markets of Minnesota and Wisconsin.

Also,

Senate Bill No. 177,

A bill for an act to amend section 786 of the revised codes of 1905, relating to the organization of district school corporations.

Also,

Senate Bill No. 185,

A bill for an act to amend section 4639 of the revised codes of North Dakota, 1905, relative to powers of banking corporations.

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

Very respectfully,
J. W. FOLEY,
Secretary.

PETITIONS AND COMMUNICATIONS.

The undersigned settlers of township 130, range 94, Adams county, North Dakota, hereby respectfully urge upon the state senate and house of representatives of the state of North Dakota, to pass Senate Bill No. 21, providing for seed for the settlers of farm communities where aid is nec-

cessary, and urge that same bill be passed with an emergency clause.

TOM REDDEN,
And 26 Others.

REPORTS OF STANDING COMMITTEES.

The committee on taxation and tax laws made the following report:

Mr. Speaker:

Your committee on taxation and tax laws to whom was referred

House Bill No. 218,

A bill for an act to amend section 1513 of the revised codes of 1905, relating to assessment books and blanks, real property subject to assessment, and meeting of assessors.

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

JOHN STEEN,
Chairman.

Mr. Steen moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

The committee on railroads made the following report:

Mr. Speaker:

Your committee on railroads to whom was referred

House Bill No. 221,

A bill for an act to amend sections 4329 and 4342 of the revised codes for the year 1905, relating to the powers and duties of the board of railroad commissioners, and providing a penalty for violating the orders of said board.

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

G. A. WHITE,
Chairman.

Mr. White moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on railroads to whom was referred

House Bill No. 267,

A bill for an act relating to railroad stations.

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

G. A. WHITE,
Chairman.

Mr. White moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on railroads to whom was referred:

House Bill No. 266,

A bill for an act prohibiting employes from obtaining transportation with intent to defraud.

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

G. A. WHITE,
Chairman.

Mr. White moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Also,

Your committee on railroads to whom was referred

Senate Bill No. 40,

A joint resolution for the making of inquiry relating to the carrying charges upon grain in bulk from points in the state of North Dakota to terminal markets in Minnesota and Wisconsin, and for the bringing about of

such reforms or reductions in such carrying charges as the circumstances shall warrant.

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

G. A. WHITE,
Chairman.

Mr. White moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on railroads to whom was referred:
House Bill No. 212,

A bill for an act to prohibit the burning of old railroad ties upon the right of way of any railroad company owning or operating a railroad in this state, and providing a penalty for the violation thereof.

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

G. A. WHITE,
Chairman.

Mr. White moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

The committee on labor made the following report:

Mr. Speaker:

Your committee on labor to whom was referred
House Bill No. 207,

A bill for an act to regulate the employment of child labor and to prescribe penalties for violations of this act.

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

GEO. H. LAW,
Chairman.

Mr. Law 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. Speaker:

The majority of your committee on judiciary to whom was referred

House Bill No. 35,

A bill for an act authorizing and empowering the governor of the state to remove and suspend certain state, county, city and village officers who have been guilty of malfeasance or nonfeasance in the performance of their official duties, or who is guilty of habitual drunkenness, and providing for the filling of vacancies caused by such suspension or removal.

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

B. G. SKULASON,
Chairman.

Also,

Mr. Speaker:

We, the minority of your committee on judiciary to whom was referred

House Bill No. 35,

A bill for an act authorizing and empowering the governor of the state to remove and suspend certain state, county, city and village officers who have been guilty of malfeasance or nonfeasance in the performance of their official duties, or who is guilty of habitual drunkenness, and providing for the filling of vacancies caused by such suspension or removal.

Which has been reported recommending the same for passage, hereby beg leave to dissent from the opinion of the majority, and to recommend that said bill be indefinitely postponed.

Our reasons for so recommending are that this bill, if it become a law, would be destructive of local self government, and would tend to centralize power in the executive in violation of the vital principles of popular government.

We believe, further, that the bill is unconstitutional, in that it pretends to confer judicial power upon the governor.

B. G. SKULASON,
F. M. BAKER,
E. L. KINNEY,
JAMES DUNCAN.

The committee on insurance made the following report:
Mr. Speaker:

Your committee on insurance to whom was referred
House Bill No. 262,

A bill for an act repealing section 4465 of the revised codes of 1905, relating to the limit of risks of fire insurance companies in any one town or city.

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

JOHN A. HONEY,
Chairman.

Mr. Honey moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. Speaker:

Your committee on insurance to whom was referred
House Bill No. 257,

A bill for an act to amend section 4429 of the revised codes of 1905, relating to the capital stock of insurance companies.

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

JOHN A. HONEY,
Chairman.

Mr. Honey moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

REPORT OF SPECIAL COMMITTEE.

Mr. Speaker:

Your committee created by concurrent resolution to accept, receive or create a design for a state flag, beg leave

to report that they have met with the senate committee on same subject and held an informal meeting, and recommend that, in as much as the subject is one of state-wide interest, and one that should and, we believe, will arouse an interest on the subject among the entire people of the state, therefore, we decided to leave the matter open to receive suggestions and designs from the people of the state, and would respectfully ask that such suggestions and designs be furnished as quickly as possible as the session is fast drawing to a close.

V. S. WISNER,
Chairman.

Mr. Wisner moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The speaker recalled House Bill No. 287 from the judiciary committee, and re-referred the same to the committee on state affairs.

GENREAL ORDERS.

Mr. Skulason moved

That the house resolve itself into a committee of the whole for the consideration of House Bills Nos. 192, 215 and 256.

Which motion prevailed, and

The house resolved itself into a committee of the whole.

The speaker called Mr. Garden to the chair.

The committee of the whole submitted the following report:

Mr. Speaker:

The committee of the whole have had under consideration

House Bill No. 192,

A bill for an act to establish a state fair and locate the same at Fargo, North Dakota, and make an appropriation therefor.

And recommend that the same be indefinitely postponed.

E. L. GARDEN,
Chairman.

Mr. Skulason moved

That the report of the committee of the whole be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Mr. Traynor moved

That the vote by which the report of the committee of the whole was adopted be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
February 15, 1909.

Mr. Speaker:

I have the honor to inform you that the senate declines to concur in the house amendments to

Senate Bill No. 49,

A bill for an act to prohibit the throwing or depositing of glassware of any kind, crockery, wire, nails, tacks, paper or any old building material while in the act of moving same upon the streets of any village or city or upon public highways, and providing for a penalty for the violation thereof.

And asks for a committee of conference, and the president has named as such conferees on the part of the senate, Messrs. Welo, Macdonald and Baker.

Very respectfully,

J. W. FOLEY,
Secretary.

COURTESIES OF THE FLOOR.

The privileges of the floor were extended to Dean Joseph Kennedy, Grand Forks; A. M. Thompson, Ward county; Dr. J. F. Snyder, Hazelton; H. S. Turner, Linton; E. J. Weiser, Fargo; Henry Nelson, Rugby.

Mr. Cunningham moved

That the house do now adjourn.

Which motion prevailed, and

The house adjourned.

W. D. AUSTIN,
Chief Clerk.

FORTY-THIRD DAY

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 16, 1909.

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

The speaker presiding.

Prayer by the chaplain.

Roll call.

All members present except Mr. Hughes, who was excused.

REFERENCE OF THE JOURNAL.

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

Mr. Speaker:

Your committee on revision and correction of the journal have carefully examined the journal of the fortieth day after recess and the forty-second day and find the same correct.

And recommend that the same be approved.

S. J. DOYLE,
Chairman

Mr. Doyle moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on engrossment made the following report:

Mr. Speaker:

Your committee on engrossment have examined:

House Bill No. 80,

A concurrent resolution for an amendment to the constitution providing for the initiative and referendum.

And find the same correctly engrossed.

C. C. CRAWFORD,
Chairman.

Mr. Crawford moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Mr. Dibley moved

That House Bill No. 195 that is now on the calendar be continued two days.

Which motion prevailed.

Mr. Garden moved

That a committee of three be appointed by the speaker to confer with the senate relative to Senate Bill No. 49.

Which motion prevailed, and

The speaker appointed on such committee Messrs. Kneeland, Collins of Cass and Garden.

PETITONS AND COMMUNICATIONS.

To the Eleventh Legislative Assembly:

We, the undersigned citizens and taxpayers of Stutsman county, respectfully petition your honorable body to pass Senate Bill No. 63. Our reasons are these:

1. Not ten per cent of the pupils of this state ever go beyond the eighth grade.

2. Sixty-five per cent of our children must attend the rural school.
3. The progress of rural schools determines the progress of the rural community.
4. Our rural schools need encouragement and stimulation, which this bill seeks to give.
5. North Dakota can afford to be generous with her children in matters of education.

H. T. NELSON,
And 165 Others.

REPORTS OF STANDING COMMITTEES.

The committee on judiciary made the following report:

Mr. Speaker:

Your committee on judiciary to whom was referred
House Bill No. 254,

A bill for an act to amend section 8478 of the 1905 revised codes, being section 6749 of the 1895 revised codes of the state of North Dakota, relating to change of venue in criminal actions in justices' court.

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

B. G. SKULASON,
Chairman.

Mr. Skulason moved

That the report be adopted
Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Also,

A majority of your committee on judiciary to whom was referred

House Bill No. 274.

A bill for an act to divide the state of North Dakota into two (2) congressional districts and defining the boundaries of each of said congressional districts of the state of North Dakota.

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

B. G. SKULASON,
Chairman.

Also,

We, the undersigned, a minority of your committee on judiciary, to whom was referred

House Bill No. 274.

A bill for an act to divide the state of North Dakota into two (2) congressional districts and defining the boundaries of each of said congressional districts of the state of North Dakota.

And which has been reported by that committee recommending the same to be indefinitely postponed, beg leave to dissent from the opinion of the majority, and recommend that the bill do pass.

J. F. COLLINS,
E. L. KINNEY,
FRED J. TRAYNOR.

Also,

Your committee on judiciary to whom was referred

House Bill No. 231,

A bill for an act to amend section 9650 of the revised codes of 1905, relating to bastardy proceedings.

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

B. G. SKULASON,
Chairman.

Mr. Skulason moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on judiciary to whom was referred

House Bill No. 243,

A bill for an act requiring operators of steam threshing rigs to give bonds to secure payment of all employes and

insure all loss from fire originating from steam threshing engines.

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

B. G. SKULASON,
Chairman.

Mr. Skulason moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Also,

Your committee on judiciary to whom was referred

House Bill No. 249,

A bill for an act to amend section 10,245 of the revised codes of North Dakota for 1905, relating to the place where the board of pardons shall hold its sessions.

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

B. G. SKULASON,
Chairman.

Mr. Skulason moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on judiciary to whom was referred

Senate Bill No. 60,

A bill for an act prohibiting the marriage of white persons to negro persons; prohibiting negro man and white woman, or negro woman and white man occupying same room; prohibiting adultery or fornication between whites and negroes; prohibiting the issuing of marriage licenses for white persons to negro persons; prohibiting the performance of the marriage ceremony between white persons

and negroes; prescribing penalties for violations of the provisions of this act, and defining a negro person.

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

Strike out all after the word "void" in line 9, section 1 of the engrossed bill, and also lines 10 and 11, and all of line 12, prior to the word "and."

And when so amended recommend the same do pass.

B. G. SKULASON,
Chairman.

Also,

Your committee on judiciary to whom was referred
Senate Bill No. 105,

A bill for an act to amend section 475 of the revised codes of 1905, being the section relative to the boundaries and terms of court in the Seventh judicial district of the state of North Dakota.

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

B. G. SKULASON,
Chairman.

Mr. Skulason moved

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

Also,

Your committee on judiciary to whom was referred
Senate Bill No. 31,

A bill to amend chapter 74 of the laws of 1907 (being an amendment of section 2580 of the revised codes of 1905) relating to the salaries of clerks of the district court.

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

B. G. SKULASON,
Chairman.

Mr. Skulason moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Also,

Your committee on judiciary to whom was referred

Senate Bill No. 110,

A bill for an act to amend section 7508 of the revised codes of the state of North Dakota for the year 1905, relating to places of sale upon foreclosure of personal property.

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

B. G. SKULASON,
Chairman.

Mr. Skulason moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on judiciary to whom was referred

Senate Bill No. 101,

A bill for an act to amend and re-enact section 496 of the revised codes of North Dakota of 1905, relating to qualifications of applicants for admission to the bar of the state of North Dakota.

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

B. G. SKULASON,
Chairman.

Mr. Skulason 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. Speaker:

Your committee on state affairs to whom was referred
House Bill No. 248,

A bill for an act to amend sections 2405, 2407, 2408 and 2409 of the revised codes of the state of North Dakota for 1905, relating to the authorization of public improvements in counties, and providing for the levying of taxes to aid in the construction of the same.

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

W. J. PRICE,
Chairman.

Mr. Price moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on state affairs to whom was referred
House Bill No. 110,

A bill for an act requiring state officials to reside at the capitol and to provide adequate compensation.

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

Strike out all of the bill after the enacting clause and insert the following amendments: Sections 1 to 7.

SECTION 1. *Personal Expenses of the Governor.*) The governor shall receive the sum of Two Thousand Dollars (\$2,000.00) per annum for the purpose of defraying his personal expenses, such amount to be payable monthly without the filing of any itemized statement, provided, that the provisions of this section shall not apply to governors hereafter elected.

SEC. 2. *Personal Expenses of Other State Officers.*) (1). The secretary of state, state auditor, state treasurer, attorney general, superintendent of public instruction, commissioner of agriculture and labor, and the commissioner of insurance shall each receive the sum of One Thousand Dollars (\$1,000.00) per annum for the purpose of defraying the personal expenses of such officers, such amount to be payable monthly without the filing of any itemized statement, provided, that none of the officers named in paragraph one, of section 2, shall receive such expense money unless they reside at the capital of the state.

2. The chairman of the board of railroad commissioners shall receive the sum of Eight Hundred Dollars (\$800.00) per annum for the purpose of defraying his personal expenses, such amount to be payable monthly without the filing of any itemized statement.

SEC. 3. The provisions of sections 1 and 2 shall not apply to any of the state officers herein mentioned who may hereafter be elected.

SEC. 4. *Salary.*) (1.) The governor shall receive an annual salary of Five Thousand Dollars (\$5,000.00) per annum.

(2.) The attorney general shall receive an annual salary of Three Thousand Six Hundred Dollars (\$3,600.00) and he shall reside at the capital of the state.

(3.) The secretary of state, state auditor, state treasurer, superintendent of public instruction, commissioner of agriculture and labor and commissioner of insurance shall each receive an annual salary of Three Thousand Dollars (\$3,000.00) and shall reside at the capital of the state.

(4.) The commissioners of railroads, excepting the chairman, shall receive an annual salary of Twelve Hundred Dollars (\$1,200.00) per annum. The chairman of the board of railroad commissioners shall receive the sum of Two Thousand Dollars (\$2,000.00) per annum, and shall reside at the capital.

SEC. 5. *Appropriation.*) There is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, a sum of money sufficient to pay the personal expenses contemplated in this act.

SEC. 6. *Repeal.*) All acts or parts of acts in conflict with this act are hereby repealed.

SEC. 7. *Emergency.*) Whereas an emergency exists in that there is no provision of law providing for the payment of the necessary personal expenses of the state officers herein mentioned, therefore, this act shall take effect and be in force from and after its passage and approval.

And when so amended recommend the same do pass.

W. J. PRICE,
Chairman.

Mr. Price moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on state affairs to whom was referred
House Bill No. 227,

A bill for an act to amend section 2071 of the revised
codes of the state of North Dakota for 1905.

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

W. J. PRICE,
Chairman.

Mr. Price 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. Speaker:

Your committee on education to whom was referred
House Bill No. 205,

A bill for an act providing for the revision and compilation of the school laws of the state of North Dakota, and appropriate money therefor.

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

FRANK E. PLOYHAR,
Chairman.

Mr. Ployhar moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on education to whom was referred
House Bill No. 184,

A bill for an act to amend section 831 of chapter 95 of the session laws of 1907, relating to schools to be organized on petition, and location thereof.

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

FRANK E. PLOYHAR,
Chairman.

Mr. Ployhar moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Also,

Your committee on education to whom was referred
House Bill No. 84,

A bill for an act to amend section 847 of the session laws of 1907 of an act to amend section 847 of the revised codes

of 1905, relating to enumeration and apportionment of school funds.

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

FRANK E. PLOYHAR,
Chairman.

Mr. Ployhar moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
February 16, 1909.

Mr. Speaker:

I have the honor to return herewith

House Bill No. 8,

A concurrent resolution for an amendment to the constitution of the state of North Dakota, creating the office of justice of the peace and fixing and providing for the jurisdiction thereof.

Which the senate has amended as follows:

In line 7 of the printed bill change the word "court" to "courts" in both places.

In the same line strike out "the" before the word "county" and insert in lieu thereof "all."

In line 7 of the printed bill strike out the word "in."

Strike out all of line 8.

In line 9 strike out the word "jurisdiction."

And passed as amended.

Also,

Mr. Speaker:

I have the honor to return herewith

House Bill No. 11,

A bill for an act making an appropriation for the purchase and installing of a clock in the house chamber.

Also,

House Bill No. 30,

A bill for an act amending section 8366 of the revised codes of North Dakota for 1905, relating to the service by publication of summons in justice courts.

Which the senate has passed unchanged.

Also,

Mr. Speaker:

I have the honor to transmit herewith

Senate Bill No. 41,

A bill for an act to amend section 4171 of the revised codes of 1905 of the state of North Dakota, relating to religious and charitable corporations.

Also,

Senate Bill No. 121,

A bill for an act regulating the speed of locomotives and trains while passing through cities, towns and villages in North Dakota.

Also,

Senate Bill No. 123,

A bill for an act declaring certain noxious weeds to be a public nuisance, and creating a commissioner of noxious weeds, providing for the manner of his appointment and prescribing his powers and duties, and providing penalties for failure to perform the same and providing penalties for failure to comply with his notice and orders.

Also,

Senate Bill No. 131,

A bill for an act creating a state board of examiners; to regulate the practice of osteopathy in the state of North Dakota; to provide for licensing doctors of osteopathy, and to prescribe penalties for the violation of this act.

Also,

Senate Bill No. 154,

A bill for an act to amend section 6710 of the revised codes of 1905, relating to holidays.

Also,

Senate Bill No. 157,

A bill for an act to amend and re-enact section 822 of of the revised codes of North Dakota for the year 1905.

Also,

Senate Bill No. 158,

A bill for an act to amend and re-enact section 2489 of the revised codes of 1905.

Also,

Senate Bill No. 193,

A bill for an act to amend section 8089 of the revised codes of 1905 of North Dakota, relating to the exemption of personal property and the disposition thereof in the matter of estates pending in the county court.

Also,

Senate Bill No. 194,

A bill for an act to amend section 6246 of the revised codes of North Dakota, 1905, relating to requiring a mechanic's lien holder to bring suit thereon or lose his lien.

Also,

Senate Bill No. 202,

A bill for an act fixing the salary of the clerk of the supreme court.

Also,

Senate Bill No. 203,

A bill for an act to reduce the expenses of conveying insane persons to the hospital for the insane, providing for the duties of county judges in relation thereto, and making an appropriation to carry out its provisions.

Also,

Senate Bill No. 215,

A bill for an act to amend section 10,292 of the revised codes of North Dakota for 1905, relating to the offering of reward for apprehension of criminals and those charged with crime.

Also,

Senate Bill No. 223,

An act to amend section 872 of chapter 9 of the revised codes of North Dakota, 1905, relating to fee for certificate. Certificate, how revoked.

Also,

Senate Bill No. 224,

A bill for an act to amend section 876, chapter 9 of the revised codes of North Dakota for 1905, relating to fees for teacher's certificates.

Also,

Senate Bill No. 227,

A bill for an act to amend section 7527 of the code of 1905, relating to actions to determine conflicting claims to real property.

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

Very respectfully,

J. W. FOLEY,

Secretary.

REPORT OF STANDING COMMITTEES.

The committee on education made the following report:
Mr. Speaker:

Your committee on education to whom was referred

House Bill No. 255,

A bill for an act to provide for an examination of the sight and hearing of pupils in public schools, and making an appropriation therefor.

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

FRANK E. PLOYHAR,
Chairman.

Mr. Ployhar moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on education to whom was referred

House Bill No. 115,

For an act to amend sections 938, 939, 940 and 941 and 943 of the revised codes of 1905 of the state of North Dakota relating to 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 be indefinitely postponed.

FRANK E. PLOYHAR,
Chairman.

Mr. Ployhar moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Also,

Your committee on education to whom was referred

Senate Bill No. 116,

A bill for an act to amend and re-enact section 830 of the revised codes of 1905, relating to school house sites, how they may be obtained and the maximum area therefor.

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

On page 2 of the printed bill, that in lines 13 and 14 the words "together with a reasonable consideration for the improvement" be stricken out.

And when so amended recommend the same do pass.

FRANK E. PLOYHAR,
Chairman.

Also,

A majority of your committee on education to whom was referred

Senate Bill No. 55,

A bill for an act providing for the granting of certificates to teach to certain graduates of the North Dakota agricultural college and of the state normal-industrial school, located at Ellendale, N. D.

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

FRANK E. PLOYHAR,
Chairman.

Also,

A minority of your committee on education to whom was referred

Senate Bill No. 55,

A bill for an act providing for the granting of certificates to teach to certain graduates of the North Dakota agricultural college and of the state normal-industrial school, located at Ellendale, N. D.

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

C. E. KNOX,
A. S. GIBBENS,

The committee on appropriations made the following report:

Mr. Speaker:

Your committee on appropriations to whom was referred House Bill No. 235,

A bill for an act making an appropriation for the salary of the state registrar of vital statistics and for the current

and contingent expenses of the state bureau of vital statistics.

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

S. N. PUTNAM,
Chairman.

Mr. Putnam moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on appropriations to whom was referred House Bill No. 105,

A bill for an act appropriating money to provide for the maintenance of a public health laboratory in the medical department of the state university and school of mines at Grand Forks, and for experiments on sewage purification at said laboratory.

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

S. N. PUTNAM,
Chairman.

Mr. Putnam moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on appropriations to whom was referred House Bill No. 245,

A bill for an act to appropriate money for the use of the board of university and school lands in the payment of assessments for benefits made for drainage purposes against unsold common school and institution lands within the state.

Have had the same under consideration and recommend that the same be referred to the committee on judiciary.

S. N. PUTNAM,
Chairman.

Mr. Putnam moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on warehouse and grading made the following report:

Mr. Speaker:

Your committee on warehouse and grain grading to whom was referred

House Bill No. 263,

A bill for an act to create a public warehouse fund and to provide for the use of such moneys and disbursements therefrom.

Have had the same under consideration and recommend that the same be referred to the committee on appropriations, as it refers to the finances of the state to an estimated extent of about eighteen thousand dollars.

C. E. KNOX,
Chairman.

Mr. Knox moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on warehouse and grain grading to whom was referred

House Bill No. 230,

A bill for an act to amend section 2248 of the revised codes of North Dakota for 1905, requiring owners or their agents of elevators and warehouses to issue receipts for grain or seeds delivered to them for the purpose of storage and making the failure to comply a misdemeanor.

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

Insert in line 7 of the printed bill after the word "therefor," "in such form as may be prescribed by the railway and warehouse commission."

And when so amended recommend the same do pass.

C. E. KNOX,
Chairman.

The committee on education made the following report:

Mr. Speaker:

Your committee on education to whom was referred the communication of state superintendent of public instruction, beg leave to submit the following report:

Be it Resolved by the Legislative Assembly of the State of North Dakota:

That, whereas, there has appeared in some of the newspapers in this state various articles at different times, insinuating and charging gross misconduct in the official administration of affairs by certain state officers, namely:

Ex-State Treasurer Peterson, Secretary of State Blaisdell, his deputy, C. W. LaMoure and Superintendent of Public Instruction W. L. Stockwell; and

Whereas, such said insinuations tend to create suspicion of misconduct and fraud in the management of said offices, and to discredit the officials in the confidence of the general public, and

Whereas, the superintendent of public instruction has taken notice of such insinuations and charges and has demanded of this body an investigation, and

Whereas, this body has heretofore taken initiatory steps toward bringing about an investigation of the office of the said state treasurer; therefore, be it

Resolved, That in the judgment of this body the best interests of the state and these officials will be best served by an investigation of all the various state offices handling or having charge of the moneys and property of the state, namely, secretary of state, commissioner of insurance, superintendent of public instruction, commissioner of agriculture and labor, board of university and school lands, state auditor and adjutant general and that the speaker of the house is hereby authorized and requested to appoint from the members of this body a committee of three, who shall examine into the affairs of the different offices above named and the conduct of the officials in charge in relation thereto and check up each of the said offices and make report thereof to this body before its final adjournment.

FRANK E. PLOYHAR,
Chairman.

Mr. Ployhar moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The speaker appointed as investigating committee of the officers as recommended by the committee on education, Messrs. Putnam, Collins of Grand Forks and Ployhar.

INTRODUCTION, FIRST AND SECOND READING OF HOUSE BILLS.

Mr. Law introduced

House Bill No. 326,

A bill for an act to amend chapter 109 of the laws of North Dakota for 1907, being an act providing for the selection of candidates for election by popular vote and relating to their nomination and the perpetuation of political parties, and repealing section 35 of said act.

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

Mr. Atwood introduced

House Bill No. 327,

A bill for an act to create a state board of control, and to provide for the management and control of the soldiers' home, the charitable, reformatory and penal institutions of the state, and to provide for supervisory powers over the state educational institutions, and to make an appropriation therefor, and for the defining of certain offenses, and providing penalties therefor.

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

Mr. Ployhar introduced

House Bill No. 328,

A bill for an act to amend section 238 of the revised codes of North Dakota, so as to provide for additional membership on the board of trustees of public property.

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

Mr. Streeter introduced

House Bill No. 329,

A bill for an act to amend and re-enact section 1515 of the political code of 1905, relating to the organization of

assessors' districts and townships, vacancies in such townships and districts, and the compensation of assessor.

Which was read the first and second times and
Referred to the committee on taxation and tax laws.

Mr. Hill introduced

House Bill No. 330,

A bill for an act declaring all cities heretofore attempted to be incorporated under the provisions of section 2632 of the revised codes of 1905 to have been duly incorporated and validating all acts done and contracts made under such incorporation.

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

Mr. Garden introduced

House Bill No. 331,

A bill for an act to amend section 9391 of the revised codes of North Dakota for 1905, relating to giving liquor to Indians.

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

Mr. Thompson of Grand Forks introduced

House Bill No. 332,

A bill for an act, entitled an act requiring legislative counsel and legislative agents retained or employed for compensation by any person, firm, corporation or association, to promote or oppose the passage of bills or resolutions, or the approval of the same, to file with the secretary of state a statement in writing subscribed by such counsel or agent stating the name of the person, firm, corporation or association by whom or in whose behalf he is retained or employed, together with a brief description of the legislation in reference to which such service is to be rendered, requiring itemized statement of expenditures to be filed, prohibiting legislative counsels or agents from going upon the floor of the legislature, providing penalties for the violation of this act, with an emergency clause.

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

Mr. Skulason (by request) introduced

House Bill No. 333,

A concurrent resolution amending the constitution of the state of North Dakota, relating to the elective franchise, defining who are qualified electors.

Which was read the first and second times and

Referred to the committee on elections and privileges.

Mr. Price introduced

House Bill No. 334,

A bill for an act to amend section 909 of the revised codes of North Dakota for 1905, relating to contracts involving the expenditure of school funds.

Which was read the first and second times and

Referred to the committee on Education.

Mr. Steen introduced

House Bill No. 335,

A bill for an act to amend section 1554 of the revised codes of 1905 of North Dakota, relating to the delinquent personal property taxes, when due.

Which was read the first and second times and

Referred to the committee on taxation and tax laws.

Mr. Martin introduced

House Bill No. 336,

A bill for an act regulating insurance companies doing business in the state of North Dakota.

Which was read the first and second times and

Referred to the committee on insurance.

Mr. Thoreson (by request) introduced

House Bill No. 337,

A bill for an act to amend section 37 of the revised codes of 1905, so as to provide for an increase in the number of ex-officio commissioners of public printing.

Which was read the first and second times and

Referred to the committee on public printing.

Mr. Streeter introduced

House Bill No. 338,

A bill for an act to amend and re-enact section 264 of the revised codes of 1905, in relation to the compensation of superintendents of county boards of health.

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

Mr. Hale (by request) introduced

House Bill No. 339,

A bill for an act to amend chapter 151 of the laws of 1907, an act to require an annual apportionment and accounting of surplus of life insurance companies as to policies heretofore issued.

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

Mr. McCrea introduced

House Bill No. 340,

A bill for an act to authorize the superintendent of public instruction and presidents of the state normal schools to arrange a course of study for the state normal schools, to provide for the rural schools of North Dakota.

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

REPORTS OF STANDING COMMITTEES.

The committee on engrossment made the following report:

Mr. Speaker:

Your committee on engrossment have examined

House Bill No. 32,

A bill for an act to amend section 3119 of the revised codes for 1905, relating to insurance.

Also,

House Bill No. 157,

A bill for an act to provide for probation for persons convicted of felonies and misdemeanors.

Also,

House Bill No. 183,

A bill for an act to amend sections 926 and 928 of the revised codes of North Dakota, 1905, as amended by chapter 103 of the session laws of 1907, relating to depositories of school funds.

Also,

House Bill No. 185,

A bill for an act to amend section 922 of the revised codes of North Dakota relating to proposals for depositories of school funds.

Also,

House Bill No. 190,

A bill for an act providing for the office of chief justice of the supreme court, and prescribing the duties of the Chief Justice.

Also,

House Bill No. 207,

A bill for an act to regulate the employment of child labor and to prescribe penalties for violations of this act.

Also,

House Bill No. 221,

A bill for an act to amend sections 4329 and 4342 of the revised codes for the year 1905, relating to the powers and duties of the board of railroad commissioners, and providing a penalty for violating the orders of said board.

Also,

House Bill No. 257,

A bill for an act to amend section 4429 of the revised codes of 1905, relating to the capital stock of insurance companies.

Also,

House Bill No. 262,

A bill for an act repealing section 4465 of the revised codes of 1905, relating to the limit of risks of fire insurance companies in any one town or city.

Also,

House Bill No. 267,

A bill for an act relating to railroad stations.

Also,

House Bill No. 269,

A bill for an act indemnifying owners for animals killed or destroyed according to law for being affected with the disease known as glanders, and providing for a special tax for the payment thereof.

And find the same correctly engrossed.

C. C. CRAWFORD,
Chairman.

Mr. Crawford 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. 229,

A bill for an act to amend section 126 of the revised codes of 1905, providing for the appointment of assistant attorneys general, and fixing their salary, and appropriating money to pay the same.

Was read the third time

Mr. Price moved

That the further consideration of the bill be re-referred to the committee on judiciary.

Which motion prevailed.

And the bill was so re-referred.

The chief clerk announced that the speaker was about to sign

Senate Bill No. 54,

A bill for an act to amend section 4657 of the revised codes of 1905, relating to the limit of bank loans to one concern.

Also,

Senate Bill No. 53,

A bill for an act to amend chapter 75 of the session laws of the state of North Dakota for the year 1907, prescribing the salary of the state's attorney, assistant and clerk.

Also,

Senate Bill No. 23,

A bill for an act, entitled an act to amend chapter 112 of session laws of 1907 of the state of North Dakota, in regard to evidence as to statements and transactions with decedent.

Also,

Senate Bill No. 39,

A bill for an act fixing the times and place for holding the general terms of the supreme court and providing for special terms in certain cases.

And the speaker signed the same in the presence of the house.

THIRD READING OF HOUSE BILLS.

House Bill No. 209,

A bill for an act to amend sections 525 and 527 of the revised codes of 1905, relating to the summoning of jurors.

Was read the third time

The question being on the final passage of the bill.

The roll was called and there were ayes 88, nays 5, absent and not voting 2.

Those who voted in the affirmative were:

Messrs.—

Aasheim
Akesson
Anderson
Atwood
Baker of Stark
Bjorndahl
Brusletten
Brynjulson
Burnett
Burns
Chatfield
Christenson

Messrs.—

Hanley
Hemmingson
Hendrickson
Hill
Homnes
Honey
Jewett
Johnson of Bottineau
Johnson of McLean
Johnson of Rolette
Kinney of McLean
Kinney of Richland

Messrs.—

Olson
Peart
Pendray
Plath
Ployhar
Pound
Putnam
Schull
Senour
Sgutt
Shells
Sinclair

| | | |
|----------------------|-------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Collins of Cass. | Kneeland | Skinner |
| Collins of Gd. Forks | Knox | Skulason |
| Crawford | Law | Sorlie |
| Cunningham | Laithwaite | Steen |
| Davidson | Linde | Storey |
| Doyle of Foster | Lindvig | Streeter |
| Doyle of McIntosh | Lucke | Thompson, Gd. Forks |
| Duncan | Martin | Thompson of McLean |
| Evans | McCrea | Thoreson |
| Fraine | McLear | Traynor |
| Freeman | Moen of Benson | Ward |
| Ganssle | Moen of Cavalier | Welford |
| Garden | Narum | White |
| Geldt | Nelson of McHenry | Wisner |
| Gibbens | Nelson of Steele | Wolbert |
| Goldammer | Nelson of Walsh | Young |
| Grant | Nyhus | Mr. Speaker |
| Hale | | |

Those who voted in the negative were:

| | | |
|---------------|----------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Baker of Cass | Kremer | Price |
| Dibley | Poe | |

Absent and not voting, Messrs. Hughes and Paulson.

Mr. Hughes being excused.

So the bill passed and the title was agreed to.

Mr. Moen of Benson moved

That the vote by which House Bill No. 209 passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

GENERAL ORDERS.

Mr. Price moved

That the house resolve itself into a committee of the whole for the consideration of general orders.

Which motion prevailed, and

The house resolved itself into a committee of the whole.

The speaker called Mr. Streeter to the chair.

When the committee arose it submitted the following report:

Mr. Speaker:

The committee of the whole have had under consideration

House Bill No. 108,

A bill for an act providing for the inspection of refined petroleum oils and gasoline. Defining ports of entry. Appointment of oil inspector and deputies and fixing the salary of the same.

And recommend that the reprinted bill be amended as follows:

Page 4, section 3, line 10, change the word "one" to "two," and in the same line strike out the figures "\$1,000.00" and insert "\$2,000.00."

Page 5, line 10, strike out the period after the word "test" and insert same after word "cup."

Page 5, line 11, after the word "Fahrenheit" insert "Elliott cup."

Line 12, page 5, change the word "forty-five" to read "forty-six."

Page 6, line 30, change the word "inches" to "inches."

Page 6, line 37, change the word "hous" to "hours."

Page 7, line 47, strike out the word "flash."

Page 7, line 48, change the word "fir" to "fire."

Page 7, line 53, change the word "liluminating" to read "illuminating."

Page 8, line 68, strike out the word "as" after "low."

Page 11, section 10, line 6, change the word "I" to "it."

Page 12, line 22, insert the word "eight" after the word "sixty."

Page 14, section 17, line 1, change the word "existing" to "exists."

Line 3, page 14, strike out "inspection" and insert the word "inspector."

And when so amended recommend the same do pass.

D. R. STREETER,
Chairman.

Mr. Price moved

That the report of the committee of the whole be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Mr. Price moved

That the rules be suspended and House Bill No. 108 be considered engrossed and placed upon its third reading and final passage.

Which motion prevailed.

House Bill No. 108,

A bill for an act providing for the inspection of refined petroleum oils and gasoline. Defining ports of entry. Appointment of oil inspector and deputies and fixing the salary 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 89, nays 2, absent and not voting 4.

Those who voted in the affirmative were:

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|----------------------|---------------------|
| Aasheim | Grant | Paulson |
| Akesson | Hale | Peart |
| Anderson | Hanley | Pendray |
| Atwood | Hemmingson | Plath |
| Baker of Cass | Hendrickson | Ployhar |
| Baker of Stark | Hill | Poe |
| Bjorndahl | Homnes | Price |
| Brusletten | Honey | Putnam |
| Brynjulson | Jewett | Schull |
| Burnett | Johnson of Bottineau | Senour |
| Burns | Johnson of McLean | Sgutt |
| Chatfield | Johnson of Rolette | Shells |
| Christenson | Kinney of McLean | Sinclair |
| Collins of Cass | Kinney of Richland | Skinner |
| Collins of Gd. Forks | Kneeland | Skulason |
| Crawford | Knox | Sorlie |
| Cunningham | Kremer | Steen |
| Davidson | Law | Storey |
| Dibley | Laithwaite | Streeter |
| Doyle of Foster | Linde | Thompson, Gd. Forks |
| Doyle of McIntosh | Lindvig | Thompson of McLean |
| Duncan | Lucke | Thoreson |
| Evans | McLear | Traynor |
| Fraine | Moen of Benson | Ward |
| Freeman | Moen of Cavalier | White |
| Ganssle | Narum | Wisner |
| Garden | Nelson of McHenry | Wolbert |
| Geidt | Nelson of Steele | Young |
| Gibbens | Nelson of Walsh | Mr. Speaker |
| Goldammer | Nyhus | |

Those who voted in the negative were:

| | | |
|----------|----------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Martin | Olson | |

Absent and not voting:

| | | |
|----------|----------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Hughes | Pound | Welford |
| McCrea | | |

Mr. Hughes being excused.

So the bill passed and the title was agreed to.

Mr. Kinney of McLean moved

That the vote by which House Bill No. 108 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

THIRD READING OF HOUSE BILLS.

House Bill No. 233,

A bill for an act to define what is an official newspaper.
Was read the third time

The question being on the final passage of the bill.

The roll was called and there were ayes 89, nays 1, absent and not voting 5.

Those who voted in the affirmative were:

| | | |
|----------------|----------------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Aashelm | Hale | Peart |
| Akesson | Hemmingson | Pendray |
| Anderson | Hendrickson | Plath |
| Atwood | Hanley | Ployhar |
| Baker of Cass | Hill | Poe |
| Baker of Stark | Homness | Pound |
| Bjorndahl | Honey | Price |
| Brusletten | Jewett | Putnam |
| Brynjulson | Johnson of Bottineau | Senour |
| Burnett | Johnson of McLean | Sgutt |
| Burns | Johnson of Rolette | Shells |
| Chatfield | Kinney of McLean | Sinclair |
| Christenson | Kneeland | Skinner |

| Messrs.— | Messrs.— | Messrs.— |
|-------------------|-------------------|---------------------|
| Collins of Cas | Knox | Skulason |
| Crawford | Kremer | Sorlie |
| Cunningham | Law | Steen |
| Davidson | Laithwaite | Storey |
| Dibley | Linde | Streeter |
| Doyle of Foster | Lindvig | Thompson, Gd. Forks |
| Doyle of McIntosh | Lucke | Thompson of McLean |
| Duncan | McCrea | Thoreson |
| Evans | McLear | Traynor |
| Fraine | Moen of Benson | Ward |
| Freeman | Moen of Cavalier | Welford |
| Ganssle | Narum | White |
| Garden | Nelson of McHenry | Wisner |
| Geidt | Nelson of Steele | Wolbert |
| Gibbens | Nelson of Walsh | Young |
| Goldammer | Nyhus | Mr. Speaker |
| Grant | Paulson | |

Absent and not voting:

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|--------------------|----------|
| Collins of Gd. Forks | Kinney of Richland | Schull |
| Hughes | Olson | |

Mr. Martin voted in the negative.

Mr. Hughes being excused.

So the bill passed and the title was agreed to.

Mr. Honey moved

That the vote by which House Bill No. 233 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 191,

A bill for an act to amend section 422 of the revised codes of 1905, relating to vacancies in office.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 88, nays 3, absent and not voting 4.

Those who voted in the affirmative were:

| Messrs.— | Messrs.— | Messrs.— |
|----------|------------|----------|
| Akesson | Hanley | Nyhus |
| Anderson | Hemmingson | Paulson |

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|----------------------|---------------------|
| Atwood | Hendrickson | Peart |
| Baker of Cass | Hill | Pendray |
| Bjorndahl | Homes | Plath |
| Brusletten | Honey | Ployhar |
| Brynjulson | Jewett | Poe |
| Burnett | Johnson of Bottineau | Pound |
| Burns | Johnson of McLean | Putnam |
| Chatfield | Johnson of Rolette | Schull |
| Christenson | Kinney of McLean | Senour |
| Collins of Cass | Kinney of Richland | Sgutt |
| Collins of Gd. Forks | Kneeland | Sheils |
| Crawford | Knox | Sinclair |
| Cunningham | Kremer | Skulason |
| Davidson | Law | Sorlie |
| Dibley | Lathwaite | Steen |
| Doyle of Foster | Linde | Storey |
| Doyle of McIntosh | Lindvig | Streeter |
| Duncan | Lucke | Thompson, Gd. Forks |
| Evans | Martin | Thompson of McLean |
| Fraine | McCrea | Thoreson |
| Freeman | McLear | Traynor |
| Ganssle | Moen of Benson | Ward |
| Garden | Moen of Cavalier | Welford |
| Geidt | Narum | White |
| Gibbens | Nelson of McHenry | Wisner |
| Goldammer | Nelson of Steele | Young |
| Grant | Nelson of Walsh | Mr. Speaker |
| Hale | | |

Those who voted in the negative were:

| Messrs.— | Messrs.— | Messrs.— |
|----------|----------------|----------|
| Aasheim | Baker of Stark | Skinner |

Absent and not voting:

| Messrs.— | Messrs.— | Messrs.— |
|----------|----------|----------|
| Hughes | Price | Wolbert |
| Olson | | |

Mr. Hughes being excused.

So the bill passed and the title was agreed to.

Mr. Hendrickson moved

That the vote by which House Bill No. 191 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

MESSAGE FROM THE GOVERNOR.

The following message was received from the governor:

GOVERNOR'S OFFICE,
BISMARCK, NORTH DAKOTA,
February 16, 1909.

To the House of Representatives, Eleventh Legislative Assembly:

GENTLEMEN: I have the honor to inform you that I have approved and filed in the office of the secretary of state

House Bill No. 25,

A bill for an act to amend sections 2439 of the 1907 session laws relating to sinking funds and the duty of county commissioners pertaining thereto.

Also,

House Bill No. 71,

A bill for an act to provide for the greater publicity of the finances of the state.

Very respectfully,

JOHN BURKE,
Governor.

THIRD READING OF HOUSE BILLS.

House Bill No. 232,

A bill for an act to amend section 8320 of the revised codes of 1905, relating to inheritance tax.

Was read the third time

The question being on the final passage of the bill.

The roll was called and there were ayes 84, nays 3, absent and not voting 8.

Those who voted in the affirmative were:

Messrs.—

Aasheim
Anderson
Atwood
Baker of Cass
Baker of Stark
Bjorndahl
Brynjulson
Burnett

Messrs.—

Hale
Hanley
Hemmingson
Hendrickson
Hill
Hommes
Honey
Jewett

Messrs.—

Nyhus
Olson
Paulson
Peart
Pendray
Ployhar
Poe
Pound

| | | |
|----------------------|----------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Burns | Johnson of Bottineau | Schull |
| Chatfield | Johnson of McLean | Sgutt |
| Christenson | Kinney of McLean | Shells |
| Collins of Cass | Kinney of Richland | Sinclair |
| Collins of Gd. Forks | Kneeland | Skinner |
| Crawford | Knox | Skulason |
| Cunningham | Law | Sorlie |
| Davidson | Laithwaite | Steen |
| Dibley | Linde | Storey |
| Doyle of Foster | Lindvig | Streeter |
| Duncan | Lucke | Thompson, Gd. Forks |
| Evans | Martin | Thompson of McLean |
| Fraine | McCrea | Thoreson |
| Freeman | McLear | Traynor |
| Ganssle | Moen of Benson | Ward |
| Garden | Moen of Cavaller | White |
| Geidt | Narum | Wisner |
| Gibbens | Nelson of McHenry | Wolbert |
| Goldammer | Nelson of Steele | Young |
| Grant | Nelson of Walsh | Mr. Speaker |

Those who voted in the negative were:

| | | |
|----------|------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Akesson | Brusletten | Plath |

Absent and not voting:

| | | |
|--------------------|----------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Doyle of McIntosh | Kremer | Senour |
| Hughes | Price | Welford |
| Johnson of Rolette | Putnam | |

Mr. Hughes being excused.

So the bill passed and the title was agreed to.

Mr. Kneeland moved

That the vote by which House Bill No. 232 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 80,

A concurrent resolution for an amendment to the constitution providing for the initiative and referendum.

Was read the third time

Mr. Wolbert moved

That the further consideration of the bill be re-referred to the judiciary committee for the purpose of considering it with the senate bill on the same subject.

Mr. White moved

That the house do now adjourn.

Which motion was lost.

Mr. Ployhar moved the previous question.

The question being, shall the main question be put.

The same prevailed.

The question first being on the referring House Bill No. 80, to the judiciary committee.

The same was lost.

The question being on the final passage of the bill.

The roll was called and there were ayes 49, nays 44, absent and not voting 2.

Those who voted in the affirmative were:

| Messrs.— | Messrs.— | Messrs.— |
|-----------------|----------------------|---------------------|
| Anderson | Homnes | Ployhar |
| Atwood | Honey | Price |
| Brusletten | Johnson of Bottineau | Putnam |
| Burnett | Johnson of Rolette | Sheils |
| Chatfield | Kinney of McLean | Skulason |
| Christenson | Kneeland | Sorlie |
| Crawford | Knox | Steen |
| Cunningham | Laithwaite | Storey |
| Doyle of Foster | Lindvig | Thompson, Gd. Forks |
| Duncan | Lucke | Thoreson |
| Freeman | McCrea | Traynor |
| Garden | Moen of Benson | Ward |
| Gibbens | Narum | Welford |
| Grant | Nelson of Steele | White |
| Hemmingson | Nyhus | Wisner |
| Hendrickson | Paulson | Mr. Speaker |
| Hill | | |

Those who voted in the negative were:

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|--------------------|--------------------|
| Aasheim | Geidt | Peart |
| Akesson | Goldammer | Pendray |
| Baker of Cass | Hanley | Plath |
| Baker of Stark | Jewett | Poe |
| Bjorndahl | Johnson of McLean | Pound |
| Brynjulson | Kinney of Richland | Schull |
| Burns | Kremer | Senour |
| Collins of Cass | Law | Sgutt |
| Collins of Gd. Forks | Linde | Sinclair |
| Davidson | Martin | Skinner |
| Dibley | McLear | Streeter |
| Doyle of McIntosh | Moen of Cavalier | Thompson of McLean |
| Evans | Nelson of McHenry | Wolbert |
| Fraine | Nelson of Walsh | Young |
| Ganssle | Olson | |

Absent and not voting, Messrs. Hale and Hughes.

Mr. Hughes being excused.

Mr. Fraine explained his vote.

Mr. Ployhar explained his vote.

So the bill passed and the title was agreed to.

Mr. Skulason moved

That the vote by which House Bill No. 80 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed

COURTESIES OF THE FLOOR.

The privileges of the floor were extended to A. G. Schuttheis, Grand Forks; A. Wartness, Wells county; Judge Mooté, C. G. Boise, Steele county; S. F. Knight, H. L. McCaw, Fargo; Dr. Franklin McVey, Grand Forks; Judge John A. Henry, Devils Lake; Judge Davis, Vic Rose, Dr. Sholberg, Ward county; Wm. A. O'Donnell, Geo. A. Bryant, Napoleon; Oliver Severson, New Salem; Pres. Killum, F. W. Ames, G. L. Elkins, Mayville; Prof. Beach, C. E. Wolfe, Wahpeton; J. H. Hagen, Abercrombie; Judge H. E. Dorval, Langdon; C. W. Paulson, Dr. L. S. Platou, Valley City.

Mr. White moved

That the house do now adjourn.

Which motion prevailed, and

The house adjourned.

W. D. AUSTIN,
Chief Clerk.

FORTY-FOURTH DAY

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 17, 1909.

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

The speaker presiding.

Prayer by the chaplain.

Roll call.

All members present except Mr. Hughes, who was excused.

REFERENCE OF THE JOURNAL.

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

Mr. Speaker:

Your committee on revision and correction of the journal have carefully examined the journal of the forty-third day and recommend that the same be corrected as follows:

Page 15, line 30, strike out word "house" and insert in lieu thereof the word "senate."

Strike out all of the title of "House Bill No. 116" on page 15, and insert in lieu thereof "title of Senate Bill No. 116"

On page 27, line 26, change "299" to "209."

And when so amended recommend that the same be approved.

S. J. DOYLE,
Chairman.

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

MESSAGE FROM THE SENATE.

The following message was received from the senate.

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
February 17, 1909.

Mr. Speaker:

I have the honor to return herewith
House Bill No. 138,

A bill for an act to amend section 1 of chapter 247 of the session laws of 1907, amending section 9312 of the revised codes of 1905; relating to malicious injuries to or obstruction of telephone, telegraph and other electric wires, and providing a penalty therefor.

Which the senate has indefinitely postponed.

Also,

Mr. Speaker:

I have the honor to return herewith
House Bill No. 44,

A concurrent resolution amending the constitution of the state of North Dakota, relating to the term of office of the judges of the supreme court.

Also,

House Bill No. 46,

A bill for an act in relation to the execution and acknowledgment by a member of a partnership of instruments affecting liens upon real estate, and validating the execution and acknowledgment of such instruments heretofore made.

Which the senate has passed unchanged.

Also,

Mr. Speaker:

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

Whereas, one of the provisions of the so-called Adams Act "An Act to provide for an increased annual appropriation for agricultural experiment stations and regulating the expenditure thereof," approved March 16, 1906, requires the legislative assent of the several states and territories to the purpose of said grants. Therefore, be it

Resolved by the Senate, the House of Representatives Concurring:

That the assent of the legislative assembly is hereby given in pursuance of the requirements of said act of congress, approved March 16, 1906, to the grant of money therein made and assent is hereby given to carry out the provisions of said act.

Which the senate has adopted and your favorable consideration is respectfully requested.

Also,

Mr. Speaker:

I have the honor to transmit herewith
Senate Bill No. 67,

A bill for an act providing for the sanitation of bakeries, canneries, packing houses, slaughter houses, dairies, creameries, cheese factories, confectioneries, restaurants, hotels, groceries, meat markets and all other food producing establishments, manufactories, or other places where food is prepared, manufactured, packed, stored, sold or distributed, and vehicles in which food is placed for transportation, regulating the health of operatives, employees, clerks, drivers and all other persons working on the premises who handle the material from which food is prepared or the finished product; defining food; regulating the wholesomeness of food manufactured, prepared, packed, stored, sold, distributed or transported, and defining the duties of the food commissioner of the North Dakota government agricultural experiment station, and providing penalties for the violation thereof.

Also,

Senate Bill No. 107,

A bill for an act to provide for the better enforcement of the laws against the manufacture and sale of intoxicat-

ing liquors, providing for inspection, testing and analysis of said beverages, prescribing a penalty for the violation and charging the North Dakota government agricultural experiment station with the enforcement thereof.

Also,

Senate Bill No. 222,

A bill for an act to legalize certain floating indebtedness incurred by cities of this state under certain circumstances incurred by cities, village and school district of this state under certain circumstances and bonds issued, or that may be issued to fund the same.

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

Very respectfully,
J. W. FOLEY,
Secretary.

The committee on engrossment made the following report:

Mr. Speaker:

Your committee on engrossment have examined

House Bill No. 108,

A bill for an act providing for the inspection of refined petroleum oils and gasoline. Defining ports of entry. Appointment of oil inspector and deputies and fixing the salary of the same.

Also,

House Bill No. 105,

A bill for an act appropriating money to provide for the maintenance of a public health laboratory in the medical department of the state university and school of mines at Grand Forks, and for experiments on sewage purification at said laboratory.

Also,

House Bill No. 205,

A bill for an act providing for the revision and compilation of the school laws of the state of North Dakota, and appropriate money therefor.

Also,

House Bill No. 227,

A bill for an act to amend section 2071 of the revised codes of the state of North Dakota for 1905.

Also,

House Bill No. 231,

A bill for an act to amend section 9650 of the revised codes of 1905, relating to bastardy proceedings.

Also,

House Bill No. 235,

A bill for an act making an appropriation for the salary of the state registrar of vital statistics and for the current and contingent expenses of the state bureau of vital statistics.

Also,

House Bill No. 248,

A bill for an act to amend sections 2405, 2407, 2408 and 2409 of the revised codes of the state of North Dakota for 1905, relating to the authorization of public improvements in counties, and providing for the levying of taxes to aid in the construction of the same.

Also,

House Bill No. 249,

A bill for an act to amend section 10,245 of the revised codes of North Dakota for 1905, relating to the place where the board of pardons shall hold its sessions.

Also,

House Bill No. 255,

A bill for an act to provide for an examination of the sight and hearing of pupils in public schools, and making an appropriation therefor.

And find the same correctly engrossed.

C. C. CRAWFORD,
Chairman.

Mr. Crawford moved.

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

PETITIONS AND COMMUNICATIONS.

To the Eleventh Legislative Assembly:

We, the undersigned citizens and taxpayers of Pembina county, being especially interested in the welfare of our rural schools, respectfully petition this legislative assembly to pass Senate Bill No. 63, a bill for an act to encourage elementary education.

Our reasons are these:

1. Not 10 per cent of the pupils of this state ever go beyond the eighth grade.
2. Sixty-five per cent of our children must attend the rural school.
3. The progress of the rural schools determines the progress of the rural community.
4. Our rural schools need encouragement and stimulation, which this bill seeks to give.
5. North Dakota can afford to be generous with her children in matters of education.

SIMON LEMIER,
And 23 Others.

Omeme, N. Dak., February 4, 1909.

To Hon. Matt Johnson, Representative of Legislature, Bismarck, N. Dak.:

DEAR SIR: We, the undersigned members of the Modern Woodmen of America, respectfully petition you to vigorously oppose any bill that may be brought before the house regulating the rates or otherwise affecting the Modern Woodmen of America.

NEIL McDUGALL,
And 22 Others.

REPORTS OF STANDING COMMITTEES.

The committee on school and public lands made the following report:

Mr. Speaker:

Your committee on school and public lands to whom was referred

Senate Bill No. 155,

A bill for an act to amend section 192 of the revised codes of the state of North Dakota of 1905, relating to the collection by county treasurers of moneys due on school lands held under contract or lease from the state, and providing the manner of reporting such collections to the state auditor and the commissioner of university and school lands, and prescribing the duties of the county treasurers, state auditor and land commissioner in connection therewith.

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

A. S. GIBBENS,
Chairman.

Mr. Gibbens moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on school and public lands to whom was referred

House Bill No. 260,

A bill for an act to amend section 204 of the revised codes of the state of North Dakota of 1905, relating to the manner of appraising school and institution lands for leasing purposes, and providing the manner of determining the minimum annual rental to be charged therefor.

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

A. S. GIBBENS,
Chairman.

Mr. Gibbens moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on game and fish made the following report:

Mr. Speaker:

Your committee on game and fish to whom was referred House Bill No. 213,

A bill for an act creating, establishing and locating a fish hatchery and fish cultural station at Fish lake, Birch-

wood park, in Rolette county, North Dakota, and providing for its management, and making an appropriation therefor.

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

C. A. HALE,
Chairman.

Mr. Lindvig moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on game and fish to whom was referred House Bill No. 9,

A bill for an act creating and establishing a fish hatchery at Lake Metigoshe in Bottineau county, and providing for its management, and making appropriation therefor,

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

C. A. HALE,
Chairman.

Mr. Hale moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Also,

Your committee on game and fish to whom was referred House Bill No. 319,

A bill for an act creating and establishing a fish hatchery at Beaver Lake in Logan county, and providing for its management, and making appropriation therefor.

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

C. A. HALE,
Chairman.

Mr. Hale moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Also,

Your committee on game and fish to whom was referred House Bill No. 155,

A bill for an act creating and establishing a fish hatchery at Lake Hiawatha, in Wells county, near Sykeston, North Dakota, and providing for its management, and making appropriation therefor.

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

C. A. HALE,
Chairman.

Mr. Hale moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

The committee on elections and privileges made the following report:

Mr. Speaker:

Your committee on privileges and elections to whom was referred

House Bill No. 4,

A bill for an act to provide a method for the nomination of candidates for office by political parties and providing a penalty for the violation thereof.

Have had the same under consideration, and beg leave to recommend that the same be amended to read as follows:

In Section 4, line 7, of the printed bill, strike out the number 512 and insert in lieu thereof the number 607.

In the same line, strike out the number 1899 and insert 1905.

On page 3 of the printed bill, line 6, to 10, inclusive, strike out all after the word "sections" and insert the following: 605, 606, 607, 608, 609, 610, 611, 613, 614, 616, 619, 620, 621, 622, 623, 624, 630, 635, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 654, 655, 656, 657, 658, 659, 660, 669, 671, 672, 673, 674, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 694, 695, 696, 697, 698, 699 and 700.

Also in line 3, same section, strike out the number 1899, and insert 1905.

Also on page 3, strike out the number 5 after section and insert the number 6.

On page 9, lines 14 and 15, strike out the words "to nominate candidates for the several county offices and."

On page 10, strike out all of lines 18 to 21 and one-half, inclusive.

Same page, and on page 11, strike out all of lines 28 to 39, inclusive. Page 16, line 11, strike out the words "or county auditor as hereinafter provided."

Page 16, Section 17, in line 2, strike out the words "and legislative."
Strike out all after the words Section 17, in lines 1 to 6, inclusive, of said section.

In line 10, same section, strike out the words "or district."

Page 17, Section 18, lines 6 and 7, strike out the words "Certificates to be filed with the county auditor shall be filed not less than twenty days before the primary election."

Page 18, line 19, strike out the words "at least fifteen days" and insert in lieu thereof "once each week for two consecutive weeks."

Line 21, same page, strike out the words "one or more" and insert "the official."

In line 22, strike out the words "under the two preceding Sections" and insert "by the secretary of state, and those made by petition for county and legislative offices as hereinafter provided."

In the same line, 22, strike out the word "the" and all of lines 23 to 26, inclusive.

Line 1, same page, after the word election insert the word "ballot."

Line 2, same page, after the word "death" insert the word "or."

Same line, strike out the words "or otherwise."

Line 3, same page, strike out the word "county."

Lines 6 and 7, same page, strike out the words "or county auditor, as the case may be."

Line 14³/₄, page 19, strike out the word "or."

Page 20, line 16, after the word "candidates" insert the words "except those for county and legislative offices."

Page 20, line 19, after the word "choice" insert the following: "The names of candidates for each county and legislative office upon the sample ballot shall be arranged alphabetically, according to surnames. The names of candidates under heading designating each official position shall be alternated on the official ballot in the printing in the following manner, viz.:

First: The forms shall be set up with the names in the order in which they are placed upon the sample ballots prepared by the county auditor for the county and legislative offices.

In printing each set of official ballots for the various election precincts the position of the names shall be changed in each office 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 tickets 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 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 of 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 laws.

Page 21, strike out all of lines 8 to 13, inclusive.

Page 27, line 5, strike out the word "publicly."

Same page, strike out all of lines 6 and 7.

In section 29, line 1, strike out the word "convention."

In line 8, strike out the words "may" and "same" and after the word "effect" insert the words "that he is not so pledged."

Strike out all of section 30 and add new section as follows:

Section 30. County and Legislative Candidates, Petition.) Every candidate for a county or legislative district office shall not more than forty

days nor less than thirty days and before four o'clock p. m. of the 30th day prior to any primary election present to the county auditor a petition giving his name, postoffice 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 there be more than two hundred names.

Each name on the petition shall be that of a qualified elector within the county or district and shall be subscribed under a party heading. Each signer of a nomination paper shall sign but one such paper for the same office; he shall add his residence with the street number, if any, and the date of signing which shall not be more than ninety days prior to the filing thereof. Upon the receipt of such petition by the county auditor accompanied by an affidavit as provided in section..... of this act, he shall place the name of such applicant upon the primary election ballot in the column of his party as hereinafter provided.

When a legislative district is composed of more than one county, the petition herein provided for shall be filed with the county auditor of the county where the candidate resides, and such county auditor shall certify to the county auditors of the other counties composing such legislative district the names of all candidates filing such petitions.

Section 31. Names on Primary Ballot, How Secured. Vacancies, How Filled.) Applications to have a name placed on the primary election ballots for nomination to a county or legislative office may be made by five qualified electors for any office designated in this section, by presenting the petition required in section 30 of this act to the proper official; accompanied by the following affidavit:

State of North Dakota, }
County of } ss.

A....., B....., C....., D..... and E....., being duly sworn, each for himself, deposes and says that he is a qualified voter in the state of North Dakota, that he hereby makes application to have the name of..... printed on the primary election ballot of the..... party for the office of..... to be voted for at the primary election to be held on the..... day of..... 19....; that said..... is to the best of his knowledge, information and belief, a..... and a qualified voter and eligible to hold the office of..... under the constitution.

.....
.....
.....
.....

Subscribed and sworn to before me this..... day of..... 19....

.....
Notary Public, North Dakota.

When such application is received by the proper officer, he shall place the name on the primary election ballot as a candidate of the party named in said petition; provided, that such affidavit and petition shall not be filed without the written consent of the person to be nominated indorsed thereon; and provided, further, that when the time has expired at which a petition may be filed, and a vacancy exists in the primary election ballot of any political party by reason of no petition having been filed for such nomination, then and in that case the same may be filled by affidavit and petition as provided in this section, and such affidavit and

petition must be filed with the proper officers at least twenty days before the primary election.

Section 32. Form of Petition.) The petitions required in section 30 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 33. A candidate for any county or legislative office may be nominated by having his name written on, or by printed stickers placed over the name or in a blank line left for that purpose underneath the group in each official position, but not more than one name shall be written or printed on any such stickers. This section shall apply solely to candidates for county and legislative offices; and any stickers used or name written on the ballot of a candidate for any other office shall be null and void and shall not be counted.

Section 34. The ballot shall be entitled "Primary Election Ballot."

The names of all aspirants for nomination of each political party or principle for the different county and legislative offices shall be arranged in separate groups in their order on the primary election ballots under the proper political designation, leaving one or more blank lines or spaces below each group of names for county and legislative offices, 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.

Immediately above the names of the candidates to be voted for shall be printed the following:

"To vote for a person whose name is printed on the ballot mark a cross (X) in the square at the right of the name of the person for whom you desire to vote. Stickers may be used or names written on ballot for county and legislative offices, but no other."

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 35. Must Vote Party Ballot.) Any citizen otherwise eligible by law, affiliated with 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 hereafter formed or organized under the provisions of section 6 of this act, 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 36. Vacancies Filled by Party Committees.) Should a vacancy occur in any of the county offices for which nominations are made under this act by reason of resignation or death, where there is only one aspirant for such office, before the printing of the primary election ballot such vacancy may be filled by the regularly constituted committee of the party to which such vacancy belongs, and no petition shall be required.

When there is but one aspirant and a vacancy occurs by death or resignation of such aspirant for nomination before the primary election and ballots are printed in legislative districts containing more than one county,

the chairman of the party in which such vacancy occurs, of each county committee of the counties of which such district is composed and the members of the state central committee from that legislative district shall meet and by a majority vote of such shall fill such vacancy and by a certificate of nomination notify the county auditor of the several counties of which such district is composed, and the auditors of such counties shall place such name on the primary election ballots where the vacancy exists. Should such a vacancy occur in a legislative office in a county composed of one or more than one district, or in a commissioner district, then the county central committee of the party in which such vacancy occurs may meet and fill such vacancy. On receipt of a certificate of nomination from said committee, the county auditor shall place the name of such nominee upon the primary election ballot where such vacancy exists.

Section 37. Percentage of Votes Required for Nomination.) If the total vote cast for any party candidate or candidates for any office for which nominations are herein provided for shall equal less than twenty per cent of the total number of votes cast for secretary of state by the political party, he or they represented at the last general election, no nomination shall be made in that party for such office, but if twenty per cent or more of such votes is cast and there is more than one candidate for any such office, the person receiving the highest number of votes shall be declared the nominee of such party for such office; provided, further, that where there is more than one person to be elected to the same office the persons to the number to be elected receiving the highest number of votes cast for such office shall be declared the nominees of the party for such offices.

No person who has filed a petition as a candidate of one political party for any county or legislative office shall accept a nomination from any other political party for the same office; and no vote cast on the ballot of one political party shall be counted for any person who has filed his petition as the candidate of any other political party for the same office.

Section 38. Official Ballot, Names Placed Thereon.) The secretary of state shall place the names of all the candidates of each political party or principle, who are shown to have been nominated for the respective offices in accordance with the certificates of nomination received from the several county auditors of this state on the official ballot to be voted for at the general election following.

Section 39. Errors, How Corrected.) Whenever it shall be made to appear by affidavit to the supreme court or to the district court of the proper county, that an error or omission has occurred or is about to occur in the placing of any names on the official primary election ballot; that any error has been or is about to be committed in printing such ballot, or that any wrongful act has been or is about to be done by any judge or clerk of a primary election, county auditor, canvassing board, member thereof, or other person charged with any duty concerning the primary election; or that any neglect of duty has occurred or is about to occur, such judge shall order the officer or person charged with such error, wrong or neglect to forthwith correct the error, desist from the wrongful act, or perform the duty, or show cause at a time and place to be fixed by the court why he should not do so. Failure to obey the order of such judge shall be contempt of court.

Section 40. Contests.) Any person claiming the right and desiring to contest the validity of a nomination or the rights of any person declared duly nominated under the provisions of this act to have his name printed on the official general election ballot, shall give notice thereof in writing to the person whose nomination he intends to contest within ten days after the canvass of the votes of the primary election, which notice shall be served in the same manner as a summons in a civil action. If the person whose nomination is contested cannot be found in the county of his residence as the same appears from his certificate or petition of nomination,

then said notice shall be served by leaving the notice at the house where such person last resided in such county, and if no service as above provided can be made the judge of the district court, may, by order, expressly direct the manner of such service. The notice above mentioned must be in writing and shall set forth the facts and grounds upon which the contestant relies in his contest and shall be verified as a pleading in a civil action.

Appeals to the supreme court under the provisions of this act must be taken within six days after the notice of the entry of final judgment, and the party appealing must immediately procure the transmission of the record on such appeal to the clerk of the supreme court, and such appeal must be brought on for hearing before the supreme court at any time such court is in session upon five days' notice from either party; and the same shall be heard and determined in a summary manner. Such notice may be served during the term or in vacation. Except as modified by this section the provisions of Article 13 of the Political Codes of 1905 are made applicable to contests under this act.

Section 41. Present Election Statutes Apply.) The provisions of the statutes now in force in relation to the holding of elections, the solicitation of votes, the manner of conducting elections, of counting the ballots and making return thereof, and all other kindred subjects shall apply to all primaries in so far as they are consistent with this act; the intent of this act being to place the primary election under the regulation and protection of the laws now in force as to elections.

Section 42. Tie Vote, Determined How.) In case of a tie vote the same shall be determined by lot by the canvassing board at the place where the votes were canvassed on the tenth day after the completion of the canvass. The canvassing board shall give to each candidate concerned five days' notice of the time and place of determining such tie; and if the candidates or either of them appear, the tie shall be determined in his or their presence.

Section 43. Not Repealed.) Nothing herein contained shall be construed as repealing or being in conflict with section 501 of the Revised Codes of 1899.

Section 44. Act Valid.) In case any of the provisions of this act should be declared unconstitutional that shall not affect the validity of any of the other provisions of this act.

Section 45. Penal Code Applicable.) All of 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 46. Present Committee Continue.) Every state, county, district and city committee of each political party, as now existing, shall remain the regularly constituted committee of the respective parties until succeeded as provided for in this act.

Section 47. Precinct Committees, How Elected.) At the primary each voter may write in the space left on his ticket for that purpose the names of not to exceed three qualified electors of the precinct for members of his party precinct committee. The three having the highest number of votes shall constitute such committee, and the one having the largest shall be chairman. The official returns made by the election board from each precinct shall show the names and address of party committeemen chosen.

Section 48. County and State Committee, How Selected.) The chairman of each precinct committee shall constitute the county committee of each county and they shall meet at the county seat between the first day of August and the tenth day of August following every primary election and organize by selecting a chairman, a secretary and a treasurer, and shall adopt rules and moes of procedure. They shall at the same time select one person who shall be a legal voter, to act upon and be a member

of the state central committee of such party in all counties consisting of one legislative district, and in counties having more than one legislative district they shall select one person from each district; and when two or more counties are embraced in one legislative district the county committee of each county shall meet at the county seat of the senior county of such district on or before the fifteenth day of August following every primary election, and select one person who shall be a legal voter, to act upon and be a member of the state central committee of such party. The members so selected as state central committeemen shall meet at the state capitol between the first day and the tenth day of September and organize by selecting a chairman, a secretary and a treasurer, and shall adopt rules and modes of procedure. Each member of any committee shall retain such position until his successor is chosen. Every member so selected shall be a legal voter. Vacancies shall be filled by a majority of the committee by appointment from the district in which such vacancy exists.

Section 49. Repeal.) Chapter 109 of the Session Laws of 1907 and all acts and parts of acts in conflict with the provisions of this act are hereby repealed, in so far as they relate to the provisions of this act.

Also,

The minority of the committee on elections and privileges to whom was referred

House Bill No. 4,

A bill for an act to provide a method for the nomination of candidates for office by political parties and providing a penalty for the violation thereof.

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

C. E. DAVIDSON,
A. S. GIBBENS,
C. I. CHRISTENSON,
S. N. PUTNAM.

Mr. Johnson of Bottineau moved

That House Bill No. 4 be reprinted as amended by the committee.

Which motion prevailed.

The committee on railroads made the following report:

Mr. Speaker:

Your committee on railroads to whom was referred

The following concurrent resolution: Relating to loss of grain at terminal points.

Have had the same under consideration and recommend that the house concur therein.

G. A. WHITE
Chairman.

Mr. White moved

That the report be adopted.

Which motion prevailed. and

The report of the committee was adopted.

Also,

Your committee on railroads to whom was referred:

House Bill No. 76,

A bill for an act entitled an act prohibiting railroads, railroad corporations and common carriers from carrying any passenger free or at a less rate than is charged the general public, and providing a penalty therefor and making it unlawful for any person to ask for or accept any such free transportation or transportation purchased at a less rate than that charged the general public, and providing a penalty therefor, and providing transportation for the board of railroad commissioners and its secretary.

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

In line 7, section 2, strike out all after the word "public," and strike out all of lines 8 to 11, inclusive, same section.

In line 2, section 3, strike out the words "ministers of the gospel."

At the end of line 6, section 3, add the following, "but nothing in this section shall be construed to include any practicing attorney in this state as an employe of any railroad company."

And when so amended recommend the same do pass.

G. A. WHITE,
Chairman.

The committee on public printing made the following report:

Mr. Speaker:

Your committee on public printing to whom was referred

House Bill No. 253,

A bill for an act to amend section 2432 of the revised codes of North Dakota of 1905, relating to the publication of the proceedings of the board of county commissioners.

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

By striking out the words "one paper" in line 10 of the printed bill, and substituting therefor the word "newspapers."

And when so amended recommend the same do pass.

D. R. STREETER,
Chairman.

Also,

Your committee on public printing to whom was referred House Bill No. 281,

A bill for an act to amend section 2620 of the revised codes of 1905, relating to legal rates for publication of legal notices.

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

By striking out the words "in connection with sales upon execution," in lines 12 and 13 of the printed bill," and also in line 14 of the printed bill be amended by inserting the word "legal" before the word "newspaper."

And when so amended recommend the same do pass.

D. R. STREETER,
Chairman.

The committee on highways, bridges and ferries made the following report:

Mr. Speaker:

Your committee on highways, bridges and ferries to whom was referred

House Bill No. 240,

A bill for an act to regulate the width of sleighs, sleds and cutters on public highways.

Have had the same under consideration and recommend that the same be referred to general orders.

F. E. DIBLEY,
Chairman.

Mr. Dibley 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. Speaker:

A majority of your committee on judiciary to whom was referred

House Bill No. 270,

A bill for a concurrent resolution, amending the constitution of the state of North Dakota, providing for the future amendments thereof.

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

On page 2, line 28, of the printed bill, strike out all after the word "separately" and strike out pages 3 and 4, and insert the following: "The people reserve to themselves the power to propose amendments to the constitution by initiative petition and to enact or reject the same at the polls, independently of the legislative assembly; and also reserve the power, at their own option, to approve or reject at the polls any amendments to the constitution or part thereof passed by the legislative assembly.

"The first power reserved by the people is the initiative, or the power to propose amendments to the constitution. Any amendment may be proposed by the people by initiative petition, signed by not less than eight per cent of the legal voters in each of at least one-half of the counties of the state; provided, that at least fifteen per cent of all the voters of the state shall be required on such petition. Any such petition shall contain the full text of the proposed amendment. Such petition shall be filed with the secretary of state not less than thirty days before the regular session of the legislative assembly to which such petitions are to be presented. The secretary of state shall transmit the same to the house of representatives of such legislative assembly on the first day of the session thereof, and amendments so proposed shall take precedence over all other measures of the legislative assembly except appropriation bills, and shall be either enacted or rejected by the legislative assembly without change or amendment within forty days from the opening of the session. Any such amendments, if enacted by the legislative assembly, shall be referred to the people by the legislative assembly for approval or rejection at the next ensuing general election.

"In the event that it is rejected, or no action is taken upon it by the legislative assembly within forty days, then it shall be subject to referendum upon a petition as hereinafter provided. The legislative assembly may reject any amendments so proposed by initiative petition, and propose instead a different amendment to accomplish the same purpose, whereupon both amendments shall be submitted by the secretary of state to the people for approval or rejection at the next ensuing general election. If conflicting amendments are submitted to the people at a general election, and each receives a majority of votes cast for and against the same, respectively, then the one receiving the highest number of affirmative votes shall be thereby deemed approved and all others rejected.

"The second power reserved is the referendum or the power to order any amendment or part thereof to be referred to the people for their approval or rejection at the polls. A referendum must be had on initiative amendments rejected by the legislative assembly, upon a petition signed by at least five per cent of the legal voters in each of at least one-half of the counties of the state; provided that at least ten per cent of all the voters of the state shall be required on such petition.

"All referendum petitions shall be filed with the secretary of state within six months after the final adjournment of the session of the legislative assembly which rejected the amendment upon which the referendum is demanded. The veto power of the governor shall not extend to constitutional amendments. All elections on constitutional amendments referred to the people shall be had at biennial regular elections unless provision be made by law for special election on such amendment. Any amendment thus referred to the people shall become a part of the constitution when it is approved by a majority of the votes cast thereon, and not otherwise, and shall be in force from the date of the official declaration of the vote. The enacting clause of all amendments initiated by the people shall be "Be it enacted by the people of the state of North Dakota." The basis for the computation of the number of signatures required for any initiative or referendum petition shall be the total vote cast for governor at the last general election in the counties where such petitions the signed. Provided, that the same constitutional amendment shall not be submitted by initiative oftener than once in ten years.

"This section shall not be construed to deprive any member of the legislative assembly of the right to introduce any resolution for a constitutional amendment.

The secretary of state and all other officers shall be guided by the general laws and this act, in filing and submitting initiative and referendum petitions, until legislation shall be especially enacted therefor.

"This amendment shall be self-executing, but laws may be enacted for the purpose of facilitating its operation."

And when so amended recommend the same do pass.

**B. G. SKULASON,
Chairman.**

Also,

The undersigned, a minority of your committee on judiciary to whom was referred

House Bill No. 270,

A bill for a concurrent resolution, amending the constitution of the state of North Dakota, providing for the future amendments thereof.

And which has been reported to the house recommending the same to pass, beg leave to dissent from the opinion of the majority of the committee.

And recommend that the same be indefinitely postponed.

**B. G. SKULASON,
F. G. KNEELAND,
JAMES DUNCAN,
C. E. DAVIDSON.**

Also,

A majority of the committee on judiciary to whom was referred

House Bill No. 259,

A bill for an act to amend section 6839 of the revised codes of North Dakota for 1905, relating to the service of summons in civil actions.

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

B. G. SKULASON,
Chairman.

Also,

We, the undersigned, a minority of the judiciary committee to whom was referred

House Bill No. 259,

A bill for an act to amend section 6839 of the revised codes of North Dakota for 1905, relating to the service of summons in civil actions.

Which has been reported to the house recommending the same for passage, beg leave to dissent from the opinion of the majority.

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

E. L. KINNEY,
B. G. SKULASON,
F. G. KNEELAND.

Also,

Your committee on judiciary to whom was referred

Senate Bill No. 168,

A bill for an act to amend section 9151 of the revised codes of North Dakota, 1905, relating to having burglars' implements in possession.

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

By striking out all after the word "possession" in line 2 of section 9151 of the engrossed bill, and inserting the following: "Every person who with the intent that the same be used for the purpose of gaining unlawful admission to any building, booth, tent, railroad car, vessel, vault, safe, office or other enclosure or erection or any compartment therein, makes, mends, designs or sets up, or has in his custody or concealed about his person any pick-lock, crow, false key, bit, jack, jimmy, nippers, pick, betty, force-screw, cork-screw, jack-screw or any old screw, punch, gun powder, saltpeter, gun cotton, nitro-glycerine or dynamite or any compounds of the same, or any fulminate, fuse, substance or implement intended to be used for said purposes,

is guilty of a felony, and upon conviction shall be punished by imprisonment in the penitentiary for not less than two nor more than ten years."

And when so amended recommend the same do pass.

B. G. SKULASON,
Chairman.

Also,

Your committee on judiciary to whom was referred
House Bill No. 226,

A bill for an act providing for the appointment of a commission to compile, revise and codify the laws of the state of North Dakota, relating to matters of substantive law and procedure concerning probate and testamentary matters and matters of administration and guardianship, and to report the same to the twelfth legislative assembly for adoption or rejection, and to provide for the compensation of the members thereof.

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

On page 2, section 3, line 6 of the printed bill, strike out the word "effecting" and insert the word "affecting"; in the same line strike out the word "descendants" and insert in lieu thereof the word "decedents."

And when so amended recommend the same do pass.

B. G. SKULASON,
Chairman.

Also,

Your committee on judiciary to whom was referred
House Bill No. 285,

A bill for an act to amend section 2589 of the revised codes of 1905, relating to the fees of county court.

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

B. G. SKULASON,
Chairman.

Mr. Skulason moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on judiciary to whom was referred
House Bill No. 286,

A bill for an act to amend section 5119 of the revised codes of 1905, relating to the succession of children of testator omitted from will.

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

B. G. SKULASON,
Chairman.

Mr. Skulason moved

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

Also,

Your committee on judiciary to whom was referred
House Bill No. 265,

A bill for an act, entitled "An act fixing the priority of mechanic's liens, and providing a remedy in the foreclosure thereof."

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

B. G. SKULASON,
Chairman.

Mr. Skulason moved

That the report be adopted.
Which motion prevailed, and
The further consideration of the bill was indefinitely postponed.

Also,

Your committee on judiciary to whom was referred
House Bill No. 293,

A bill for an act to amend chapter 71 of the session laws of North Dakota for 1907, relating to provision for the safe keeping of documents and bonds required to be deposited in the office of the county auditor.

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

B. G. SKULASON,
Chairman.

Mr. Skulason moved

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

Also,

Your committee on judiciary to whom was referred

House Bill No. 158,

A bill for an act, to provide indeterminate sentences of persons convicted of certain crimes; providing for a board of experts empowered to prescribe suitable rules of conduct and treatment; and to determine how and when a person sentenced under this act shall be paroled or released; and providing for a parole officer.

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

In the first line of the title strike out the word "intermediate" and insert the word "indeterminate" in lieu thereof.

In the fifth line of the title strike out all after the word "released."

Page 2, line 12, strike out the word "to" and insert the word "of."

In line 17 correct the spelling in the word "referred" by inserting the letter "r."

Page 2, section 3, line 1, strike out all after the figure "3" and insert "duties of field officers."

Page 3 strike out all of lines 2, 3, 4, 5 and 6; in line 7 strike out the words "parole officer" and insert "the officer who is or may hereafter be provided by law to look after the welfare of persons whose sentences have been suspended or who have been paroled."

In section 4, line 3, strike out the word "doctor" and insert the word "physician."

On page 5, section 5, line 2, after the word "penitentiary" insert the words "and prison physician"; on line 3 strike out the words "mileage and."

In section 7 strike out all of lines 4 and 5 after the word "sentences."

And when so amended recommend the same do pass.

B. G. SKULASON,
Chairman.

Also,

Your committee on judiciary to whom was referred
House Bill No. 264,

A bill for an act amending section 6237, revised codes, 1905, providing who may file mechanic's liens and for what purpose.

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

B. G. SKULASON,
Chairman.

Mr. Skulason moved

That the report be adopted

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Also,

Your committee on judiciary to whom was referred
House Bill No. 247,

A bill for an act to amend section 7459 of the revised codes of North Dakota of 1905, relating to the publication of the notice of foreclosure by advertisement, and prescribing the duty of the party, attorney or agent foreclosing the mortgage.

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

B. G. SKULASON,
Chairman.

Mr. Skulason moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on judiciary to whom was referred
House Bill No. 198.

A bill to amend section 2 of chapter 71 of the session
laws of 1907.

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

B. G. SKULASON,
Chairman.

Mr. Skulason moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely
postponed.

Also,

Your committee on judiciary to whom was referred
Senate Bill No. 42,

A bill for an act to amend section 6, chapter 140, laws of
1903, being section 2550 of the code of 1905, relating to
public administrator.

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

B. G. SKULASON,
Chairman.

Mr. Skulason moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on judiciary to whom was referred
Senate Bill No. 173,

A bill for an act to amend section 7329 of the revised
codes of 1905, relating to cases when continued.

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

B. G. SKULASON,
Chairman.

Mr. Skulason moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on judiciary to whom was referred

Senate Bill No. 137,

A bill for an act to amend section 372 of the political code of the revised codes of 1905, relating to commissioners of deeds.

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

B. G. SKULASON,
Chairman.

Mr. Skulason 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. Speaker:

Your committee on corporations other than municipal to whom was referred

House Bill No. 142,

A bill for an act to amend sections 4695, and 4697 of the revised codes of the state of North Dakota for the year 1905, relating to foreign corporations.

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

M. M. CHATFIELD,
Chairman.

Mr. Chatfield moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on corporations other than municipal to whom was referred

Senate Bill No. 59,

A bill for an act authorizing and regulating the incorporation, organization and operation of co-operative associations, and providing for the regulation and control of the same.

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

M. M. CHATFIELD,
Chairman.

Mr. Chatfield moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on corporations other than municipal to whom was referred

House Bill No. 211,

A bill for an act relating to the issuance of stock by corporations.

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

M. M. CHATFIELD,
Chairman.

Mr. Chatfield moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on enrollment made the following report:

Mr. Speaker:

Your committee on enrollment have examined

House Bill No. 11,

A bill for an act making an appropriation for the purchase and installing of a clock in the house chamber.

Also,

House Bill No. 30,

A bill for an act amending section 8366 of the revised codes of North Dakota for 1905, relating to the service by publication of summons in justice courts.

And find the same correctly enrolled.

H. J. LINDE,
Chairman.

Mr. Linde moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
February 17, 1909.

Mr. Speaker:

I have the honor to request that you return to the senate Senate Bill No. 223,

An act to amend section 872 of chapter 9 of the revised codes of North Dakota, 1905, relating to fee for certificate. Certificate; how revoked.

Transmitted to the house on February 16.

Very respectfully,
J. W. FOLEY,
Secretary.

MOTIONS AND RESOLUTIONS.

Mr. Brusletten offered the following concurrent resolution:

Whereas, the state of North Dakota has purchased a few acres of land embracing the site of old Ft. Abercrombie, in Richland county;

Whereas, said site has been transformed in a state park of great historical value to the state of North Dakota;

Whereas, the legislature has made no adequate or definite provision for the care and custody of said park; and

Whereas, the State Historical Society is by law a trustee of the state; therefore, be it

Resolved by the House of Representatives, the Senate Concurring:

That the State Historical Society of North Dakota, be and is hereby directed to act as custodian of the said state park at old Ft. Abercrombie, and to conserve and enhance its historical value in every manner consistent with the means of said society.

Mr. Kinney of Richland moved

That the concurrent resolution relating to the site of old Fort Abercrombie be adopted.

Which motion prevailed, and

The resolution was adopted.

INTRODUCTION, FIRST AND SECOND READING OF HOUSE BILLS.

Mr. Sorlie introduced

House Bill No. 341,

A bill for an act to amend and re-enact section 832 of the revised codes of North Dakota for the year 1905, relating to powers and duties of district school boards.

Which was read the first and second times and

Referred to the committee on education.

Mr. Martin introduced

House Bill No. 342,

A bill for an act to repeal section 5513 of the revised code of North Dakota for 1905, and re-enact the same, regulating usurious contracts, and to provide a penalty for making the same.

Which was read the first and second times and

Referred to the committee on banking.

Mr. Skulason introduced

House Bill No. 343,

A bill for an act to amend section 2614 of the revised codes of 1905, relating to juror's fees.

Which was read the first and second times and

Referred to the committee on Judiciary.

Mr. Olson introduced

House Bill No. 344,

A bill for an act to repeal sections 1961, 1963, 1964, 1966, 1967, 1968, 1969 and 1970 of the revised codes of 1905, relating to "state wolf bounties."

Which was read the first and second times and

Referred to the committee on state affairs

Mr. Kinney of Richland introduced

House Bill No. 345,

A bill for an act providing that all state banks shall be known and designated by an official number.

Which was read the first and second times and

Referred to the committee on banking.

Mr. Streeter introduced

House Bill No. 346,

A bill for an act to amend and re-enact section 1515 of the political code of 1905, relating to the organization of assessors' districts and townships, vacancies in such township and districts, and the compensation of assessors.

Which was read the first and second times and

Referred to the committee on taxation and tax laws.

Mr. Sorlie introduced

House Bill No. 347,

A bill for an act to amend section 1 of chapter 46 of the session laws of North Dakota for the year 1907, relating to cities.

Which was read the first and second times and

Referred to the committee on municipal corporations.

Mr. Johnson of Bottineau introduced

House Bill No. 348,

A bill for an act fixing the salary of the secretary of the board of railroad commissioners and requiring them to reside at the capital city.

Which was read the first and second times and

Referred to the committee on railroads.

Mr. Law introduced

House Bill No. 349,

A bill for an act to amend section 889 of the revised codes of 1905.

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

Mr. Skulason introduced

House Bill No. 350,

A bill for an act to repeal section 7229 of the revised codes of North Dakota for the year 1905, relating to appeals in cases tried without a jury.

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

THIRD READING OF HOUSE BILLS.

House Bill No. 38,

A bill for an act amending section 4466 of the revised codes of 1905, relating to insurance.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 59, nays 33, absent and not voting 3.

Those who voted in the affirmative were:

| Messrs.— | Messrs.— | Messrs.— |
|-------------------|----------------------|---------------------|
| Anderson | Hendrickson | Ployhar |
| Atwood | Hill | Pound |
| Brusletten | Homnes | Price |
| Brynjulson | Honey | Putnam |
| Burnett | Johnson of Bottineau | Sgutt |
| Chatfield | Johnson of McLean | Skulason |
| Christenson | Kneeland | Sorlie |
| Collins of Cass | Law | Storey |
| Crawford | Laithwaite | Thompson, Gd. Forks |
| Davidson | Lindvig | Thompson of McLean |
| Doyle of Foster | Lucke | Thoreson |
| Doyle of McIntosh | Martin | Traynor |
| Duncan | McLear | Ward |
| Evans | Moen of Benson | Welford |
| Garden | Moen of Cavalier | White |
| Gibbens | Nelson of Steele | Wisner |
| Goldammer | Nelson of Walsh | Wolbert |
| Grant | Paulson | Young |
| Hale | Peart | Mr. Speaker |
| Hemmingson | Plath | |

Those who voted in the negative were:

| | | |
|----------------------|--------------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Geldt | Nyhus |
| Akesson | Jewett | Olson |
| Baker of Cass | Johnson of Rolette | Pendray |
| Baker of Stark | Kinney of McLean | Poe |
| Bjorndahl | Kinney of Richland | Schull |
| Burns | Knox | Senour |
| Collins of Gd. Forks | Kremer | Shells |
| Cunningham | Linde | Sinclair |
| Dibley | McCrea | Skinner |
| Freeman | Narum | Steen |
| Ganssle | Nelson of McHenry | Streeter |

Absent and not voting:

| | | |
|----------|----------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Fraine | Hanley | HugLes |

Mr. Hughes being excused.

So the bill passed and the title was agreed to.

Mr. Ployhar moved

That the vote by which House Bill No. 38 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 269,

A bill for an act indemnifying owners for animals killed or destroyed according to law for being affected with the disease known as glanders, and providing for a special tax for the payment thereof.

Was read the third time.

Mr. Putnam moved

That the further consideration of the bill be re-referred to the committee on appropriations.

Which motion prevailed, and

The bill was so re-referred.

House Bill No. 183,

A bill for an act to amend sections 926 and 928 of the revised codes of North Dakota, 1905, as amended by chapter 103 of the session laws of 1907, relating to depositories 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 52, nays 31, absent and not voting 12.

Those who voted in the affirmative were:

| Messrs.— | Messrs.— | Messrs.— |
|-------------------|----------------------|---------------------|
| Akesson | Hemmingson | Pendray |
| Anderson | Hendrickson | Poe |
| Baker of Stark | Homnes | Pound |
| Bjorndahl | Honey | Schull |
| Brynjulson | Johnson of Bottineau | Senour |
| Burnett | Johnson of Rolette | Sgutt |
| Christenson | Kneeland | Shells |
| Collins of Cass | Knox | Sinclair |
| Crawford | Law | Sorlie |
| Cunningham | Linde | Steen |
| Dibley | Lindvig | Storey |
| Doyle of McIntosh | Martin | Streeter |
| Evans | McCrea | Thompson, Gd. Forks |
| Ganssle | Moen of Cavalier | Thompson of McLean |
| Garden | Nelson of Steele | Welford |
| Geidt | Olson | White |
| Gibbens | Paulson | Young |
| Goldammer | | |

Those who voted in the negative were:

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|--------------------|-------------|
| Aasheim | Johnson of McLean | Plath |
| Brusletten | Kinney of McLean | Ployhar |
| Chatfield | Kinney of Richland | Price |
| Collins of Gd. Forks | Laithwaite | Skinner |
| Davidson | Lucke | Skulason |
| Doyle of Foster | Moen of Benson | Thoreson |
| Duncan | Narum | Ward |
| Freeman | Nelson of McHenry | Wisner |
| Grant | Nyhus | Wolbert |
| Hale | Peart | Mr. Speaker |
| Hill | | |

Absent and not voting:

| Messrs.— | Messrs.— | Messrs.— |
|---------------|----------|-----------------|
| Atwood | Hanley | McLear |
| Baker of Cass | Hughes | Nelson of Walsh |
| Burns | Jewett | Putnam |
| Fraine | Kremer | Traynor |

Mr. Hughes being excused.

So the bill passed and the title was agreed to.

Mr. Doyle of McIntosh moved

That the vote by which House Bill No. 183 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
February 17, 1909.

Mr. Speaker:

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

Resolved by the Senate of the Eleventh Legislative Assembly, the House of Representatives Concurring:

That when the two houses adjourn Friday, February 19, they shall stand adjourned until two o'clock Tuesday, February 23.

Which the senate has adopted and your favorable consideration is respectfully requested.

Very respectfully,
J. W. FOLEY,
Secretary.

Mr. Ployhar moved

That the house do not concur in the senate concurrent resolution relating to adjournment.

Which motion prevailed, and
The resolution was not concurred in.

House Bill No. 185,

A bill for an act to amend section 922 of the revised codes of North Dakota relating to proposals for depositories 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 79, nays 6, absent and not voting 10.

Those who voted in the affirmative were:

| | | |
|----------------|----------------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Anderson | Hanley | Paulson |
| Atwood | Hemmingson | Peart |
| Baker of Cass | Hendrickson | Pendray |
| Baker of Stark | Hill | Plath |
| Brusletten | Honey | Poe |
| Brynjulson | Jewett | Pound |
| Burnett | Johnson of Bottineau | Putnam |
| Burns | Johnson of Rolette | Schull |
| Chatfield | Kinney of Richland | Senour |

Messrs.—

Christenson
Collins of Cass
Collins of Gd. Forks
Crawford
Cunningham
Davidson
Doyle of McIntosh
Duncan
Evans
Fraine
Freeman
Ganssle
Garden
Geldt
Gibbens
Goldammer
Grant
Hale

Messrs.—

Kneeland
Knox
Law
Lathwaite
Linde
Lindvig
Lucke
Martin
McCrea
McLear
Moen of Benson
Moen of Cavalier
Narum
Nelson of McHenry
Nelson of Walsh
Nyhus
Olson

Messrs.—

Sgutt
Shells
Sinclair
Skulason
Sorlie
Steen
Storey
Streeter
Thompson, Gd. Forks
Thoreson
Ward
Welford
White
Wisner
Wolbert
Young
Mr. Speaker

Those who voted in the negative were:

Messrs.—

Akesson
Kinney of McLean

Messrs.—

Ployhar
Price

Messrs.—

Skinner
Traynor

Absent and not voting:

Messrs.—

Aasheim
Bjorndahl
Dibley
Doyle of Foster

Messrs.—

Homnes
Hughes
Johnson of McLean

Messrs.—

Kremer
Nelson of Steele
Thompson of McLean

Mr. Hughes being excused.

So the bill passed and the title was agreed to.

Mr. Doyle of McIntosh moved

That the vote by which House Bill No. 185 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 190,

A bill for an act providing for the office of chief justice of the supreme court, and prescribing the duties of the Chief Justice.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 91, nays 0, absent and not voting 4.

Those who voted in the affirmative were:

Messrs.—

Aasheim
Akesson

Messrs.—

Hemmingson
Hendrickson

Messrs.—

Peart
Pendray

| | | |
|----------------------|----------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Anderson | Hill | Plath |
| Atwood | Homnes | Ploybar |
| Baker of Cass | Honey | Poe |
| Baker of Stark | Jewett | Pound |
| Bjorndahl | Johnson of Bottineau | Price |
| Brusletten | Johnson of McLean | Putnam |
| Brynjulson | Johnson of Rolette | Schull |
| Burnett | Kinney of Richland | Senour |
| Burns | Kneeland | Sgutt |
| Chatfield | Knox | Sheils |
| Christenson | Kremer | Sinclair |
| Collins of Cass | Law | Skinner |
| Collins of Gd. Forks | Laithwaite | Skulason |
| Crawford | Linde | Sorlie |
| Cunningham | Lindvig | Steen |
| Dibley | Lucke | Storey |
| Doyle of Foster | Martin | Streeter |
| Doyle of McIntosh | McCrea | Thompson, Gd. Forks |
| Duncan | McLear | Thompson of McLean |
| Fraine | Moen of Benson | Thoreson |
| Freeman | Moen of Cavalier | Traynor |
| Ganssle | Narum | Ward |
| Garden | Nelson of McHenry | Welford |
| Geidt | Nelson of Steele | White |
| Gibbens | Nelson of Walsh | Wisner |
| Goldammer | Nyhus | Wolbert |
| Grant | Oison | Young |
| Hale | Paulson | Mr. Speaker |
| Hanley | | |

Absent and not voting:

| | | |
|----------|----------|------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Davidson | Hughes | Kinney of McLean |
| Evans | | |

Mr. Hughes being excused.

So the bill passed and the title was agreed to.

Mr. Skulason moved

That the vote by which House Bill No. 190 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 157,

A bill for an act to provide for probation for persons convicted of felonies and misdemeanors.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 82, nays 5, absent and not voting 8.

Those who voted in the affirmative were:

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|----------------------|---------------------|
| Aasheim | Hemmingson | Peart |
| Atwood | Hendrickson | Pendray |
| Baker of Cass | Hill | Ployhar |
| Baker of Stark | Hommes | Poe |
| Brynjulson | Honey | Pound |
| Brusletten | Jewett | Price |
| Burnett | Johnson of Bottineau | Putnam |
| Burns | Johnson of McLean | Schull |
| Chatfield | Johnson of Rolette | Sgutt |
| Christenson | Kinney of Richland | Shells |
| Collins of Cass | Kneeland | Sinclair |
| Collins of Gd. Forks | Law | Skulason |
| Crawford | Laithwaite | Sorlie |
| Cunningham | Linde | Steen |
| Davidson | Lindvig | Storey |
| Dibley | Lucke | Streeter |
| Doyle of Foster | Martin | Thompson, Gd. Forks |
| Doyle of McIntosh | McCrea | Thompson of McLean |
| Evans | McLear | Thoreson |
| Fraine | Moen of Benson | Traynor |
| Freeman | Moen of Cavalier | Ward |
| Ganssle | Narum | Welford |
| Garden | Nelson of McHenry | White |
| Geldt | Nelson of Walsh | Wisner |
| Gibbens | Nyhus | Wolbert |
| Goldammer | Olson | Young |
| Grant | Paulson | Mr. Speaker |
| Hale | | |

Those who voted in the negative were:

| Messrs.— | Messrs.— | Messrs.— |
|----------|-----------|----------|
| Akesson | Bjorndahl | Plath |
| Anderson | Kremer | |

Absent and not voting:

| Messrs.— | Messrs.— | Messrs.— |
|----------|------------------|----------|
| Duncan | Kinney of McLean | Senour |
| Hanley | Knox | Skinner |
| Hughes | Nelson of Steele | |

Mr. Hughes being excused.

So the bill passed and the title was agreed to.

Mr. Wolbert moved

That the vote by which House Bill No. 157 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

GENERAL ORDERS.

Mr. Doyle of Foster moved

That the house resolve itself into a committee of the whole for the consideration of House Bill No. 47.

Which motion prevailed, and

The house resolved itself into a committee of the whole.
The speaker called Mr. Baker of Cass to the chair.

When the committee arose it submitted the following report:

Mr. Speaker:

The committee of the whole have had under consideration

House Bill No. 47.

A bill for an act to provide for the guaranteeing of deposits in banking corporations.

And recommend that the same be indefinitely postponed.

F. BAKER, JR.,
Chairman.

Mr. Chatfield moved

That the report of the committee of the whole be adopted.

Roll call demanded.

The roll was called and there were ayes 53, nays 39, absent and not voting 3.

Those who voted in the affirmative were:

| Messrs.— | Messrs.— | Messrs.— |
|-------------------|-------------------|-------------|
| Aasheim | Homnes | Price |
| Akesson | Honey | Schull |
| Anderson | Jewett | Senour |
| Atwood | Johnson of McLean | Sgutt |
| Baker of Cass | Kinney of McLean | Shells |
| Baker of Stark | Kneeland | Sinclair |
| Burns | Kremer | Skinner |
| Chatfield | Law | Skulason |
| Collins of Cass | Laithwaite | Steen |
| Davidson | Linde | Thoreson |
| Dibley | Lindvig | Traynor |
| Doyle of McIntosh | McCrea | Ward |
| Duncan | McLear | White |
| Fraine | Moen of Benson | Wisner |
| Ganssle | Narum | Wolbert |
| Geidt | Peart | Young |
| Goldammer | Poe | Mr. Speaker |
| Hale | Pound | |

Those who voted in the negative were:

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|----------------------|-----------------|
| Bjorndahl | Grant | Nelson of Walsh |
| Brusletten | Hemmingson | Nyhus |
| Brynjulson | Hendrickson | Olson |
| Burnett | Hill | Paulson |
| Christenson | Johnson of Bottineau | Pendray |
| Collins of Gd. Forks | Johnson of Rolette | Plath |
| Crawford | Kinney of Richland | Ployhar |

| | | |
|-----------------|-------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Cunningham | Knox | Sorlie |
| Doyle of Foster | Lucke | Storey |
| Evans | Martin | Streeter |
| Freeman | Moen of Cavalier | Thompson, Gd. Forks |
| Garden | Nelson of McHenry | Thompson of McLean |
| Gibbens | Nelson of Steele | Welford |

Absent and not voting:

| | | |
|----------|----------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Hanley | Hughes | Putnam |

Mr. Hughes being excused.

Mr. Johnson of Bottineau explained his vote.

Mr. Speaker explained his vote.

So the motion to adopt the report of the committee of the whole was adopted.

Mr. Chatfield moved

That the vote by which the report of the committee of the whole was adopted be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

There being no objection the house returned to the ninth order of business.

INTRODUCTION, FIRST AND SECOND READING OF HOUSE BILLS

Mr. Baker of Stark introduced

House Bill No. 351,

A bill for an act to provide a military code of the state of North Dakota.

Which was read the first and second times and

Referred to the committee on military affairs.

There being no objection the house passed to the fourteenth order of business.

THIRD READING OF SENATE BILLS.

Senate Bill No. 106,

A bill for an act to amend section 1889 of the revised codes of 1905 of the state of North Dakota, relating to commissioners of insanity.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 84, nays 2, absent and not voting 9.

Those who voted in the affirmative were:

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|--------------------|---------------------|
| Aasheim | Grant | Nyhus |
| Akesson | Hale | Paulson |
| Anderson | Hemmingson | Peart |
| Baker of Cass | Hendrickson | Pendray |
| Baker of Stark | Hill | Plath |
| Bjorndahl | Homnes | Poe |
| Brusletten | Honey | Pound |
| Bynjulson | Jewett | Price |
| Burnett | Johnson of McLean | Sgutt |
| Burns | Johnson of Rolette | Sheils |
| Chatfield | Kinney of McLean | Sinclair |
| Christenson | Kinney of Richland | Skinner |
| Collins of Cass | Kneeland | Skulason |
| Collins of Gd. Forks | Kremer | Sorlie |
| Crawford | Law | Steen |
| Cunningham | Laithwaite | Storey |
| Dibley | Linde | Streeter |
| Doyle of Foster | Lindvig | Thompson, Gd. Forks |
| Doyle of McIntosh | Lucke | Thompson of McLean |
| Duncan | Martin | Thoreson |
| Evans | McCrea | Traynor |
| Fraïne | McLear | Ward |
| Freeman | Moen of Benson | Welford |
| Ganssle | Moen of Cavaller | White |
| Garden | Narum | Wisner |
| Geidt | Nelson of McHenry | Wolbert |
| Gibbens | Nelson of Steele | Young |
| Goldammer | Nelson of Walsh | Mr. Speaker |

Absent and not voting:

| Messrs.— | Messrs.— | Messrs.— |
|----------|----------------------|----------|
| Atwood | Johnson of Bottineau | Ployhar |
| Hanley | Knox | Putnam |
| Hughes | Olson | Senour |

Messrs. Davidson and Schull voting in the negative.

Mr. Hughes being excused.

So the bill passed and the title was agreed to.

Mr. Gibbens moved

That the vote by which Senate Bill No. 106 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed

The speaker called Mr. Sorlie to the chair.

Senate Bill No. 74,

A bill for an act to repeal section 9395 of the revised code of North Dakota 1905, relating to rewards for the arrest and conviction of violators of the prohibition law.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 75, nays 12, absent and not voting 8.

Those who voted in the affirmative were:

| | | |
|----------------------|----------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Akesson | Honey | Pearl |
| Anderson | Jewett | Plath |
| Atwood | Johnson of Bottineau | Ployhar |
| Baker of Cass | Johnson of McLean | Poe |
| Baker of Stark | Johnson of Rolette | Pound |
| Brusletten | Kinney of Richland | Price |
| Brynjulson | Knox | Schull |
| Burnett | Kremer | Stutt |
| Burns | Law | Shells |
| Chatfield | Laithwaite | Sinclair |
| Christenson | Linde | Skinner |
| Collins of Gd. Forks | Lindvig | Skulason |
| Crawford | Lucke | Sorlie |
| Cunningham | Martin | Steen |
| Dibley | McCrea | Storey |
| Doyle of McIntosh | McLear | Streeter |
| Duncan | Moen of Benson | Thompson, Gd. Forks |
| Freeman | Moen of Cavalier | Thompson of McLean |
| Ganssle | Narum | Thoreson |
| Garden | Nelson of McHenry | Traynor |
| Geidt | Nelson of Steele | Ward |
| Goldammer | Nelson of Walsh | Welford |
| Hale | Nyhus | Wisner |
| Hill | Olson | Wolbert |
| Homnes | Paulson | Young |

Those who voted in the negative were:

| | | |
|-----------------|-------------|------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Gibbens | Kinney of McLean |
| Bjorndahl | Grant | Kneeland |
| Collins of Cass | Hemmingson | Pendray |
| Davidson | Hendrickson | White |

Absent and not voting:

Messrs.—

Doyle of Foster
Evans
Fraime

Messrs.—

Hanley
Hughes
Putnam

Messrs.—

Senour
Mr. Speaker

Mr. Hughes being excused.

So the bill passed and the title was agreed to.

Mr. Hendrickson moved

That the vote by which Senate Bill No. 74 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

Senate Bill No. 144,

A bill for an act to prohibit the manufacture, sale or use of adulterated cigarettes and prohibiting the use of tobacco by minor persons and by all minor pupils of public schools, and providing penalties therefor.

Was read the third time.

Mr. Kinney of McLean asked unanimous consent to amend the bill.

There being no objection, Mr. Kinney of McLean offered the following amendment, and moved its adoption:

On page 1, section 2, line 3 of the printed bill, after the word "age" add the words "except upon written order of parent or guardian."

Which motion prevailed, and

The amendment was adopted.

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

The roll was called and there were ayes 81, nays 8, absent and not voting 6.

Those who voted in the affirmative were:

Messrs.—

Aasheim
Anderson
Atwood
Baker of Stark
Bjorndahl
Brusletten
Burnett
Chatfield
Christenson
Collins of Cass
Collins of Gd. Forks

Messrs.—

Hale
Hemmingson
Hendrickson
Hill
Hommes
Honey
Jewett
Johnson of Bottineau
Johnson of McLean
Johnson of Rolette
Kinney of McLean

Messrs.—

Olson
Paulson
Peart
Pendray
Plath
Ployhar
Poe
Putnam
Schull
Sheils
Sinclair

| | | |
|-------------------|--------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Crawford | Kinney of Richland | Skinner |
| Cunningham | Kneeland | Skulason |
| Davidson | Knox | Sorlie |
| Dibley | Law | Steen |
| Doyle of Foster | Laithwaite | Storey |
| Doyle of McIntosh | Linde | Streeter |
| Duncan | Lindvig | Thompson, Gd. Forks |
| Evans | Martin | Thompson of McLean |
| Fraine | McCrea | Thoreson |
| Freeman | McLear | Traynor |
| Ganssle | Moen of Benson | Ward |
| Garden | Moen of Cavalier | Welford |
| Geidt | Narum | White |
| Gibbens | Nelson of Steele | Wisner |
| Goldammer | Nelson of Walsh | Wolbert |
| Grant | Nyhus | Mr. Speaker |

Those who voted in the negative were:

| | | |
|-----------------|-------------------|-----------------|
| Messrs.— | Messrs.— | Messrs.— |
| Akesson | Lucke | Senour |
| Brynjulson | Nelson of McHenry | Young |
| Burns | Pound | |

Absent and not voting:

| | | |
|-----------------|-----------------|-----------------|
| Messrs.— | Messrs.— | Messrs.— |
| Baker of Cass | Hughes | Price |
| Hanley | Kremer | Sgutt |

Mr. Hughes being excused.

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

Mr. McCrea moved

That the vote by which Senate Bill No. 144 passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Senate Bill No. 79,

A bill for an act to amend chapter 192 of the session laws of 1907, entitled "An act to prohibit the soliciting of orders for the future delivery without this state of intoxicating liquors to be transported into this state to be used or sold in violation of the laws thereof, and providing a penalty for its violation.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 86, nays 1, absent and not voting 8.

Those who voted in the affirmative were:

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|----------------------|---------------------|
| Aasheim | Hemmingson | Peart |
| Akesson | Hendrickson | Pendray |
| Anderson | Hill | Plath |
| Atwood | Hommes | Ployhar |
| Baker of Stark | Honey | Poe |
| Bjorndahl | Jewett | Pound |
| Brusletten | Johnson of Bottineau | Putnam |
| Brynjulson | Johnson of McLean | Schull |
| Burnett | Johnson of Rolette | Senour |
| Chatfield | Kinney of McLean | Sgutt |
| Christenson | Kinney of Richland | Sheils |
| Collins of Cass | Kneeland | Sinclair |
| Collins of Gd. Forks | Kremer | Skinner |
| Crawford | Law | Skulason |
| Cunningham | Laithwaite | Sorlie |
| Davidson | Linde | Steen |
| Dibley | Lindvig | Storey |
| Doyle of McIntosh | Lucke | Thompson, Gd. Forks |
| Duncan | McCrea | Thompson of McLean |
| Evans | McLear | Thoreson |
| Fraine | Moen of Benson | Traynor |
| Freeman | Moen of Cavalier | Ward |
| Ganssle | Narum | Welford |
| Garden | Nelson of McHenry | White |
| Geidt | Nelson of Steele | Wisner |
| Gibbens | Nelson of Walsh | Wolbert |
| Goldammer | Nyhus | Young |
| Grant | Olson | Mr. Speaker |
| Hale | Paulson | |

Absent and not voting:

| Messrs.— | Messrs.— | Messrs.— |
|-----------------|----------|----------|
| Baker of Cass | Hanley | Martin |
| Burns | Hughes | Price |
| Doyle of Foster | Knox | |

Mr. Hughes being excused.

Mr. Streeter voted in the negative.

So the bill passed and the title was agreed to.

Mr. Garden moved

That the vote by which Senate Bill No. 79 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

Senate Bill No. 13,

For an act making it unlawful for corporations having banking powers to invest more than thirty per cent of its capital stock in banking house, furniture and fixtures, de-

fining its powers as to other real estate and repealing sec-
4640 of the revised codes for the year 1905.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 44, nays 44, ab-
sent and not voting 7.

Those who voted in the affirmative were:

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|----------------------|---------------------|
| Anderson | Hemmingson | Olson |
| Baker of Stark | Hill | Putnam |
| Bjorndahl | Homnes | Schull |
| Brusletten | Honey | Sgutt |
| Brynjulson | Jewett | Skulason |
| Chatfield | Johnson of Bottineau | Sorlie |
| Christenson | Johnson of McLean | Steen |
| Collins of Gd. Forks | Johnson of Rolette | Thompson, Gd. Forks |
| Cunningham | Kinney of McLean | Traynor |
| Evans | Kinney of Richland | Ward |
| Fraine | Lucke | Welford |
| Ganssle | McLear | White |
| Garden | Narum | Wolbert |
| Goldammer | Nelson of Walsh | Young |
| Grant | Nyhus | |

Those who voted in the negative were:

| Messrs.— | Messrs.— | Messrs.— |
|-------------------|-------------------|--------------------|
| Aasheim | Kneeland | Plath |
| Akesson | Knox | Ployhar |
| Atwood | Kremer | Poe |
| Baker of Cass | Law | Pound |
| Burnett | Laithwaite | Price |
| Collins of Cass | Linde | Senour |
| Crawford | Lindvig | Sheils |
| Davidson | Martin | Sinclair |
| Dibley | Moen of Benson | Skinner |
| Doyle of McIntosh | Moen of Cavalier | Storey |
| Duncan | Nelson of McHenry | Streeter |
| Freeman | Nelson of Steele | Thompson of McLean |
| Geidt | Paulson | Thoreson |
| Hale | Peart | Wisner |
| Hendrickson | Pendray | |

Absent and not voting:

| Messrs.— | Messrs.— | Messrs.— |
|-----------------|----------|-------------|
| Burns | Hanley | McCrea |
| Doyle of Foster | Hughes | Mr. Speaker |
| Gibbens | | |

Mr. Hughes being excused.

So the bill was lost.

Mr. Wolbert explained his vote.

Mr. Speaker explained his vote.

Mr. Traynor moved

That the vote by which Senate Bill No. 13 was lost be reconsidered.

Which motion was lost.

Mr. Collins of Cass moved

That the vote by which Senate Bill No. 13 was lost be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

COURTESIES OF THE FLOOR.

The privileges of the floor were extended to Roy T. Baker, Fargo; J. A. Mahood, Cando; C. J. Maddox, Jas. A. Manly, New Rockford; Frank Kellogg.

Mr. Chatfield moved

That the house take a recess until tomorrow at 10 o'clock a. m.

Which motion prevailed, and

The house took a recess until 10 o'clock a. m. tomorrow.

W. D. AUSTIN,
Chief Clerk.

FORTY-FOURTH DAY AFTER RECESS

AND

FORTY-FIFTH DAY

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 18, 1909.

The house assembled at 10 o'clock a. m., pursuant to recess taken.

The speaker presiding.

The committee on enrollment made the following report:

Mr. Speaker:

Your committee on enrollment have examined
House Bill No. 44,

A concurrent resolution amending the constitution of the state of North Dakota, relating to the term of office of the judges of the supreme court.

Also,

House Bill No. 46,

A bill for an act in relation to the execution and acknowledgment by a member of a partnership of instruments affecting liens upon real estate, and validating the execution and acknowledgment of such instruments heretofore made.

And find the same correctly enrolled.

H. J. LINDE,
Chairman.

Mr. Linde moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The chief clerk announced that the speaker was about to sign

House Bill No. 11,

A bill for an act making an appropriation for the purchase and installing of a clock in the house chamber.

Also,

House Bill No. 30,

A bill for an act amending section 8366 of the revised codes of North Dakota for 1905, relating to the service by publication of summons in justice courts.

Also,

House Bill No. 44,

A concurrent resolution amending the constitution of the state of North Dakota, relating to the term of office of the judges of the supreme court.

Also,

House Bill No. 46,

A bill for an act in relation to the execution and acknowledgment by a member of a partnership of instruments affecting liens upon real estate, and validating the execution and acknowledgment of such instruments heretofore made.

And the speaker signed the same in the presence of the house.

GENERAL ORDERS.

Mr. Grant moved

That the house resolve itself into a committee of the whole for the consideration of general orders.

Which motion prevailed, and

The house resolved itself into a committee of the whole.

The speaker called Mr. Hendrickson to the chair.

The committee of the whole submitted the following report:

Mr. Speaker:

The committee of the whole have had under consideration

House Bill No. 167,

A bill for an act to permit the construction of cattleways under public highways; regulating the construction of same, and prescribing duties of road supervisors in relation thereto.

And recommend that the same be amended as follows:

On page 2, line 5 of section 2, after the word "pay" strike out balance of line.

Also all of line 6 and insert in lieu thereof the following: "The county or township board in which such cattle way is situated, shall recover the same in an action brought in the name of such board and it shall be the duty of the state's attorney to prosecute such action.

And when so amended recommend the same do pass.

Also,

House Bill No. 34,

A bill for an act permitting farmers and land owners to drain their lands into road ditches and other depressions when such ditch or depression is wholly upon the owner's land.

And recommend that the same be indefinitely postponed.

Also,

House Bill No. 256,

A bill for an act to establish a state fair and locate the same at Jamestown, North Dakota, and make an appropriation therefor.

And recommend that the same be indefinitely postponed.

Also,

House Bill No. 215,

A bill for an act to establish and permanently fix the state fair at Devils Lake, in Ramsey county, North Dakota, making appropriation therefor, and to repeal sections 1306 and 1307 of the revised codes of the state of North Dakota for the year 1905.

And recommend that the same be indefinitely postponed.

Also,

House Bill No. 204,

A bill for an act prohibiting the locking or obstructing of railroad crossings on rural highways or on village or city streets by railroad companies or their employes, by allowing cars, engines, or train of cars to stand on such crossings for a longer period than five minutes at any one time, and providing penalties for violations of this act.

And recommend the same be amended as follows:

In line 5, section 1 of printed bill, strike out the word "five" and insert the word "ten."

In line 1 of the title of printed bill the word "locking" be stricken out and the word "blocking" be inserted.

In line 4 of the printed bill strike out the word "five" and insert the word "ten."

In line 10 of the printed bill the words "twenty-five" be stricken out and the word "ten" inserted instead.

In line 2 of the title strike out the words "or city," and in line 6 of section 1 strike out the words "or city."

And when so amended recommend the same do pass.

Also,

House Bill No. 113,

A bill for an act to amend chapter 258 of the session laws of the state of North Dakota of 1907, being an act to prohibit discrimination between different sections, communities or localities, unfair competition and providing penalties for the violation thereof.

And recommend that the same be amended as follows:

In the title of the bill after the word "for" strike out the words "an act to amend chapter 258 of the session laws of the state of North Dakota of 1907, being."

After the word "localities" in the title insert "and to prohibit."

On page 1, line 9, after the word "paid" insert the words "by such person, firm or corporation."

On line 1, page 2 of the printed bill, after the figure "2" insert the words "Duty of secretary of state and attorney general."

On page 3, line 1, after the figure "4" insert the word "repeal."

And when so amended recommend the same do pass.

Also,

House Bill No. 174,

A bill for an act to amend section 6237 and section 6238 of the revised codes of 1905, relating to mechanic's liens. And recommend that the same do pass.

Also,

House Bill No. 194,

A bill for an act, providing for a jury to be official witnesses of the execution of persons executed at the state penitentiary, providing for guards to act as death watch over condemned prisoners, and fixing the executioner's fee.

Also an appropriation to defray all expenses incurred in connection with the execution of a condemned man.

And recommend that the same be amended as follows:

In line 2, section 1 of the printed bill, insert the word "three" in place of the word "twelve."

Strike out all of sections 3, 4 and 5.

After the word "prisoners" in line 6 of the title, strike out all the remaining part of the title.

In the emergency clause strike out the words "and no funds are available to pay the fees and expenses" and insert in place thereof after the word "death" "and no provision of law exists authorizing the summoning of a jury to witness an execution."

And when so amended recommend the same do pass.

Also,

Senate Bill No. 10,

A bill for an act defining the duties of the register of deeds relating to foreclosure of mortgages on real property by advertisement, and prescribing the penalty for violating the same.

And recommend the same be amended as follows:

In line 2, section 1 of the engrossed bill, strike out the word "sheriff's."

In line 3 of said section strike out the words "certificate of sale" and insert in lieu thereof after the words "of the" the following, "affidavit of publication of the notice of mortgage foreclosure."

In line 5 of section 1 of the engrossed bill, after the word "owner" insert the words "and to every subsequent mortgage whose mortgage appears on record."

In line 5 of section 1 of the engrossed bill, strike out the words "sheriff's certificate of sale" and insert "affidavit of publication."

In line 4 of section 2 after the word "person" insert the words "or persons."

In the same line strike out the word "notice" and insert the words "affidavit of publication."

In line 5 of section 2, after the word "receipt" insert the words "or receipts."

In line 6 of section 2, after the word "receipt" insert the words "or receipts."

In the second line from the bottom, page 1, strike out the word "effect" and insert the word "affect."

In the last line of section 3 strike out the word "for" and insert the word "by."

And when so amended recommend the same do pass.

Also,

House Bill No. 150,

A bill for an act to amend section 4073 of the revised codes of the state of North Dakota of 1905, relating to the granting of alimony in divorce cases.

And recommend that the same be amended as follows:

In line 3 of the printed bill, strike out the words "when a divorce is granted."

Also strike out all of lines 4 to 18, both inclusive, of the printed bill, and insert the following:

"When a divorce is granted the court may make such suitable allowance to the wife for her support during her life or for a shorter period as the court may deem just, and may compel such husband to provide for the maintenance of the children of the marriage, having regard for the circumstances of the parties respectively, and except as provided for in section 4074 of this code the court may take into account the separate estates, real and personal, of the parties and assign the same to the respective parties in such proportion to make such division thereof between the parties as the court from all the facts in the case and conditions of the parties may deem just; and the court may from time to time modify its orders in these respects."

And when so amended recommend the same do pass.

Also,

House Bill No. 208,

A bill for an act to prohibit certain classes of medical advertising, and provide punishment for the violation thereof.

And recommend the same be amended as follows:

After the word "bill" strike out the title and insert the following: "For an act to prohibit the printing, publishing, circulating or distributing of advertisements or advertising matter relating to the treatment of cure of venereal diseases or disorder or diseases of the sexual organs, or relating to any medicines, drugs, drug compounds, appliances or means for causing miscarriage or abortion or regulating or re-establishing suppressed menses, and providing punishment for the violation of this act."

In line 1, page 1, section 1 of the printed bill, strike out the word "of" and insert the word "or."

In line 7, page 1 of the printed bill, after the word "him" insert "an advertisement of."

In line 7, page 1 of the printed bill, strike out the letter "i" in "venereal" and insert the letter "e."

In line 17, page 2 of the printed bill, strike out the word "gross."

In line 17, page 2 of the printed bill after the word "and" insert the words "upon conviction."

Also strike out sections 3 and 4 of this bill.

And when so amended recommend the same do pass.

Also,

House Bill No. 162,

A bill for an act to regulate the public service of stallions of North Dakota.

And recommend that the same be amended as follows:

That after the enacting clause the balance of the bill be stricken out and the following bill substituted therefor:

SECTION 1. *Licenses. Recording of Licenses.* Every person, firm, or company standing or using any stallion for public service in this state shall cause the name, description, and pedigree of such stallion to be enrolled by a stallion registration board hereinafter provided for, and shall secure a license from said board as provided in Section 3 of this act. All license certificates for stallions issued under this act shall be presented to and recorded by the register of deeds of the county or counties in which said stallion is used for public service.

SEC. 2. Stallion Registration Board, How Composed, Duties, Compensation. In order to carry out the provisions of this act, there shall be constituted a stallion registration board, whose duty it shall be to verify and register all pedigrees, and to provide the necessary inspection; to issue stallion license certificates, to make all necessary rules and regulations, and to perform such other duties as may be necessary to carry out the provisions of this act. Said board shall hold its meetings at the agricultural college; these meetings not to exceed four in number each year, providing that the president of the board has power to call special meetings whenever in his judgment it becomes necessary. The members of the board shall receive as compensation for their services the sum of three (\$3.00) dollars per day for each day employed, and five (5) cents per mile actually and necessarily traveled in attending the meetings of the board; which sum shall be paid out of the state treasury upon vouchers of the board, duly certified by the president and secretary thereof.

The stallion registration board shall be composed of the professor of animal husbandry of the state agricultural college, who shall be ex-officio secretary and executive officer of this board; the professor of veterinary science of the state agricultural college; the state commissioner of agriculture and labor; the president of the state live stock sanitary board, and the president of the North Dakota live stock association.

SEC. 3. Veterinary Inspection and Verification of Breeding. In order for the owner of a stallion to secure the license herein provided for, the stallion must pass a veterinary examination as herein provided for and be free from any infectious, contagious or transmissible disease or unsoundness. The owner of such stallion must also furnish to the stallion registration board the stud book registry certificate of pedigree of the stallion and all necessary papers relating to his breeding and ownership. Upon verification of pedigree and certificate of breeding (in case of pure bred stallions), and the horse has passed the necessary veterinary inspection, as provided for in this act, a license and certificate shall be furnished.

The presence of any one or more of the following named diseases shall disqualify a stallion from public service and are hereby defined as infectious, contagious or transmissible disease or unsoundness for this act: cataract, amaurosis, laryngeal, hemiplegia (roaring or whistling), chorea (St. Vitus dance, crampness, springhalt), glanders, farcy, maladie du coit, urethral gleet, mange, bone spavin, side bone and curb when accompanied by curby hock. The stallion registration board is hereby authorized to refuse certificates of enrollment to any stallion affected with any of these diseases specified and to revoke a previously issued license certificate of any stallion found upon examination to be so affected.

SEC. 4. The Examination of Stallions, Methods, Etc. The veterinary examination of the stallions provided for in this act must be done by a qualified graduate veterinarian who shall be in the employ of the stallion registration board. The stallions must be brought for examination to the nearest point where the inspector will be stationed on specified dates. The stallion owner must be given at least ten (10) days' notice of the dates when the inspector will be at specified towns of the county, in which the owner of the stallion resides. The inspector must not make known the results of the inspection of a stallion to the owner, at the time of inspection, but report to the secretary of the stallion registration board, who will notify the owner at the time he grants or refuses to grant him a license certificate for his horse.

SEC. 5. Method of Caring for Protests. Whenever a stallion has been rejected by the registration board and the owner is not satisfied with the decision of the official of the board, the owner may file a protest against the decision of the official inspector, and said protest shall state that to the best knowledge and belief of the person making the protest, the

stallion in question is eligible to be granted a license, whereupon an examination of the stallion in question shall be made by three experts, one appointed by the stallion registration board, one by the owner of the stallion, and the third by the other two experts already provided for, but all experts shall be graduates of recognized veterinary colleges. In case all three or any two of the experts declare the stallion is eligible to receive a license, then the expense of the consultation shall be paid by the stallion registration board, out of such funds as are hereinafter provided for, or if three or any two of the experts declare the horse not to be eligible in accordance with the provisions of this act, the expense incurred shall be paid by the person making the protest and it may be collected in same manner as in any case of an appeal in civil action.

SEC. 6. *Authority to Grant Temporary Licenses.* The stallion registration board is authorized in cases of emergency to grant temporary license certificates without veterinary examination, upon receipt of an affidavit of the owner to the effect that to the best of his knowledge and belief said horse is free from infectious, contagious or transmissible disease or unsoundness. Temporary license certificates shall be valid only until veterinary examination can reasonably be made.

SEC. 7. *Posting Copies of License Certificates.* The owner of any stallion standing for public service in this state shall post and keep affixed during the entire breeding season copies of the license certificates of such stallion, issued under the provisions of this act, in a conspicuous place upon the main door leading into every stable or building where the said stallion stands for public service. Said copies shall be printed in bold face and conspicuous types, not smaller than pica, especially the word "pure bred," "grade," etc.

SEC. 8. *Form of License Certificate.* The license certificates issued after proper examination for a stallion whose sire and dam are of pure breeding and the pedigree of which is registered in a stud book recognized by the United States department of agriculture, or in any American stud book or registry association that recognizes and records stallions that have five (5) pure top crosses, shall be in the following form:

STALLION REGISTRATION BOARD.

LICENSE CERTIFICATE OF PURE BRED STALLION.

The pedigree of the stallion.....(name).....owned by.....
bred by.....described as follows.....has been examined
at the agricultural college, N. D., division of animal husbandry, and it
is hereby certified that the said stallion is of pure breeding, is registered
in a stud book recognized by the department of agriculture, Washington,
D. C. The above named stallion has been examined by.....
a duly licensed veterinarian, and is reported as free from infectious, con-
tagious or transmissible disease or unsoundness, and is licensed to stand
for public service in the state of North Dakota.

(Signed).....
Professor of Animal Husbandry and
Secretary Registration Board.

The license certificate issued after proper examination for a stallion whose sire or dam is not of pure breeding shall be in the following form:

STALLION REGISTRATION BOARD.

LICENSE CERTIFICATE OF GRADE STALLIONS.

The pedigree of the stallion.....(name).....owned by.....
bred by.....described as follows:color.....
breed.....foaled in the year.....has been examined at the
agricultural college, N. D., division of animal husbandry, and it is hereby

certified that the said stallion is not of pure breeding and is, therefore, not eligible for registration in any stud book recognized by the department of agriculture, Washington; D. C.

The above named stallion has been examined by.....
a duly licensed veterinarian, and is reported as free from infectious, contagious or transmissible disease or unsoundness, and is licensed to stand for public service in the state of North Dakota.

(Signed).....
Professor of Animal Husbandry and
Secretary Stallion Registration Board.

SEC. 9. Every bill, poster or advertisement issued by the owner of any stallion licensed under this act, or used by him for advertising such stallions shall contain a copy of his license certificate and shall not contain illustrations, pedigrees or other matter that is untruthful or misleading.

SEC. 10. *Fees for Granting License and Inspection.* A fee not exceeding \$2.00 shall be paid to the secretary of the stallion registration board for the examination and enrollment of each pedigree and the issuance of a license certificate in accordance with the breeding of the stallion as above provided. A fee not exceeding \$1.00 shall be paid annually for the renewal of pedigree certificate and service license. A fee of \$5.00 shall also be paid for the veterinary examination of the stallion as provided in this act. This fee shall be collected by the inspector at the time the inspection is made. Stallions shall be examined every three years until ten years of age and after the first examination, they shall be exempt from re-examination if they are ten years of age or over.

SEC. 11. *Fee for Transfer of license.* Upon a transfer of the ownership of any licensed stallion under the provisions of this act, the license certificate may be transferred by the secretary of this board to the transferee upon submittal of satisfactory proof of such transfer of ownership upon payment of 50 cents.

SEC. 12. *How Expenses are Provided for. Board Make Annual Report to Governor.* The funds accruing from the above named fees shall be used by the stallion registration board to defray the expenses of enrollment of pedigrees and issuance of licenses; to pay for the services and expenses of the veterinary inspector; to publish reports or bulletins containing lists of stallions examined; to encourage the horse breeding interests of this state; to disseminate information pertaining to horse breeding, and for any other purpose as may be necessary to carry out the purposes and enforce the provisions of this act.

It shall be the duty of this board to make annual report, including financial statement, to the governor of the state, and all financial records of said board shall be subject to inspection at any time by the public examiner.

SEC. 13. *Provision for a Lien on the Colts of a Licensed Stallion.* If the provisions of this act are complied with, the owner of a stallion may file a lien upon any colt gotten by such stallion for the sum stipulated to be paid for the services of the stallion at any time before the colt is one year old, in case the price agreed upon for such service remains unpaid, and sell the same at public auction upon ten days' notice to be posted in at least three public places in the town where the owner of such colt resides, and apply the proceeds of such sale to the payment of the amount due for such services and the expenses of such seizure and sale returning the residue if any to the owner of the colt.

SEC. 14. *Penalty for Violation of Law.* Violation of any of the provisions of this act shall be punished by a fine of not less than \$25.00 nor more than \$100.00 for each offense.

SEC. 15. *Power Over and of Peace Officers.* The stallion registration board shall have power to call any sheriff, deputy sheriff or constable to execute its orders, and officers shall obey the orders of said board, and the officers performing such duties shall receive compensation therefor as is

prescribed by law for like services, and shall be paid therefor in like manner. Any officer may arrest or take before any justice of the peace of the county any person found violating any provision of this act, and such officers shall immediately notify the state's attorney of such arrest and he shall prosecute the person so offending according to law.

Sec. 16. *Repeal.* All acts and parts of acts inconsistent with any of the provisions of this act are hereby repealed.

Sec. 17. *When in Force.* This law will go into effect January 1, 1910.

And when so amended recommend the same do pass.

Also,

House Bill No. 228,

A bill for an act to amend section 1574 of the revised codes of 1905, relating to auditor's notice of tax sale.

And recommend that the same be amended as follows:

After the word "sale" in line 14 of page 1 of the printed bill, strike out the words "in counties having daily papers the" and insert in lieu thereof the words "in case the newspaper so designated has a daily edition, then such."

And when so amended recommend the same do pass.

Also,

House Bill No. 35,

A bill for an act authorizing and empowering the governor of the state to remove and suspend certain state, county, city and village officers who have been guilty of malfeasance or nonfeasance in the performance of their official duties, or who is guilty of habitual drunkenness, and providing for the filling of vacancies caused by such suspension or removal.

And recommend that the same be indefinitely postponed.

S. HENDRICKSON,
Chairman.

Mr. Hendrickson moved

That the report of the committee of the whole be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Mr. Hendrickson moved

That the house do now adjourn.

Which motion prevailed, and

The house adjourned.

W. D. AUSTIN,
Chief Clerk.

FORTY-FIFTH DAY

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 18, 1909.

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

The speaker presiding.

Prayer by the chaplain.

Roll call.

All members present except Messrs. Hanley and Hughes, who were excused.

REFERENCE OF THE JOURNAL.

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

Mr. Speaker:

Your committee on revision and correction of the journal have carefully examined the journal of the forty-fourth day and find the same correct.

And recommend that the same be approved.

S. J. DOYLE,
Chairman

Mr. Doyle moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

REPORTS OF STANDING COMMITTEES.

The committee on engrossment made the following report:

Mr. Speaker:

Your committee on engrossment have examined
House Bill No. 142,

A bill for an act to amend sections 4695, and 4697 of the revised codes of the state of North Dakota for the year 1905, relating to foreign corporations.

Also,

House Bill No. 211,

A bill for an act relating to the issuance of stock by corporations.

Also,

House Bill No. 213,

A bill for an act creating, establishing and locating a fish hatchery and fish cultural station at Fish lake, Birchwood park, in Rolette county, North Dakota, and providing for its management, and making an appropriation therefor.

Also,

House Bill No. 247,

A bill for an act to amend section 7459 of the revised codes of North Dakota of 1905, relating to the publication of the notice of foreclosure by advertisement, and prescribing the duty of the party, attorney or agent foreclosing the mortgage.

Also,

House Bill No. 260,

A bill for an act to amend section 204 of the revised codes of the state of North Dakota of 1905, relating to the manner of appraising school and institution lands for leasing purposes, and providing the manner of determining the minimum annual rental to be charged therefor.

Also,

House Bill No. 285,

A bill for an act to amend section 2589 of the revised codes of 1905, relating to the fees of county court.

Also,

House Bill No. 286,

A bill for an act to amend section 5119 of the revised codes of 1905, relating to the succession of children of testator omitted from will.

Also,

House Bill No. 293,

A bill for an act to amend chapter 71 of the session laws of North Dakota for 1907, relating to provision for the safe keeping of documents and bonds required to be deposited in the office of the county auditor.

And find the same correctly engrossed.

C. C. CRAWFORD,
Chairman.

Mr. Crawford moved .

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

PETITONS AND COMMUNICATIONS.

To the Eleventh Legislative Assembly:

We, the undersigned citizens and taxpayers of Pembina county, being especially interested in the welfare of our rural schools, respectfully petition this legislative assembly to pass Senate Bill No. 63, a bill for an act to encourage elementary education.

Our reasons are these:

1. Not 10 per cent of the pupils of this state ever go beyond the eighth grade.
2. Sixty-five per cent of our children must attend the rural school.
3. The progress of the rural school determines the progress of the rural community.
4. Our rural schools need encouragement and stimulation, which this bill seeks to give.
5. North Dakota can afford to be generous with her children in matters of education.

J. T. BRIDEN,
And 14 Others.

Medford, N. D., February 3, 1909.

We, the undersigned members of Camp No. 5606, Modern Woodmen of America, Medford, N. D., hereby petition the members of the North Dakota legislature: That we are bitterly opposed to a so called uniform bill or minimum rate bill, which is supposed to be presented for adoption at this session of the legislature.

G. E. LANG,
And 29 Others.

To the House of Representatives of the State of North Dakota, Now in Session:

SIRS: We, the undersigned qualified electors of the county of Kidder, state of North Dakota, do hereby respectfully protest against the passage of House Bill No. 227, introduced by Representative Storey, of said county, for the reason that the passage of such bill and its enactment into law would make it almost impossible to provide for a system of fire guards in said county, and would make it so difficult to get the necessary number of signatures to petitions for fire guards that all efforts to get signatures would have to be abandoned.

The present system of fire guards in this county is such that it is our judgment that the large majority of the people here would be greatly damaged by any law that would make the provisions for levying taxes therefor any different from those now in force.

Dated at Steele, N. D., this 13th day of February, 1909.

C. A. CROSS,
And 27 Others.

To the Hon. Representative of the Twenty-Ninth Legislative District, Bismarck, N. D.:

We, the members of Glenburn Camp, No. 10,853, M. W. A., are opposed to the uniform assessment rate bill submitted to the legislature of the several states by the Associated Fraternities, and respectfully petition you to use your influence against the passage of same.

THOMAS CAMPBELL,
And 38 Others.

Hon. O. T. Grant, Representing District Number Thirty-seven in Legislature, Bismarck, N. D.:

SIR: We, the undersigned members of Camp No. 2876 of the Modern Woodmen of America, at Walcott, North Dakota, having been informed that the managers of some of the fraternal beneficiary societies holding membership in the National Fraternal Congress and the Associated Fraternities, have agreed upon a so-called "Uniform Bill" or minimum rate bill which they are to have this winter presented for adoption in every state in which the legislatures meet; and,

Whereas, the Modern Woodmen of America does not hold membership in either the National Fraternal Congress or Associated Fraternities; and,

Whereas, if this proposed bill is adopted, every fraternal beneficiary society, including the Modern Woodmen of America, will be forced to charge the rate of premium on insurance so proposed or go out of business; and,

Whereas, we deem said proposed rates unjust and unnecessary.

Now, therefore, we petition you to use your best influence and good office to prevent any such bill being introduced, passed or adopted by the legislature now convened.

Dated at Walcott, North Dakota, this 2d day of February, 1909.

OLAF GOTAASS,
And 19 Others.

Loma, N. D., February 15, 1909.

To the Hon. U. L. Burdick, Member of the House of Representatives:

We, the undersigned members of the M. W. A., do hereby petition you not to support the minimum rate bill, should it come up before the house, as we consider the bill unjust and a detriment to all fraternal insurance orders.

F. S. RICKBEIL,
And 18 Others.

The undersigned, settlers of Cedar Postoffice, county of Adams, state of North Dakota, hereby respectfully ask the legislature, assembled at Bismarck, North Dakota, to pass

Senate Bill No. 21, or any other bill which will adequately produce the same results, providing for seed wheat for farmers in communities where it is needed.

ROY DAUBENSPICH,
And 41 Others.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
February 18, 1909.

Mr. Speaker:

I have the honor to transmit herewith
Senate Bill No. 132,

A bill for an act designating those authorized to solemnize marriages, and concerning the license therefor.

Also,

Senate Bill No. 175,

A bill for an act providing for a correct tax list, a correct tax sale, and a correct list of owners of real estate and their present addresses.

Also,

Senate Bill No. 231,

A bill for an act to amend section 3198, article 24, chapter 33 of the political code (revised codes of 1905) of the state of North Dakota, relating to the bonds of civil townships, and as to how and when issued.

Also,

Senate Bill No. 232,

A bill for an act to amend sections 894 and 895 of the revised codes of 1905.

Also,

Senate Bill No. 235,

A bill for an act to encourage professional spirit among teachers in this state.

Also,

Senate Bill No. 237,

A bill for an act to amend section 777 of the revised codes of 1905.

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

Also,

Mr. Speaker:

I have the honor to return herewith
House Bill No. 48

A bill for an act to authorize the board of trustees or directors of the state university and school of mines, the North Dakota academy of science, the state industrial school and the various state normal schools of the state of North Dakota to lease portions of the campuses of said institutions to societies and organizations of students and graduates thereof, and legalizing such leases heretofore made.

Which the senate has amended as follows:

Strike out line 21, page 2, and insert in lieu thereof the following: "Such premises and improvements thereon shall at all times remain under the absolute and exclusive control of the state, and the state or the board of trustees of the institution upon whose lands such lease shall be granted may at any time revoke the same."

Insert after the word "thereto" in line 25 of page 2 the words "in so far as the same shall be in accordance with the provisions of this act and the constitution of the state."

And passed as amended.

Also,

Mr. Speaker:

I have the honor to return herewith
House Bill No. 63,

For an act to amend sections 1, 2, 3, 4, 6, and 14 of chapter 135 of the laws of 1907.

Which the senate has passed unchanged.

Very respectfully,

J. W. FOLEY,

Secretary.

Mr. Traynor moved

That the house do now concur in the senate amendments to House Bill No. 48.

Which motion prevailed

Mr. Traynor moved

That the rules be suspended and House Bill No. 48 be considered engrossed and placed upon its third reading and final passage, as amended by the senate.

Which motion prevailed.

House Bill No. 48,

A bill for an act to authorize the board of trustees or directors of the state university and school of mines, the state agricultural college, the state school of forestry, the North Dakota academy of science, the state industrial school and the various state normal schools of the state of North Dakota to lease portions of the compuses of said institutions to societies and organizations of students and graduates thereof; and legalizing such leases heretofore made.

Was read the third time

The question being on the final passage of the bill as amended by the senate.

The roll was called and there were ayes 85, nays 0, absent and not voting 10.

Those who voted in the affirmative were:

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|--------------------|--------------------|
| Aasheim | Hale | Paulson |
| Akesson | Hemmingson | Peart |
| Anderson | Hendrickson | Pendray |
| Atwood | Hill | Plath |
| Baker of Cass | Homness | Poe |
| Baker of Stark | Honey | Pound |
| Bjorndahl | Jewett | Price |
| Brusletten | Johnson of McLean | Putnam |
| Brynjulson | Johnson of Rolette | Schull |
| Burnett | Kinney of McLean | Senour |
| Burns | Kinney of Richland | Sgutt |
| Chatfield | Kneeland | Shells |
| Christenson | Knox | Skinner |
| Collins of Cass | Kremer | Skulason |
| Collins of Gd. Forks | Law | Sorlie |
| Crawford | Laithwaite | Steen |
| Cunningham | Linde | Storey |
| Davidson | Lindvig | Streete. |
| Dibley | Lucke | Thompson of McLean |
| Doyle of Foster | Martin | Thoreson |
| Duncan | McLear | Traynor |
| Fraine | Moen of Benson | Ward |

| | | |
|-----------|-------------------|-------------|
| Messrs.— | Messrs.— | Messrs.— |
| Freeman | Moen of Cavalier | Welford |
| Ganssle | Narum | White |
| Garden | Nelson of McHenry | Wisner |
| Geidt | Nelson of Steele | Wolbert |
| Gibbens | Nyhus | Young |
| Goldammer | Olson | Mr. Speaker |
| Grant | | |

Absent and not voting:

| | | |
|-------------------|----------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Doyle of McIntosh | Johnson of Bottineau | Ployhar |
| Evans | McCrea | Sinclair |
| Hanley | Nelson of Walsh | Thompson, Gd. Forks |
| Hughes | | |

Messrs. Hanley and Hughes being excused.

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

Mr. Traynor moved

That the vote by which House Bill No. 48 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

There being no objections, the house passed to the twelfth order of business.

CONSIDERATION OF MESSAGES FROM THE SENATE.

Mr. Price moved

That the house do now concur in the senate resolution relating to the so-called Adams act.

Which motion prevailed, and
The resolution was concurred in.

REPORTS OF STANDING COMMITTEES.

The committee on railroads made the following report:

Mr. Speaker:

Your committee on railroads to whom was referred
House Bill No. 282,

A concurrent resolution amending the constitution of the state of North Dakota, relating to the term of office of the commissioners of railroads.

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

G. A. WHITE,
Chairman.

Mr. White moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Also,

Your committee on railroads to whom was referred

Senate Bill No. 109,

A bill for an act providing for the removal of cars from spurs and sidetracks of railroads that have been loaded for shipment for billing by the same common carriers, and providing penalties for failure to do same.

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

G. A. WHITE,
Chairman.

Mr. White moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on railroads to whom was referred:

House Bill No. 304,

A bill for an act to authorize, empower and require the board of railroad commissioners to ascertain and determine the true cash value of all the railroad property of every railroad company in this state, used in the operation and maintenance of their respective railways, and to employ experts and such other assistance as may be necessary to ascertain and determine such value, and making an appropriation therefor.

Have had the same under consideration and recommend that the same be re-referred to the committee on appropriations with our recommendations that it pass.

G. A. WHITE,
Chairman.

Mr. White moved

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

The committee on temperance made the following report

Mr. Speaker:

Your committee on temperance to whom was referred
House Bill No. 114,

A bill for an act to amend chapter 189 of the session laws
of 1907.

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

E. L. GARDEN,
Chairman.

Mr. Garden moved

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

Also,

Your committee on temperance to whom was referred
Senate Bill No. 9,

A bill for an act to amend section 9366 of the revised codes
of North Dakota 1905, defining what shall be considered
and held to be intoxicating liquors.

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

E. L. GARDEN,
Chairman.

Mr. Garden moved

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

The committee on taxation and tax laws made the following report:

Mr. Speaker:

Your committee on taxation and tax laws to whom was referred

House Bill No. 308,

A bill for an act to amend section 1544 of the revised codes of 1905, relating to notice of rates of taxation to be given by county treasurer.

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

JOHN STEEN,
Chairman.

Mr. Steen moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on taxation and tax laws to whom was referred

House Bill No. 163.

For amendment to the constitution of the state of North Dakota, relating to revenue and taxation.

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

Strike out all of lines 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, and insert in lieu thereof the following:

“Corporations, companies or associations organized or domiciled out of the state, but doing business therein, may be licensed and taxed by a mode different from that provided for home corporations or companies; provided, said different mode of license shall be uniform, upon a graduated system, and said different mode of taxation shall be equal and uniform as to all such corporations, companies or associations that transact the same kind of business.

“The legislative assembly may further provide that grain grown within the state and held therein in elevators, warehouses and granaries may be taxed at a fixed rate.”

And when so amended recommend the same do pass.

JOHN STEEN,
Chairman.

The committee on state affairs made the following report:

Mr. Speaker:

Your committee on state affairs to whom was referred
House Bill No. 239,

A bill for an act prohibiting the sending and circulating of false and derogatory reports about the crops, the condition of the weather and the coal and fuel supplies.

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

W. J. PRICE,
Chairman.

Mr. Price moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Also,

Your committee on state affairs to whom was referred
House Bill No. 250,

A bill for an act to amend chapter 70 of the laws of 1905, being sections 1310, 1311, 1312, 1313, 1314 and 1315 of the revised codes of 1905, relating to the levy of a tax in certain counties, to aid in the maintenance of county agricultural fair associations, and to repeal parts of same.

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

On page 2, lines 16 and 17, of the printed bill, strike out the words "in the erection of suitable buildings and improvements to accommodate" and insert in lieu thereof the words "and pay expenses and premiums awarded."

On page 3, line 39, after the word "president" insert a comma (,), and strike out the word "or," and in the same line after the word "vice-president" insert a comma (,) and strike out the word "and."

In line 47, same page, after the word "they" strike out the word "shall" and insert the word "may."

In line 50, same page, strike out the word "one-fifth" and insert the word "one-half" in lieu thereof.

In line 52, same page, after the word "levied" strike out the word "by."

On page 4, line 68, after the word "profit" strike out the word "and," and strike out all of line 69, and strike out all of line 70 prior to the word "provided" and insert in lieu thereof the words "unless it is provided in the by-laws thereof that no dividend shall be declared out of any income of said corporation accruing during the period it receives such aid."

In line 70, page 4, after the word "provided" insert the word "further."

In lines 72 and 73, page 4, strike out the words "that have held fairs for three successive years prior to the passage of this act."

And when so amended recommend the same do pass.

W. J. PRICE,
Chairman.

Also,

Your committee on state affairs to whom was referred House Bill No. 224,

A bill for an act to amend section 1313 of the revised codes of North Dakota of the revision of 1905, relating to county fairs.

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

W. J. PRICE,
Chairman.

Mr. Price moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Also,

Your committee on state affairs to whom was referred House Bill No. 104,

A bill for an act to amend section 2432 of the revised codes of North Dakota, of 1905, relating to the publication of proceedings of boards of county commissioners.

Have had the same under consideration and recommend that the same be referred to the committee on public printing.

W. J. PRICE,
Chairman.

Mr. Price moved

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

Also,

Your committee on state affairs to whom was referred
House Bill No. 102,

A bill for an act to amend section 401 of the revised-codes of North Dakota, of 1905, relating to the giving of bonds by certain officers.

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

W. J. PRICE,
Chairman.

Mr. Price moved

That the report be adopted.
Which motion prevailed, and
The further consideration of the bill was indefinitely postponed.

Also,

Your committee on state affairs to whom was referred
House Bill No. 217,

A bill for an act to amend section 2432 of the revised codes of 1905, of chapter 28 of the political code of the state of North Dakota, providing for the publishing of all records and proceedings of the board of county commissioners.

Have had the same under consideration and recommend that the same be referred to your committee on public printing.

W. J. PRICE,
Chairman.

Mr. Price moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on state affairs to whom was referred
Senate Bill No. 72,

A bill for an act creating an office of forest fire warden and prescribing the powers, duties and compensations of such office.

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

In section 3, line 7 of the printed bill, strike out the word "organized" and insert in lieu thereof the word "unorganized."

And when so amended recommend the same do pass.

W. J. PRICE,
Chairman.

Mr. Price moved

That the rules be suspended and the report of the committee be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on state affairs to whom was referred
House Bill No. 289,

A bill for an act to amend section 3061 of the revised codes for 1905, relating to annual township meetings.

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

In line 11, page 1 of the printed bill, strike out the letter "a" in parenthesis and insert the figure "10."

And when so amended recommend the same do pass.

W. J. PRICE,
Chairman.

Mr. Price moved

That the rules be suspended and the report of the committee be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on state affairs to whom was referred

House Bill No. 300,

A bill for an act to prohibit state or county officers from employing their own relatives in their respective offices, and providing penalties for violation thereof.

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

W. J. PRICE,
Chairman.

Mr. Price moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Also,

Your committee on state affairs to whom was referred

House Bill No. 312,

A bill for an act to prescribe a method of removal and discharge of persons admitted to the institution for the feeble minded.

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

W. J. PRICE,
Chairman.

Mr. Price moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
February 18, 1909.

Mr. Speaker:

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

A concurrent resolution memorializing the congress of the United States to provide by law for the improvement of the rivers, harbors and waterways, and the issuance of bonds therefor.

Whereas, the United States government should immediately take into hand the improvement of the rivers, harbors and waterways of the country, and that a large sum of money should be appropriated for that purpose, and,

Whereas, it seems fair and right that future generations who will reap the great benefits should share a portion of the expense, and,

Whereas, the two per cent bonds of the government sell readily at a premium and at the same time afford an attractive investment to certain classes of people who would otherwise hoard their money and keep it out of circulation, and,

Whereas, the National Rivers and Harbors Congress, which convened at Washington in December, 1908, composed of more than 3,000 representatives from all sections of the country, indorsed and recommended the expenditure of \$500,000,000 by the general government for these purposes, and the issuance of two per cent bonds therefor, and similar action has been taken by other representative bodies; therefore, be it

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

That the congress of the United States be memorialized and earnestly urged to provide by law for the issuance by the government of its two per cent bonds to the extent of \$500,000,000 or more to carry forward the work which has already been approved by the engineers of the army and the committee on rivers and harbors of the house of representatives in the matter of the improvement of the rivers, harbors and waterways of the country, and to carry forward such other new work as may be approved by the engineering department and congress. Be it further

Resolved, That a duly certified copy of this memorial be by the secretary of the senate forwarded to each member of the North Dakota delegation in congress.

Which the senate has adopted and your favorable consideration is respectfully requested.

Very respectfully,

J. W. FOLEY,
Secretary.

Mr. Homnes moved

That the house do now concur in the senate concurrent resolution relating to rivers and harbors.

Which motion prevailed, and
The resolution was concurred in.

REPORTS OF STANDING COMMITTEES.

The committee on appropriations made the following report:

Mr. Speaker:

Your committee on appropriations to whom was referred House Bill No. 269,

A bill for an act indemnifying owners for animals killed or destroyed according to law for being affected with the disease known as glanders, and providing for a special tax for the payment thereof.

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

After the word "equalization in line 1 of section 6, strike out the remainder of the section and insert in lieu thereof:

"It shall be the duty of the state board of equalization for the state of North Dakota, at the time of the levy of the annual tax to levy a special tax of two-tenths of one mill on the dollar upon the assessed valuation of all the assessable property in the state for the year 1909, and each year thereafter of all assessable property in the state of North Dakota, which tax when collected shall be paid into the hands of the state treasurer, who shall at once enter the same into the state glander fund. Said fund shall be preserved inviolate for the payment of the state claims provided for herein."

Also after the word "appropriation" on line 1 of section 7, strike out the remainder of the section and insert in lieu thereof:

"Until the revenue provided for in section 6 herein shall be available, there shall be appropriated out of the general funds of the state, not otherwise appropriated, the sum of seventy-five thousand dollars for the payment of claims heretofore or hereafter presented, approved and allowed in the manner herein provided; and provided, further, that

the general fund shall be reimbursed out of such state glander fund for such payment, as fast as the special tax provided herein shall be collected."

And when so amended recommend the same do pass.

S. N. PUTNAM,
Chairman.

Mr. Putnam moved

That the rules be suspended and the report of the committee be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Mr. Putnam moved

That the rules be suspended and House Bill No. 269 be considered engrossed and placed upon its third reading and final passage as amended.

Which motion prevailed.

House Bill No. 269,

A bill for an act indemnifying owners for animals killed or destroyed according to law for being affected with the disease known as glanders, and providing for a special tax

Was read the third time

The question being on the final passage of the bill.

The roll was called and there were ayes 89, nays 0, absent and not voting 6.

Those who voted in the affirmative were:

Messrs.—

Aasheim
Akesson
Anderson
Atwood
Baker of Cass
Baker of Stark
Bjorndahl
Brusletten
Brynjulson
Burnett
Burns
Chatfield
Christenson
Collins of Cass
Collins of Gd. Forks
Crawford
Cunningham
Davidson
Dibley

Messrs.—

Hale
Hemmingson
Hendrickson
Hill
Homnes
Honey
Jewett
Johnson of Bottineau
Johnson of McLean
Johnson of Rolette
Kinney of McLean
Kinney of Richland
Kneeland
Knox
Law
Laithwaite
Linde
Lindvig
Lucke

Messrs.—

Paulson
Peart
Pendray
Plath
Poe
Pound
Price
Putnam
Schull
Senour
Sgutt
Sheils
Skinner
Skulason
Sorlie
Steen
Storey
Streeter
Thompson, Gd. Forks

Messrs.—

Doyle of Foster
Doyle of McIntosh
Duncan
Evans
Fraine
Freeman
Ganssle
Geidt
Gibbens
Goldammer
Grant

Messrs.—

Martin
McCrea
McLear
Moen of Benson
Moen of Cavalier
Narum
Nelson of McHenry
Nelson of Steele
Nelson of Walsh
Nyhus
Olson

Messrs.—

Thompson of McLean
Thoreson
Traynor
Ward
Welford
White
Wisner
Wolbert
Young
Mr. Speaker

Absent and not voting:

Messrs.—

Garden
Hanley

Messrs.—

Hughes
Kremer

Messrs.—

Ployhar
Sinclair

Messrs. Hanley and Hughes being excused.
So the bill passed and the title was agreed to.

Mr. Putnam moved

That the vote by which House Bill No. 269 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

REPORTS OF STANDING COMMITTEES.

The committee on ways and means made the following report:

Mr. Speaker:

Your committee on ways and means to whom was referred

Senate Bill No. 142,

A bill for an act authorizing the state auditor to advance such sums to the treasurer of the state penitentiary as may be necessary for the purpose of paying for the raw material and supplies necessary for the operation of the twine plant, and for conducting the business of the institution; providing that the warden of the state penitentiary or the board of trustees thereof, shall execute in writing a requisition setting forth the reason therefor.

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

O. J. SORLIE,
Chairman.

Mr. Sorlie moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on ways and means to whom was referred

Senate Bill No. 141,

A bill for an act to amend section 10,387 of the code of criminal procedure of the revised codes of 1905, relating to the fiscal year and sinking fund of the twine plant.

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

O. J. SORLIE,
Chairman.

Mr. Sorlie moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on ways and means to whom was referred

Senate Bill No. 140,

A bill for an act authorizing the board of trustees of the North Dakota state penitentiary to operate the twine plant more than ten hours per day; authorizing the employment of the inmates of the North Dakota state penitentiary during any part of the day; authorizing the board of trustees of the North Dakota state penitentiary to pay inmates, not to exceed the sum of six cents per day, for their labor; except that inmates working over time in the factory may be paid extra for over time; prescribing rules to be observed in the payment of wages, and the keeping of the accounts; providing that the wife, minor children or other person dependent on the inmate for support shall receive five-sixths of the wages, and otherwise providing

for the manner in which the wages may be paid; and providing for a general inmates' benefit fund.

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

O. J. SORLIE,
Chairman.

Mr. Sorlie 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. Speaker:

Your committee on municipal corporations to whom was referred

House Bill No. 61,

A bill for an act to amend section 2802 of the revised codes of North Dakota for 1905 and to provide for the method of procedure in perfecting appeals from acts of the special assessment commission for cities.

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

In the title after "1905" strike out "and to provide for" and insert in place thereof the following, "relating to publication of notice of special assessment list by city auditor and to."

Also strike out lines 3 to 14 inclusive, in section 1, and insert in place thereof the following:

"Section 2802. Publication of Notice of Assessment List.) The city auditor shall thereupon publish once, in the official newspaper of the city a notice stating that such assessment list has been confirmed by the special assessment commission and filed in his office, and is open to public inspection, and shall state in said notice the time and place when and where the city council will act upon such assessment list; and in case such notice shall have been given more than fifteen days prior to the next regular meeting of the city council, such assessment list shall be acted upon by such council at its next regular meeting; and in case such notice shall not have been published more than fifteen days prior to the first regular meeting of the city

council thereafter, such assessment list shall be acted upon by the city council at its second regular meeting, after the publication of such notice. Any person aggrieved may appeal from the action of such commission by filing with the city auditor prior to the meeting at which the city council will act upon such assessment, a written notice of such appeal, and stating therein the grounds upon which the same are based."

And when so amended recommend the same do pass.

F. G. KNEELAND,
Chairman.

Also,

Your committee on municipal corporations to whom was referred

House Bill No. 202,

A bill for an act to amend section 2693 of the revised codes of 1905, relating to qualifications of city officers.

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

In line 5 of the printed bill, strike out the words "to the" and insert in lieu thereof the word "for."

And when so amended recommend the same do pass.

F. G. KNEELAND,
Chairman.

Mr. Kneeland moved

That the rules be suspended and the report of the committee be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on state affairs to whom was referred

House Bill No. 297,

A bill for an act to provide for the appointment of village marshal.

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

W. J. PRICE,
Chairman.

Mr. Price moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Also,

Your committee on state affairs to whom was referred
House Bill No. 159,

A bill for an act entitled an act to amend section 2206 of the revised codes of the state of North Dakota for the year 1905 relating to the fees to be paid by Hawkers and Peddlers.

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

Section 1, line 7 of the printed bill, strike out the words "five dollars" and insert the words "twenty dollars."

In the same section, line 14, strike out the words "one hundred and fifty dollars" and insert the words "one hundred and twenty-five dollars."

And when so amended recommend the same do pass.

W. J. PRICE,
Chairman.

Mr. Price moved

That the rules be suspended and the report of the committee be adopted.

Which motion prevailed, and

The report of the committee was adopted.

COMMUNICATION FROM THE SECRETARY OF STATE.

The following communication was received from the secretary of state:

OFFICE OF SECRETARY OF STATE,
BISMARCK, NORTH DAKOTA,
February 18, 1909.

W. D. Austin, Chief Clerk, House of Representatives, Bismarck, N. D.:

SIR: I herewith transmit you certified copy of house joint resolution No. 7, adopted by the Eleventh legislative

assembly of the state of South Dakota, regarding the more effectual prohibition of the practice of polygamy.

I am, sir,

Very respectfully yours,
ALFRED BLAISDELL,
Secretary of State.

MOTIONS AND RESOLUTIONS.

Mr. Sorlie moved

That the vote by which House Bill No. 35 was indefinitely postponed be reconsidered.

Mr. Skulason moved

That the motion to reconsider be laid on the table.

Which motion prevailed.

GENERAL ORDERS.

Mr. Gibbens moved

That the house resolve itself into a committee of the whole for the consideration of general orders.

Which motion prevailed, and

The house resolved itself into a committee of the whole.

The speaker called Mr. Traynor to the chair.

When the committee arose it submitted the following report:

Mr. Speaker:

The committee of the whole have had under consideration

House Bill No. 161,

A bill for an act to require relatives to support the poor and providing for the manner of obtaining permanent relief.

And recommend that the same be amended as follows:

Section 1, line 2 of the printed bill, after the word "being" strike out the word "off" and insert in place thereof the word "of"; in the same section, line 4, after the word "relieve" insert the word "and."

In section 4, line 2, strike out the word "they" and insert in the place thereof the word "their"; in the same section,

line 6, strike out the word "having" and insert in place thereof the word "has."

And when so amended recommend the same do pass.

Also,

House Bill No. 274.

A bill for an act to divide the state of North Dakota into two (2) congressional districts and defining the boundaries of each of said congressional districts of the state of North Dakota.

And recommend that the same be indefinitely postponed.

Also,

Senate Bill No. 60,

A bill for an act prohibiting the marriage of white persons to negro persons; prohibiting negro man and white woman, or negro woman and white man occupying same room; prohibiting adultery or fornication between whites and negroes; prohibiting the issuing of marriage licenses for white persons to negro persons; prohibiting the performance of the marriage ceremony between white persons and negroes; prescribing penalties for violations of the provisions of this act, and defining a negro person.

And recommend the same be amended as follows:

Strike out all after the word "void" in line 9, section 1 of the engrossed bill, and also lines 10 and 11, and all of line 12, prior to the word "and."

And when so amended recommend the same do pass.

Also,

House Bill No. 110,

A bill for an act requiring state officials to reside at the capitol and to provide adequate compensation.

And recommend the same be amended as follows:

Strike out all of the bill after the enacting clause and insert the following amendments: Sections 1 to 7.

SECTION 1. *Personal Expenses of the Governor.*) The governor shall receive the sum of Two Thousand Dollars (\$2,000.00) per annum for the purpose of defraying his personal expenses, such amount to be payable monthly without the filing of any itemized statement, provided, that the provisions of this section shall not apply to governors hereafter elected.

SEC. 2. *Personal Expenses of Other State Officers.*) (1.) The secretary of state, state auditor, state treasurer, attorney general, superintendent of public instruction, commissioner of agriculture and labor, and the commissioner of insurance shall each receive the sum of One Thousand Dollars (\$1,000.00) per annum for the purpose of defraying the personal

expenses of such officers, such amount to be payable monthly without the filing of any itemized statement, provided, that none of the officers named in paragraph one, of section 2, shall receive such expense money unless they reside at the capital of the state.

2. The chairman of the board of railroad commissioners shall receive the sum of Eight Hundred Dollars (\$800.00) per annum for the purpose of defraying his personal expenses, such amount to be payable monthly without the filing of any itemized statement.

Sec. 3. The provisions of sections 1 and 2 shall not apply to any of the state officers herein mentioned who may hereafter be elected.

Sec. 4. *Salary.*) (1.) The governor shall receive an annual salary of Five Thousand Dollars (\$5,000.00) per annum.

(2.) The attorney general shall receive an annual salary of Three Thousand Six Hundred Dollars (\$3,600.00) and he shall reside at the capital of the state.

(3.) The secretary of state, state auditor, state treasurer, superintendent of public instruction, commissioner of agriculture and labor and commissioner of insurance shall each receive an annual salary of Three Thousand Dollars (\$3,000.00) and shall reside at the capital of the state.

(4.) The commissioners of railroads, excepting the chairman, shall receive an annual salary of Twelve Hundred Dollars (\$1,200.00) per annum. The chairman of the board of railroad commissioners shall receive the sum of Two Thousand Dollars (\$2,000.00) per annum, and shall reside at the capital.

Sec. 5. *Appropriation.*) There is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, a sum of money sufficient to pay the personal expenses contemplated in this act.

Sec. 6. *Repeal.*) All acts or parts of acts in conflict with this act are hereby repealed.

Sec. 7. *Emergency.*) Whereas an emergency exists in that there is no provision of law providing for the payment of the necessary personal expenses of the state officers herein mentioned, therefore, this act shall take effect and be in force from and after its passage and approval.

That the word "chairman" after the word "the" be stricken out in subdivision 2 of section 2 of the committee amendment and the word "members" be inserted in lieu thereof.

That after the words "per annum" in line 2 of paragraph 2 of section 2 insert the word "each."

After the word "railroads" in line 1 of subdivision 4, strike out the words "excepting the chairman."

After the word "two" strike out the word "hundred" and insert the word "thousand"; in same line after the dollar sign strike out the figures "12" and insert the figures "20," and strike out the balance of the subdivision after the word "annum."

And when so amended recommend the same do pass.

Also,

Senate Bill No. 55,

A bill for an act providing for the granting of certificates to teach to certain graduates of the North Dakota agricul-

tural college and of the state normal-industrial school, located at Ellendale, N. D.

And recommend that the same be re-referred to the committee on education.

Also,

House Bill No. 230,

A bill for an act to amend section 2248 of the revised codes of North Dakota for 1905, requiring owners or their agents of elevators and warehouses to issue receipts for grain or seeds delivered to them for the purpose of storage and making the failure to comply a misdemeanor.

And recommend the same be amended as follows:

Insert in line 7 of the printed bill after the word "therefor," "in such form as may be prescribed by the railway and warehouse commission."

And when so amended recommend the same do pass.

FRED J. TRAYNOR,
Chairman.

Mr. Traynor moved

That the report of the committee of the whole be adopted.
Which motion prevailed, and
The report of the committee was adopted.

INTRODUCTION, FIRST AND SECOND READING OF HOUSE BILLS.

Mr. Nelson of Steele introduced

House Bill No. 352,

A bill for an act to amend article 2 of the political code, revised codes of North Dakota, 1905, relating to asylum and poor farm.

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

Mr. Grant introduced

House Bill No. 353,

A bill for an act to require counties to build and maintain bridges over public drains intersecting public high-

ways, and to reimburse townships for bridges already built over such drains.

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

Mr. Doyle of Foster introduced

House Bill No. 354,

A bill for an act amending section 616 of the political codes of 1905, relating to the preparation and marking of ballots.

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

Mr. Kneeland introduced

House Bill No. 355,

A bill for an act to amend section 8405 of the revised codes of 1905, relating to garnishment proceedings in justice courts.

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

Mr. Kneeland introduced

House Bill No. 356,

A bill for an act to amend sections 2661 and 2687 of chapter 30 of the political code of the state of North Dakota, revised codes of 1905, relating to the number of aldermen in cities, and the term of office of such aldermen.

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

Mr. Møen of Benson introduced

House Bill No. 357,

A bill for an act to amend section 521 of the revised codes of 1905, relating to the furnishing of a list of jurors to the clerk of the district court.

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

Mr. Price (by request) introduced

House Bill No. 358,

A bill for an act to amend section 2006 of the revised codes of 1905, relating to the qualifications of district veterinarians.

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

There being no objections, the house passed to the thirteenth order of business.

FIRST AND SECOND READING OF SENATE BILLS.

Senate Bill No. 46,

A bill for an act to empower the school board of any district to establish and maintain free kindergartens for the instruction of children between four and six years of age.

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

Senate Bill No. 118,

A bill for an act making it unlawful for any person, firm, association, copartnership or corporation doing business in the state to purchase grains at different weight for the bushel than is fixed by law, or to take or accept any dockage on grains not docked at the terminal markets of Minnesota and Wisconsin.

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

Senate Bill No. 185,

A bill for an act to amend section 4639 of the revised codes of North Dakota, 1905, relative to powers of banking corporations.

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

Senate Bill No. 11,

A concurrent resolution amending the constitution of the state of North Dakota, establishing and locating a state normal school in the city of Minot, county of Ward.

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

Senate Bill No. 154,

A bill for an act to amend section 6710 of the revised codes of 1905, relating to holidays.

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

Senate Bill No. 131,

A bill for an act creating a state board of examiners; to regulate the practice of osteopathy in the state of North Dakota; to provide for licensing doctors of osteopathy, and to prescribe penalties for the violation of this act.

Was read the first and second times and
Referred to the committee on Public Health.

Senate Bill No. 123,

A bill for an act creating a commissioner of Canada and sow thistles and quack grass, providing for the manner of his appointment and prescribing his duties and providing a penalty for failure to perform same, and providing a penalty for failure to comply with his notice and orders.

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

Senate Bill No. 41,

A bill for an act to amend section 4171 of the revised codes of 1905 of the state of North Dakota, relating to religious and charitable corporations.

Was read the first and second times and
Referred to the committee on corporations other than municipal.

Senate Bill No. 121,

A bill for an act regulating the speed of locomotives and trains while passing through cities, towns and villages in North Dakota.

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

Senate Bill No. 215,

A bill for an act to amend section 10,292 of the revised codes of North Dakota for 1905, relating to the offering of reward for apprehension of criminals and those charged with crime.

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

Senate Bill No. 203,

A bill for an act to reduce the expenses of conveying insane persons to the hospital for the insane, providing

for the duties of county judges in relation thereto, and making an appropriation to carry out its provisions.

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

Senate Bill No. 202,

A bill for an act fixing the salary of the clerk of the supreme court.

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

Senate Bill No. 194,

A bill for an act to amend section 6246 of the revised codes of North Dakota, 1905, relating to requiring a mechanic's lien holder to bring suit thereon or lose his lien.

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

Senate Bill No. 193,

A bill for an act to amend section 8089 of the revised codes of 1905 of North Dakota, relating to the exemption of personal property and the disposition thereof in the matter of estates pending in the county court.

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

Senate Bill No. 158,

A bill for an act to amend and re-enact section 2489 of the revised codes of 1905.

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

Senate Bill No. 224,

A bill for an act to amend section 876, chapter 9 of the revised codes of North Dakota for 1905, relating to fees for teacher's certificates.

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

Senate Bill No. 227,

A bill for an act to amend section 7527 of the code of 1905, relating to actions to determine conflicting claims to real property.

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

Senate Bill No. 157,

A bill for an act to amend and re-enact section 822 of the revised codes of North Dakota for the year 1905.

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

Senate Bill No. 107,

A bill for an act to provide for the better enforcement of the laws against the manufacture and sale of intoxicating liquors, providing for inspection, testing and analysis of said beverages, prescribing a penalty for the violation and charging the North Dakota government agricultural experiment station with the enforcement thereof.

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

Senate Bill No. 67,

A bill for an act providing for the sanitation of bakeries, canneries, packing houses, slaughter houses, dairies, creameries, cheese factories, confectioneries, restaurants, hotels, groceries, meat markets and all other food producing establishments, manufactories, or other places where food is prepared, manufactured, packed, stored, sold or distributed, and vehicles in which food is placed for transportation, regulating the health of operatives, employees, clerks, drivers and all other persons working on the premises who handle the material from which food is prepared or the finished product; defining food; regulating the wholesomeness of food manufactured, prepared, packed, stored, sold, distributed or transported, and defining the duties of the food commissioner of the North Dakota government agricultural experiment station, and providing penalties for the violation thereof.

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

Senate Bill No. 222,

A bill for an act to legalize certain floating indebtedness incurred by cities, village and school district of this state under certain circumstances and bonds issued, or that may be issued to fund the same.

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

Senate Bill No. 132,

A bill for an act designating those authorized to solemnize marriages, and concerning the license therefor.

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

Senate Bill No. 175,

A bill for an act providing for a correct tax list, a correct tax sale, and a correct list of owners of real estate and their present addresses.

Was read the first and second times and
Referred to the committee on taxation and tax laws.

Senate Bill No. 232,

A bill for an act to amend sections 894 and 895 of the revised codes of 1905.

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

Senate Bill No. 231,

A bill for an act to amend section 3198, article 24, chapter 33 of the political code (revised codes of 1905) of the state of North Dakota, relating to the bonds of civil townships, and as to how and when issued.

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

Senate Bill No. 235,

A bill for an act to encourage professional spirit among teachers in this state.

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

Senate Bill No. 237,

A bill for an act to amend section 777 of the revised codes of 1905.

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

There being no objections, the house returned to the thirteenth order of business.

CONSIDERATION OF MESSAGES FROM THE SENATE.

Mr. Schull moved

That the house do now concur in the senate amendments to House Bill No. 8.

Which motion-prevalled.

Mr. Schull moved

That the rules be suspended and that House Bill No. 8 be considered engrossed and placed upon its third reading and final passage, as amended by the senate.

Which motion prevailed

House Bill No. 8,

A concurrent resolution for an amendment to the constitution of the state of North Dakota, creating the office of justice of the peace and fixing and providing for the jurisdiction thereof.

Was read the third time

The question being on the final passage of the bill as amended by the senate.

The roll was called and there were ayes 85, nays 0, absent and not voting 10.

Those who voted in the affirmative were:

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|----------------------|---------------------|
| Aashelm | Hendrickson | Olson |
| Anderson | Hill | Paulson |
| Atwood | Homnes | Peart |
| Baker of Stark | Honey | Pendray |
| Bjorndahl | Jewett | Plath |
| Brusletten | Johnson of Bottineau | Pound |
| Brynjulson | Johnson of McLean | Price |
| Burnett | Johnson of Rolette | Putnam |
| Burns | Kinney of McLean | Schull |
| Chatfield | Kinney of Richland | Senour |
| Christenson | Kneeland | Sgutt |
| Collins of Cass | Knox | Skinner |
| Collins of Gd. Forks | Kremer | Skulason |
| Crawford | Law | Sorlie |
| Cunningham | Laithwaite | Steen |
| Davidson | Linde | Storey |
| Dibley | Lindvig | Streeter |
| Doyle of McIntosh | Lucke | Thompson, Gd. Forks |
| Duncan | Martin | Thompson of McLean |
| Evans | McCrea | Thoreson |
| Fraine | McLear | Traynor |
| Freeman | Moen of Benson | Ward |

| | | |
|------------|-------------------|-------------|
| Messrs.— | Messrs.— | Messrs.— |
| Ganssle | Moen of Cavalier | Welford |
| Geidt | Narum | White |
| Gibbens | Nelson of McHenry | Wisner |
| Goldammer | Nelson of Steele | Wolbert |
| Grant | Nelson of Walsh | Young |
| Hale | Nyhus | Mr. Speaker |
| Hemmingson | | |

Absent and not voting:

| | | |
|-----------------|----------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Akesson | Hanley | Poe |
| Baker of Cass | Hughes | Shells |
| Doyle of Foster | Ployhar | Sinclair |
| Garden | | |

• Messrs. Hanley and Hughes being excused.

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

Mr. Schull moved

That the vote by which House Bill No. 8 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

THIRD READING OF HOUSE BILLS.

House Bill No. 221,

A bill for an act to amend sections 4329 and 4342 of the revised codes for the year 1905, relating to the powers and duties of the board of railroad commissioners, and providing a penalty for violating the orders of said board.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 87, nays 0, absent and not voting 8.

Those who voted in the affirmative were:

| | | |
|-----------------|--------------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Hale | Olson |
| Anderson | Hemmingson | Paulson |
| Atwood | Hendrickson | Peart |
| Baker of Stark | Hill | Pendray |
| Bjorndahl | Homnes | Plath |
| Brusletten | Honey | Poe |
| Brynjulson | Jewett | Pound |
| Burnett | Johnson of McLean | Price |
| Burns | Johnson of Rolette | Putnam |
| Chatfield | Kinney of McLean | Schull |
| Christenson | Kinney of Richland | Senour |
| Collins of Cass | Kneeland | Sgutt |

| | | |
|----------------------|-------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Collins of Gd. Forks | Knox | Sinclair |
| Crawford | Kremer | Skinner |
| Cunningham | Law | Skulason |
| Davidson | Laithwaite | Sorlie |
| Dibley | Linde | Steen |
| Doyle of Foster | Lindvig | Storey |
| Doyle of McIntosh | Lucke | Streeter |
| Duncan | Martin | Thompson, Gd. Forks |
| Evans | McCrea | Thompson of McLean |
| Fraine | McLear | Thoreson |
| Freeman | Moen of Benson | Traynor |
| Ganssle | Moen of Cavalier | Ward |
| Garden | Narum | Welford |
| Geidt | Nelson of McHenry | White |
| Gibbens | Nelson of Steele | Wisner |
| Goldammer | Nelson of Walsh | Young |
| Grant | Nyhus | Mr. Speaker |

Absent and not voting :

| | | |
|---------------|----------------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Akesson | Hughes | Shells |
| Baker of Cass | Johnson of Bottineau | Wolbert |
| Hanley | Ployhar | |

Messrs. Hanley and Hughes being excused.

So the bill passed and the title was agreed to.

Mr. White moved

That the vote by which House Bill No. 221 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 267,

A bill for an act relating to railroad stations.

Was read the third time.

Mr. White asked unanimous consent to amend the bill.

There being no objections, Mr. White offered the following amendment and moved its adoption :

Add section 3:

“Whereas, an emergency exists in this, that there are now many railroad stations closed, to the great inconvenience of the people, therefore, this act shall take effect and be in force from and after its passage and approval.”

Which motion prevailed, and

The amendment was adopted.

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

The roll was called and there were ayes 84, nays 3, absent and not voting 8.

Those who voted in the affirmative were:

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|--------------------|---------------------|
| Anderson | Hendrickson | Paulson |
| Atwood | Hill | Pearl |
| Baker of Stark | Homnes | Pendray |
| Bjorndahl | Honey | Plath |
| Brusletten | Jewett | Poe |
| Brynjulson | Johnson of McLean | Pound |
| Burnett | Johnson of Rolette | Price |
| Burns | Kinney of McLean | Putnam |
| Chatfield | Kinney of Richland | Schull |
| Christenson | Kneeland | Senour |
| Collins of Cass | Knox | Sgutt |
| Collins of Gd. Forks | Kremer | Sinclair |
| Crawford | Law | Skinner |
| Cunningham | Laithwaite | Skulason |
| Davidson | Linde | Sorlie |
| Doyle of Foster | Lindvig | Steen |
| Duncan | Lucke | Storey |
| Evans | Martin | Streeter |
| Frane | McCrea | Thompson, Gd. Forks |
| Freeman | McLear | Thompson of McLean |
| Gansle | Moen of Benson | Thoreson |
| Garden | Moen of Cavalier | Traynor |
| Geidt | Narum | Ward |
| Gibbens | Nelson of McHenry | Welford |
| Goldammer | Nelson of Steele | White |
| Grant | Nelson of Walsh | Wisner |
| Hale | Nyhus | Young |
| Hemmingson | Olson | Mr. Speaker |

Those who voted in the negative were:

| Messrs.— | Messrs.— | Messrs.— |
|----------|----------|----------|
| Aasheim | Dibley | Wolbert |

Absent and not voting:

| Messrs.— | Messrs.— | Messrs.— |
|-------------------|----------------------|----------|
| Akesson | Hanley | Ployhar |
| Baker of Cass | Hughes | Sheils |
| Doyle of McIntosh | Johnson of Bottineau | |

Messrs. Hanley and Hughes being excused.

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

Mr. White moved

That the vote by which House Bill No. 267 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed

House Bill No. 207,

A bill for an act to regulate the employment of child labor and to prescribe penalties for violations of this act.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 79, nays 1, absent and not voting 15.

Those who voted in the affirmative were:

| | | |
|----------------------|--------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Hemmingson | Paulson |
| Akesson | Hendrickson | Peart |
| Atwood | Hill | Pendray |
| Baker of Stark | Homnes | Plath |
| Bjorndahl | Honey | Poe |
| Brusletten | Jewett | Pound |
| Brynjulson | Johnson of McLean | Price |
| Burnett | Johnson of Rolette | Putnam |
| Chatfield | Kinney of McLean | Schull |
| Christenson | Kinney of Richland | Sinclair |
| Collins of Cass | Kneeland | Skinner |
| Collins of Gd. Forks | Law | Skulason |
| Cunningham | Laithwaite | Sorlie |
| Davidson | Linde | Steen |
| Dibley | Lindvig | Storey |
| Doyle of Foster | Lucke | Streeter |
| Duncan | Martin | Thompson, Gd. Forks |
| Evans | McCrea | Thompson of McLean |
| Fraine | McLear | Thoreson |
| Freeman | Moen of Benson | Traynor |
| Ganssle | Moen of Cavalier | Ward |
| Garden | Narum | Welford |
| Geidt | Nelson of McHenry | White |
| Gibbens | Nelson of Steele | Wisner |
| Goldammer | Nelson of Walsh | Young |
| Grant | Olson | Mr. Speaker |
| Hale | | |

Absent and not voting:

| | | |
|-------------------|----------------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Baker of Cass | Hughes | Ployhar |
| Burns | Johnson of Bottineau | Senour |
| Crawford | Knox | Sgutt |
| Doyle of McIntosh | Kremer | Sheils |
| Hanley | Nyhus | Wolbert |

Mr. Anderson voted in the negative.

Messrs. Hanley and Hughes being excused.

So the bill passed and the title was agreed to

Mr. Skulason moved

That the vote by which House Bill No. 207 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

By unanimous consent House Bills Nos. 262 and 257 were passed.

House Bill No. 231,

A bill for an act to amend section 9650 of the revised codes of 1905, relating to bastardy proceedings.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 84, nays 1, absent and not voting 10.

Those who voted in the affirmative were:

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|--------------------|---------------------|
| Aasheim | Hemmingson | Olson |
| Akesson | Hendrickson | Paulson |
| Anderson | Hill | Peart |
| Atwood | Homnes | Pendray |
| Baker of Stark | Honey | Plath |
| Brusletten | Jewett | Ployhar |
| Brynjulson | Johnson of McLean | Poe |
| Burnett | Johnson of Rolette | Pound |
| Chatfield | Kinney of McLean | Putnam |
| Christenson | Kinney of Richland | Schull |
| Collins of Cass | Kneeland | Senour |
| Collins of Gd. Forks | Knox | Sinclair |
| Crawford | Kremer | Skinner |
| Cunningham | Law | Skulason |
| Davidson | Laithwaite | Sorlie |
| Dibley | Linde | Steen |
| Doyle of Foster | Lindvig | Storey |
| Duncan | Lucke | Streeter |
| Evans | Martin | Thompson, Gd. Forks |
| Fraine | McCrea | Thompson of McLean |
| Freeman | McLear | Thoreson |
| Ganssle | Moen of Benson | Traynor |
| Garden | Moen of Cavalier | Ward |
| Geldt | Narum | Welford |
| Gibbens | Nelson of McHenry | White |
| Goldammer | Nelson of Steele | Wisner |
| Grant | Nelson of Walsh | Young |
| Hale | Nyhus | Mr. Speaker |

Absent and not voting:

| Messrs.— | Messrs.— | Messrs.— |
|-------------------|----------------------|----------|
| Baker of Cass | Hughes | Sgutt |
| Burns | Johnson of Bottineau | Shells |
| Doyle of McIntosh | Price | Wolbert |
| Hanley | | |

Mr. Bjorndahl voted in the negative.

Messrs. Hanley and Hughes being excused.

So the bill passed and the title was agreed to.

Mr. Kneeland moved

That the vote by which House Bill No. 231 passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

There being no objections, the House returned to the seventh order of business.

MOTIONS AND RESOLUTIONS.

Mr. Hale moved

That House Bill No. 213 be recalled from the committee on fish and game, and re-referred to the committee on appropriations.

Which motion prevailed, and

The bill was so re-referred.

Mr. Hale introduced the following concurrent resolution and moved its adoption:

Resolved by the House of Representatives of the Eleventh Legislative Assembly, the Senate Concurring:

That when the two houses adjourn Friday, February 19th, they shall stand adjourned until 2 o'clock Tuesday, February 23.

Which motion prevailed, and

The resolution was adopted.

COURTESIES OF THE FLOOR.

The privileges of the floor were extended to:

T. F. McCue, Carrington; Dr. Platou, Valley City; ex-Governor Frank White, Valley City; W. J. Moseley, J. O. Kesler, Cando; A. J. Bremer, Ward county; C. G. Bangert, Ransom county.

Mr. Gibbens moved

That the house take a recess until 8 o'clock this evening.

Which motion prevailed, and

The house took a recess until 8 o'clock this evening.

W. D. AUSTIN,
Chief Clerk.

The house assembled at 8 o'clock p. m. pursuant to recess taken.

THIRD READING OF HOUSE BILLS.

House Bill No. 249,

A bill for an act to amend section 10,245 of the revised codes of North Dakota for 1905, relating to the place where the board of pardons shall hold its sessions.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 72, nays 0, absent and not voting 23.

Those who voted in the affirmative were:

| Messrs.— | Messrs.— | Messrs.— |
|-------------------|----------------------|---------------------|
| Aasheim | Hendrickson | Nyhus |
| Anderson | Hill | Olson |
| Atwood | Homnes | Paulson |
| Bjorndahl | Honey | Peart |
| Brynjulson | Jewett | Plath |
| Brusletten | Johnson of Bottineau | Pound |
| Burnett | Johnson of McLean | Putnam |
| Chatfield | Johnson of Rolette | Schull |
| Christenson | Kinney of McLean | Sgutt |
| Collins of Cass | Kinney of Richland | Skinner |
| Crawford | Kneeland | Skulason |
| Cunningham | Knox | Sorlie |
| Davidson | Law | Storey |
| Doyle of Foster | Laithwaite | Streeter |
| Doyle of McIntosh | Linde | Thompson, Gd. Forks |
| Duncan | Lucke | Thompson of McLean |
| Freeman | Martin | Thoreson |
| Ganssle | McCrea | Traynor |
| Garden | McLear | Ward |
| Geidt | Moen of Benson | Welford |
| Gibbens | Moen of Cavalier | White |
| Goldammer | Narum | Wisner |
| Grant | Nelson of Steele | Young |
| Hale | Nelson of Walsh | Mr. Speaker |

Absent and not voting:

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|-------------------|----------|
| Akesson | Hanley | Poe |
| Baker of Cass | Hemmingson | Price |
| Baker of Stark | Hughes | Senour |
| Burns | Kremer | Sheils |
| Collins of Gd. Forks | Lindvig | Sinclair |
| Dibley | Nelson of McHenry | Steen |
| Evans | Pendray | Wolbert |
| Fraine | Ployhar | |

Messrs. Hanley and Hughes being excused.

So the bill passed and the title was agreed to.

Mr. Doyle of Foster moved

That the vote by which House Bill No. 249 passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 248,

A bill for an act to amend sections 2405, 2407, 2408 and 2409 of the revised codes of the state of North Dakota for 1905, relating to the authorization of public improvements in counties, and providing for the levying of taxes to aid in the construction 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 69, nays 0, absent and not voting 26.

Those who voted in the affirmative were:

| | | |
|-------------------|--------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Hale | Nyhus |
| Anderson | Hendrickson | Olson |
| Atwood | Hill | Paulson |
| Bjorndahl | Homnes | Plath |
| Brusletten | Honey | Pound |
| Brynjulson | Jewett | Putnam |
| Burnett | Johnson of McLean | Schull |
| Chatfield | Kinney of McLean | Sgutt |
| Christensen | Kinney of Richland | Skinner |
| Collins of Cass | Kneeland | Skulason |
| Crawford | Knox | Sorlie |
| Cunningham | Law | Storey |
| Davidson | Laithwaite | Streeter |
| Doyle of Foster | Linde | Thompson, Gd. Forks |
| Doyle of McIntosh | Lucke | Thompson of McLean |
| Duncan | Martin | Thoreson |
| Freeman | McCrea | Traynor |
| Ganssle | McLear | Ward |
| Garden | Moen of Benson | Welford |
| Geidt | Moen of Cavalier | White |
| Gibbens | Narum | Wisner |
| Goldammer | Nelson of Steele | Young |
| Grant | Nelson of Walsh | Mr. Speaker |

Absent and not voting:

| | | |
|----------------------|----------------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Akesson | Hemmingson | Ployhar |
| Baker of Cass | Hughes | Poe |
| Baker of Stark | Johnson of Bottineau | Price |
| Burns | Johnson of Rolette | Senour |
| Collins of Gd. Forks | Kremer | Sheils |
| Dibley | Lindvig | Sinclair |

Messrs.—

Evans
Fraine
Hanley

Messrs.—

Nelson of McHenry
Peart
Pendray

Messrs.—

Steen
Wolbert

Messrs. Hanley and Hughes being excused.
So the bill passed and the title was agreed to.

Mr. Nelson of Steele moved

That the vote by which House Bill No. 248 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 227,

A bill for an act to amend section 2071 of the revised codes of the state of North Dakota for 1905.

Was read the third time.

Mr. Hendrickson moved

That the further consideration of the bill be indefinitely postponed.

Which motion was lost.

The question being on the final passage of the bill.

The roll was called and there were ayes 39, nays 21, absent and not voting 35.

Those who voted in the affirmative were:

Messrs.—

Anderson
Atwood
Brynjulson
Burnett
Collins of Cass
Cunningham
Davidson
Duncan
Geidt
Gibbens
Hale
Homnes
Honey

Messrs.—

Kneeland
Knox
Laithwaite
Linde
Lucke
Moen of Benson
Narum
Nelson of Steele
Nelson of Walsh
Paulson
Plath
Pound
Putnam

Messrs.—

Sgutt
Skinner
Skulason
Sorlie
Steen
Storey
Thompson, Gd. Forks
Thompson of McLean
Thoreson
Traynor
Welford
White
Wisner

Those who voted in the negative were:

Messrs.—

Aasheim
Bjorndahl
Brusletten
Chatfield
Christenson
Crawford
Doyle of McIntosh

Messrs.—

Freeman
Grant
Hendrickson
Jewett
Johnson of Rolette
Kinney of Richland
Martin

Messrs.—

McLear
Olson
Schull
Streeter
Ward
Young
Mr. Speaker

Absent and not voting:**Messrs.—**

Akesson
 Baker of Cass
 Baker of Stark
 Burns
 Collins of Gd. Forks
 Dibley
 Doyle of Foster
 Evans
 Fraine
 Ganssle
 Garden
 Goldammer

Messrs.—

Hanley
 Hemmingson
 Hill
 Hughes
 Johnson of Bottineau
 Johnson of McLean
 Kinney of McLean
 Kremer
 Law
 Lindvig
 McCrea
 Moen of Cavalier

Messrs.—

Nelson of McHenry
 Nyhus
 Peart
 Pendray
 Ployhar
 Poe
 Price
 Senour
 Sheils
 Sinclair
 Wolbert

Messrs. Hanley and Hughes being excused.

Mr. Skulason explained his vote.

Mr. Streeter explained his vote.

So the bill was lost.

Mr. Streeter moved

That the vote by which House Bill No. 227 was lost be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 205,

A bill for an act providing for the revision and compilation of the school laws of the state of North Dakota, and appropriate money therefor.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 68, nays 6, absent and not voting 21.

Those who voted in the affirmative were:

Messrs.—

Aasheim
 Anderson
 Atwood
 Bjorndahl
 Brusletten
 Brynjulson
 Burnett
 Chatfield
 Christenson
 Collins of Cass
 Crawford
 Cunningham
 Davidson
 Doyle of Foster

Messrs.—

Hale
 Hendrickson
 Hill
 Homnes
 Honey
 Jewett
 Johnson of Bottineau
 Johnson of McLean
 Johnson of Rolette
 Kinney of McLean
 Kinney of Richland
 Kneeland
 Knox
 Law

Messrs.—

Nelson of Walsh
 Olson
 Paulson
 Peart
 Plath
 Pound
 Putnam
 Schull
 Sgutt
 Skinner
 Sorlie
 Streeter
 Thompson, Gd. Forks
 Thompson of McLean

| Messrs.— | Messrs.— | Messrs.— |
|-------------------|------------------|-------------|
| Doyle of McIntosh | Laithwaite | Thoreson |
| Duncan | Linde | Traynor |
| Freeman | Mart'n | Ward |
| Ganssle | McCrea | Welford |
| Garden | McLear | White |
| Geidt | Moen of Benson | Wisner |
| Gibbens | Moen of Cavalier | Young |
| Goldammer | Narum | Mr. Speaker |
| Grant | Nelson of Steele | |

Those who voted in the negative were:

| Messrs.— | Messrs.— | Messrs.— |
|----------|----------|----------|
| Lucke | Pendray | Steen |
| Nyhus | Skulason | Storey |

Absent and not voting:

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|-------------------|----------|
| Akesson | Fraine | Ployhar |
| Baker of Cass | Hanley | Poe |
| Baker of Stark | Hemmingson | Price |
| Burns | Hughes | Senour |
| Collins of Gd. Forks | Kremer | Sheils |
| Dibley | Lindvig | Sinclair |
| Evans | Nelson of McHenry | Wolbert |

Messrs. Hanley and Hughes being excused.
So the bill passed and the title was agreed to.

Mr. Sorlie moved

That the vote by which House Bill No. 205 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 255,

A bill for an act to provide for an examination of the sight and hearing of pupils in public schools, 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 60, nays 13, absent and not voting 22.

Those who voted in the affirmative were:

| Messrs.— | Messrs.— | Messrs.— |
|------------|--------------------|----------|
| Anderson | Honey | Plath |
| Atwood | Jewett | Pound |
| Bjorndahl | Johnson of McLean | Putnam |
| Brusletten | Kinney of McLean | Schull |
| Burnett | Kinney of Richland | Sgutt |

| | | |
|-----------------|------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Chatfield | Kneeland | Skulason |
| Christenson | Knox | Sorlie |
| Collins of Cass | Law | Steen |
| Crawford | Laithwaite | Storey |
| Duncan | Linde | Streeter |
| Freeman | Lucke | Thompson, Gd. Forks |
| Ganssle | McCrea | Thompson of McLean |
| Garden | McLear | Thoreson |
| Geidt | Moen of Benson | Traynor |
| Gibbens | Moen of Cavaller | Ward |
| Goldammer | Narum | Welford |
| Grant | Nelson of Steele | White |
| Hendrickson | Nelson of Walsh | Wisner |
| Hill | Nyhus | Young |
| Homnes | Paulson | Mr. Speaker |

Those who voted in the negative were:

| | | |
|-----------------|--------------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Doyle of McIntosh | Olsen |
| Brynjulson | Hale | Pearl |
| Cunningham | Johnson of Rolette | Pendray |
| Davidson | Martin | Skinner |
| Doyle of Foster | | |

Absent and not voting:

| | | |
|----------------------|----------------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Akesson | Hanley | Ployhar |
| Baker of Cass | Hemmingson | Poe |
| Baker of Stark | Hughes | Price |
| Burns | Johnson of Bottineau | Senour |
| Collins of Gd. Forks | Kremer | Shells |
| Dibley | Lindvig | Sinclair |
| Evans | Nelson of McHenry | Wolbert |
| Fraine | | |

Messrs. Hanley and Hughes being excused.
 So the bill passed and the title was agreed to.

Mr. White moved

That the vote by which House Bill No. 255 passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 235,

A bill for an act making an appropriation for the salary of the state registrar of vital statistics and for the current and contingent expenses of the state bureau of vital statistics.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 66, nays 7, absent and not voting 22.

Those who voted in the affirmative were:

| Messrs.— | Messrs.— | Messrs.— |
|-------------------|--------------------|---------------------|
| Aasheim | Hale | Olson |
| Anderson | Hendrickson | Paulson |
| Atwood | Hill | Pearl |
| Bjorndahl | Homnes | Plath |
| Brusletten | Honey | Pound |
| Brynjulson | Jewett | Putnam |
| Burnett | Johnson of McLean | Sgutt |
| Chatfield | Johnson of Rolette | Skinner |
| Christenson | Kinney of McLean | Skulason |
| Collins of Cass | Kneeland | Sorlie |
| Crawford | Knox | Steen |
| Cunningham | Law | Storey |
| Davidson | Laithwaite | Streeter |
| Doyle of Foster | Linde | Thompson, Gd. Forks |
| Doyle of McIntosh | Lucke | Thompson of McLean |
| Duncan | McCrea | Thoreson |
| Freeman | McLear | Traynor |
| Ganssle | Moen of Benson | Ward |
| Garden | Moen of Cavalier | Welford |
| Geidt | Nelson of Steele | White |
| Gibbens | Nelson of Walsh | Wisner |
| Goldammer | Nyhus | Mr. Speaker |

Those who voted in the negative were:

| Messrs.— | Messrs.— | Messrs.— |
|--------------------|----------|----------|
| Grant | Narum | Schull |
| Kinney of Richland | Pendray | Young |
| Martin | | |

Absent and not voting:

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|----------------------|----------|
| Akesson | Hanley | Ployhar |
| Baker of Cass | Hemmingson | Poe |
| Baker of Stark | Hughes | Price |
| Burns | Johnson of Bottineau | Senour |
| Collins of Gd. Forks | Kremer | Shells |
| Dibley | Lindvig | Sinclair |
| Evans | Nelson of McHenry | Wolbert |
| Fraine | | |

Messrs. Hanley and Hughes being excused.

So the bill passed and the title was agreed to.

Mr. Sorlie moved

That the vote by which House Bill No. 235 passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 105,

A bill for an act appropriating money to provide for the maintenance of a public health laboratory in the medical department of the state university and school of mines at Grand Forks, and for experiments on sewage purification at said laboratory.

Was read the third time

The question being on the final passage of the bill.

The roll was called and there were ayes 68, nays 5, absent and not voting 22.

Those who voted in the affirmative were:

| Messrs.— | Messrs.— | Messrs.— |
|-----------------|--------------------|---------------------|
| Aasheim | Hendrickson | Paulson |
| Anderson | Hill | Peart |
| Atwood | Homnes | Plath |
| Bjorndahl | Honey | Pound |
| Brusletten | Jewett | Putnam |
| Brynjulson | Johnson of McLean | Schull |
| Burnett | Kinney of McLean | Sgutt |
| Chatfield | Kinney of Richland | Skinner |
| Christenson | Kneeland | Skulason |
| Collins of Cass | Knox | Sorlie |
| Crawford | Law | Steen |
| Cunningham | Laithwaite | Storey |
| Davidson | Linde | Streeter |
| Doyle of Foster | Lucke | Thompson, Gd. Forks |
| Duncan | McCrea | Thompson of McLean |
| Freeman | McLear | Thoreson |
| Ganssle | Moen of Benson | Traynor |
| Garden | Moen of Cavalier | Ward |
| Geidt | Narum | Welford |
| Gibbens | Nelson of Steele | White |
| Goldammer | Nelson of Walsh | Wisner |
| Grant | Nyhus | Mr. Speaker |
| Hale | Olson | |

Those who voted in the negative were:

| Messrs.— | Messrs.— | Messrs.— |
|--------------------|----------|----------|
| Doyle of McIntosh | Martin | Young |
| Johnson of Rolette | Pendray | |

Absent and not voting:

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|----------------------|----------|
| Akesson | Hanley | Ployhar |
| Baker of Cass | Hemmingson | Poe |
| Baker of Stark | Hughes | Price |
| Burns | Johnson of Bottineau | Senour |
| Collins of Gd. Forks | Kremer | Sheils |
| Dibley | Lindvig | Sinclair |
| Evans | Nelson of McHenry | Wolbert |
| Fraine | | |

Messrs. Hanley and Hughes being excused.
So the bill passed and the title was agreed to.

Mr. Skulason moved

That the vote by which House Bill No. 105 passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 260,

A bill for an act to amend section 204 of the revised codes of the state of North Dakota of 1905, relating to the manner of appraising school and institution lands for leasing purposes, and providing the manner of determining the minimum annual rental to be charged therefor.

Was read the third time

Mr. Davidson moved

That the further consideration of the bill be indefinitely postponed.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Mr. Gibbens moved

That the vote by which House Bill No. 260 was indefinitely postponed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 285,

A bill for an act to amend section 2589 of the revised codes of 1905, relating to the fees of 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 73, nays 0, absent and not voting 22.

Those who voted in the affirmative were:

Messrs.—

Aasheim
Anderson
Atwood
Bjorndahl
Brusletten
Brynjulson

Messrs.—

Hill
Hommes
Honey
Jewett
Johnson of McLean
Johnson of Rolette

Messrs.—

Paulson
Peart
Pendray
Plath
Pound
Putnam

| | | |
|-------------------|--------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Burnett | Kinney of McLean | Schull |
| Chatfield | Kinney of Richland | Sgutt |
| Christenson | Kneeland | Skinner |
| Collins of Cass | Knox | Skulason |
| Crawford | Law | Sorlie |
| Cunningham | Laithwaite | Steen |
| Davidson | Linde | Storey |
| Doyle of Foster | Lucke | Streeter |
| Doyle of McIntosh | Martin | Thompson, Gd. Forks |
| Duncan | McCrea | Thompson of McLean |
| Freeman | McLear | Thoreson |
| Ganssle | Moen of Benson | Traynor |
| Garden | Moen of Cavalier | Ward |
| Geidt | Narum | Welford |
| Gibbens | Nelson of Steele | White |
| Goldammer | Nelson of Walsh | Wisner |
| Grant | Nyhus | Young |
| Hale | Olson | Mr. Speaker |
| Hendrickson | | |

Absent and not voting:

| | | |
|----------------------|----------------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Akesson | Hanley | Ployhar |
| Baker of Cass | Hemmingson | Poe |
| Baker of Stark | Hughes | Price |
| Burns | Johnson of Bottineau | Senour |
| Collins of Gd. Forks | Kremer | Sheils |
| Dibley | Lindvig | Sinclair |
| Evans | Nelson of McHenry | Wolbert |
| Fraine | | |

Messrs. Hanley and Hughes being excused.
So the bill passed and the title was agreed to.

Mr. Kneeland moved

That the vote by which House Bill No. 285 passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed

House Bill No. 286,

A bill for an act to amend section 5119 of the revised codes of 1905, relating to the succession of children of testator omitted from will.

Was read the third time

The question being on the final passage of the bill.

The roll was called and there were ayes 72, nays 0, absent and not voting 23.

Those who voted in the affirmative were:

| | | |
|----------|----------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Hornes | Peart |
| Anderson | Honey | Pendray |
| Atwood | Jewett | Plath |

| | | |
|-----------------|--------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Bjorndahl | Johnson of McLean | Pound |
| Brusletten | Johnson of Rolette | Putnam |
| Brynjulson | Kinney of McLean | Schull |
| Burnett | Kinney of Richland | Sgutt |
| Chatfield | Kneeland | Skinner |
| Christenson | Knox | Skulason |
| Collins of Cass | Law | Sorlie |
| Crawford | Laithwaite | Steen |
| Cunningham | Linde | Storey |
| Davidson | Lucke | Streeter |
| Doyle of Foster | Martin | Thompson, Gd. Forks |
| Duncan | McCrea | Thompson of McLean |
| Freeman | McLear | Thoreson |
| Ganssle | Moen of Benson | Traynor |
| Garden | Moen of Cavaller | Ward |
| Geidt | Narum | Welford |
| Gibbens | Nelson of Steele | White |
| Goldammer | Nelson of Walsh | Wisner |
| Grant | Nyhus | Young |
| Hale | Olson | Mr. Speaker |
| Hendrickson | Paulson | |
| Hill | | |

Absent and not voting:

| | | |
|----------------------|----------------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Akesson | Fraine | Ployhar |
| Baker of Cass | Hanley | Poe |
| Baker of Stark | Hemmingson | Price |
| Burns | Hughes | Senour |
| Collins of Gd. Forks | Johnson of Bottineau | Sheils |
| Dibley | Kremer | Sinclair |
| Doyle of McIntosh | Lindvig | Wolbert |
| Evans | Nelson of McHenry | |

Messrs. Hanley and Hughes being excused.

So the bill passed and the title was agreed to.

Mr. Kneeland moved

That the vote by which House Bill No. 286 passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

The speaker called Mr. Homnes to the chair.

House Bill No. 293,

A bill for an act to amend chapter 71 of the session laws of North Dakota for 1907, relating to provision for the safe keeping of documents and bonds required to be deposited in the office of the county auditor.

Was read the third time

Mr. Cunningham moved

That the further consideration of the bill be indefinitely postponed.

Which motion prevailed, and
The further consideration of the bill was indefinitely postponed.

Mr. Cunningham moved

That the vote by which House Bill No. 293 was indefinitely postponed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed

House Bill No. 247,

A bill for an act to amend section 7459 of the revised codes of North Dakota of 1905, relating to the publication of the notice of foreclosure by advertisement, and prescribing the duty of the party, attorney or agent foreclosing the mortgage.

Was read the third time.

Mr. Skulason asked unanimous consent to amend the bill.

There being no objections, Mr. Skulason offered the following amendment, and moved its adoption:—

By adding after the last word in the bill "such affidavit must be recorded at length by the register of deeds of the county in which the real property is situated in a book kept for the record of mortgages and such original affidavit, the record thereof and certified copies of such record shall be prima facie evidence of the facts therein contained."

Which motion prevailed, and

The amendments were adopted.

The question being on the final passage of the bill as amended.

The roll was called and there were ayes 72, nays 0, absent and not voting 23.

Those who voted in the affirmative were:

Messrs.—

Aashelm
Anderson
Atwood
Bjorndahl
Brusletten
Brynjulson
Burnett

Messrs.—

Hendrickson
Homnes
Hill
Honey
Jewett
Johnson of McLean
Johnson of Rolette

Messrs.—

Paulson
Peart
Pendray
Plath
Pound
Putnam
Schull

| Messrs.— | Messrs.— | Messrs.— |
|-------------------|--------------------|---------------------|
| Chatfield | Kinney of McLean | Scutt |
| Christenson | Kinney of Richland | Skinner |
| Collins of Cass | Kneeland | Skulason |
| Crawford | Knox | Sorlie |
| Cunningham | Law | Steen |
| Davidson | Laithwaite | Storey |
| Doyle of Foster | Linde | Streeter |
| Doyle of McIntosh | Lucke | Thompson, Gd. Forks |
| Duncan | Martin | Thompson of McLean |
| Freeman | McCrea | Thoreson |
| Ganssie | McLear | Traynor |
| Garden | Moer of Benson | Ward |
| Geidt | Moen of Cavalier | Welford |
| Gibbens | Narum | White |
| Goldammer | Nelson of Steele | Wisner |
| Grant | Nelson of Walsh | Young |
| Hale | Olson | Mr. Speaker |

Absent and not voting:

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|----------------------|----------|
| Akesson | Hanley | Ployhar |
| Baker of Cass | Hemmingson | Poe |
| Baker of Stark | Hughes | Price |
| Burns | Johnson of Bottineau | Senour |
| Collins of Gd. Forks | Kremer | Sheils |
| Dibley | Lindvig | Sinclair |
| Evans | Nelson of McHenry | Wolbert |
| Fraine | Nyhus | |

Messrs. Hanley and Hughes being excused.

So the bill passed as amended and the title was agreed to.

Mr. Homnes moved

That the vote by which House Bill No. 247 passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

GENERAL ORDERS.

Mr. Skulason moved

That the house resolve itself into a committee of the whole for the consideration of House Bill No. 208.

Which motion prevailed, and

The house resolved itself into a committee of the whole.

The speaker called Mr. Linde to the chair.

The committee arose without recommendation.

H. J. LINDE,
Chairman.

The speaker in the chair.

Mr. Hendrickson moved

That the vote by which the concurrent resolution relating to adjournment passed be reconsidered.

Which motion prevailed.

The committee on engrossment made the following report:

Mr. Speaker:

Your committee on engrossment have examined

House Bill No. 174,

A bill for an act to amend section 6237 and section 6238 of the revised codes of 1905, relating to mechanic's liens.

Also,

House Bill No. 194,

A bill for an act, providing for a jury to be official witnesses of the execution of persons executed at the state penitentiary, providing for guards to act as death watch over condemned prisoners, and fixing the executioner's fee.

Also an appropriation to defray all expenses incurred in connection with the execution of a condemned man.

Also,

House Bill No. 208,

A bill for an act to prohibit certain classes of medical advertising, and provide punishment for the violation thereof.

And find the same correctly engrossed.

C. C. CRAWFORD,
Chairman.

Mr. Crawford moved.

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Mr. Skulason moved

That the rules be suspended and that House Bill No. 208 be considered engrossed and placed upon its third reading and final passage.

Which motion prevailed.

House Bill No. 208,

A bill for an act to prohibit certain classes of medical advertising, and provide punishment for the violation thereof.

Was read the third time

Mr. Skulason asked unanimous consent to amend the bill.

There being no objections, Mr. Skulason offered the following amendment and moved its adoption:

Page 2, line 3, after the word "prohibited" insert the words "or any periodical newspaper, book or print containing the same."

Which motion prevailed, and
The amendment was adopted.

The question being on the final passage of the bill as amended.

The roll was called and there were ayes 70, nays 1, absent and not voting 24.

Those who voted in the affirmative were:

| Messrs.— | Messrs.— | Messrs.— |
|-------------------|--------------------|---------------------|
| Aash Jim | Hendrickson | Peart |
| Anderson | Hill | Pendray |
| Atwood | Homness | Plath |
| Bjorndahl | Honey | Pound |
| Brusletten | Jewett | Putnam |
| Brynjulson | Johnson of McLean | Schull |
| Burnett | Johnson of Rolette | Sgutt |
| Chatfield | Kinney of McLean | Skinner |
| Christenson | Kinney of Richland | Skulason |
| Collins of Cass | Kneeland | Sorlie |
| Crawford | Knox | Steen |
| Cunningham | Law | Storey |
| Davidson | Linde | Streeter |
| Doyle of Foster | Lucke | Thompson, Gd. Forks |
| Doyle of McIntosh | McCrea | Thompson of McLean |
| Duncan | McLear | Thoreson |
| Freeman | Moen of Benson | Traynor |
| Ganssle | Moen of Cavalier | Ward |
| Garden | Narum | Welford |
| Geidt | Nelson of Steele | White |
| Gibbens | Nelson of Walsh | Wisner |
| Goldammer | Nyhus | Young |
| Grant | Olson | Mr. Speaker |
| Hale | | |

Absent and not voting:

| | | |
|----------------------|----------------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Akesson | Hanley | Paulson |
| Baker of Cass | Hemmingson | Ployhar |
| Baker of Stark | Hughes | Poe |
| Burns | Johnson of Bottineau | Price |
| Collins of Gd. Forks | Kremer | Senour |
| Dibley | Laithwaite | Sheils |
| Evans | Lindvig | Sinclair |
| Fraine | Nelson of McHenry | Wolbert |

Mr. Martin voted in the negative.

Messrs. Hanley and Hughes being excused.

So the bill passed as amended and the title was agreed to.

Mr. Bjorndahl moved

That the vote by which House Bill No. 208 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

COURTESIES OF THE FLOOR.

The privileges of the floor were extended to Rev. J. W. Ogden, Jamestown.

Mr. White moved

That the house do now adjourn.

Which motion prevailed, and

The house adjourned.

W. D. AUSTIN,
Chief Clerk.

FORTY-SIXTH DAY

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 19, 1909.

The house assembled at 2 o'clock p. m., pursuant to adjournment.

The speaker presiding.

Prayer by the Rev. S. A. Danford, of Fargo.

Roll call.

All members present except Messrs. Aasheim, Atwood, Baker of Cass, Doyle of Foster, Hanley, Lindvig, Sheils and Thompson of McLean, who were excused.

REFERENCE OF THE JOURNAL.

The committee on revision and correction of the journal made the following report:

Mr. Speaker:

Your committee on revision and correction of the journal have carefully examined the journal of the forty-fourth day after recess and the forty-fifth day and recommend that the same be corrected as follows:

Page 18, line 10, change "H. B. 47" to "H. B. 48."

Page 18, strike out all of lines 11 and 12 and insert in lieu thereof title of "House Bill 48."

And when so amended recommend that the same be approved.

S. J. DOYLE,
Chairman.

Mr. Doyle moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
February 19, 1909.

Mr. Speaker:

I have the honor to transmit herewith

Senate Bill No. 18,

A bill for an act entitled "An act for the division of certain school districts, for the changing of the boundaries thereof, for the adjustment of indebtedness and property of the different parts thereof and prescribing the mode of procedure to procure such division."

Also,

Senate Bill No. 119,

A bill for an act to regulate the selling, offering or exposure of seeds for sale, and providing penalties for the violation thereof.

Also,

Senate Bill No. 124,

A bill for an act to amend section 2005 of the revised code of 1905.

Also,

Senate Bill No. 125,

A bill for an act to amend section 645, chapter 8 of the revised codes of 1905.

Also,

Senate Bill No. 183,

A bill for an act prohibiting drinking of intoxicating liquors on railroad trains in North Dakota; prescribing penalty for violation thereof, and prescribing duties of peace officer.

Also,

Senate Bill No. 200,

A bill for an act to amend section 1 of chapter 255 of the laws of 1907, entitled an act to amend sections 3063 and 3133 of the revised codes of the state of North Dakota of 1905, relating to the powers of electors and supervisors in organized townships.

Also,

Senate Bill No. 252,

A bill for an act to amend section 6 of chapter 95 of the session laws of 1907, being section 847 of the revised codes of North Dakota for 1905, relating to the tuition fund and enumeration.

Which the senate has passed and your favorable consideration is respectfully requested.

Very respectfully,
J. W. FOLEY,
Secretary.

REPORTS OF STANDING COMMITTEES.

The committee on enrollment made the following report:

Mr. Speaker:

Your committee on enrollment have examined

House Bill No. 48

A bill for an act to authorize the board of trustees or directors of the state university and school of mines, the North Dakota academy of science, the state industrial school and the various state normal schools of the state of North Dakota to lease portions of the campuses of said institutions to societies and organizations of students and

graduates thereof, and legalizing such leases heretofore made.

Also,

House Bill No. 8,

A concurrent resolution for an amendment to the constitution of the state of North Dakota, creating the office of justice of the peace and fixing and providing for the jurisdiction thereof.

Also,

House Bill No. 63,

For an act to amend sections 1, 2, 3, 4, 6, and 14 of chapter 135 of the laws of 1907.

And find the same correctly enrolled.

H. J. LINDE,
Chairman.

Mr. Linde moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

PRESENTATION OF PETITIONS AND COMMUNICATIONS.

Grand Forks, N. D., February 16, 1909.

To the Senators and Representatives, Sixth and Seventh Legislative Districts, Bismarck, N. D.:

GENTLEMEN: The report being current that a bill will be introduced at this term of the legislature having as its object the enactment of a law requiring all fraternal insurance societies doing business in this state to charge rates of insurance recommended by the Fraternal Congress; and,

Whereas, such rates are materially higher than those now charged by the Modern Woodmen of America, and we, beneficiary members of said society believe and are convinced that to raise said rates at this time to that of the fraternal congress table of rates would work a great hardship upon the great bulk of its membership; and,

Whereas, we believe that the Modern Woodmen of America when necessary, and at such times and such manner as will not injure any member, will gradually increase its rates so that they will be adequate for the perpetuation and preservation of the society and the protection of all its members.

We, the undersigned committee, on behalf of the members of Grad Forks Camp, No. 2210, M. W. A., and by their unanimous request, respectfully petition you, our senators and representatives from the Sixth and Seventh legislative districts, to use all honorable means to defeat such a bill if introduced.

Respectfully submitted,

R. C. SPRIGGS,
J. D. TANNER,
W. L. A. CALDER,
Committee.

To the Honorable Henry Linde, Plaza, N. D., Representative of the Forty-fourth District:

We, the undersigned citizens and voters of the Forty-fourth legislative district of the state of North Dakota, do earnestly petition you, our representatives, to do all in your power to retain in its present form House Bill No. 53 of the session of 1907, called the mechanic's or blacksmith's lien law, as we believe a laborer is worthy of his hire, and that a blacksmith is a laborer, and we believe the law is a just and fair one, and we petition that you may not listen to the demands of those who are interested in the rich machine manufacturing corporations who are outside of our state and desire to improve their credits and securities at the expense of the hard labor of the mechanic, and therefore we believe they, the blacksmiths and mechanics, are entitled to the protection the law affords, we hereby petition.

NIC ZERBES,
And 45 Others.

To the Members of the Eleventh Legislative Assembly:

We, the undersigned, farmers resident in Burleigh county, North Dakota, having suffered from drouth and hail in the year 1908 to such an extent that we are without

sufficient seed grain to plant our farms in 1909, do petition your honorable body for the passage of Senate Bill No. 21, in order that we may be able to sow sufficient lands in 1909 for the needs of ourselves and families, and to this end we will ever pray.

(Signed)

C. B. MOORE,
And 26 Others.

Dwight, N. D., Feb. 10, 1909.

Mr. L. L. Brusletten, Bismarck, N. Dak.:

DEAR SIR: The National Fraternal Congress and the Associated Fraternities have agreed upon a so called uniform bill or minimum rate bill, which they will try to present for adoption at the legislature this winter.

The undersigned, members of the Modern Woodmen of America, of Dwight Camp, No. 12,695, wish to enter their protest against the passage of such a bill and ask this favor of you, as your constituents, to work and vote against said bill for these reasons:

The minimum rate proposed is about twice as high as the present rate of the Woodmen lodge, and we maintain that our rate is high enough, as it required only eight assessments to pay all our losses last year.

The head camp declares it is not an honest bill, as it is conceived by men who desire to put the Modern Woodmen of America out of business. We believe that if at any time the Woodmen shall find it necessary to increase the rate, they are competent to manage this affair, as it will not be necessary to double the rate, as they would be compelled to in order to comply with the proposed rate.

We hope you can see fit to help us in this matter, and we subscribe ourselves,

Yours, fraternally,

O. H. FRISWOLD,
And 19 Others.

Wahpeton, N. D., Feb. 9, 1909.

To the Eleventh Legislative Assembly:

We, the undersigned citizens and taxpayers of Richland county, knowing that the future prosperity of this state is dependent upon the prosperity of those who till the soil, and recognizing that the improvement of our rural schools

will do more than anything else to make the fathers and mothers in our rural districts remain upon the farms, and believing that this will also tend to keep our boys and girls on the farm, respectfully petition this legislative assembly to enact into law Senate Bill No. 63, better known as the bill granting state aid to rural schools.

C. OLSON,
And 14 Others.

Ross, N. D., Feb. 13, 1909.

To the Hon. H. J. Linde:

We, the members of Ross Camp, No. 12,783, M. W. A., hereby protest against any legislation being enacted by the legislature requiring fraternal organizations to raise their assessments, and further request you to use your influence against any such proposed legislation.

(Signed) GEO. B. DOUGHERTY,
Venerable Consul.

Attest:

P. O. WOLD,

Clerk.

REPORTS OF STANDING COMMITTEES.

The committee on municipal corporations made the following report:

Mr. Speaker:

Your committee on municipal corporations to whom was referred

House Bill No. 330,

A bill for an act declaring all cities heretofore attempted to be incorporated under the provisions of section 2632 of the revised codes of 1905 to have been duly incorporated and validating all acts done and contracts made under such incorporation.

Have had the same under consideration and recommend that the same do pass.

F. G. KNEELAND,
Chairman.

Mr. Kneeland moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on municipal corporations to whom was referred

Senate Bill No. 85,

A bill for an act to amend section 2795, chapter 30, of the revised codes of 1905 of the state of North Dakota, relating to special assessment by cities, for building of sidewalks and grading and improving streets.

Have had the same under consideration and recommend that the same do pass.

F. G. KNEELAND,
Chairman.

Mr. Kneeland moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on municipal corporations to whom was referred

House Bill No. 52;

A bill for an act to amend section 2899 of the revised codes of 1905 relating to the building and repair of side walks.

Have had the same under consideration and recommend that the same be indefinitely postponed.

F. B. KNEELAND,
Chairman.

Mr. Kneeland moved

That the report be adopted

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

The committee on temperance made the following report
Mr. Speaker :

Your committee on temperance to whom was referred
House Bill No. 216,

A bill for an act for the inspection of fermented and spirituous liquors, malt liquors, wines, ciders and all beverages manufactured, sold or offered for sale as a substitute for intoxicating liquors, and providing for the appointment of a state inspector and deputies, prescribing their duties, designating their fees, and prescribing rules and regulations for such inspection, providing for the payment and disposition of such fees, providing penalties for the violation of the provisions of this act, designating ports of entry where liquor shipped into this state shall be inspected.

Have had the same under consideration and recommend that the same be amended as follows :

Amend section 2 by striking out lines 7 and 8.

Amend section 8, line 8, by striking out the words and figures "five dollars (\$5.00)" and insert in lieu thereof the words and figures "not exceeding the sum of fifty dollars (\$50.00)."

Amend section 11 by striking out all of line 12 after the word "labels. Strike out all of line 13 and insert in lieu thereof the words "said shipper shall attach one label for each six gallons of liquor or fraction thereof contained in such bottle, jug, keg, barrel, case or other container of liquor."

Amend section 13 so as to read as follows :

"All fees collected and all revenues derived under the provisions of this act shall be paid into a fund to be known and designated as the "liquor inspection fund," and all expenses incurred under the provisions of this act, including the salary of the inspector and his deputies shall be paid monthly out of this fund, on warrants drawn by the state auditor, and all fees received by the inspector and his deputies shall on or before the last day of each month be paid into the state treasury by said inspector and shall be placed to the credit of said liquor inspection fund and any sum remaining in said fund on the 31st day of December

of each year shall then be transferred to the general revenue fund."

Amend section 20 so as to read as follows:

"Section 20. All acts or parts of acts in conflict herewith are hereby repealed."

And when so amended recommend the same do pass.

E. L. GARDEN,
Chairman.

The committee on judiciary made the following report:

Mr. Speaker:

Your committee on judiciary to whom was referred
House Bill No. 314,

A bill for an act to extend the right of suffrage to women on questions pertaining solely to the prohibition or regulation of the sale or importation of intoxicating liquors.

Have had the same under consideration and recommend that the same do pass.

B. G. SKULASON,
Chairman.

Mr. Skulason moved

That the report be adopted

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on judiciary to whom was referred
House Bill No. 261,

A bill for an act to amend section 470 of the revised codes of 1905, relating to terms of court in the Second judicial district.

Have had the same under consideration and recommend that the same do pass.

B. G. SKULASON,
Chairman.

Mr. Skulason moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on judiciary to whom was referred
Senate Bill No. 152,

A bill for an act to amend section 6187 of the revised codes of the state of North Dakota for 1905, relating to the execution of mortgages of personal property and the qualifications of witness thereof.

Have had the same under consideration and recommend that the same be indefinitely postponed.

B. G. SKULASON,
Chairman.

Mr. Skulason moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Also,

Your committee on judiciary to whom was referred
House Bill No. 309,

A bill for an act prescribing the duty of the secretary of state, relative to laws enacted under section 122 of the constitution.

Have had the same under consideration and recommend that the same do pass.

B. G. SKULASON,
Chairman.

Mr. Skulason moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on judiciary to whom was referred
House Bill No. 268,

A bill for an act to amend section 9151 of the revised codes of 1905, relating to having burglars' instruments and explosives in possession.

Have had the same under consideration and recommend that the same be indefinitely postponed.

B. G. SKULASON,
Chairman.

Mr. Skulason moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Also,

Your committee on judiciary to whom was referred
House Bill No. 273,

A bill for an act to amend, repeal and reenact chapter 84 of the laws of 1907, relating to change of judges and change of venue in district courts in criminal cases.

Have had the same under consideration and recommend that the same be indefinitely postponed.

B. G. SKULASON,
Chairman.

Mr. Skulason moved

That the report be adopted

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

The committee on taxation and tax laws made the following report:

Mr. Speaker:

Your committee on taxation and tax laws to whom was referred

House Bill No. 321,

A bill for an act to amend section 1597 of the revised codes of 1905 of the state of North Dakota, as amended by chapter 219 of the session laws of 1907, relating to duty of county auditor.

Have had the same under consideration and recommend that the same do pass.

JOHN STEEN,
Chairman.

Mr. Steen moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on taxation and tax laws to whom was referred

Senate Bill No. 175,

A bill for an act providing for a correct tax list, a correct tax sale, and a correct list of owners of real estate and their present addresses.

Have had the same under consideration and recommend that the same do pass.

JOHN STEEN,
Chairman.

Mr. Steen moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on taxation and tax laws to whom was referred

House Bill No. 22,

An act to amend section 1582, revised codes of North Dakota of 1905, relating to subsequent taxes.

Have had the same under consideration and recommend that the same be indefinitely postponed.

JOHN STEEN,
Chairman.

Mr. Steen moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Also,

Your committee on taxation and tax laws to whom was referred

House Bill No. 132,

A concurrent resolution for an amendment to the constitution of the state of North Dakota, relating to revenue and taxation.

Have had the same under consideration and recommend that the same be indefinitely postponed.

JOHN STEEN,
Chairman.

Mr. Steen moved

That the report 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. Speaker:

Your committee on state affairs to whom was referred

House Bill No. 287,

A bill for an act providing for the appointment and removal of deputies and clerks in county offices and fixing their salaries.

Have had the same under consideration and recommend that the same be indefinitely postponed.

W. J. PRICE,
Chairman.

Mr. Price moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Also,

Your committee on state affairs to whom was referred
House Bill No. 246,

A bill for an act to amend sections 232 and 234 of the
revised codes of the state of North Dakota for 1905, relat-
ing to the designation of depositories for state funds.

Have had the same under consideration and recommend
that the same be indefinitely postponed.

W. J. PRICE,
Chairman.

Mr. Price moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely
postponed.

Also,

Your committee on state affairs to whom was referred
House Bill No. 210,

A bill for an act to amend section 8577 of the revised
codes of the state of North Dakota for the year 1905, relat-
ing to punishment for Sabbath breaking.

Have had the same under consideration and recommend
that the same be indefinitely postponed.

W. J. PRICE,
Chairman.

Mr. Price moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely
postponed.

Also,

Your committee on state affairs to whom was referred
House Bill No. 206,

A bill for an act to provide for the better protection of
life and property by establishing the office of chief state
examiner of engineers; to provide for the examination and

licensing of engineers of steam engines; to prescribe the fees for licenses, and to prescribe penalties for the violation of this act.

Have had the same under consideration and recommend that the same be indefinitely postponed.

W. J. PRICE,
Chairman.

Mr. Price moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Also,

Your committee on state affairs to whom was referred House Bill No. 136,

A bill for an act to amend section 3058, article 3, chapter 33, revised political code, 1905, state of North Dakota, relating to corporate powers of organized townships; and sections 3096 and 3097, article 8 of said chapter 33, revised political code, 1908, relating to by-laws of such organized townships.

Have had the same under consideration and recommend that the same be amended as follows:

Strike out everything after the words "a bill" and insert the following:

"For an act to amend section 3133 of chapter 255 of the session laws of 1907, relating to powers of electors and supervisors of organized townships.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

(Section 1. Amendment.) That section 3133 of the session laws of 1907, be and the same is hereby amended to read as follows:

Section 3133. Powers of Supervisors.) The supervisors shall have charge of such affairs of the township as are not by law committed to other township officers, and they shall have power to draw orders on the township treasury for the disbursement of such sums as may be necessary for the purpose of defraying the incidental ex-

penses of the township, and for all moneys raised by the township to be disbursed for any other purpose, and when it shall seem advisable by said board of supervisors, they may recommend to the electors of their township the expenditure of a stated amount, for the purpose of purchasing building sites, and purchase, erection, location or removal of any building or erection for a town hall, library building or other erection for the use and benefit of said township.

When an unincorporated village is within such corporate limits, the board of supervisors shall have all the powers to pass laws and ordinances for the government and regulation of such incorporated villages, as are conferred upon village boards by the provisions of section 2864 of article 2 of the revised political code of 1905, and all acts amendatory thereof, excepting those the exercise of which would conflict with the provisions of laws now existing relative to township boards.

Section 2. Emergency.) Whereas, an emergency exists in that there is no provision of law now providing for the purchase, erection, location or removal of township buildings, this act shall take effect and be in force from and after its passage and approval."

And when so amended recommend the same do pass.

W. J. PRICE,
Chairman.

The committee on school and public lands made the following report:

Mr. Speaker:

Your committee on school and public lands to whom was referred

Senate Bill No. 27,

For an act entitled "An act to amend section 155 of chapter 4 of the political code of the state of North Dakota, and all acts or parts of acts amendatory thereof, providing for the investment of moneys belonging to the permanent funds of the common schools, university, school of mines, agricultural college, school for the deaf and dumb, normal schools and all other funds derived from the sale of public lands or any other source belonging to the school divisions of the state.

Have had the same under consideration and recommend that the same be amended as follows:

In line 13, page 2 of the engrossed bill, strike out the word "one-fourth" and insert in lieu thereof the word "one-third," and in line 4, paragraph 1, page 2, strike out the word "six" and insert in lieu thereof the word "five"; also in lines 5 and 6 of the same paragraph strike out the words "treasurer of the state of North Dakota, and insert in lieu thereof the words "county treasurer of the county in which such lands are located."

Also in line 5 of paragraph 2 of section 1 of the engrossed bill, strike out the word "three" and insert in lieu thereof the word "five," and when so amended recommend the bill to pass.

A. S. GIBBENS,
Chairman.

The committee on game and fish made the following report:

Mr. Speaker:

Your committee on game and fish to whom was referred House Bill No. 156,

A bill for an act for the protection of game, fish, wild birds and fur bearing wild animals, and creating the offices of state district game and fish wardens, deputies, board of control, state fish commissioner, and defining their duties and jurisdiction.

Have had the same under consideration and recommend that the same be referred to the committee of the whole.

C. A. HALE,
Chairman.

Mr. Christenson 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. Speaker:

Your committee on agriculture to whom was referred House Bill No. 292,

A bill for an act to amend section 1129 of the revised codes of North Dakota for the year 1905, relating to the agricultural and geological survey and appropriation therefor.

Have had the same under consideration and recommend that the same do pass.

JAMES DUNCAN,
Chairman.

Mr. Duncan moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on agriculture to whom was referred Senate Bill No. 123,

A bill for an act declaring certain noxious weeds to be a public nuisance, and creating a commissioner of noxious weeds, providing for the manner of his appointment and prescribing his powers and duties, and providing penalties for failure to perform the same and providing penalties for failure to comply with his notice and orders.

Have had the same under consideration and recommend that the same be amended as follows:

Have had the same under consideration and recommend that the reprinted bill be amended as follows:

In line 10 of section 2 after the word "of" strike out all the words "two dollars and fifty cents" and insert in lieu thereof the following, "three dollars."

In line 7 of section 8 strike out the word "twenty."

In line 8 of section 8 strike out the word "five" and insert in lieu thereof the word "ten," and in same line, same section, strike out "twenty-five (\$25)" and insert in lieu thereof "ten (\$10)."

In line 7 of section 9 strike out "fifty (\$50)" and insert in lieu thereof "twenty-five (\$25)."

In line 8 of section 9 strike out "two hundred (\$200)," and insert in lieu thereof "one hundred (\$100)"; same line strike out "by" and insert in lieu thereof "in a," and after the word "action" add the following, "by the commissioner of noxious weeds and to cover the same into the general fund of the respective districts."

And when so amended recommend the same do pass.

JAMES DUNCAN,
Chairman.

Also,

Your committee on agriculture to whom was referred
House Bill No. 19,

A bill for an act to provide for the destruction of noxious
weeds and the appointment of inspectors of weeds by town-
ship or county boards, and to repeal article 25 of chapter
24 of the revised codes of 1905.

Have had the same under consideration and recommend
that the same be indefinitely postponed.

JAMES DUNCAN,
Chairman.

Mr. Duncan moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely
postponed.

Also,

Your committee on agriculture to whom was referred
House Bill No. 109,

A bill for an act defining noxious weeds, providing for
the destruction thereof, prescribing fines and penalties and
providing for the recovery of damages caused thereby, and
to repeal sections 2086, 2087, 2088 and 2089 of the revised
codes of 1905.

Have had the same under consideration and recommend
that the same be indefinitely postponed.

JAMES DUNCAN,
Chairman.

Mr. Duncan moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely
postponed.

Also,

Your committee on agriculture to whom was referred
House Bill No. 187,

A bill for an act to prevent the development and dissemi-
nation of the seeds of noxious weeds.

Have had the same under consideration and recommend
that the same be indefinitely postponed.

JAMES DUNCAN,
Chairman.

Mr. Duncan moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

The committee on warehouse and grain grading made the following report:

Mr. Speaker:

Your committee on warehouse and grain grading to whom was referred

House Bill No. 252,

A bill for an act to require public warehouses to clean all grain handled by them before testing the same for grade, and providing a penalty for the violation of this act.

Have had the same under consideration and recommend that the same be amended as follows:

By inserting in line 3 of printed bill after the word "shall" "upon demand of person delivering same."

Also by striking out all of section 2 after the word "not" in line 11 and inserting in lieu thereof, "less than ten dollars, nor more than twenty-five dollars."

And when so amended recommend the same do pass.

C. E. KNOX,
Chairman.

MOTIONS AND RESOLUTIONS.

Mr. Garden moved

That Senate Bill No. 9 be re-referred to the committee on temperance.

Which motion prevailed, and

The same was so re-referred.

Mr. Dibley moved

That House Bill No. 195 be re-referred to the committee on appropriations.

Which motion was lost.

Mr. Anderson moved

That when the house adjourn today it stands adjourned until Tuesday, February 23d, at 2 o'clock p. m.

Roll call demanded.

The roll was called and there were ayes 49, nays 35, absent and not voting, 11.

Those who voted in the affirmative were:

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|--------------------|-------------------|
| Akesson | Goldammer | Nelson of McHenry |
| Anderson | Hale | Nelson of Walsh |
| Baker of Stark | Hendrickson | Olson |
| Brynjulson | Honey | Paulson |
| Burns | Hughes | Peart |
| Chatfield | Jewett | Pendray |
| Christenson | Kinney of McLean | Plath |
| Collins of Cass | Kinney of Richland | Pound |
| Collins of Gd. Forks | Knox | Price |
| Crawford | Kremer | Putnam |
| Cunningham | Linde | Schull |
| Dibley | Lucke | Sinclair |
| Evans | Martin | Traynor |
| Fraine | McCrea | Ward |
| Freeman | McLear | Wisner |
| Ganssle | Moen of Cavalier | Young |
| Geidt | | |

Those who voted in the negative were:

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|--------------------|---------------------|
| Brusletten | Johnson of Rolette | Skinner |
| Burnett | Kneeland | Skulason |
| Doyle of McInfosh | Law | Sorlie |
| Duncan | Laithwaite | Steen |
| Garden | Moen of Benson | Storey |
| Gibbens | Narum | Streeter |
| Grant | Nelson of Steele | Thompson, Gd. Forks |
| Hemmingson | Nyhus | Thoreson |
| Hill | Ployhar | Welford |
| Homnes | Poe | White |
| Johnson of Bottineau | Senour | Mr. Speaker |
| Johnson of McLean | Sgutt | |

Absent and not voting:

| Messrs.— | Messrs.— | Messrs.— |
|---------------|-----------------|--------------------|
| Aasheim | Davidson | Sheils |
| Atwood | Doyle of Foster | Thompson of McLean |
| Baker of Cass | Hanley | Wolbert |
| Bjorndahl | Lindvig | |

Messrs. Aasheim, Atwood, Baker of Cass, Doyle of Foster, Hanley, Lindvig, Sheils and Thompson of McLean being excused.

So the motion prevailed.

Mr. Chatfield moved

That the house do now adjourn.

Which motion was lost.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
February 19, 1909.

Mr. Speaker:

I have the honor to transmit herewith the following concurrent resolution:

Whereas, we have seen the disastrous effects of the Wilson-Gorman Tariff Revision Bill on the farm products and stock industry of the state of North Dakota; have seen wool go from sixteen cents per pound to six cents after the passage of that bill; have seen wheat reduced from ninety to fifty cents per bushel; have seen butter, eggs and other farm produce so reduced in value because of the disastrous effects of a Democratic revision of the tariff that it has been impossible for our farmers to produce them at a living profit; have seen cattle and hides so reduced in value as that the head of live stock was worth scarcely more than the hide is worth today under our present tariff system; and,

Whereas, the state has been fast filling up within the past few years with new settlers and anything that would tend to check our present prosperity would be an injustice and an injury to our state interest from which we would not recover for a generation, and,

Whereas, the older states in their upbuilding have had the benefit of just and equitable tariff laws, and,

Whereas, it is apparent that a special session of congress will be called immediately after the inauguration of President Taft, to revise our present tariff laws, and,

Whereas, we are in favor of the readjustment of the scales of tariff to a just and equitable basis among all the states, giving the most ample protection to farming industries which comprise the larger bulk of people of the country and their interest; therefore, be it

Resolved by the Senate of the State of North Dakota, the House of Representatives Concurring Herein:

That the members of our congressional delegation be and are hereby memorialized in the revision of the tariff laws by congress to use their best endeavor to retain the highest protective tariff rates on farm produce, live stock, wool and hides that can be retained consistent with equitable and fair dealing between the diverse interests in the United States.

Resolved, That a copy of this memorial be forwarded by the clerk of the senate, when adopted by the house, to each of the members of our congressional delegation.

Which the senate has adopted and your favorable consideration is respectfully requested.

Very respectfully,
J. W. FOLEY,
Secretary.

Mr. Welford moved

That the Senate concurrent resolution relating to tariff be referred to the committee on state affairs.

Which motion was lost.

Mr. Schull moved

That the house do now concur in the senate concurrent resolution relating to the Wilson-Gorman tariff revision bill.

Which motion was lost.

THIRD READING OF HOUSE BILLS.

House Bill No. 142,

A bill for an act to amend sections 4695, and 4697 of the revised codes of the state of North Dakota for the year 1905, relating to foreign corporations.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 71, nays 9, absent and not voting 15.

Those who voted in the affirmative were:

Messrs.—

Akesson
Anderson
Baker of Stark
Bjorndahl
Brusletten
Brynjulson
Burns
Collins of Cass
Collins of Gd. Forks
Crawford
Cunningham
Davidson
Dibley
Doyle of McIntosh
Duncan
Evans
Freeman
Ganssle
Garden
Geidt
Goldammer
Grant
Hemmingson
Hendrickson

Messrs.—

Homnes
Honey
Hughes
Jewett
Johnson of Bottineau
Johnson of Rolette
Kinney of McLean
Kinney of Richland
Kneeland
Kremer
Law
Linde
Lucke
Martin
McCrea
McLear
Moen of Benson
Narum
Nelson of McHenry
Nyhus
Olson
Paulson
Peart
Pendray

Messrs.—

Plath
Ployhar
Poe
Pound
Price
Putnam
Senour
Sgutt
Skulason
Sorlie
Steen
Storey
Streeter
Thompson, Gd. Forks
Thoreson
Traynor
Ward
Welford
White
Wisner
Wolbert
Young
Mr. Speaker

Those who voted in the negative were:

| | | |
|-------------|----------|------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Burnett | Hale | Laithwaite |
| Christenson | Hill | Nelson of Steele |
| Fraine | Knox | Nelson of Walsh |

Absent and not voting:

| | | |
|-----------------|-------------------|--------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Gibbens | Schull |
| Atwood | Hanley | Sheils |
| Baker of Cass | Johnson of McLean | Sinclair |
| Chatfield | Lindvig | Skinner |
| Doyle of Foster | Moen of Cavalier | Thompson of McLean |

Messrs. Aasheim, Atwood, Baker of Cass, Doyle of Foster, Hanley, Lindvig, Sheils and Thompson of McLean being excused.

So the bill passed and the title was agreed to.

Mr. Baker of Stark moved

That the vote by which House Bill No. 142 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

The chief clerk announced that the speaker was about to sign

House Bill No. 63,

For an act to amend sections 1, 2, 3, 4, 6, and 14 of chapter 135 of the laws of 1907.

Also,

House Bill No. 48,

A bill for an act to authorize the board of trustees or directors of the state university and school of mines, the state agricultural college, the state school of forestry, the North Dakota academy of science, the state industrial school and the various state normal schools of the state of North Dakota to lease portions of the compuses of said institutions to societies and organizations of students and graduates thereof; and legalizing such leases heretofore made.

Also,

House Bill No. 8,

A concurrent resolution for an amendment to the constitution of the state of North Dakota, creating the office of

justice of the peace and fixing and providing for the jurisdiction thereof.

And the speaker signed the same in the presence of the house.

House Bill No. 211,

A bill for an act relating to the issuance of stock by corporations.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 71, nays 7, absent and not voting 17.

Those who voted in the affirmative were:

| | | |
|----------------------|----------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Akesson | Hemmingson | Peart |
| Baker of Stark | Hendrickson | Pendray |
| Bjorndahl | Hill | Plath |
| Brusletten | Homnes | Ployhar |
| Brynjulson | Honey | Poe |
| Christenson | Hugles | Pound |
| Collins of Cass | Jewett | Price |
| Collins of Gd. Forks | Johnson of Bottineau | Putnam |
| Crawford | Johnson of Rolette | Schull |
| Cunningham | Kinney of Richland | Senour |
| Davidson | Kneeland | Sgutt |
| Dibley | Knox | Sinclair |
| Doyle of McIntosh | Kremer | Skulason |
| Duncan | Law | Sorlie |
| Evans | Laithwaite | Steen |
| Fraine | Linde | Storey |
| Freeman | Lucke | Thompson, Gd. Forks |
| Ganssle | McCrea | Welford |
| Garden | McLear | White |
| Geidt | Moen of Cavalier | Wisner |
| Gibbens | Nelson of McHenry | Wolbert |
| Goldammer | Nelson of Walsh | Young |
| Grant | Nyhus | Mr. Speaker |
| Hale | Olson | |

Those who voted in the negative were:

| | | |
|------------------|------------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Kinney of McLean | Nelson of Steele | Traynor |
| Moen of Benson | Skinner | Ward |
| Narum | | |

Absent and not voting:

| | | |
|---------------|-------------------|--------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Chatfield | Paulson |
| Anderson | Doyle of Foster | Sheils |
| Atwood | Hanley | Streeter |
| Baker of Cass | Johnson of McLean | Thompson of McLean |
| Burnett | Lindvig | Thoreson |
| Burns | Martin | |

Messrs. Aasheim, Atwood, Baker of Cass, Doyle of Foster, Hanley, Lindvig, Sheils and Thompson of McLean being excused.

So the bill passed and the title was agreed to.

Mr. Schull moved

That the vote by which House Bill No. 211 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

COURTESIES OF THE FLOOR.

The privileges of the floor were extended to H. N. Johnson, Lankin; Stener Wiperud, Adams county; C. E. Hurd, Kidder county; T. P. Lommen, Maddock; John Govatten, Park River.

Mr. Fraine moved

That the house do now adjourn.

Which motion prevailed, and

The house adjourned.

W. D. AUSTIN,
Chief Clerk.

FIFTIETH DAY

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 23, 1909.

The house assembled at 2 o'clock p. m., pursuant to adjournment.

The speaker presiding.

Prayer by the chaplain.

Roll call.

All members present except Messrs. Dibley, Johnson of Rolette, Linde, Nyhus and Sinclair, who were excused.

REFERENCE OF THE JOURNAL.

The committee on revision and correction of the journal made the following report:

Mr. Speaker:

Your committee on revision and correction of the journal have carefully examined the journal of the forty-sixth day and recommend that the same be corrected as follows:

In line 1, page 22, change figure "4" to "5."

Change the name Mr. Homnes from "absent and not voting" to voting in the "negative."

In line 2, page 22, change figure "2" to figure "1."

And when so corrected recommend that the same be approved.

S. J. DOYLE,
Chairman.

Mr. Doyle moved
That the report be adopted.
Which motion prevailed, and
The report of the committee was adopted.

REPORT OF STANDING COMMITTEES

The committee on engrossment made the following report:

Mr. Speaker:

Your committee on engrossment have examined
House Bill No. 247,

A bill for an act to amend section 7459 of the revised codes of North Dakota of 1905, relating to the publication of the notice of foreclosure by advertisement, and prescribing the duty of the party, attorney or agent foreclosing the mortgage.

Also,

House Bill No. 269,

A bill for an act indemnifying owners for animals killed or destroyed according to law for being affected with the disease known as glanders, and providing for a special tax for the payment thereof.

Also,

House Bill No. 267,

A bill for an act relating to railroad stations.
And find the same correctly re-engrossed.

C. C. CRAWFORD,
Chairman.

Mr. Crawford moved

That the report be adopted.
Which motion prevailed, and
The report of the committee was adopted.

Also,

Your committee on engrossment have examined:
House Bill No. 159,

A bill for an act entitled an act to amend section 2206 of the revised codes of the state of North Dakota for the year

1905 relating to the fees to be paid by Hawkers and Peddlers.

Also,

House Bill No. 202,

A bill for an act to amend section 2693 of the revised codes of 1905, relating to qualifications of city officers.

Also,

House Bill No. 289,

A bill for an act to amend section 3061 of the revised codes for 1905, relating to annual township meetings.

Also,

House Bill No. 110,

A bill for an act requiring state officials to reside at the capitol and to provide adequate compensation.

Also,

House Bill No. 113,

A bill for an act to amend chapter 258 of the session laws of the state of North Dakota of 1907, being an act to prohibit discrimination between different sections, communities or localities, unfair competition and providing penalties for the violation thereof.

Also,

House Bill No. 114,

A bill for an act to amend chapter 189 of the session laws of 1907.

Also,

House Bill No. 150,

A bill for an act to amend section 4073 of the revised codes of the state of North Dakota of 1905, relating to the granting of alimony in divorce cases.

Also,

House Bill No. 161,

A bill for an act to require relatives to support the poor and providing for the manner of obtaining permanent relief.

Also,

House Bill No. 162,

A bill for an act to regulate the public service of stallions of North Dakota.

Also,

House Bill No. 167,

A bill for an act to permit the construction of cattleways under public highways; regulating the construction of same, and prescribing duties of road supervisors in relation thereto.

Also,

House Bill No. 204,

A bill for an act prohibiting the locking or obstructing of railroad crossings on rural highways or on village or city streets by railroad companies or their employes, by allowing cars, engines, or train of cars to stand on such crossings for a longer period than five minutes at any one time, and providing penalties for violations of this act.

Also,

House Bill No. 228,

A bill for an act to amend section 1574 of the revised codes of 1905, relating to auditor's notice of tax sale.

Also,

House Bill No. 230,

A bill for an act to amend section 2248 of the revised codes of North Dakota for 1905, requiring owners or their agents of elevators and warehouses to issue receipts for grain or seeds delivered to them for the purpose of storage and making the failure to comply a misdemeanor.

Also,

House Bill No. 308,

A bill for an act to amend section 1544 of the revised codes of 1905, relating to notice of rates of taxation to be given by county treasurer.

Also,

House Bill No. 312,

A bill for an act to prescribe a method of removal and discharge of persons admitted to the institution for the feeble minded.

Also,

House Bill No. 261,

A bill for an act to amend section 470 of the revised codes of 1905, relating to terms of court in the Second judicial district.

Also,

House Bill No. 292,

A bill for an act to amend section 1129 of the revised codes of North Dakota for the year 1905, relating to the agricultural and geological survey and appropriation therefor.

Also,

House Bill No. 309,

A bill for an act prescribing the duty of the secretary of state, relative to laws enacted under section 122 of the constitution.

Also,

House Bill No. 314,

A bill for an act to extend the right of suffrage to women on questions pertaining solely to the prohibition or regulation of the sale or importation of intoxicating liquors.

Also,

House Bill No. 321,

A bill for an act to amend section 1597 of the revised codes of 1905 of the state of North Dakota, as amended by chapter 219 of the session laws of 1907, relating to duty of county auditor.

Also,

House Bill No. 330,

A bill for an act declaring all cities heretofore attempted to be incorporated under the provisions of section 2632 of the revised codes of 1905 to have been duly incorporated

and validating all acts done and contracts made under such incorporation.

And find the same correctly engrossed.

C. C. CRAWFORD,
Chairman.

Mr. Crawford moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

MESSAGE FROM THE SENATE.

The following message was received from the senate.

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
February 23, 1909.

Mr. Speaker:

I have the honor to transmit herewith

Senate Bill No. 223,

An act to amend section 872 of chapter 9 of the revised codes of North Dakota, 1905, relating to fee for certificate. Certificate, how revoked.

Which the senate has passed and your favorable consideration is respectfully requested.

Also,

Mr. Speaker:

I have the honor to return herewith

House Bill No. 81,

A bill for an act relating to the assessment of lands for the construction of drains and providing for an appeal from the decision of the drainways board, and fixing the compensation of drain commissioners.

Which the senate has indefinitely postponed.

Very respectfully,

J. W. FOLEY,

Secretary.

PETITONS AND COMMUNICATIONS.

*To the Senate and House of Representatives, Bismarck,
N. D.:*

We, the undersigned members of the Woman's Club of Minot, N. D., do hereby petition your honorable body to pass such legislation in reference to child labor as will place our state in the vanguard in this reform movement and to that end recommend to you for passage House Bill 207, and further petition you to pass a concurrent resolution urging our delegation in congress to support such national legislation on this subject as will best protect the interests of the children.

MRS. J. C. LOWE,
And 14 Others.

To the Speaker and Members of the House of Representatives of the State of North Dakota:

We, the undersigned subscribers, residents, members of various church, fraternal and charitable organizations, and voters of the state of North Dakota, respectfully petition your honorable body to do everything in your power to procure the passage and approval of House Bill No. 210, which is a bill for an act to amend section 8577 of the revised codes of the state of North Dakota for the year 1905, relating to punishment for Sabbath breaking, introduced by Mr. James Duncan of Benson county. In making this request, we believe that section 8577 in its present form is impotent for the purposes intended, and that in order to make it possible to enforce the statute against Sabbath breaking, the penalty should be amended as provided in said bill.

We therefore pray that you will use your utmost efforts in the direction requested, and that said bill may become a law of this state at the earliest possible date.

E. E. SAUNDERS,
And 10 Others.

State of North Dakota—County of Morton.

We, the undersigned, living in the county of Morton and state of North Dakota, hereby petition your honorable body of the legislature of the state of North Dakota to pass such

legislation in and during the present session of the legislature that all road and poll taxes assessed in this state may be paid by manual labor on the highways of the state in the immediate vicinity of the parties paying such taxes; and in case any or either of said taxes shall be paid into the county treasury in money, said money shall be expended on the roads in the commissioner district from which said moneys shall have been paid in.

Signed,

E. A. HOLRITZ,
And 300 Others.

To the Eleventh Legislative Assembly:

We, the undersigned citizens and taxpayers of Eddy county, respectfully petition your honorable body to pass Senate Bill No. 63.

Our reasons are these:

1. Not ten per cent of the pupils of this state ever go beyond the eighth grade.
2. Sixty-five per cent of our children must attend the rural school.
3. The progress of rural schools determines the progress of the rural community.
4. Our rural schools need encouragement and stimulation which this bill seeks to give.
5. North Dakota can afford to be generous with her children in matters of education.

S. F. BEER,
And 180 Others.

Your Honor:

We, the undersigned Modern Woodmen of America of McKenzie Camp, do hereby petition you to use every honorable means in your power to defeat the bill now before the legislature of North Dakota, to raise the rates of all fraternal organizations. We believe the Modern Woodmen with a million members are in a position to make the necessary rules for the best interest for the organization.

P. P. BLISS,
And 20 Others.

To the Eleventh Legislative Assembly:

We, the undersigned citizens and taxpayers of Bottineau county, respectfully petition your honorable body to pass Senate Bill No. 63:

Our reasons are these:

1. Not ten per cent of the pupils of this state ever go beyond the eighth grade.
2. Sixty-five per cent of our children must attend rural school.
3. The progress of rural schools determine the progress of the community.
4. Our rural schools need encouragement and stimulation which this bill seeks to give.
5. North Dakota can afford to be generous to her children in matters of education.

And knowing that the future prosperity of this state is dependent upon the prosperity of those who till the soil, and recognizing that the improvement of our rural schools will do more than anything else to make the fathers and mothers in our rural districts remain upon the farms, and believing that this will also tend to keep our boys and girls on the farm, respectfully petition this legislative assembly to enact into law Senate Bill No. 63, better known as the bill granting state aid to rural schools; and being especially interested in the welfare of our rural schools, respectfully petition this legislative assembly to pass Senate Bill No. 63, a bill for an act to encourage elementary education.

A. W. YERINGTON,
And 66 Others.

To the Eleventh Legislative Assembly:

We, the undersigned citizens and taxpayers of Pembina county, respectfully petition your honorable body to pass Senate Bill No. 63:

Our reasons are these:

1. Not ten per cent of the pupils of this state ever go beyond the eighth grade.
2. Sixty-five per cent of our children must attend rural school.
3. The progress of rural schools determine the progress of the community.
4. Our rural schools need encouragement and stimulation which this bill seeks to give.

5. North Dakota can afford to be generous to her children in matters of education.

PAUL WILLIAMS,
And 27 Others.

To the Hon. Christian Ganssle:

We, the undersigned citizens of the Second district, in Pembina county, N. D., respectfully request you to use your best efforts and influence to defeat the passage of House Bill No. 159, also of House Bill No. 225, relating to hawkers and peddlers, as we deem the provisions of above mentioned bills as class legislation and extremely unreasonable.

GEO. DICKIE,
And 19 Others.

Wahpeton, N. D., Feb. 9, 1909.

To the Eleventh Legislative Assembly:

We, the undersigned citizens and taxpayers of Richland county, knowing that the future prosperity of this state is dependent upon the prosperity of those who till the soil, and recognizing that the improvement of our rural schools will do more than anything else to make the fathers and mothers in our rural districts remain upon the farms, and believing that this will also tend to keep our boys and girls on the farm, respectfully petition this legislative assembly to enact into law Senate Bill No. 63, better known as the bill granting state aid to rural schools.

NILS OSTLUZ,
And 27 Others.

State of North Dakota—County of Morton.—

We, the undersigned citizens of New Salem and vicinity, respectfully petition our representatives of the Eleventh Legislative assembly of North Dakota, now in session at Bismarck, North Dakota, to carefully consider House Bill No. 307, introduced by Mr. Duncan. We believe that the said measure will increase the efficiency of our dairy interest and in general be of benefit to the people of the state, both to the producers and consumers.

CHAS. F. KELLOGG,
And 47 Others.

Forest River, N. D., Feb. 22, 1909.

To the Speaker and Members of the House of Representatives of North Dakota, Bismarck, N. D.:

HONORED GENTLEMEN: We, the undersigned secretaries of the Young Peoples' Societies of Forest River, desire to call your attention to the following petition, which was unanimously adopted last evening by both societies, the Epworth League and the Christian Endeavor.

We are also requested by the Methodist and Presbyterian congregations to state that the same action was unanimously taken by each of them in their separate services yesterday morning, and again last evening by both of them together in a union service.

You will thus see that the petition represents the best moral sentiment of this community.

THE PETITION.

We, the members and adherents of the Epworth League and Christian Endeavor Societies and of the Presbyterian and Methodist churches of Forest River, N. D., do respectfully petition your honorable body to do everything in your power to procure the passage and approval of House Bill No. 210, which is a bill for an act to amend section 8577 of the revised codes of the state of North Dakota for the year 1905, relating to the punishment for Sabbath breaking, introduced by Mr. James Duncan of Benson county. In making this request, we believe that section 8577, in its present form, is impotent for the purpose intended, and that in order to make it possible to enforce the statute against Sabbath breaking, the penalty should be amended as provided in said bill.

We therefore pray that you will use your utmost efforts in the direction requested, to the end that said bill may become a law of this state at this session of the legislature.

Signed,

LAURA WOOD,
Secretary Epworth League.

ALMA DICKSON,
Secretary Y. P. S. C. E.

Countersigned:

B. S. Bates, Pastor Presbyterian Church.

F. M. Stephenson, Pastor M. E. Church.

To the Eleventh Legislative Assembly:

We, the undersigned citizens and taxpayers of Bottineau county, respectfully petition your honorable body to pass Senate Bill No. 63:

Our reasons are these:

1. Not ten per cent of the pupils of this state ever go beyond the eighth grade.
2. Sixty-five per cent of our children must attend rural school.
3. The progress of rural schools determine the progress of the community.
4. Our rural schools need encouragement and stimulation which this bill seeks to give.
5. North Dakota can afford to be generous to her children in matters of education.

And knowing that the future prosperity of this state is dependent upon the prosperity of those who till the soil, and recognizing that the improvement of our rural schools will do more than anything else to make the fathers and mothers in our rural districts remain upon the farms, and believing that this will also tend to keep our boys and girls on the farm, respectfully petition this legislative assembly to enact into law Senate Bill No. 63, better known as the bill granting state aid to rural schools; and being especially interested in the welfare of our rural schools, respectfully petition this legislative assembly to pass Senate Bill No. 63, a bill for an act to encourage elementary education.

G. W. BAKER,
And 57 Others.

Lankin, N. D., Walsh County.

To the Members of the House of Representatives of the Eleventh Legislative Assembly:

We, the undersigned farmers and taxpayers of Walsh county, do hereby protest against the passage of House Bill No. 159, and particularly against House Bill No. 225, which provides for an unjust, unreasonable and prohibitive license for itinerant venders of medicines. As free American citizens we wish to be able to purchase goods wherever we please, which would be impossible if this bill were passed. We consider that a license for itinerant venders of medicines, etc., should not exceed \$75.00 per annum

in each county and should be payable to the road and bridge fund in the county where the business is transacted.

H. E. ALTENDORF,
And 40 Others.

We, the undersigned citizens of McLean and Burleigh counties, state of North Dakota, hereby protest against the non-passage and throwing out the "Initiative and Referendum" bill, known as the "Ueland Bill," and ask to adopt the referendum.

Signed,
HENRY MUHLBACH,
And 35 Others.

We, the undersigned citizens of Gackle, Logan county, and state of North Dakota, hereby protest against the non-passage and throwing out the "Initiative and Referendum" bill, known as the "Ueland Bill," and ask to adopt the referendum.

Signed,
GEO. ELHARD,
And 20 Others.

REPORTS OF STANDING COMMITTEES.

The committee on appropriations made the following report:

Mr. Speaker:

Your committee on appropriations to whom was referred Senate concurrent resolution, referring to compensation of special committees, as found on page 14 of the house journal of February 13th.

Have had the same under consideration and recommend that the same be amended as follows:

On line 1, paragraph 4 of printed resolution, strike out the word "senate" before the word "committee," and on line 2 of the same paragraph strike out the words "of the committee," following the word "secretary."

And when so amended recommend the same be concurred in.

S. N. PUTNAM,
Chairman.

Mr. Putnam moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on banking made the following report:

Mr. Speaker:

Your committee on banking to whom was referred

House Bill No. 148,

A bill for an act to amend section 2437 of the revised codes of North Dakota for 1905, relating to the proposals and acceptance of bonds of county depositories.

Have had the same under consideration and recommend that the same be amended as follows:

On page 2, line 26 of the printed bill, strike out the word "until" and insert in lieu thereof the words "for two years from."

On page 2, line 26½ of the printed bill, after the word "for" insert the words "and until such time as the deposit is withdrawn or a new bond furnished and accepted by the board of county commissioners."

And when so amended recommend the same do pass.

G. W. WOLBERT,
Chairman.

Mr. Wolbert moved

That the rules be suspended and the report of the committee be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on banking to whom was referred

Senate Bill No. 185,

A bill for an act to amend section 4639 of the revised codes of North Dakota, 1905, relative to powers of banking corporations.

Have had the same under consideration and recommend that the same be amended as follows:

On page 3 of the printed bill, line 41, after the word "mortgages" insert the words "on improved farm lands." And when so amended recommend the same do pass.

G. W. WOLBERT,
Chairman.

Mr. Wolbert moved

That the rules be suspended and the report of the committee be adopted.

Which motion prevailed, and
The report of the committee was adopted.

Also,

Your committee on banking to whom was referred
House Bill No. 188,

A bill for an act to punish the giving of checks or drafts on any bank or other depositary wherein the person so giving such check or draft shall not have sufficient funds or a credit for payment of same and providing penalties therefor.

Have had the same under consideration and recommend that the same be amended as follows:

On line 8 of the printed bill, strike out the word "thousand" and insert in lieu thereof the word "hundred."

On line 9 of the printed bill, strike out the words "five years" and insert in lieu thereof the words "one year."

And when so amended recommend the same do pass.

G. W. WOLBERT,
Chairman.

Mr. Wolbert moved

That the rules be suspended and the report of the committee be adopted.

Which motion prevailed, and
The report of the committee was adopted.

Also,

Your committee on banking to whom was referred
House Bill No. 278,

A bill for an act fixing the liability of a bank to its depositor for payment of forged or raised checks.

Have had the same under consideration and recommend that the same do pass.

G. W. WOLBERT,
Chairman.

Mr. Wolbert moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on banking to whom was referred

House Bill No. 279,

A bill for an act relating to the payment of deposits in two names.

Have had the same under consideration and recommend that the same be indefinitely postponed.

G. W. WOLBERT,
Chairman.

Mr. Wolbert moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

The committee on appropriations made the following report:

Mr. Speaker:

Your committee on appropriations to whom was referred House Bill No. 134,

A bill for an act making an appropriation to pay legal expenses and disbursements incurred by the government agricultural experiment station of the North Dakota agricultural college, in defending the suit brought to annul the "Pure Paint Law" of this state.

Have had the same under consideration and recommend that the same do pass.

S. N. PUTNAM,
Chairman.

Mr. Putnam moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on appropriations to whom was referred House Bill No. 145,

A bill for an act for an appropriation to reimburse Professor E. F. Ladd for disbursements and expenses incurred in the enforcement of the pure food laws.

Have had the same under consideration and recommend that the same do pass.

S. N. PUTNAM,

Chairman.

Mr. Putnam moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on appropriations to whom was referred House Bill No. 213,

A bill for an act creating, establishing and locating a fish hatchery and fish cultural station at Fish lake, Birchwood park, in Rolette county, North Dakota, and providing for its management, and making an appropriation therefor.

Have had the same under consideration and recommend that the same do pass.

S. N. PUTNAM,

Chairman.

Mr. Putnam moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on appropriations to whom was referred House Bill No. 263,

A bill for an act to create a public warehouse fund and to provide for the use of such moneys and disbursements therefrom.

Have had the same under consideration and recommend that the same be amended as follows:

On line 8 of the printed bill, strike out the words "vouchers drawn thereon," and insert in lieu thereof "claims payable out of such fund."

Also,

On lines 9 and 10 of the printed bill, strike out all of section 1 after the word "signed" and insert in lieu thereof "and verified by the president and secretary of the board of railroad commissioners and audited by the state auditing board before being paid."

And when so amended recommend the same do pass.

S. N. PUTNAM,
Chairman.

Mr. Traynor moved

That the rules be suspended and the report of the committee be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on state affairs made the following report:

Mr. Speaker:

Your committee on state affairs to whom was referred House Bill No. 147,

A bill for an act relating to the qualifications of members of state, county, city, township, town and village boards of equalization.

Have had the same under consideration and recommend that the same do pass.

W. J. PRICE,
Chairman.

Mr. Price 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. Speaker:

Your committee on judiciary to whom was referred House Bill No. 284,

A bill for an act regulating the practice in county courts having increased jurisdiction, and all matters relating

thereto; fixing the terms of court, compensation of judges and clerks and other officers of said courts and their duties, and repealing sections 8289 and 8319 inclusive, of the revised codes of 1905 of North Dakota, and chapter 68, laws of 1907.

Have had the same under consideration and recommend that the same be amended as follows:

Immediately after the enacting clause insert the following section: "Sec. 1. Jurisdiction. The county court shall have concurrent jurisdiction with the district court in all civil actions where the amount in controversy does not exceed one thousand dollars and in all criminal actions below the grade of felony." Strike out the figure 1 after the word section in line 1, of the printed bill, and insert the figure "2"; strike out the figure "2" in line 1, of section 2, of the printed bill, and insert the figure "3"; on page 2, line 1, after the word "Sec." strike out the figure "3" and insert the figure "4"; on page 2, line 1, of sec. 4, after the word "Sec." strike out the figure "4" and insert the figure "5"; on page 3, line 1, of section 5, after the word "Sec." strike out the figure "5" and insert the figure "6"; on page 2, line 4, of section 5, after the word "manner" insert the following: "In all civil actions tried to the court without a jury or wherein a trial by jury is waived, the judge of such county court, upon consent of all parties to the action, may hear testimony and take evidence in any part of his county"; on line 1, of section 6, of the printed bill, after the word "Sec." strike out the figure "6" and insert the figure "7"; on page 3, line 4, of section 6, of the printed bill, strike out the word "for" and insert the word "to" in lieu thereof; in line 1, page 3, section 7, of the printed bill, after the word "Sec." strike out the figure "7" and insert the figure "8"; in line 1, of section 8, of the printed bill, after the word "Sec." strike out the figure "8" and insert the figure "9"; in line 3, of section 8, page 4, of the printed bill, after the word "Tuesday" strike out the words "after the first Monday"; on the same page and section, line 6, strike out the word "was" and insert the word "is"; and in the same page and section, line 8, strike out the word "time" and insert the word "term"; following section 8, of the printed bill, insert section 25, of the printed bill, and number it Sec. 10; following section 10, insert the following section: "Sec. 11. Jury May Be, Required to Attend Subsequent Terms. Any jury so summoned may at the discretion of the judge of such county court be required by such judge to attend at any subsequent adjourned or regular term of such court not exceeding in all one calendar year. Jurors shall attend without service of venire or summons upon receipt of a notice from the clerk of such court stating the date on which his appearance is required, which notice may be served by registered mail"; on line 1, of section 9, of the printed bill, after the word "sec." strike out the figure "9" and insert the figure "12"; in the same section, line 3, of the printed bill after the word "judge," add the following words: "Such bailiff shall have the same powers as a constable and shall receive for his services the same fees as are prescribed for constables"; on page 4, line 1, of section 10, of the printed bill, after the word "Sec." strike out the figure "10" and insert the figure "13"; on page 5, section 11, line 1, of the printed bill, after the word "Sec." strike 12, of the printed bill, after the word "Sec." strike out the figure "12" and insert the figure "15"; on page 6, line 1, of Sec. 13, of the printed bill, after the word "Sec." strike out the figure "13" and insert the figure "16"; in line 3, of Sec. 13, of the printed bill, strike out the word "five" and insert the word "ten"; in the same section, line 9, of the printed bill, strike out the word "five" and insert the word "ten"; in the same section, line 14, of the printed bill, strike out the word "officc" and insert the word

"office"; in the same line and section, strike out the word "five" and insert the word "ten"; in the same section, line 17, strike out the word "five" and insert the word "ten"; in the same section, line 19, strike out the word "five" and insert the word "ten"; on page 7, Sec. 14, of the printed bill, after the word "Sec." strike out the figure "14" and insert the figure "17"; immediately after the figure "14" in the same line, insert the title "service by publication"; in the same line, strike out the letter "a" after the word "by"; on line 1, section 15, of the printed bill, after the word "Sec." strike out the figure "15" and insert the figure "18"; in line 1, of section 16, of the printed bill, strike out the figure "16" and insert the figure "19"; on page 9, line 1, of section 17, strike out the figure "17" and insert the figure "20"; on the same page, line 1, of section 18, of the printed bill, strike out the figure "18" and insert the figure "21"; in the same section, line 5, of the printed bill after the word "district" strike out the word "judge" and insert the word "court"; in section 20, line 1, strike out the figure "20" and insert the figure "22"; in the second section 20, line 1, strike out the figure "20" and insert the figure "23"; same section, line 3, strike out the word "garnishee" and insert the word "garnishment"; section 21, line 1, of the printed bill, strike out the figure "21" and insert the figure "24"; strike out all of section 22, of the printed bill, and insert in lieu thereof the following: "Sec. 25. Place of Trial of Civil Action. The place of trial of all civil actions shall be governed by chapter 6 of the code of civil procedure of the 1905 Revised Codes of the State of North Dakota. And an action may be commenced in the county court of any county in the state, subject to removal for cause. If the county designated for that purpose in the summons and complaint is not the proper county the action may, notwithstanding, be tried therein unless the defendant before the time for answering expires demands in writing that the trial be had in the proper county, and the place of trial be thereupon changed by consent of the parties, or by order of the court as provided in this section. The court may change the place of trial in the following cases:

1. When the county designated for that purpose in the complaint is not the proper county.

2. When there is reason to believe that an impartial trial cannot be had therein.

3. When convenience of witnesses and the ends of justice would be promoted by the change. Provided, however, that if the county to which a change of venue is demanded or ordered as herein-above provided, does not have a county court with increased jurisdiction, in that event a change of venue shall be granted and had to the district court of the proper county, and said action shall be tried and determined in said district court as if the same had originally been commenced in such district court, but costs shall be taxed and allowed as in a county court having increased jurisdiction"; strike out section 23 of the printed bill, and insert the following: Sec. 26. Prejudice of Judge; Affidavit; Procedure.) Whenever the defendant, in a criminal action shall before the opening of any term in which the case appears on the calendar for trial, file his affidavit stating that he has good reason to believe and does believe that he cannot have a fair and impartial trial of such action on account of the bias or prejudice of the judge of the county court in which said action is pending, the court shall thereafter proceed in said action, as follows:

1. The court may request, arrange and procure the judge of another county having a county court with increased jurisdiction to preside at said trial in the county in which the action is pending. A change upon the ground in this section provided for must be asked at the time hereinafter provided and not more than one change can be granted therefor; but if a trial has been had without a verdict, a change for the cause provided for in this section may be had if asked for at the term at which said trial was had and before another trial of the action is begun, pro-

vided; that the county judge before whom said affidavit is filed may in his discretion in lieu thereof certify all proceedings to the district court.

2. The actual expenses of a county judge, procured under the provisions of this section while traveling to and from the county to which he has been called and during the trial of the cause, shall be paid by the county in which the action was pending.

When either party to a civil action pending in any of the county courts having increased jurisdiction, in his state, shall, after issue is joined and before the opening of any term at which the cause is to be tried, file an affidavit, corroborated by the affidavit of his attorney in such cause and that of at least one reputable person, stating that there is good reason to believe that such party cannot have a fair and impartial trial of said action by reason of the prejudice, bias or interest of the judge of the county court in which the action is pending, the court shall proceed no further in the action, but shall forthwith request, arrange for and procure the county judge of some other county of the state having a county court of increased jurisdiction to preside at such trial in the county in which the action is pending. The actual expenses of such judge while in attendance upon the trial of the cause for which the change was had and the extra expense of the court and jury, incurred by reason of said change, shall be paid by the person asking for the change, in advance, or a bond, to be approved by the clerk of the county court, given therefor, the amount of said bond being fixed by the presiding judge, provided, that not more than one such change shall be granted on the application of either party, and provided that the county judge before whom said affidavit is filed may in his discretion in lieu thereof certify all proceedings to the district court. A failure to file the affidavit of prejudice hereinafore mentioned within the time before specified in any criminal or civil action shall constitute a waiver of all objections to the trial of such action by the presiding judge of such county court." On page 12, section 24, of the printed bill, strike out the figure "24" and insert the figure "27"; on the same page and section, lines 5 and 6, strike out the words "not less than ten days" and insert in lieu thereof the words "on or"; strike out sections 25 and 26 of the printed bill; on page 13, line 1, of section 27, of the printed bill, strike out the figure "27" and insert in lieu thereof the figure "28"; on page 14, in line 1, of section 28, of the printed bill, strike out the figures "28" and insert the figure "29"; on the same page, in line 1, of section 29, of the printed bill, strike out the figure "29" and insert the figure "30"; on page 15, in line 1, of section 30, of the printed bill, strike out the figure "30" and insert the figure "31"; strike out the word "provided" in line 4, page 15, same section, and strike out all of lines 5 and 6; on the same page and same section, in line 1, of section 31, of the printed bill, strike out the figure "31" and insert the figure "32"; in line 5, same section and page, strike out the letter "s" in the word "commits"; on page 16, line 1, of section 32, of the printed bill, strike out the figure "32" and insert the figure "33"; on the same page line 1, of section 33, of the printed bill, strike out the figure "33" and insert the figure "34"; on page 17, line 1, of section 34, of the printed bill, strike out the figure "34" and insert the figure "35"; on line 3, same section and page, after the word "court" add the words "The judge of a county court having increased jurisdiction may act as a committing magistrate, and hold preliminary examinations in any part of his county"; on the same page, in line 1, of section 35, of the printed bill, strike out the figure "35" and insert the figure "36"; on the same page, line 1, of section 36, of the printed bill, strike out the figure "36" and insert the figure "37"; on page 18, line 1, of section 37, of the printed bill, strike out the figure "37" and insert the figure "38"; on the same page, in line 1, of section 38, of the printed bill, strike out the figure "38" and insert the figure "39"; on the same page, line 1, of section 39, of the printed bill, strike out the figure "39" and insert the figure "40";

on the same page, line 1, of section 40, of the printed bill, strike out the figure "40" and insert the figure "41"; on page 20, line 1, of section 41, of the printed bill, strike out the figure "41" and insert the figure "42"; on page 21, line 1, of section 42, of the printed bill, strike out the figure "42" and insert the figure "43"; on the same page, line 1, of section 43, of the printed bill, strike out the figure "43" and insert the figure "44"; on the same page, and section, line 8, strike out the word "three" and insert the word "two" in lieu thereof; on the same page, in line 1, of section 44, of the printed bill, strike out the figure "44" and insert the figure "45"; on page 22, line 1, of section 45 of the printed bill, strike out the figure "45" and insert the figure "46" on the same page, line 1, of section 46, of the printed bill, strike out the figure "46" and insert the figure "47"; and immediately after the figure 46, insert the word "Repeal.") as the title to the section.

And when so amended recommend the same do pass.

B. G. SKULASON,
Chairman.

Also,

Your committee on judiciary to whom was referred
House Bill No. 229,

A bill for an act to amend section 126 of the revised codes of 1905, providing for the appointment of assistant attorneys general, and fixing their salary, and appropriating money to pay the same.

Have had the same under consideration and recommend that the same be amended as follows:

On page 1, line 2 of section 2 of the printed bill, strike out the words "three thousand" and insert in lieu thereof the words "two thousand five hundred."

On page 2, line 3 of section 3, strike out the words "six thousand" and insert in lieu thereof the words "five thousand"; in the same line after the word "dollars" insert the words "per annum."

And when so amended recommend the same do pass.

B. G. SKULASON,
Chairman.

Also,

Your committee on judiciary to whom was referred
House Bill No. 275,

A bill for an act entitled an act to provide for the determination of heirship and the share of such heirs respectively in claims to certain real estate by action in the district court.

Have had the same under consideration and recommend that the same be amended as follows:

In section 1, line 1 of the printed bill, after the word "person" strike out the words "holding a homestead or tree claim" and insert in lieu thereof the words "having made entry on any public lands."

And when so amended recommend the same do pass.

B. G. SKULASON,
Chairman.

Mr. Skulason moved

That the rules be suspended and the report of the committee be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on judiciary to whom was referred
Senate Bill No. 170,

A bill for an act to amend chapter 161 of the session laws of 1907, relating to the boundaries of the Ninth judicial district, and prescribing and defining the terms of the district court therein.

Have had the same under consideration and recommend that the same be amended as follows:

Amend the title by inserting after the word "the" in line 2 of the title of the printed bill, the following: "second, eighth, and by striking out the word "prescribing" in line 2, of the title; and by striking out the entire third line of the title, and inserting after the word "and" in line 2, the following: "providing for terms of court in said districts;" that the same be further amended by striking out everything after the enacting clause and inserting the following:

"Sec. 1. Amendment.) Section 3 of Chapter 161 of the Session laws of 1907, relating to terms of court in the second, eighth and ninth Judicial Districts of the State of North Dakota, is hereby amended to read as follows:

Sec. 3. Terms of Court:) The terms of the District Court for the second and eighth Judicial Districts shall remain as now fixed.

The terms of the District Court in the Ninth Judicial District shall be held at the county seat of each county in said district as follows:

In the county of Bottineau, on the second Monday in February, the fourth Monday in April, the fourth Monday in June, the third Monday in September, and the third Monday of November of each year, provided, that no jury shall be called for the terms of court beginning on the fourth Monday in April, the fourth Monday in June and the third Monday in September, except in the discretion of the District Judge.

In the County of McHenry on the second Monday in March, the second Monday in May and the third Monday in July, the first Monday in October and the third Monday in December of each year, provided, that no jury shall

be called for the terms of court beginning the second Monday in May, the third Monday in July, and the first Monday in October, except in the discretion of the District Judge.

In the County of Pierce on the third Monday in January, the first Monday in April, the first Monday in June, the first Monday in September and the third Monday in October of each year, provided, that no jury shall be called for the terms of court beginning the first Monday in April, the first Monday in September, and the third Monday in October, except in the discretion of the District Judge.

Any terms of court now called for the Ninth Judicial District by the presiding judges of the Second and Eighth Judicial Districts shall be duly held, unless continued by the Judge of the Ninth Judicial District, for cause.

Sec. 2. Emergency.) Whereas, an emergency exists in this, that it is necessary for the perfection of court work in said Ninth Judicial District, that this amendment take effect prior to July 1st, 1909, therefore this act shall take effect and be in force from and after its passage and approval.

And when so amended recommend the same do pass.

B. G. SKULASON,
Chairman.

Mr. White moved

That House Bill No. 4 be reprinted and be made a special order for 3 o'clock p. m. Wednesday, February 24th.

Which motion prevailed.

Mr. Duncan moved

That House Bill No. 307 be re-referred to committee on appropriations.

Which motion prevailed, and

The bill was so re-referred.

There being no objections, the house returned to the sixth order of business.

REPORT OF SELECT COMMITTEE.

To the Legislative Assembly of the State of North Dakota:

Gentlemen—

The Joint Committee on Penitentiary Investigation at this time respectfully submits the following preliminary report of its doings.

Immediately after its appointment the committee organized by electing Senator Pierce chairman and George Schnepfer secretary. A. G. Divet, of Wahpeton, was engaged as counsel and at once entered upon the discharge of his duties, to which he has given his entire attention since. The firm of Cooper, Temple & Company, certified public accountants, of St. Paul and Chicago, were engaged to audit the accounts of the penitentiary and twine plant, and their Mr. R. D. Webb was sent forward to organize the work of accounting.

The committee entered upon the investigation, directing its inquiries to a period commencing with the administration of N. F. Boucher as warden in 1897, and ending at the present time. No specific charges were

before the committee for investigation, but taking cognizance of the rumors, hearsay and published reports, the committee addressed communications to all persons who were even remotely referred to as having knowledge of the subject matter under consideration, and invited the communication of fact or subjects demanding investigation, to this committee.

Taking as a basis, the replies obtained and the preliminary examination of the books and records of the institution, the committee has divided its work and given its consideration to the following general subjects:

1st. Charges of a failure to keep proper books of account in the penitentiary proper and the twine plant;

2nd. Charges that the different administrations have dealt with the product of the penitentiary brick plant in such a way that large amounts thereof have been appropriated or otherwise lost to the state; and that unlawful discrimination was made between persons purchasing the same;

3rd. Charges that rebates were taken and received by the board of trustees and the warden on the purchase of machinery installed in the twine plant;

4th. Charges that rebates were taken and received by different purchasing officers on the purchase of supplies for the penitentiary;

5th. Charges that the different wardens and the boards of trustees have unlawfully audited and allowed claims to themselves for services not authorized by law and thus unlawfully obtained large amounts of money;

6th. Charges that the different wardens have allowed large amounts of the state's money to remain on deposit in banks for long periods of time after the same should have been transmitted to the state treasurer;

7th. Charges that each of the wardens and the various boards of trustees during their administration, paid out, or connived at the paying out, of large amounts of the state's money to relatives and friends upon fictitious or unlawful claims;

8th. Charges that the different buildings erected at the institution do not represent the cash outlay reported to have been expended in their construction.

9th. Charges that large amounts of money have been paid to banks as interest upon advances made to pay for the purchase of material and freight thereon when no necessity existed for procuring such advancements;

10th. Charges that various items of state property have been sold and the proceeds not accounted for by the officers receiving same; or that such property has been given away or people allowed to take and appropriate the same;

11th. Charges that the different wardens have been in the habit of irregularly disbursing money on behalf of the institution, and having their disbursements audited and allowed by the trustees.

12th. Charges of cruel and inhuman conduct on the part of the officers of the penitentiary toward inmates; and the habitual infliction of unlawful and unjustifiable punishment upon inmates;

13th. Charges of abuse and mistreatment and neglect of insane inmates; lack of discipline and needless escapes; and in connection with the subjects specifically named a number of other minor matters too numerous to mention at this time;

14th. Charges that rebates have been taken and received by the wardens and different boards of trustees on the purchase of fiber and other material used in the manufacture of twine, and that the cost of such fiber and other material has been stated and carried on the books at a sum in excess of the actual cost. That rebates have been taken and received from excessive freight bills paid and never properly accounted for. That twine has been sold to certain farmers and dealers at prices lower than to others for the same grade of twine and at the same time. That large quantities of twine manufactured have never been accounted for to the state. That twine plant accounts have been so padded and falsified as to show large profits to the state when, as a matter of fact, no such profits existed.

With regard to such investigation we have to report: While the time is insufficient to enable us to go into some of the matters with the detail we would desire, we expect to report upon all thereof except one, before the close of the present legislative session. The exception is in regard to specification No. 14 above referred to, namely, alleged irregularities in the management of the twine plant. Upon that feature of the investigation it will be utterly impossible to report by the close of the present session of the legislature.

And in explanation of this situation we have to say: Upon the arrival of the head accountant, Mr. Webb, he spent a few days in a preliminary examination of the accounts to ascertain the extent of the undertaking. After advising himself as to the situation he advised that three men besides himself could be used to advantage in the work, but no more, and estimated that such force could complete the work about March 1.

The investigation of charges specified in connection with the twine plant cannot be entered upon at all until this accounting is completed, and the investigation will then be more or less extended, according to what is suggested and disclosed by the result of the accounting. It is now apparent that the accountants' detailed report will not be available until about the time this session will adjourn, possibly not until a few days later.

The audit is going steadily on with the force of four men working over-time and it will therefore be readily observed that one of the most important items of expense in this investigation will be in connection with such audit.

In the progress of the work thus far it conclusively appears that the system of bookkeeping for many years in vogue at the institution has been unscientific, incomplete and ill adapted to its needs. It would be impossible to point out in detail all the defect, or suggest the proper remedy therefor, but we would briefly mention some which are least difficult of description.

The institution has for many years operated a large farm and been engaged in the raising of grain and stock, a great part, but not all, of which has been appropriated to its own use. From time to time large numbers of live stock have been bought and mingled with those raised on the farm. There has been no attempt made to keep any accounts of these farming and stock raising operations; and there is at this time no means whatever of ascertaining what amount of grain or stock the farm has produced, or what portion of such produce has been used at the institution. The door has thus been left open for the fraudulent disposition of large amounts of grain, stock and other produce (if a disposition to practice such fraud had existed), and no method can be resorted to for ascertaining whether the farming and stock raising operations have been honestly conducted except that of inquiring of individuals and relying upon their recollection as to amounts and numbers produced and consumed.

The institution has also been for many years operating a brickyard, manufacturing from \$10,000 to \$15,000 worth of brick per year; large amounts of which have been sold and other large amounts used in the construction of state buildings.

No attempt has been made to keep any record of the business in connection with the manufacture of brick, there being nothing in the books kept from which it can be ascertained what the product of the plant was or what portion of such product has been used in the erection or improvement of state buildings. In this way the door to fraudulent practices on the part of those engaged in the sale of brick has been left open and no record left from which it can be ascertained whether or not they have properly accounted for all brick sold.

It has been a practice for many years to sell brick and other property of the state upon indefinite terms of credit and make no charges there-

for or other entries thereof on the books of the institution during the term of credit or at any time except to note by a marginal entry in the cash book the fact of collection when made. Under this system or lack of system the fact that any item of property had been sold would not in any way appear upon the books, and if the credit proved a bad one and collection was never made, the fact that the sale had been made would never appear upon the books, and the state would have no claim of record against the party who had made the purchase. It is, therefore, impossible to ascertain from the books whether all property of the state sold upon credit has been paid for or not.

The business of the penitentiary proper and also the twine plant has been conducted upon the voucher system, of which no criticism is to be made except there have not been sufficient books kept in connection with such voucher system to enable an examiner of the accounts to ascertain without resort to the original vouchers what amounts of money have been expended for any specific purpose. The up-to-date systems of keeping accounts of large mercantile and manufacturing establishments include in connection with the voucher system a record book from which it is possible to ascertain at any time what expenditures have been made for a given purpose, and what receipts were had from given sources, during any period of time, without going beyond the face of the book itself, while under the system that has been in vogue here, before it can be ascertained what amount of money has been expended for many purposes it is necessary to go beyond the books and examine hundreds of vouchers and original invoices.

The accounts of the penitentiary proper and the twine plant do not in all particulars properly interlock so as to form a complete system; and upon the completion of the audit it will undoubtedly be found that they do not in all particulars agree with the accounts in the office of the state auditor and state treasurer.

Shortly after the beginning of the administration of Warden Hellstrom, some changes in the method of keeping the accounts were adopted and some improvement has undoubtedly been made. But to put the accounts of the institution upon a proper basis at this time is beyond the ability of any regular office force; and there are discrepancies and defects that have been carried through the accounts for many years past that necessarily exist in the present books of account, because such present books were adapted to and based upon results disclosed by the books that preceded them. The extent and character of all such defects will only be accurately disclosed by the completion of the audit of the accounts.

The purpose of this preliminary report is to recommend at a date early enough to enable the legislature to take action, if it so desires, that an act be passed authorizing some officer or board to contract with some reputable firm of public accountants for the installation, in the office of the penitentiary and the twine plant, of a system of bookkeeping therefor that will properly connect the two separate sets of books together and adjust the same to the accounts in the office of the state auditor and state treasurer. The work being accomplished by the accountants in our employ will, when completed, furnish a convenient basis for the installation of such a system, and the state may thus obtain a substantial benefit for the moneys thus expended. Otherwise the expenditure will be lost and the result be valueless, except in so far as it serves as a guide for this committee in the conduct of its investigation.

ED. PIERCE,
D. H. McARTHUR,
W. B. OVERSON,
FRED J. TRAYNOR,
N. L. PEART,
T. J. ATWOOD,

Mr. Traynor moved
That the report be adopted.
Which motion prevailed, and
The report of the committee was adopted.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
February 23, 1909.

Mr. Speaker:

I have the honor to transmit herewith the following concurrent resolutions:

Whereas, on the 27th day of January, 1909, the legislative assembly adopted a concurrent resolution creating a joint committee for the purpose of investigating certain alleged irregularities in the administration of the state penitentiary, and

Whereas, subsequent thereto, and on the 28th day of January, 1909, the legislative assembly adopted another or additional concurrent resolution enlarging the powers of said committee and, among other things, providing in substance that the state auditing board should audit the expense accounts of said committee, and

Whereas, there has been no provision made for informing this state auditing board officially of its duty and responsibility with relation thereto; therefore, be it

Resolved by the Senate of the State of North Dakota, the House of Representatives concurring:

That both of said concurrent resolutions, as finally adopted, be enrolled in the same manner as bills or acts of the legislature, certified to by the presiding and recording officers of the senate and house of representatives, and filed with the governor or chairman of the said state auditing board.

Which the senate has adopted and your favorable consideration is respectfully requested.

Also,

Mr. Speaker:

I have the honor to request the return of Senate Bill No. 19, at the direction of the senate.

Very respectfully,
J. W. FOLEY,
Secretary.

Mr. Traynor moved

That the house do now concur in the senate concurrent resolution relating to the irregularities of the state penitentiary.

Which motion prevailed, and
The resolution was concurred in.

The chief clerk announced that the speaker was about to sign

Senate Bill No. 144,

A bill for an act to prohibit the manufacture, sale or use of adulterated cigarettes and prohibiting the use of tobacco by minor persons and by all minor pupils of public schools, and providing penalties therefor.

And the speaker signed the same in the presence of the house.

INTRODUCTION, FIRST AND SECOND READING OF HOUSE BILLS.

Mr. Martin introduced

House Bill No. 359,

A bill for an act to prevent discrimination by surety companies.

Which was read the first and second times and
Referred to the committee on railroads.

Mr. Thompson of Grand Forks introduced

House Bill No. 360,

A bill for an act to amend section 12 of an act, entitled an act providing for the selection of candidates for election by popular vote, and relating to their nomination and perpetuation of political parties, the same being chapter 109 of the session laws of 1907.

Which was read the first and second times and
Referred to the committee on elections and privileges.

Mr. Kinney of Richland introduced

House Bill No. 361,

A bill for an act to amend sections 4637 and 4641 of the revised codes of the state of North Dakota for the year 1905, relating to banking corporations.

Which was read the first and second times and
Referred to the committee on banking.

Mr. Putnam (by request) introduced
House Bill No. 362,

A bill for an act to amend article 18, chapter 4 of the political code of the revised code of North Dakota for 1905, providing for the inspection of barber shops and the registration of barbers, the appointment of an inspector and examiner and compensation for duties performed.

Which was read the first and second times and
Referred to the committee on public health.

Mr. Duncan introduced
House Bill No. 363,

A bill for an act making it unlawful to move, run, drive or transport any threshing machine outfit, or any part thereof, over any cultivated lands in this state without the consent of the owner of said lands, and providing a penalty therefor.

Which was read the first and second times and
Referred to committee on agriculture.

Mr. Nelson of Steele introduced
House Bill No. 364,

A bill for an act to amend section 2596 of the revised codes of 1905, as amended by chapter 69 of the session laws of 1907, providing the clerk hire for the register of deeds in the various counties in the state.

Which was read the first and second times and
Referred to the committee on state affairs

Mr. Welford introduced
House Bill No. 365,

A bill for an act to prescribe the manner in which money shall be paid out of the interest and income fund or each separate institution, and out of the one mill tax fund (educational) of each separate institution.

Which was read the first and second times and
Referred to the committee on education.

Mr. Garden (by request) introduced
House Bill No. 366,

A bill for an act to amend chapter 158, of the session laws of 1907, providing that the amount of insurance written upon real property shall be taken conclusively to be the true value thereof.

Which was read the first and second times and
Referred to the committee on insurance.

Mr. Peart introduced

House Bill No. 367,

A bill for an act to amend section 4464 of the revised codes of North Dakota for 1905.

Which was read the first and second times and

Referred to the committee on insurance.

Mr. Traynor introduced

House Bill No. 368,

A bill for an act to amend chapter 179 of the session laws of North Dakota, approved March 2, 1907, entitled 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; such amendments to provide for a levy of not to exceed 3 mills on the dollar in any one year, and by limiting the right to issue bonds to cases where authorized by a vote of the electors, and by adding a new section giving the park board power to plant and protect trees in public streets and highways.

Which was read the first and second times and

Referred to the committee on State Affairs.

The chief clerk announced that the speaker was about to sign

Senate Bill No. 74,

A bill for an act to repeal section 9395 of the revised code of North Dakota 1905, relating to rewards for the arrest and conviction of violators of the prohibition law.

Also,

Senate Bill No. 79,

A bill for an act to amend chapter 192 of the session laws of 1907, entitled "An act to prohibit the soliciting of orders for the future delivery without this state of intoxicating liquors to be transported into this state to be used or sold in violation of the laws thereof, and providing a penalty for its violation.

Also,

Senate Bill No. 106,

A bill for an act to amend section 1889 of the revised codes of 1905 of the state of North Dakota, relating to commissioners of insanity.

And the speaker signed the same in the presence of the house.

Mr. Brusletten asked unanimous consent to introduce a bill carrying an appropriation.

There being no objections,

Mr. Brusletten introduced
House Bill No. 369,

A bill for an act to appropriate a sum of money for the maintenance and conservation of the state park at Fort Abercrombie.

Which was read the first and second times and
Referred to the committee on appropriations.

GENERAL ORDERS.

Mr. Hale moved

That the house resolve itself into a committee of the whole for the consideration of House Bill No. 156.

Which motion prevailed, and

The house resolved itself into a committee of the whole.

The speaker called Mr. Johnson of Bottineau to the chair.

When the committee arose it submitted the following report:

Mr. Speaker:

The committee of the whole have had under consideration

House Bill No. 156.

A bill for an act for the protection of game, fish, wild birds and fur bearing wild animals, and creating the offices of state district game and fish wardens, deputies, board of control, state fish commissioner, and defining their duties and jurisdiction.

And recommend that the same be amended as follows:

In section 6, line 23, page 8, strike out the word "only" and insert the word "except."

In line 2, section 12, strike out the word "his" and insert the word "their."

In line 4, section 13, strike out the words and figures "eighteen hundred" and insert the words and figures "twelve hundred."

In line 25, page 12, after the word "fund," insert the words "and from no other fund."

In line 5, page 16, section 17, strike out the word "fifteen" and insert in lieu thereof the words "twenty-five."

In section 18, line 1 of the printed bill, previous to the word "any," insert the following words: "every person applying for a license under the provisions of this act shall file with the County Auditor an affidavit stating his name and place of residence."

After the word "is" in line 6, section 17, beginning with the word "known," strike out all of that line and all of line 7 up to the word "A."

In line 8, page 19, section 19, change figures "15" to "25."

In line 1, page 24, after the word "section," insert the words "and declared to be."

In line 10, section 23, the word "first" be stricken out and the word "fifteenth" inserted in lieu thereof.

In section 28, page 30, line 17, after the word "blind" insert the following: "and no person or combination of persons shall, either alone or in combination with or by arrangement or agreement with any other person or persons, use or cause to be used any floating battery, electric, steam, gasoline or other boat or floating vessel for the purpose of raising or driving any game birds from their resting or feeding places in any waters of this state."

In section 25, page 27, at the end of line 24, add the words "domestic pets and".

In section 46, line 4, after the word "growing," insert the words "or shocked grain or bunched flax".

In section 17, line 7, page 16, insert the words "or freeholder therein".

Sec. 4, page 4, line 32. Strike out the words "the president" and insert in lieu thereof "two members".

Line 33. Strike out the words "and secretary" and after the word "facts" in said line 33 add the following: "And they may in writing request the Governor to remove such state district game and fish warden from office, and the Governor shall within thirty days thereafter remove said official, and without delay, appoint a state district game and fish warden for the unexpired term."

Sec. 13, page 11, line 19. After the word "Wardens" insert the words "and state fish commissioner".

Sec. 18, page 17, line 1. Strike out the word "wilfully".

Sec. 22, page 24, line 14. After the word "residence" insert the following: "except game birds or animals, or fish, may be at once disposed of without notice".

Sec. 32, page 32, line 2. Strike out the word "or" after the word "birds," and after the word "deer" insert the words "or parts thereof".

In line 5, same section, after the word "bird," strike out the word "or," and after the word "deer" insert the words "or parts thereof".

Sec. 33, page 33, line 11. Strike out the word "Warden" and insert in lieu thereof the words "board of control".

Sec. 34, page 33, line 5. Strike out the word "and" and insert in lieu thereof the word "or".

Section 4, page 3, line 3. Strike out the word "March" and insert in lieu thereof the word "April".

Line 9. Strike out the word "March" and insert in lieu thereof the word "May".

Page 4, line 25. Strike out the word "second" and insert in lieu thereof the word "first".

Also strike out the words "March," "June" and insert in lieu thereof the words "May," "July".

Section 24, page 26, line 6. Strike out the word "fifteen" and insert the word "ten".

Section 53, page 44, line 3. After the word "August" add the following:

"Any person violating the provisions of this section shall be punished as provided in section 28 of this act."

And when so amended recommend the same do pass.

MATT JOHNSON,
Chairman.

Mr. Johnson of Bottineau moved
That the report of the committee of the whole be adopted.
Which motion prevailed, and
The report of the committee was adopted.

Mr. Hale moved

That the rules be suspended and that House Bill No. 156
be considered engrossed and placed upon its third reading
and final passage.

Which motion prevailed.

House Bill No. 156,

A bill for an act for the protection of game, fish, wild
birds and fur bearing wild animals, and creating the offices
of state district game and fish wardens, deputies, board of
control, state fish commissioner, and defining their duties
and jurisdiction.

Was read the third time

The question being on the final passage of the bill.

The roll was called and there were ayes 73, nays 5, ab-
sent and not voting 17.

Those who voted in the affirmative were:

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|----------------------|---------------------|
| Aasheim | Hanley | Paulson |
| Akesson | Hendrickson | Peart |
| Anderson | Hill | Pendray |
| Baker of Cass | Hombres | Plath |
| Baker of Stark | Honey | Ployhar |
| Bjorndahl | Hughes | Pound |
| Brusletten | Johnson of Bottineau | Price |
| Burnett | Johnson of McLean | Putnam |
| Burns | Kinney of McLean | Schull |
| Chatfield | Kinney of Richland | Senour |
| Christenson | Kneeland | Shells |
| Collins of Cass | Knox | Skinner |
| Collins of Gd. Forks | Law | Skulason |
| Crawford | Laithwaite | Storey |
| Cunningham | Lindvig | Streeter |
| Davidson | Lucke | Thompson, Gd. Forks |
| Duncan | McCrea | Thoreson |
| Evans | McLear | Traynor |

| | | |
|----------|-------------------|-------------|
| Messrs.— | Messrs.— | Messrs.— |
| Fraine | Moen of Cavalier | Ward |
| Freeman | Narum | Welford |
| Ganssle | Nelson of McHenry | Wisner |
| Garden | Nelson of Steele | Wolbert |
| Gibbens | Nelson of Walsh | Young |
| Grant | Olson | Mr. Speaker |
| Hale | | |

Absent and not voting:

| | | |
|-------------------|----------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Atwood | Geidt | Steen |
| Doyle of McIntosh | Moen of Benson | |

Absent and not voting:

| | | |
|-----------------|--------------------|--------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Brynjulson | Johnson of Rolette | Sgutt |
| Dibley | Kremer | Sinclair |
| Doyle of Foster | Linde | Sorlie |
| Goldammer | Martin | Thompson of McLean |
| Hemmingson | Nyhus | White |
| Jewett | Poe | |

Mr. Price explained his vote.

Messrs. Dibley, Johnson of Rolette, Linde, Nyhus and Sinclair being excused.

So the bill passed and the title was agreed to.

Mr. Hale moved

That the vote by which House Bill No. 156 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

COURTESIES OF THE FLOOR.

The privileges of the floor were extended to G. W. Lynn, Linton; H. N. Johnson, Lankin; J. C. Haugland, Warwick; B. J. Keating, Fargo; D. E. Crowley, Wimbledon; Oscar Hollenberg, W. P. Porterfield, Fargo.

Mr. Hendrickson moved

That the house take a recess until 8 o'clock p. m.

Which motion prevailed, and

The house took a recess until 8 o'clock p. m.

W. D. AUSTIN,
Chief Clerk.

AFTER RECESS.

The house reassembled at 8 o'clock p. m., pursuant to recess taken.

Mr. Hanley moved

That the house resolve itself into a committee of the whole for the consideration of House Bills Nos. 3, 17 and 28.

Which motion prevailed, and

The house resolved itself into a committee of the whole.

The speaker called Mr. Hanley to the chair.

When the committee arose it submitted the following report:

Mr. Speaker:

The committee of the whole have had under consideration

House Bill No. 3,

Introduced by Mr. Jewett.

A bill for an act, appropriating a sum of money to pay outstanding claims to indemnify owners for animals killed or destroyed according to law for being affected with the disease commonly known as glanders, and making an annual appropriation for said purpose.

Also,

House Bill No. 17,

Introduced by Mr. Johnson of Rolette.

A bill for an act making an appropriation to indemnify owners of animals killed or destroyed under the provisions of chapter 170 of the laws of the tenth legislative assembly, entitled, "An act indemnifying owners for animals killed or destroyed according to law for being affected with the disease known as glanders."

Also,

House Bill No. 28,

Introduced by Mr. Davidson.

For an act, entitled an act to appropriate the sum of ninety thousand dollars, or as much thereof as may be necessary to indemnify persons who have lost animals from the disease known as glanders.

And recommend that House Bills Nos. 3, 17 and 28 be indefinitely postponed.

J. M. HANLEY,
Chairman.

Mr. Hanley moved

That the report of the committee of the whole be adopted.
Which motion prevailed, and

The report of the committee was adopted.

There being no objections, the house returned to the seventh order of business.

MOTIONS AND RESOLUTIONS.

WHEREAS, There are only a few days left before the close of the Eleventh Legislative Session, and

WHEREAS, Up to date there have been introduced about 370 bills, a large number of which have not yet been disposed of; therefore be it

Resolved, That after Wednesday, February 24, no bills shall be introduced in the house without unanimous consent.

Mr. Doyle of Foster moved

That the resolution be adopted.

Which motion prevailed, and

The resolution was adopted.

There were 66 votes cast by count for the resolution.

THIRD READING OF HOUSE BILLS.

House Bill No. 262,

A bill for an act repealing section 4465 of the revised codes of 1905, relating to the limit of risks of fire insurance companies in any one town or city.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there was ayes 79, nays 3, absent and not voting 13.

Those who voted in the affirmative were:

Messrs.—

Aasheim
Akesson
Anderson
Baker of Cass
Baker of Stark
Bjorndahl

Messrs.—

Hanley
Hemmingson
Hendrickson
Hill
Homnes
Honey

Messrs.—

Nelson of Walsh
Olson
Paulson
Peart
Pendray
Plath

| | | |
|----------------------|----------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Brusletten | Hughes | Ployhar |
| Brynjulson | Jewett | Pound |
| Burnett | Johnson of Bottineau | Schull |
| Burns | Johnson of McLean | Senour |
| Chatfield | Kinney of McLean | Sgutt |
| Christenson | Kinney of Richland | Sheils |
| Collins of Cass | Kneeland | Sinclair |
| Collins of Gd. Forks | Knox | Skinner |
| Crawford | Kremer | Sorlle |
| Cunningham | Law | Steen |
| Davidson | Laithwaite | Streeter |
| Doyle of Foster | Lindvig | Thompson, Gd. Forks |
| Duncan | Martin | Thompson of McLean |
| Freeman | McCrea | Thoreson |
| Ganssle | McLear | Traynor |
| Garden | Moen of Benson | Ward |
| Geidt | Moen of Cavalier | Welford |
| Gibbens | Narum | White |
| Goldammer | Nelson of McHenry | Wisner |
| Grant | Nelson of Steele | Mr. Speaker |
| Hale | | |

Those who voted in the negative were:

| | | |
|-------------------|----------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Doyle of McIntosh | Putnam | Storey |

Absent and not voting:

| | | |
|--------------------|----------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Atwood | Lucke | Price |
| Dibley | Linde | Skulason |
| Evans | Nyhus | Wolbert |
| Fraine | Poe | Young |
| Johnson of Rolette | | |

Messrs. Dibley, Johnson of Rolette, Linde, Nyhus and Sinclair being excused.

So the bill passed and the title was agreed to.

Mr. Baker of Cass moved

That the vote by which House Bill No. 262 passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 257,

A bill for an act to amend section 4429 of the revised codes of 1905, relating to the capital stock of insurance companies.

Was read the third time

The question being on the final passage of the bill.

The roll was called and there were ayes 80, nays 3, absent and not voting 12.

Those who voted in the affirmative were:

| | | |
|----------------------|----------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Hanley | Olson |
| Akesson | Hemmingson | Paulson |
| Anderson | Hendrickson | Pearl |
| Baker of Cass | Hill | Pendray |
| Baker of Stark | Hommel | Plath |
| Bjorndahl | Honey | Ployhar |
| Brusletten | Hughes | Pound |
| Brynjulson | Jewett | Putnam |
| Burnett | Johnson of Bottineau | Schull |
| Burns | Johnson of McLean | Senour |
| Chatfield | Kinney of McLean | Sgutt |
| Christenson | Kinney of Richland | Sheils |
| Collins of Cass | Kneeland | Sinclair |
| Collins of Gd. Forks | Knox | Skinner |
| Crawford | Kremer | Sorlie |
| Cunningham | Law | Steen |
| Davidson | Laithwaite | Streeter |
| Doyle of Foster | Lindvig | Thompson, Gd. Forks |
| Doyle of McIntosh | Martin | Thompson of McLean |
| Duncan | McCrea | Thoreson |
| Freeman | McLear | Traynor |
| Ganssle | Moen of Benson | Ward |
| Garden | Moen of Cavalier | Welford |
| Geidt | Narum | White |
| Gibbens | Nelson of McHenry | Wisner |
| Goldammer | Nelson of Steele | Young |
| Hale | Nelson of Walsh | |

Those who voted in the negative were:

| | | |
|----------|----------|-------------|
| Messrs.— | Messrs.— | Messrs.— |
| Grant | Storey | Mr. Speaker |

Absent and not voting:

| | | |
|----------|--------------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Atwood | Johnson of Rolette | Poe |
| Dibley | Lucke | Price |
| Evans | Linde | Skulason |
| Fraine | Nyhus | Wolbert |

Messrs. Dibley, Johnson of Rolette, Linde, Nyhus and Sinclair being excused.

So the bill passed and the title was agreed to.

Mr. Baker of Cass moved

That the vote by which House Bill No. 257 passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 204,

A bill for an act prohibiting the locking or obstructing of railroad crossings on rural highways or on village or

city streets by railroad companies or their employes, by allowing cars, engines, or train of cars to stand on such crossings for a longer period than five minutes at any one time, and providing penalties for violations of this act.

Was read the third time

The question being on the final passage of the bill.

The roll was called and there were ayes 81, nays 1, absent and not voting 13.

Those who voted in the affirmative were:

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|----------------------|---------------------|
| Aasheim | Hanley | Olson |
| Akesson | Hemmingson | Paulson |
| Anderson | Hendrickson | Peart |
| Baker of Cass | Hill | Pendray |
| Baker of Stark | Homnes | Plath |
| Bjorndahl | Honey | Ployhar |
| Brusletten | Hughes | Pound |
| Brynjulson | Jewett | Putnam |
| Burnett | Johnson of Bottineau | Schull |
| Chatfield | Johnson of McLean | Senour |
| Christenson | Kinney of McLean | Sheils |
| Collins of Cass | Kinney of Richland | Sinclair |
| Collins of Gd. Forks | Kneeland | Skinner |
| Crawford | Knox | Sorlie |
| Cunningham | Kremer | Steen |
| Davidson | Law | Storey |
| Doyle of Foster | Laithwaite | Streeter |
| Doyle of McIntosh | Lindvig | Thompson, Gd. Forks |
| Duncan | Martin | Thompson of McLean |
| Freeman | McCrea | Thoreson |
| Ganssle | McLear | Traynor |
| Garden | Moen of Benson | Ward |
| Geidt | Moen of Cavaller | Welford |
| Gibbens | Narum | White |
| Goldammer | Nelson of McHenry | Wisner |
| Grant | Nelson of Steele | Young |
| Hale | Nelson of Walsh | Mr. Speaker |

Absent and not voting:

| Messrs.— | Messrs.— | Messrs.— |
|--------------------|----------|----------|
| Atwood | Linde | Price |
| Dibley | Lucke | Sgutt |
| Evans | Nyhus | Skulason |
| Fraine | Poe | Wolbert |
| Johnson of Rolette | | |

Mr. Burns voted in the negative.

Messrs. Dibley, Johnson of Rolette, Linde, Nyhus and Sinclair being excused.

So the bill passed and the title was agreed to.

Mr. Narum moved

That the vote by which House Bill No. 204 passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 194,

A bill for an act, providing for a jury to be official witnesses of the execution of persons executed at the state penitentiary, providing for guards to act as death watch over condemned prisoners, and fixing the executioner's fee.

Also an appropriation to defray all expenses incurred in connection with the execution of a condemned man.

Was read the third time

The question being on the final passage of the bill.

The roll was called and there were ayes 78, nays 6, absent and not voting 11.

Those who voted in the affirmative were:

Messrs.—

Akesson
Anderson
Baker of Cass
Baker of Stark
Bjorndahl
Brusletten
Brynjulson
Burnett
Chatfield
Collins of Cass
Collins of Gd. Forks
Crawford
Cunningham
Davidson
Doyle of Foster
Doyle of McIntosh
Duncan
Freeman
Ganssle
Garden
Geldt
Gibbens
Goldammer
Grant
Hale
Hemmingson

Messrs.—

Hendrickson
Hill
Homnes
Honey
Hughes
Jewett
Johnson of Bottineau
Johnson of McLean
Kinney of McLean
Kinney of Richland
Kneeland
Knox
Kremer
Law
Laithwaite
Lindvig
Martin
McCrea
McLear
Moen of Benson
Moen of Cavalier
Nelson of McHenry
Nelson of Steele
Nelson of Walsh
Olson
Paulson

Messrs.—

Peart
Pendray
Plath
Ployhar
Pound
Price
Put.am
Schull
Senour
Sgutt
Shells
Skinner
Skulason
Sorlie
Steen
Streeter
Thompson, Gd. Forks
Thompson of McLean
Thoreson
Traynor
Ward
Welford
White
Wisner
Young
Mr. Speaker

Those who voted in the negative were:

| | | |
|-------------|----------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Burns | Hanley | Sinclair |
| Christenson | Narum | Storey |

Absent and not voting:

| | | |
|----------|--------------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Fraine | Nyhus |
| Atwood | Johnson of Rolette | Poe |
| Dibley | Linde | Wolbert |
| Evans | Lucke | |

Messrs. Dibley, Johnson of Rolette, Linde, Nyhus and Sinclair being excused.

So the bill passed and the title was agreed to.

Mr. Hendrickson moved

That the vote by which House Bill No. 194 passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 150,

A bill for an act to amend section 4073 of the revised codes of the state of North Dakota of 1905, relating to the granting of alimony in divorce cases.

Was read the third time

The question being on the final passage of the bill.

The roll was called and there were ayes 81, nays 2, absent and not voting 12.

Those who voted in the affirmative were:

| | | |
|----------------------|----------------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Hemmingson | Pearl |
| Anderson | Hendrickson | Pendray |
| Baker of Stark | Hill | Plath |
| Bjorndahl | Homnes | Ployhar |
| Brusletten | Honey | Pound |
| Brynjulson | Hughes | Putnam |
| Burnett | Jewett | Schull |
| Burns | Johnson of Bottineau | Senour |
| Chatfield | Johnson of McLean | Sgutt |
| Christenson | Kinney of McLean | Shells |
| Collins of Cass | Kinney of Richland | Sinclair |
| Collins of Gd. Forks | Kneeland | Skinner |
| Crawford | Knox | Skulason |
| Cunningham | Kremer | Sorlie |

| Messrs.— | Messrs.— | Messrs.— |
|-------------------|-------------------|---------------------|
| Davidson | Law | Steen |
| Doyle of Foster | Laithwaite | Storey |
| Doyle of McIntosh | Lindvig | Streeter |
| Duncan | Martin | Thompson, Gd. Forks |
| Freeman | McCrea | Thompson of McLean |
| Ganssle | McLear | Thoreson |
| Garden | Moen of Benson | Traynor |
| Geldt | Narum | Ward |
| Gibbens | Nelson of McHenry | Welford |
| Goldammer | Nelson of Steele | White |
| Grant | Nelson of Walsh | Wisner |
| Hale | Olson | Young |
| Hanley | Paulson | Mr. Speaker |

Absent and not voting:

| Messrs.— | Messrs.— | Messrs.— |
|---------------|--------------------|----------|
| Atwood | Fraine | Nyhus |
| Baker of Cass | Johnson of Rolette | Poe |
| Dibley | Linde | Price |
| Evans | Lucke | Wolbert |

Messrs. Akesson and Moen of Cavalier voting in the negative.

Messrs. Dibley, Johnson of Rolette, Linde, Nyhus and Sinclair being excused.

So the bill passed and the title was agreed to.

Mr. Duncan moved

That the vote by which House Bill No. 150 passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 162,

A bill for an act to regulate the public service of stallions 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 77, nays 7, absent and not voting 11.

Those who voted in the affirmative were:

| Messrs.— | Messrs.— | Messrs.— |
|----------|------------|----------|
| Aasheim | Hale | Peart |
| Akesson | Hanley | Pendray |
| Anderson | Hemmingson | Plath |

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|----------------------|---------------------|
| Baker of Cass | Hendrickson | Ployhar |
| Baker of Stark | Hill | Pound |
| Bjorndahl | Homnes | Price |
| Brusletten | Honey | Pitnam |
| Brynjulson | Hughes | Schull |
| Burnett | Jewett | Sgutt |
| Chatfield | Johnson of Bottineau | Sheils |
| Christenson | Johnson of McLean | Sinclair |
| Collins of Cass | Kinney of McLean | Skulason |
| Collins of Gd. Forks | Kneeland | Sorlie |
| Crawford | Knox | Steen |
| Cunningham | Kremer | Storey |
| Davidson | Law | Streeter |
| Doyle of Foster | Lindvig | Thompson, Gd. Forks |
| Doyle of McIntosh | Martin | Thompson of McLean |
| Duncan | McCrea | Thoreson |
| Freeman | McLear | Traynor |
| Ganssle | Moen of Benson | Ward |
| Garden | Moen of Cavalier | Welford |
| Geidt | Narum | White |
| Gibbens | Nelson of Steele | Wisner |
| Goldammer | Olson | Mr. Speaker |
| Grant | Paulson | |

Those who voted in the negative were:

| Messrs.— | Messrs.— | Messrs.— |
|--------------------|-------------------|----------|
| Burns | Nelson of McHenry | Senour |
| Kinney of Richland | Nelson of Walsh | Young |
| Laithwaite | | |

Absent and not voting:

| Messrs.— | Messrs.— | Messrs.— |
|----------|--------------------|----------|
| Atwood | Johnson of Rolette | Poe |
| Dibley | Linde | Skinner |
| Evans | Lucke | Wolbert |
| Fraine | Nyhus | |

Messrs. Dibley, Johnson of Rolette, Linde, Nyhus and Sinclair being excused.

So the bill passed and the title was agreed to.

Mr. Moen of Benson moved

That the vote by which House Bill No. 162 passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

The speaker called Mr. Skulason to the chair.

House Bill No. 228,

A bill for an act to amend section 1574 of the revised codes of 1905, relating to auditor's notice of tax sale.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 72, nays 8, absent and not voting 15.

Those who voted in the affirmative were:

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|----------------------|---------------------|
| Aashelm | Hill | Peart |
| Akesson | Homnes | Pendray |
| Anderson | Honey | Plath |
| Baker of Cass | Hughes | Ployhar |
| Baker of Stark | Jewett | Pound |
| Brynjulson | Johnson of Bottineau | Price |
| Burnett | Johnson of McLean | Schull |
| Burns | Kinney of McLean | Senour |
| Collins of Cass | Kinney of Richland | Sheils |
| Collins of Gd. Forks | Kneeland | Sinclair |
| Crawford | Law | Skinner |
| Davidson | Laithwaite | Skulason |
| Doyle of Foster | Lindvig | Sorlie |
| Duncan | Martin | Steen |
| Freeman | McCrea | Streeter |
| Ganssle | McLear | Thompson, Gd. Forks |
| Garden | Moen of Benson | Thompson of McLean |
| Geidt | Moen of Cavalier | Thoreson |
| Gibbens | Narum | Traynor |
| Grant | Nelson of McHenry | Welford |
| Hale | Nelson of Steele | White |
| Hanley | Nelson of Walsh | Wisner |
| Hemmingson | Olson | Young |
| Hendrickson | Paulson | Mr. Speaker |

Those who voted in the negative were:

| Messrs.— | Messrs.— | Messrs.— |
|------------|-------------------|-----------|
| Bjorndahl | Christenson | Goldammer |
| Brusletten | Cunningham | Ward |
| Chatfield | Doyle of McIntosh | |

Absent and not voting:

| Messrs.— | Messrs.— | Messrs.— |
|--------------------|----------|----------|
| Atwood | Knox | Poe |
| Dibley | Kremer | Putnam |
| Evans | Linde | Sgutt |
| Fraine | Lucke | Storey |
| Johnson of Rolette | Nyhus | Welbert |

Messrs. Dibley, Johnson of Rolette, Linde, Nyhus and Sinclair being excused.

So the bill passed and the title was agreed to.

Mr. Lindvig moved

That the vote by which House Bill No. 228 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 114,

A bill for an act to amend chapter 189 of the session laws of 1907.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 75, nays 5, absent and not voting 15.

Those who voted in the affirmative were:

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|----------------------|---------------------|
| Aasheim | Grant | Olson |
| Akesson | Hale | Paulson |
| Anderson | Hanley | Peart |
| Baker of Cass | Hemmingson | Plath |
| Baker of Stark | Hendrickson | Ployhar |
| Bjorndahl | Hill | Pound |
| Brusletten | Homnes | Price |
| Brynjulson | Honey | Schull |
| Burnett | Hughes | Senour |
| Burns | Jewett | Sheils |
| Chatfield | Johnson of Bottineau | Sinclair |
| Christenson | Johnson of McLean | Skinner |
| Collins of Cass | Kinney of McLean | Skulason |
| Collins of Gd. Forks | Kneeland | Sorlie |
| Crawford | Law | Steen |
| Gunningham | Laithwaite | Streeter |
| Doyle of Foster | Lindvig | Thompson, Gd. Forks |
| Doyle of McIntosh | McCrea | Thompson of McLean |
| Duncan | McLear | Thoreson |
| Freeman | Moen of Benson | Traynor |
| Ganssle | Moen of Cavalier | Ward |
| Garden | Narum | Welford |
| Geldt | Nelson of McHenry | White |
| Gibbens | Nelson of Steele | Wisner |
| Goldammer | Nelson of Walsh | Mr. Speaker |

Those who voted in the negative were:

| | | |
|--------------------|----------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Davidson | Martin | Young |
| Kinney of Richland | Pendray | |

Absent and not voting:

| | | |
|--------------------|----------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Atwood | Knox | Poe |
| Dibley | Kremer | Putnam |
| Evans | Linde | Sgutt |
| Fraine | Lucke | Storey |
| Johnson of Rolette | Nyhus | Wolbert |

Messrs. Dibley, Johnson of Rolette, Linde, Nyhus and Sinclair being excused.

So the bill passed and the title was agreed to.

Mr. Ganssle moved

That the vote by which House Bill No. 114 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 308,

A bill for an act to amend section 1544 of the revised codes of 1905, relating to notice of rates of taxation to be given by county treasurer.

Was read the third time.

Mr. Burdick moved

That the further consideration of the bill be indefinitely postponed.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

House Bill No. 289,

A bill for an act to amend section 3061 of the revised codes for 1905, relating to annual township meetings.

Was read the third time.

Mr. Price asked unanimous consent to amend the bill.

There being no objections, Mr. Price offered the following amendment and moved its adoption:

Sec. 2. Emergency.) Whereas, there is no adequate law now existing covering the matter herein mentioned, an emergency exists, therefore this act shall be in force and take effect from and after its passage and approval."

Which motion prevailed, and
The amendment was adopted.

The question being on the final passage of the bill as amended.

The roll was called and there were ayes 67, nays 14, absent and not voting 14.

Those who voted in the affirmative were:

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|----------------------|---------------------|
| Aasheim | Goldammer | Nelson of Steele |
| Akesson | Grant | Nelson of Walsh |
| Anderson | Hale | Olson |
| Baker of Cass | Hemmingson | Paulson |
| Baker of Stark | Hendrickson | Peart |
| Bjorndahl | Hill | Plath |
| Brusletten | Honey | Ployhar |
| Brynjulson | Hughes | Pound |
| Burnett | Johnson of Bottineau | Price |
| Burns | Johnson of McLean | Shells |
| Chatfield | Kinney of McLean | Skulason |
| Christenson | Kinney of Richland | Sorlie |
| Collins of Cass | Kneeland | Storey |
| Collins of Gd. Forks | Law | Streeter |
| Crawford | Lai'hwaiite | Thompson, Gd. Forks |
| Cunningham | Lindvig | Thompson of McLean |
| Doyle of Foster | McCrea | Thoreson |
| Doyle of McIntosh | McLear | Traynor |
| Duncan | Moen of Benson | Welford |
| Freeman | Moen of Cavalier | White |
| Ganssle | Narum | Wisner |
| Garden | Nelson of McHenry | Mr. Speaker |
| Geidt | | |

Those who voted in the negative were:

| Messrs.— | Messrs.— | Messrs.— |
|----------|----------|----------|
| Davidson | Jewett | Skinner |
| Fraine | Pendray | Steen |
| Gibbens | Schull | Ward |
| Hanley | Senour | Young |
| Homnes | Sinclair | |

Absent and not voting:

| Messrs.— | Messrs.— | Messrs.— |
|--------------------|----------|----------|
| Atwood | Kremer | Poe |
| Dibley | Linde | Putnam |
| Evans | Lucke | Sgutt |
| Johnson of Rolette | Martin | Wolbert |
| Knox | Nyhus | |

Messrs. Dibley, Johnson of Rolette, Linde, Nyhus and Sinclair being excused.

So the bill passed as amended and the title was agreed to.

Mr. Traynor moved

That the vote by which House Bill No. 289 passed, be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

The speaker in the chair.

House Bill No. 312,

A bill for an act to prescribe a method of removal and discharge of persons admitted to the institution for the feeble minded.

Was read the third time.

Mr. Price asked unanimous consent to amend the bill.

There being no objections, Mr. Price offered the following amendment and moved its adoption:

In line 4 of section 1 of the printed bill, after the word "Dakota" insert the following words, "as amended by section 1 of chapter 237, laws of 1907."

Which motion prevailed, and

The amendment was adopted.

The question being on the final passage of the bill as amended.

The roll was called and there were ayes 78, nays 1, absent and not voting 16.

Those who voted in the affirmative were:

| | | |
|----------------------|----------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Grant | Paulson |
| Akesson | Hale | Pearl |
| Anderson | Hanley | Pendray |
| Baker of Cass | Hemmingson | Plath |
| Baker of Stark | Hendrickson | Ployhar |
| Bjorndahl | Hill | Pound |
| Brusletten | Homes | Price |
| Brynjulson | Honey | Schull |
| Burns | Hughes | Senour |
| Chatfield | Jewett | Shells |
| Christenson | Johnson of Bottineau | Skinner |
| Collins of Cass | Johnson of McLean | Skulason |
| Collins of Gd. Forks | Kinney of McLean | Sorlie |
| Crawford | Kinney of Richland | Steen |
| Cunningham | Kneeland | Storey |
| Davidson | Law | Streeter |
| Doyle of Foster | Lindvig | Thompson, Gd. Forks |

| | | |
|-------------------|-------------------|--------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Doyle of McIntosh | Martin | Thompson of McLean |
| Duncan | McCrea | Thoreson |
| Fraine | McLear | Traynor |
| Freeman | Moen of Benson | Ward |
| Ganssle | Narum | Welford |
| Garden | Nelson of McHenry | White |
| Geldt | Nelson of Steele | Wisner |
| Gibbens | Nelson of Walsh | Young |
| Goldammer | Olson | Mr. Speaker |

Absent and not voting:

| | | |
|--------------------|------------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Atwood | Kremer | Poe |
| Burnett | Linde | Putnam |
| Dibley | Lucke | Sgutt |
| Evans | Moen of Cavalier | Sinclair |
| Johnson of Rolette | Nyhus | Wolbert |
| Knox | | |

Mr. Laithwaite voted in the negative.

Messrs. Dibley, Johnson of Rolette, Linde, Nyhus and Sinclair being excused.

So the bill passed as amended and the title was agreed to.

Mr. Fraine moved

That the vote by which House Bill No. 312 passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed

The speaker administered the oath of office to R. M. McCrea.

COURTESIES OF THE FLOOR.

The privileges of the floor were extended to A. F. McClane, Minot.

Mr. Hendrickson moved

That the house do now adjourn.

Which motion prevailed, and

The house adjourned.

W. D. AUSTIN,
Chief Clerk.

FIFTY-FIRST DAY

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 24, 1909.

The house assembled at 2 o'clock p. m., pursuant to adjournment.

The speaker presiding.

Prayer by the Rev. Alex. Karr of Pembina.

Roll call.

All members present except Mr. Dibley, who was excused.

REFERENCE OF THE JOURNAL.

The committee on revision and correction of the journal made the following report:

Mr. Speaker:

Your committee on revision and correction of the journal have carefully examined the journal of the fiftieth day and recommend that the same be corrected as follows:

Page 33, line 5, change "18" to "17".

Page 33, line 5, change word "No" to "Known".

And when so amended recommend that the same be approved.

S. J. DOYLE,
Chairman.

Mr. Doyle moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
February 24, 1909.

Mr. Speaker:

I have the honor to transmit herewith

Senate Bill No. 179,

A bill for an act repealing section 9733 of the revised codes for the year 1905, relating to arrests at night, and re-enacting the same.

Also,

Senate Bill No. 191,

A bill for an act authorizing state institutions to contract for the purchase of school, state institution or other public lands, in accordance with the terms as now provided by law.

Also,

Senate Bill No. 229,

A bill for an act to amend chapter 128 of the laws of 1907, being an amendment to section 8983 of the revised codes of North Dakota, 1905, relating to minors not allowed in certain public places, and prescribing certain penalties for the violation thereof.

Also,

Senate Bill No. 234,

A bill for an act to amend sections 811, 822, 829, 832, 882, 883, of the revised code of 1905, pertaining to education.

Also,

Senate Bill No. 271,

A bill for an act regulating sanitary conditions in barbershops, hairdressing and manicuring parlors, and providing penalties for the violation of this act.

Also,

Senate Bill No. 275,

A bill for an act to forfeit firearms or other weapons to the state when found on the person of anyone arrested and convicted of a felony, misdemeanor or other crime.

Also,

Senate Bill No. 280,

A bill for an act, entitled an act to repeal section 1544 of the revised codes of the state of North Dakota, relating to county treasurers and the collection of taxes.

Also,

Senate Bill No. 195,

A bill for an act creating a game and fish commission for the protection, propagation, preservation, taking, use and transportation of game, fish, wild birds, fur bearing animals, and certain harmless birds and animals.

Which the senate has passed and your favorable consideration is respectfully requested.

Also,

Mr. Speaker:

I have the honor to transmit herewith the following concurrent resolution:

Whereas, the employment of children in shops and factories and for long hours is detrimental to the general health and welfare, and

Whereas, the most progressive and enlightened nations have enacted child labor laws preventing and prohibiting such employment, and

Whereas, the United States of America has taken a stand in the vanguard of reform legislation and progress; therefore, be it

Resolved by the Senate, the House of Representatives Concurring:

That the congress of the United States be memorialized and earnestly urged to pass the most progressive and advanced laws upon this subject, and that our representatives in congress be requested and instructed to work for and support such national legislation on this subject as will best protect the interests of the children and the home. And be it further

Resolved, That a duly certified copy of this memorial be by the secretary of the senate forwarded to each member of the North Dakota delegation in congress.

Which the senate has adopted and your favorable consideration is respectfully requested.

Very respectfully,
J. W. FOLEY,
Secretary.

Mr. Chatfield moved

That the house do now concur in the senate concurrent resolution relating to employment of children in shops and factories.

Which motion prevailed, and
The concurrent resolution was concurred in.

REPORTS OF STANDING COMMITTEES.

The committee on engrossment made the following report:

Mr. Speaker:

Your committee on engrossment have examined
House Bill No. 213,

A bill for an act creating, establishing and locating a fish hatchery and fish cultural station at Fish lake, Birchwood park, in Rolette county, North Dakota, and providing for its management, and making an appropriation therefor. And find the same correctly re-engrossed.

C. C. CRAWFORD,
Chairman.

Mr. Crawford moved.

That the report be adopted.
Which motion prevailed, and
The report of the committee was adopted.

Also,

Mr. Speaker:

Your committee on engrossment have examined
House Bill No. 134,

A bill for an act making an appropriation to pay legal expenses and disbursements incurred by the government

agricultural experiment station of the North Dakota agricultural college, in defending the suit brought to annul the "Pure Paint Law" of this state.

Also,

House Bill No. 145,

A bill for an act for an appropriation to reimburse Professor E. F. Ladd for disbursements and expenses incurred in the enforcement of the pure food laws.

Also,

House Bill No. 147,

A bill for an act relating to the qualifications of members of state, county, city, township, town and village boards of equalization.

Also,

House Bill No. 275,

A bill for an act entitled an act to provide for the determination of heirship and the share of such heirs respectively in claims to certain real estate by action in the district court.

Also,

House Bill No. 278,

A bill for an act fixing the liability of a bank to its depositor for payment of forged or raised checks.

And find the same correctly engrossed.

C. C. CRAWFORD,
Chairman.

Mr. Crawford moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

PETITONS AND COMMUNICATIONS.

Park River, N. D., Feb. 20, 1909.

To the Legislative Assembly of North Dakota:

We, the undersigned members of Park River Camp, No. 2836, Modern Woodmen of America, hereby petition your

honorable body to vote against the passage of House Bill No. . . ., as we believe it to be unjust.

F. F. SPORNITZ,
And 38 Others.

State of North Dakota—County of Morton.

We, the undersigned, living in the county of Morton and the state of North Dakota, hereby petition your honorable body of the legislature of the state of North Dakota, to pass such legislation in and during the present session of the legislature, that all road and poll taxes assessed in this state may be paid by manual labor on the highways of the state in the immediate township of the parties paying such taxes; and in case any or either of said taxes shall be paid into the county treasury in money, said money shall be expended on the roads in the commissioner district from which said moneys shall have been paid in.

ED. INGERSOLL,
And 100 Others.

REPORTS OF STANDING COMMITTEES.

The committee on municipal corporations made the following report:

Mr. Speaker:

Your committee on municipal corporations to whom was referred

House Bill No. 67,

A bill for an act to amend section 2767 of the revised codes of the state of North Dakota of 1905, relating to advertising for and awarding contracts for construction of sidewalks in cities.

Have had the same under consideration and recommend that the same be amended as follows:

Strike out words "it deems advisable" at line 23, page 2 of printed bill, and insert in lieu thereof the following, "often as is necessary by reason of no bids being received or all bids being rejected."

And when so amended recommend the same do pass.

F. G. KNEELAND,
Chairman.

Mr. Kneeland moved

That the rules be suspended and the report of the committee be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on education made the following report:

Mr. Speaker:

Your committee on education to whom was referred

House Bill No. 203,

A concurrent resolution amending the constitution of the state of North Dakota, establishing and locating a state normal school in the city of Bismarck, county of Burleigh.

Have had the same under consideration and recommend that the same be indefinitely postponed.

FRANK E. PLOYHAR,
Chairman.

Mr. Ployhar moved

That the report be adopted

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Also,

Your committee on education to whom was referred

House Bill No. 341,

A bill for an act to amend and re-enact section 832 of the revised codes of North Dakota for the year 1905, relating to powers and duties of district school boards.

Have had the same under consideration and recommend that the same do pass.

FRANK E. PLOYHAR,
Chairman.

Mr. Ployhar moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on education to whom was referred
House Bill No. 311,

A bill for an act to amend section 960 of the revised
codes of 1905, relating to the powers and duties of boards
of education in special districts.

Have had the same under consideration and recommend
that the same be indefinitely postponed.

FRANK E. PLOYHAR,
Chairman.

Mr. Ployhar moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely
postponed.

Also,

Your committee on education to whom was referred
House Bill No. 296,

A bill for an act to amend and re-enact article 10 of
chapter 32 of the revised codes of 1905; relating to free
public libraries.

Have had the same under consideration and recommend
that the same do pass.

FRANK E. PLOYHAR,
Chairman.

Mr. Ployhar moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on education to whom was referred
House Bill No. 340,

A bill for an act to authorize the superintendent of pub-
lic instruction and presidents of the state normal schools
to arrange a course of study for the state normal schools,
to provide for the rural schools of North Dakota.

Have had the same under consideration and recommend that the same do pass.

FRANK E. PLOYHAR,
Chairman.

Mr. Ployhar moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on education to whom was referred
House Bill No. 220,

A concurrent resolution amending the constitution of the state of North Dakota, establishing and locating a state normal school in the city of Glen Ullin, county of Morton.

Have had the same under consideration and recommend that the same be indefinitely postponed.

FRANK E. PLOYHAR,
Chairman.

Mr. Ployhar moved

That the report be adopted

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

The committee on judiciary made the following report:

Mr. Speaker:

Your committee on judiciary to whom was referred
Senate Bill No. 215,

A bill for an act to amend section 10,292 of the revised codes of North Dakota for 1905, relating to the offering of reward for apprehension of criminals and those charged with crime.

Have had the same under consideration and recommend that the same do pass.

B. G. SKULASON,
Chairman.

Mr. Skulason moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on judiciary to whom was referred
Senate Bill No. 158,

A bill for an act to amend and re-enact section 2489 of
the revised codes of 1905.

Have had the same under consideration and recommend
that the same be indefinitely postponed.

B. G. SKULASON,
Chairman.

Mr. Skulason moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely
postponed.

Also,

Your committee on judiciary to whom was referred
Senate Bill No. 227,

A bill for an act to amend section 7527 of the code of
1905, relating to actions to determine conflicting claims to
real property.

Have had the same under consideration and recommend
that the same do pass.

B. G. SKULASON,
Chairman.

Mr. Skulason moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on judiciary to whom was referred
Senate Bill No. 203,

A bill for an act to reduce the expenses of conveying
insane persons to the hospital for the insane, providing

for the duties of county judges in relation thereto, and making an appropriation to carry out its provisions.

Have had the same under consideration and recommend that the same do pass.

B. G. SKULASON,
Chairman.

Mr. Skulason moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on judiciary to whom was referred
Senate Bill No. 156,

A bill for an act providing for the election of justices of the peace and constables in election precincts, comprising one or more unorganized townships, on petition of ten or more qualified electors of such precinct.

Have had the same under consideration and recommend that the same do pass.

B. G. SKULASON,
Chairman.

Mr. Skulason moved

That the report be adopted

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on judiciary to whom was referred
Senate Bill No. 231,

A bill for an act to amend section 3198, article 24, chapter 33 of the political code (revised codes of 1905) of the state of North Dakota, relating to the bonds of civil townships, and as to how and when issued.

Have had the same under consideration and recommend that the same do pass.

B. G. SKULASON,
Chairman.

Mr. Skulason moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on judiciary to whom was referred

Senate Bill No. 118,

A bill for an act making it unlawful for any person, firm, association, copartnership or corporation doing business in the state to purchase grains at different weight for the bushel than is fixed by law, or to take or accept any dockage on grains not docked at the terminal markets of Minnesota and Wisconsin.

Have had the same under consideration and recommend that the same do pass.

B. G. SKULASON,
Chairman.

Mr. Skulason moved

That the report be adopted

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on judiciary to whom was referred

Senate Bill No. 194,

A bill for an act to amend section 6246 of the revised codes of North Dakota, 1905, relating to requiring a mechanic's lien holder to bring suit thereon or lose his lien.

Have had the same under consideration and recommend that the same be indefinitely postponed.

B. G. SKULASON,
Chairman.

Mr. Skulason moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Also,

Your committee on judiciary to whom was referred
House Bill No. 350,

A bill for an act to repeal section 7229 of the revised codes of North Dakota for the year 1905, relating to appeals in cases tried without a jury.

Have had the same under consideration and recommend that the same do pass.

B. G. SKULASON,
Chairman.

Mr. Skulason moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on judiciary to whom was referred
House Bill No. 343,

A bill for an act to amend section 2614 of the revised codes of 1905, relating to juror's fees.

Have had the same under consideration and recommend that the same be indefinitely postponed.

B. G. SKULASON,
Chairman.

Mr. Skulason moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Also,

Your committee on judiciary to whom was referred
House Bill No. 169,

A bill for an act defining the sixth judicial district, state of North Dakota and fixing the terms of court in said district.

Have had the same under consideration and recommend that the same be amended as follows:

On page 1, line 1 of the printed bill, strike out the abbreviation "par." and insert the abbreviation "sec."

Page 2, line 3, insert the word "the" after the word "at."

Page 2, line 4, subdivision 5, insert the word "the" after the word "and."

Page 2 strike out the abbreviation "par." and Roman figure "II" and insert "sec. 2" in lieu thereof."

On page 2 strike out "par III" and insert "sec. 3" in lieu thereof.

And when so amended recommend the same do pass.

B. G. SKULASON,
Chairman.

Mr. Skulason moved

That the rules be suspended and the report of the committee be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

A majority of your committee on judiciary to whom was referred

House Bill No. 290,

A bill for an act to authorize a popular vote upon the question of calling a delegate convention to amend and revise the constitution of the state of North Dakota.

Have had the same under consideration and recommend that the same be indefinitely postponed.

B. G. SKULASON,
Chairman.

Also,

A minority of your committee on judiciary to whom was referred

House Bill No. 290,

A bill for an act to authorize a popular vote upon the question of calling a delegate convention to amend and revise the constitution of the state of North Dakota.

Have had the same under consideration and recommend that the same do pass.

And beg to dissent from the recommendation made by the majority of this committee. Our reasons for so dissenting are as follows:

1. The present constitution of this state was adopted some twenty (20) years ago, and since its adoption the unprecedented development of this state has quite outgrown the present constitution.

2. Every session of the Legislative Assembly has constitutional amendments by the score under consideration, the Eleventh Legislative Assembly having already had twenty-seven such resolutions submitted, which is the strongest evidence of the fact that the present constitution does not meet the requirements of the people of this state.

3. We believe it is a fundamental principle that the people of this state have the right to change or alter the constitution at will, and this principle is recognized in every state in the union; in fact it is an essential element of Republican form of government; we find it specifically set forth in the Bill of Rights of our present constitution: "Section 2 (Of Bill of Rights.) All political power is inherent in the people. Government is instituted for the protection, security and benefit of the people, and they have the right to alter or reform the same whenever the public good may require."

4. The bill under consideration simply submits to the people the question, "do you, or do you not, wish to change or alter this constitution?"

5. To reject this measure is to deny to the people of this state that which is guaranteed to them by section 2 of the Bill of Rights above quoted.

And when so amended recommend the same do pass.

J. H. FRAINE,
R. M. CHATFIELD,
F. M. BAKER.

Also,

Your committee on judiciary to whom was referred
House Bill No. 201,

A bill for an act fixing the terms of court in the Sixth
judicial district.

Have had the same under consideration and recommend
that the same be indefinitely postponed.

B. G. SKULASON,
Chairman.

Mr. Skulason moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely
postponed.

Also,

Your committee on judiciary to whom was referred
House Bill No. 245,

A bill for an act to appropriate money for the use of the
board of university and school lands in the payment of

assessments for benefits made for drainage purposes against unsold common school and institution lands within the state.

Have had the same under consideration and recommend that the same do pass.

B. G. SKULASON,
Chairman.

Mr. Skulason 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. Speaker:

Your committee on state affairs to whom was referred Senate Bill No. 21,

A bill for an act authorizing counties to issue bonds to procure seed grain for needy farmers resident therein.

Have had the same under consideration and recommend that the same be indefinitely postponed.

W. J. PRICE,
Chairman.

Mr. Price moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Also,

Your committee on state affairs to whom was referred Senate Bill No. 154,

A bill for an act to amend section 6710 of the revised codes of 1905, relating to holidays.

Have had the same under consideration and recommend that the same do pass.

W. J. PRICE,
Chairman.

Mr. Price moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on state affairs to whom was referred
House Bill No. 352,

A bill for an act to amend article 2 of the political code,
revised codes of North Dakota, 1905, relating to asylum and
poor farm.

Have had the same under consideration and recommend
that the same be indefinitely postponed.

W. J. PRICE,
Chairman.

Mr. Price moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely
postponed.

Also,

Your committee on state affairs to whom was referred
House Bill No. 344,

A bill for an act to repeal sections 1961, 1963, 1964, 1966,
1967, 1968, 1969 and 1970 of the revised codes of 1905, re-
lating to "state wolf bounties."

Have had the same under consideration and recommend
that the same be indefinitely postponed.

W. J. PRICE,
Chairman.

Mr. Price moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely
postponed.

The committee on municipal corporations made the fol-
lowing report:

Mr. Speaker:

Your committee on municipal corporations to whom
was referred

House Bill No. 356,

A bill for an act to amend sections 2661 and 2687 of chapter 30 of the political code of the state of North Dakota, revised codes of 1905, relating to the number of aldermen in cities, and the term of office of such aldermen.

Have had the same under consideration and recommend that the same do pass.

F. G. KNEELAND,
Chairman.

Mr. Kneeland 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. Speaker:

Your committee on agriculture to whom was referred Senate Bill No. 7,

A bill for an act to prohibit the removing of threshing machines, bundle wagons or grain wagons from one farm to another, before cleaning, and providing penalties for violations thereof.

Have had the same under consideration and recommend that the same be indefinitely postponed.

JAMES DUNCAN,
Chairman.

Mr. Duncan moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Also,

Your committee on agriculture to whom was referred

House Bill No. 313,

A bill for an act creating and establishing an agricultural experiment station at or near Ashley, McIntosh county, providing for its management and making appropriation therefor.

Have had the same under consideration and recommend that the same be indefinitely postponed.

JAMES DUNCAN,
Chairman.

Mr. Duncan moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

The committee on insurance made the following report:
Mr. Speaker:

Your committee on insurance to whom was referred
Senate Bill No. 96,

A bill for an act, entitled an act creating a fund and providing for the disbursement thereof, for pensions and relief by fireman's relief associations, in cities, towns and villages.

Have had the same under consideration and recommend that the same do pass.

JOHN A. HONEY,
Chairman.

Mr. Honey moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on taxation and tax laws made the following report:

Mr. Speaker:

Your committee on taxation and tax laws to whom was referred

House Bill No. 335,

A bill for an act to amend section 1554 of the revised codes of 1905 of North Dakota, relating to the delinquent personal property taxes, when due.

Have had the same under consideration and recommend that the same do pass.

JOHN STEEN,
Chairman.

Mr. Steen moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on taxation and tax laws to whom was referred

House Bill No. 310,

A concurrent resolution amending the constitution of the state of North Dakota, relating to the taxation of farm property.

Have had the same under consideration and recommend that the same be amended as follows:

By striking out the following in line 14, "actually occupied by the owner thereof."

And when so amended recommend the same do pass.

JOHN STEEN,
Chairman.

Mr. Steen moved

That the rules be suspended and the report of the committee be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on taxation and tax laws to whom was referred

House Bill No. 329,

A bill for an act to amend and re-enact section 1515 of the political code of 1905, relating to the organization of assessors' districts and townships, vacancies in such townships and districts, and the compensation of assessor.

Have had the same under consideration and recommend that the same be indefinitely postponed.

JOHN STEEN,
Chairman.

Mr. Steen moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Also,

Your committee on taxation and tax laws to whom was referred

House Bill No. 302,

A concurrent resolution for an amendment and repeal of certain sections of article 11 of the constitution of the state of North Dakota, and amendments amendatory thereof, relating to revenue and taxation, to allow of uniformity of taxation upon the same class of subjects, but without of necessity including all general property, the taxation of incomes, and for greater latitude in subjecting property to taxation for local revenue and improvement.

Have had the same under consideration and recommend that the same be indefinitely postponed.

JOHN STEEN,
Chairman.

Mr. Steen moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Also,

Your committee on taxation and tax laws to whom was referred

House Bill No. 346,

A bill for an act to amend and re-enact section 1515 of the political code of 1905, relating to the organization of assessors' districts and townships, vacancies in such township and districts, and the compensation of assessors.

Have had the same under consideration and recommend that the same do pass.

JOHN STEEN,
Chairman.

Mr. Steen 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. Speaker:

Your committee on insurance to whom was referred

House Bill No. 223,

A bill for an act providing for the organization, authorization and operation of co-operative life and casualty companies, associations or societies.

Have had the same under consideration and recommend that the same be indefinitely postponed.

JOHN A. HONEY,
Chairman.

Mr. Honey moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Also;

Your committee on insurance to whom was referred

House Bill No. 336,

A bill for an act regulating insurance companies doing business in the state of North Dakota.

Have had the same under consideration and recommend that the same be indefinitely postponed.

JOHN A. HONEY,
Chairman.

Mr. Honey moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Also,

Your committee on insurance to whom was referred
House Bill No. 339,

A bill for an act to amend chapter 151 of the laws of 1907, an act to require an annual apportionment and accounting of surplus of life insurance companies as to policies heretofore issued.

Have had the same under consideration and recommend that the same do pass.

JOHN A. HONEY,
Chairman.

Mr. Honey 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. Speaker:

Your committee on state affairs to whom was referred
House Bill No. 280,

A bill for an act to amend section 590 of the revised codes of 1905 of North Dakota, appropriating money for clerk hire in the several state offices, and fixing the salaries of the chief deputy state officers.

Have had the same under consideration and recommend that the same be amended as follows:

Section 1, line 32 of the printed bill, after the word "of" insert the words "not to exceed."

In line 33 of the same section strike out the words "four hundred."

And when so amended recommend the same do pass.

W. J. PRICE,
Chairman.

The committee on public health made the following report:

Mr. Speaker:

Your committee on public health to whom was referred
House Bill No. 234,

A bill for an act providing for the creating of a state tuberculosis exhibition, for the control of such exhibition and for making an appropriation therefor.

Have had the same under consideration and recommend that the same do pass.

C. H. SHEILS,
Chairman.

Mr. Sheils moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on public health to whom was referred

House Bill No. 320,

A bill for an act to prohibit the marriage of insane, epileptic or feeble minded persons.

Have had the same under consideration and recommend that the same do pass.

C. H. SHEILS,
Chairman.

Mr. Sheils moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on public health to whom was referred

House Bill No. 277,

A bill for an act regulating the practice of midwifery and prescribing the penalties for the violation thereof.

Have had the same under consideration and recommend that the same be indefinitely postponed.

C. H. SHEILS,
Chairman.

Mr. Sheils moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Also,

Your committee on public health to whom was referred House Bill No. 338,

A bill for an act to amend and re-enact section 264 of the revised codes of 1905, in relation to the compensation of superintendents of county boards of health.

Have had the same under consideration and recommend that the same do pass.

C. H. SHEILS,
Chairman.

Mr. Sheils moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on public health to whom was referred House Bill No. 137,

A bill for an act to require owners or proprietors of inns, hotels or restaurants, to post a sign warning patrons not to blow out gas in their rooms, and providing a penalty for the violation of this act.

Have had the same under consideration and recommend that the same be indefinitely postponed.

C. H. SHEILS,
Chairman.

Mr. Sheils moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Also,

Your committee on public health to whom was referred House Bill No. 298,

A bill for an act to regulate the maintenace of barns, stables and other structures for keeping animals within the residence portions of cities, towns and villages.

Have had the same under consideration and recommend that the same do pass.

C. H. SHEILS,
Chairman.

Also,

Your committee on public health to whom was referred House Bill No. 225,

A bill for an act to regulate the itinerant vending of medicines, nostrums and appliances for the treatment of disease, injury or deformity.

Have had the same under consideration and recommend that the same be indefinitely postponed.

C. H. SHEILS,
Chairman.

Mr. Sheils moved

That the report be adopted.

Which motion was lost.

Mr. Chatfield moved

That House Bill No. 225 be referred to general orders.

Which motion prevailed and

The bill was so referred.

Also,

Your committee on public health to whom was referred Senate Bill No. 67,

A bill for an act providing for the sanitation of bakeries, canneries, packing houses, slaughter houses, dairies, creameries, cheese factories, confectioneries, restaurants, hotels, groceries, meat markets and all other food producing establishments, manufactories, or other places where food is prepared, manufactured, packed, stored, sold or distributed, and vehicles in which food is placed for transportation, regulating the health of operatives, employees, clerks, drivers and all other persons working on the premises who handle the material from which food is prepared or the finished product; defining food; regulating the wholesomeness of food manufactured, prepared, packed, stored, sold, distributed or transported, and defining the duties of the food commissioner of the North Dakota government agricultural experiment station, and providing penalties for the violation thereof.

Have had the same under consideration and recommend that the same do pass.

C. H. SHEILS,
Chairman.

Mr. Sheils moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on public health to whom was referred
Senate Bill No. 162,

A bill for an act to amend and re-enact section 344 of
article 17 of the revised code of North Dakota of 1905, re-
lating to qualifications of embalmers of dead human bodies,
and the duties and relations for the shipment thereof.

Have had the same under consideration and recommend
that the same do pass.

C. H. SHEILS,
Chairman.

Mr. Sheils moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on public health to whom was referred
Senate Bill No. 131,

A bill for an act creating a state board of examiners; to
regulate the practice of osteopathy in the state of North
Dakota; to provide for licensing doctors of osteopathy,
and to prescribe penalties for the violation of this act.

Have had the same under consideration and recommend
that the same do pass.

C. H. SHEILS,
Chairman.

Mr. Sheils moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

MOTIONS AND RESOLUTIONS.

Mr. Gibbens moved

That the rules be suspended and Senate Bill No. 27 be recalled from general orders, considered engrossed and placed upon its third reading and final passage as amended. Which motion prevailed.

Senate Bill No. 27,

For an act entitled "An act to amend section 155 of chapter 4 of the political code of the state of North Dakota, and all acts or parts of acts amendatory thereof, providing for the investment of moneys belonging to the permanent funds of the common schools, university, school of mines, agricultural college, school for the deaf and dumb, normal schools and all other funds derived from the sale of public lands or any other source belonging to the school divisions 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 83, nays 3, absent and not voting 4.

Those who voted in the affirmative were:

| | | |
|----------------------|----------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Aashim | Hill | Pendray |
| Akesson | Homnes | Plath |
| Anderson | Honey | Ployhar |
| Atwood | Hughes | Poe |
| Baker of Cass | Jewett | Pound |
| Baker of Stark | Johnson of Bottineau | Price |
| Bjorndahl | Johnson of McLean | Putnam |
| Brusletten | Johnson of Rolette | Schull |
| Burnett | Kinney of McLean | Senour |
| Burns | Kinney of Richland | Sgutt |
| Christenson | Kneeland | Sheils |
| Collins of Cass | Knox | Sinclair |
| Collins of Gd. Forks | Kremer | Skinner |
| Crawford | Law | Skulason |
| Cunningham | Laithwaite | Sorlie |
| Davidson | Lindvig | Steen |
| Doyle of Foster | Lucke | Storey |
| Duncan | Martin | Streeter |
| Evans | McCrea | Thompson, Gd. Forks |
| Fraine | McLear | Thompson of McLean |
| Freeman | Moen of Cavalier | Thoreson |
| Ganssle | Narum | Traynor |
| Garden | Nelson of McHenry | Ward |
| Gibbens | Nelson of Steele | Welford |

| | | |
|-------------|-----------------|-------------|
| Messrs.— | Messrs.— | Messrs.— |
| Goldammer | Nelson of Walsh | White |
| Grant | Nyhus | Wisner |
| Hale | Olson | Wolbert |
| Hanley | Paulson | Young |
| Hemmingson | Peart | Mr. Speaker |
| Hendrickson | | |

Those who voted in the negative were:

| | | |
|------------|-----------|-------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Brynjulson | Chatfield | Doyle of McIntosh |

Absent and not voting:

| | | |
|----------|----------|----------------|
| Messrs.— | Messrs.— | Messrs.— |
| Dibley | Linde | Moen of Benson |
| Geidt | | |

Messrs. Dibley and Linde being excused.

So the bill passed and the title was agreed to.

Mr. Gibbens moved

That the vote by which Senate Bill No. 27 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

INTRODUCTION, FIRST AND SECOND READING OF HOUSE BILLS

Mr. Doyle of Foster introduced

House Bill No. 370,

A bill for an act to amend section 9 of an act, entitled 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 same being chapter 109 of the session laws of 1907.

Which was read the first and second times and

Referred to the committee on elections and privileges.

Mr. Evans introduced

House Bill No. 371,

A bill for an act making it a misdemeanor to dam or obstruct highway ditches.

Which was read the first and second times and

Referred to the committee on drainage.

Mr. Hale introduced,

House Bill No. 372,

A bill for an act, entitled an act prohibiting the use, sale or purchase of any device known as a silencer to be used on any fire arm.

Which was read the first and second times and

Referred to the committee on state affairs

Mr. Sheils introduced

House Bill No. 373,

A bill for an act fixing the rate of interest on the redemption of lands sold on execution or foreclosure.

Which was read the first and second times and

Referred to the committee on judiciary.

Mr. Traynor asked unanimous consent to introduce a bill carrying an appropriation.

There being no objections,

Mr. Traynor introduced

House Bill No. 374,

A bill for an act to provide for the completing of the audit and examination of the books and records in the state penitentiary and twine plant, and for the perpetuation of the record of such audit and examination and for installing and completing an adequate system of books and records for said institutions.

Which was read the first and second times and

Referred to the committee on appropriations.

Mr. Hendrickson introduced

House Bill No. 375,

A bill for an act for an amendment to the constitution providing for compensation and mileage of members of the legislative assembly.

Which was read the first and second times and

Referred to the committee on ways and means.

Mr. Schull introduced

House Bill No. 376,

A bill for an act to authorize the city council of cities not organized under the general law, to open, improve and beautify any of its streets, alleys, lanes, highways or other public grounds within the city limits, and to make other

public improvements, and to levy special assessments to defray costs thereof.

Which was read the first and second times and
Referred to the committee on municipal corporations.

Mr. Doyle of McIntosh introduced

House Bill No. 377,

A bill for an act, entitled an act requiring railways doing business in this state to furnish at all stations in this state where a business of \$15,000 or more a year is done, suitable loading and unloading facilities for traction engines and other heavy machinery, and prescribing for violation thereof.

Which was read the first and second times and
Referred to the committee on railroads.

Mr. Sheils (by request) introduced

House Bill No. 378,

A bill for an act for the regulation of scientific experimentation upon human beings and animals in the state of North Dakota.

Which was read the first and second times and
Referred to the committee on public health.

Mr. Hale introduced

House Bill No. 379,

A bill for an act, entitled an act providing that any city shall be authorized to install upon any of its streets or avenues any special system of street lighting, and to assess the cost thereof or any part thereof against the property directly benefitted thereby.

Which was read the first and second times and
Referred to the committee on municipal corporations.

There being no objections, the house returned to the seventh order of business.

MOTIONS AND RESOLUTIONS.

Mr. Traynor moved

That House Bill No. 368 be recalled from the committee on state affairs and re-referred to the committee on municipal corporations.

Which motion prevailed, and
The bill was so re-referred.

REPORT OF STANDING COMMITTEES

The committee on engrossment made the following report:

Mr. Speaker:

Your committee on engrossment have examined
House Bill No. 289,

A bill for an act to amend section 3061 of the revised codes for 1905, relating to annual township meetings.

Also,

House Bill No. 312,

A bill for an act to prescribe a method of removal and discharge of persons admitted to the institution for the feeble minded.

And find the same correctly re-engrossed.

C. C. CRAWFORD,
Chairman.

Mr. Crawford 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. 202,

A bill for an act to amend section 2693 of the revised codes of 1905, relating to qualifications of city officers.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 86, nays 0, absent and not voting 9.

Those who voted in the affirmative were:

Messrs.—

Aasheim
Akesson
Anderson
Atwood
Baker of Cass
Baker of Stark
Bjorndahl

Messrs.—

Hanley
Hemmingson
Hendrickson
Hill
Homnes
Honey
Jewett

Messrs.—

Peart
Pendray
Plath
Ployhar
Pound
Price
Putnam

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|----------------------|---------------------|
| Brusletten | Johnson of Bottineau | Schull |
| Brynjulson | Johnson of McLean | Senour |
| Burnett | Johnson of Rolette | Sgutt |
| Chatfield | Kinney of McLean | Shells |
| Christenson | Kinney of Richland | Sinclair |
| Collins of Cass | Kneeland | Skinner |
| Collins of Gd. Forks | Knox | Skulason |
| Crawford | Kremer | Sorlie |
| Cunningham | Law | Steen |
| Davidson | Laithwaite | Storey |
| Doyle of Foster | Lindvig | Streeter |
| Duncan | Lucke | Thompson, Gd. Forks |
| Evans | Martin | Thompson of McLean |
| Fraine | McCrea | Thoreson |
| Freeman | Moep of Benson | Traynor |
| Ganssle | Moen of Cavalier | Ward |
| Garden | Narum | Welford |
| Geidt | Nelson of McHenry | White |
| Gibbens | Nelson of Steele | Wisner |
| Goldammer | Nelson of Walsh | Wolbert |
| Grant | Olson | Mr. Speaker |
| Hale | Paulson | |

Absent and not voting:

| Messrs.— | Messrs.— | Messrs.— |
|-------------------|----------|----------|
| Burns | Hughes | Nyhus |
| Dibley | Linde | Poe |
| Doyle of McIntosh | McLear | Young |

Messrs. Dibley and Linde being excused.

So the bill passed and the title was agreed to.

Mr. Knox moved

That the vote by which House Bill No. 202 passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed

GENERAL ORDERS.

Mr. White moved

That the house resolve itself into a committee of the whole for the consideration of House Bill No. 4.

Which motion prevailed, and

The house resolved itself into a committee of the whole.

The speaker called Mr. Fraine to the chair.

When the committee arose it submitted the following report:

Mr. Speaker:

The committee of the whole have had under consideration

House Bill No. 4,

A bill for an act to provide a method for the nomination of candidates for office by political parties and providing a penalty for the violation thereof.

And recommend that the same be indefinitely postponed.

J. H. FRAINE,
Chairman.

Mr. Skulason moved

That the report of the committee of the whole be adopted.

Roll call demanded.

The roll was called and there were ayes 54, nays 38, absent and not voting 3.

Those who voted in the affirmative were:

| Messrs.— | Messrs.— | Messrs.— |
|-----------------|--------------------|---------------------|
| Aasheim | Grant | Plath |
| Akesson | Hendrickson | Ployhar |
| Anderson | Homnes | Putnam |
| Atwood | Honey | Schull |
| Bjorndahl | Johnson of Rolette | Senour |
| Brusletten | Knox | Sheils |
| Brynjulson | Law | Skinner |
| Chatfield | Laithwaite | Skulason |
| Christenson | Linde | Steen |
| Crawford | Lucke | Storey |
| Cunningham | McLear | Thompson, Gd. Forks |
| Davidson | Moen of Benson | Thompson of McLean |
| Doyle of Foster | Moen of Cavalier | Thoreson |
| Duncan | Narum | Traynor |
| Evans | Nelson of Walsh | Ward |
| Freeman | Nyhus | Wisner |
| Gibbens | Olson | Young |
| Goldammer | Peart | Mr. Speaker |

Those who voted in the negative were:

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|----------------------|-------------------|
| Baker of Cass | Hemmingson | Nelson of McHenry |
| Baker of Stark | Hill | Nelson of Steele |
| Burnett | Hughes | Pendray |
| Burns | Jewett | Pound |
| Collins of Cass | Johnson of Bottineau | Price |
| Collins of Gd. Forks | Johnson of McLean | Sgutt |
| Doyle of McIntosh | Kinney of McLean | Sinclair |
| Fraine | Kinney of Richland | Sorlie |
| Ganssle | Kneeland | Streeter |
| Garden | Kremer | Welford |
| Geidt | Lindvig | White |
| Hale | Martin | Wolbert |
| Hanley | McCrea | |

Absent and not voting:

Messrs.—

Dibley

Messrs.—

Paulson

Messrs.—

Poe

Mr. Dibley being excused.

So the report of the committee of the whole was adopted.

Mr. White gave notice that at 3 o'clock p. m. tomorrow he would move to reconsider the vote by which the report of the committee of the whole was adopted.

There being no objections, the house returned to the fifth order of business.

REPORTS OF STANDING COMMITTEES.

The committee on appropriations made the following report:

Mr. Speaker:

Your committee on appropriations to whom was referred House Bill No. 315,

A bill for an act appropriating to F. M. Baker, assistant states' attorney of Stark county, \$450 attorney's fees for services rendered in the unorganized territory attached to Stark county for judicial purposes during the years 1905, 1906 and 1907.

Have had the same under consideration and recommend that the same do pass.

S. N. PUTNAM,
Chairman.

Mr. Putnam moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on appropriations to whom was referred House Bill No. 197,

A bill for an act, entitled an act making appropriations for permanent improvements at the state university and school of mines of North Dakota.

Have had the same under consideration and recommend that the same be amended as follows:

Referring to printed bill—

On line 9, change figures from \$100,000 to \$60,000.

On line 11, change figures from \$21,000 to \$15,000.

On line 20, change item from \$5,000 to \$3,000.

Strike out lines 23 and 24.

Insert for deficiency and maintenance, \$15,000.

All other items to remain unchanged.

Leaving total amount as allowed for bill, \$189,000.

And when so amended recommend the same do pass.

S. N. PUTNAM,
Chairman.

Also,

Your committee on appropriations to whom was referred House Bill No. 180,

A bill for an act to provide for the making of improvements at the North Dakota school of forestry, to assist in the maintenance thereof and for other purposes and making appropriations therefor.

Have had the same under consideration and recommend that the same do pass.

S. N. PUTNAM,
Chairman.

Mr. Putnam moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on appropriations to whom was referred House Bill No. 179,

A bill for an act to provide an appropriation for the current and contingent expenses and for permanent improvements for the state school of science at Wahpeton.

Have had the same under consideration and recommend that the same be amended as follows:

Referring to printed bill—

Strike out line 11.

On line 12, change figures from \$7,000 to \$1,500.

On line 13, change figures from \$2,500 to \$1,700.

On line 16, change figures from \$1,000 to \$800.

On line 18, change figures from \$2,200 to \$1,200.
Making total amount as amended \$60,000.

And when so amended recommend the same do pass.

S. N. PUTNAM,
Chairman.

Also,

Your committee on appropriations to whom was referred
House Bill No. 172,

A bill for an act making appropriation for the Valley
City normal school located in Valley City, Barnes county,
North Dakota.

Have had the same under consideration and recommend
that the same be amended as follows:

Referring to printed bill—

On line 13, change the figures from \$50,000 to \$45,000.

On line 14, change the figures from \$25,000 to \$20,000.

On line 15, change the figures from \$50,000 to \$40,000.

On line 19, change the figures from \$2,302 to \$2,375.

On line 20, change the figures from \$2,000 to \$1,000.

On line 21, change the figures from \$3,000 to \$2,500.

On line 22, change the figures from \$2,500 to \$1,500.

Strike out all of line 27.

On line 28, change figures from \$2,500 to \$1,500.

Strike out all of lines 29 and 30.

All other items to remain unchanged.

Total amount as amended to be \$152,875.

And when so amended recommend the same do pass.

S. N. PUTNAM,
Chairman.

Also,

Your committee on appropriations to whom was referred
House Bill No. 130,

A bill for an act appropriating funds for the erection of a
pumping station, supply tank and tower for putting down
a well to provide a water supply and for laying water mains
in the grounds of the state penitentiary.

Have had the same under consideration and recommend
that the same be indefinitely postponed.

S. N. PUTNAM,
Chairman.

Mr. Putnam moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Also,

Your committee on appropriations to whom was referred House Bill No. 99,

A bill for an act making appropriations for the current and contingent expenses of the state reform school of North Dakota, and for making permanent improvements thereto.

Have had the same under consideration and recommend that the same do pass.

S. N. PUTNAM,
Chairman.

Mr. Putnam moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on appropriations to whom was referred House Bill No. 87,

A bill for an act to provide an appropriation for the current and contingent expenses and for permanent improvements for the institution for feeble minded at Grafton.

Have had the same under consideration and recommend that the same do pass.

S. N. PUTNAM,
Chairman.

Mr. Putnam 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. 159,

A bill for an act entitled an act to amend section 2206 of the revised codes of the state of North Dakota for the year

1905 relating to the fees to be paid by Hawkers and Peddlers.

Was read the third time

The question being on the final passage of the bill.

The roll was called and there were ayes 64, nays 23, absent and not voting 8.

Those who voted in the affirmative were:

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|----------------------|--------------------|
| Aasheim | Hendrickson | Nelson of Walsh |
| Akesson | Hill | Olson |
| Anderson | Homnes | Paulson |
| Atwood | Honey | Peart |
| Baker of Stark | Hughes | Plath |
| Bjorndahl | Jewett | Pound |
| Brynjulson | Johnson of Bottineau | Price |
| Burnett | Johnson of McLean | Schull |
| Burns | Kinney of McLean | Senour |
| Chatfield | Kinney of Richland | Sgutt |
| Christenson | Knox | Skinner |
| Collins of Gd. Forks | Kremer | Sorlie |
| Davidson | Law | Streeter |
| Doyle of Foster | Linde | Thompson of McLean |
| Fraine | Lindvig | Traynor |
| Freeman | Lucke | Welford |
| Ganssle | McCrea | White |
| Garden | McLear | Wisner |
| Gibbens | Moen of Cavalier | Wolbert |
| Goldammer | Nelson of McHenry | Young |
| Hanley | Nelson of Steele | Mr. Speaker |
| Hemmingson | | |

Those who voted in the negative were:

| Messrs.— | Messrs.— | Messrs.— |
|-------------------|--------------------|---------------------|
| Brusletten | Johnson of Rolette | Putnam |
| Collins of Cass | Kneeland | Sheils |
| Crawford | Laithwaite | Skulason |
| Cunningham | Martin | Steen |
| Doyle of McIntosh | Moen of Benson | Storey |
| Evans | Narum | Thompson, Gd. Forks |
| Grant | Nyhus | Ward |
| Hale | Pendray | |

Absent and not voting:

| Messrs.— | Messrs.— | Messrs.— |
|---------------|----------|----------|
| Baker of Cass | Geidt | Sinclair |
| Dibley | Ployhar | Thoreson |
| Duncan | Poe | |

Mr. Dibley being excused.

So the bill passed and the title was agreed to.

Mr. Wolbert moved

That the vote by which House Bill No. 159 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

MESSAGE FROM THE SENATE.

The following message was received from the senate.

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
February 24, 1909.

Mr. Speaker:

I have the honor to inform you that the senate declines to concur in the house amendments to

Senate Bill No. 27,

For an act entitled "An act to amend section 155 of chapter 4 of the political code of the state of North Dakota, and all acts or parts of acts amendatory thereof, providing for the investment of moneys belonging to the permanent funds of the common schools, university, school of mines, agricultural college, school for the deaf and dumb, normal schools and all other funds derived from the sale of public lands or any other source belonging to the school divisions of the state.

And asks for a committee of conference, and the president has named as such conferees on the part of the senate, Messrs. Talcott, Welo and Macdonald.

Very respectfully,
J. W. FOLEY,
Secretary.

Mr. Senour moved

That the speaker appoint a committee of three to confer with a like committee from the senate in conference on Senate Bill No. 27, as requested by the senate.

Which motion prevailed.

MESSAGE FROM THE GOVERNOR.

The following message was received from the governor:

GOVERNOR'S OFFICE,
BISMARCK, NORTH DAKOTA,
February 24, 1909.

To the House of Representatives, Eleventh Legislative Assembly:

GENTLEMEN: I have the honor to inform you that I have approved and filed in the office of the secretary of state

House Bill No. 11,

A bill for an act making an appropriation for the purchase and installing of a clock in the house chamber.

Also,

House Bill No. 30,

A bill for an act amending section 8366 of the revised codes of North Dakota for 1905, relating to service by publication of summons in justice courts.

Also,

House Bill No. 46,

A bill for an act in relation to the execution and acknowledgment by a member of a partnership of instruments affecting liens upon real estate, and validating the execution and acknowledgment of such instruments heretofore made.

Very respectfully,

JOHN BURKE,
Governor.

The speaker appointed as a conference committee on Senate Bill No. 27, Messrs. Gibbens, Hendrickson and Senour.

THIRD READING OF HOUSE BILLS.

House Bill No. 161,

A bill for an act to require relatives to support the poor and providing for the manner of obtaining permanent relief.

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 59, absent and not voting 6.

Those who voted in the affirmative were:

| Messrs.— | Messrs.— | Messrs.— |
|-----------------|--------------------|----------|
| Akesson | Hemmingson | Olson |
| Atwood | Hendrickson | Peart |
| Crawford | Homnes | Price |
| Davidson | Honey | Sgutt |
| Doyle of Foster | Jewett | Skinner |
| Evans | Kinney of Richland | Steen |
| Ganssle | Lucke | Traynor |
| Garden | Martin | Welford |
| Gibbens | Moen of Cavalier | Wisner |
| Grant | Nelson of McHenry | Wolbert |

Those who voted in the negative were:

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|----------------------|---------------------|
| Aasheim | Hill | Paulson |
| Anderson | Hughes | Pendray |
| Baker of Stark | Johnson of Bottineau | Ployhar |
| Brusletten | Johnson of McLean | Pound |
| Brynjulson | Johnson of Rolette | Putnam |
| Burnett | Kinney of McLean | Schull |
| Burns | Kneeland | Senour |
| Chatfield | Knox | Sheils |
| Christenson | Kremer | Sinclair |
| Collins of Cass | Law | Skulason |
| Collins of Gd. Forks | Laithwaite | Sorlie |
| Cunningham | Linde | Storey |
| Doyle of McIntosh | Lindvig | Streeter |
| Duncan | McCrea | Thompson, Gd. Forks |
| Fraine | McLear | Thoreson |
| Freeman | Moen of Benson | Ward |
| Geidt | Narum | White |
| Goldammer | Nelson of Steele | Young |
| Hale | Nelson of Walsh | Mr. Speaker |
| Hanley | Nyhus | |

Absent and not voting:

| Messrs.— | Messrs.— | Messrs.— |
|---------------|----------|--------------------|
| Baker of Cass | Dibley | Poe |
| Bjorndahl | Plath | Thompson of McLean |

Mr. Dibley being excused.
So the bill was lost.

Mr. Welford moved

That the vote by which House Bill No. 161 was lost be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 110,

A bill for an act requiring state officials to reside at the capitol and to provide adequate compensation.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 55, nays 35, absent and not voting 5.

Those who voted in the affirmative were:

| | | |
|----------------------|----------------------|-------------|
| Messrs.— | Messrs.— | Messrs.— |
| Anderson | Hendrickson | Peart |
| Atwood | Hill | Ployhar |
| Baker of Cass | Hommes | Pound |
| Baker of Stark | Honey | Price |
| Brusletten | Hughes | Putnam |
| Brynjulson | Johnson of Bottineau | Schull |
| Burns | Johnson of McLean | Senour |
| Collins of Gd. Forks | Kinney of McLean | Sgutt |
| Davidson | Kinney of Richland | Skulason |
| Doyle of Foster | Kneeland | Streeter |
| Doyle of McIntosh | Kremer | Thoreson |
| Duncan | Law | Traynor |
| Evans | Laithwaite | Ward |
| Ganssle | Linde | Welford |
| Garden | Lucke | White |
| Geidt | McCrea | Wisner |
| Gibbens | Narum | Wolbert |
| Hale | Nelson of Steele | Mr. Speaker |
| Hemmingson | | |

Those who voted in the negative were:

| | | |
|-----------------|--------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Hanley | Olson |
| Akesson | Jewett | Paulson |
| Bjorndahl | Johnson of Rolette | Pendray |
| Burnett | Knox | Plath |
| Christenson | Lindvig | Sheils |
| Collins of Cass | Martin | Sinclair |
| Crawford | McLear | Skinner |
| Cunningham | Moen of Benson | Sorlie |
| Fraine | Moen of Cavalier | Steen |
| Freeman | Moen of McHenry | Thompson, Gd. Forks |
| Goldammer | Nelson of Walsh | Young |
| Grant | Nyhus | |

Absent and not voting:

| | | |
|-----------|----------|--------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Chatfield | Poe | Thompson of McLean |
| Dibley | Storey | |

Mr. Dibley being excused.

Mr. Burnett explained his vote.

Mr. Fraine explained his vote.

Mr. Sorlie explained his vote.

Mr. White explained his vote.

So the bill passed and the title was agreed to.

Mr. Wolbert moved

That the vote by which House Bill No. 110 passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
February 24, 1909.

Mr. Speaker:

I have the honor to return herewith
House Bill No. 24,

A bill for an act to amend section 19 of chapter 169 of the laws of 1907, entitled "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 the senate has amended as follows:

The word "fifteen" in line 3 of the printed bill be stricken out and the word "ten" inserted in lieu thereof.

And passed as amended.

Also,

Mr. Speaker:

I have the honor to return herewith
House Bill No. 166,

An act making an appropriation to meet the deficiency incurred by the state live stock sanitary board in carrying out the purposes of chapter 169 of session laws of 1907.

Which the senate has passed unchanged.

Also,

Mr. Speaker:

I have the honor to transmit herewith
Senate Bill No. 90,

A bill for an act making an appropriation for the Dickinson experiment station, located at the city of Dickinson,

Also,

Senate Bill No. 261,

A bill for an act prescribing the duties and authority of the commissioners of public printing, and making an appropriation for public printing and binding.

Also,

Senate Bill No. 43,

A bill for an act appropriating an annual sum of money for the use of the government experiment station at Fargo for conducting demonstration farms and for otherwise co-operating with farmers, for making experiments in the manufacture of denaturized alcohol, for publishing reports and bulletins, for analyses of fertilizers and stock foods, for complying with the provisions of the pure paint, paris green and formaldehyde laws and for making other experiments.

Also,

Senate Bill No. 207,

A bill for an act to appropriate money for repairing and wiring at the state penitentiary.

Also,

Senate Bill No. 4,

A bill for an act, entitled an act to appropriate the sum of ninety thousand (90,000) dollars, or as much thereof as may be necessary to indemnify persons who have lost animals from the disease known as glanders.

Also,

Senate Bill No. 14,

A bill for an act creating and establishing a mining experiment station under the direction of the state school of mines at the state university, providing for its management and making an appropriation therefor.

Also,

Senate Bill No. 91,

A bill for an act creating and establishing an agricultural experiment station, to be located at or near the village of Hettinger, in Adams county, in connection with the North Dakota agricultural college at Fargo, and under the

direction of the board of directors of said college, and making an appropriation therefor.

Also,

Senate Bill No. 254,

A bill for an act making an appropriation which will permit the State Historical society of North Dakota to acquire title to certain school lands within this state, having a historical value.

Also,

Senate Bill No. 83,

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. 198,

A bill for an act appropriating money to compensate A. G. Burr for salary due and sundry items of expense incurred by said A. G. Burr while acting as district judge of the Ninth judicial district, for a period of four months.

Also,

Senate Bill No. 76,

A bill for an act to amend chapter 133 of the laws of North Dakota of 1907, relating to appropriations to the state historical society of North Dakota.

Also,

Senate Bill No. 108,

A bill for an act making appropriation in aid of the department of the "Grand Army of the Republic" of the state of North Dakota, for the purpose of enabling it to prepare, issue and distribute its general orders and the proceedings of the department, and providing for keeping copies of the same on file in the state library, at Bismarck, North Dakota, and for expenses incurred at state and national encampments.

Also,

Senate Bill No. 81,

A bill for an act making appropriation for the current and contingent expenses of the state penitentiary, and for making permanent improvements and additions thereto.

Also,

Senate Bill No. 243,

A bill for an act making an appropriation to pay P. O. Fossum, George Platzter, janitors; A. Glorvick, messenger; and C. J. Hutchinson, clerk, of the tenth legislative assembly for services rendered during that session.

Also,

Senate Bill No. 165,

A bill for an act making an appropriation of one thousand dollars annually for the years 1909, 1910, 1911, 1912, 1913, 1914, 1915, 1916, 1917 and 1918 for the Williston experiment station, located at the city of Williston, Williams county, to be used for leveling the ground, experimental work in connection with irrigation, and the payment of water charges for such irrigation.

Also,

Senate Bill No. 159,

A bill for an act regulating the appointment of board members, making annual reports and appropriating money for the support and maintenance of the sub-experiment stations, located at Dickinson, Williston and Langdon, and such other agricultural experiment stations as may hereafter be established by law.

Also,

Senate Bill No. 322,

A bill for an act amending section 1 of chapter 166 of laws of 1889, it being section 1296 of revised codes of 1905, providing for purchase of books for state library.

Also,

Senate Bill No. 99,

A bill for an act to provide for the location, erection, organization and management of a state sanatorium for persons afflicted with tuberculosis, and making an appropriation for the purchase of land, and the construction of the necessary buildings, and the maintenance of the sanatorium.

Also,

Senate Bill No. 265,

A bill for an act making an annual appropriation to assist in the maintenance of the Florence Crittenden Home, located at Fargo, one of the charitable institutions of the state.

Also,

Senate Bill No. 69,

A bill for an act to appropriate \$155.26 to reimburse citizens of North Dakota who advanced money to help defray expense incurred in making the state exhibit at the St. Louis exposition.

Also,

Senate Bill No. 113,

A bill for an act to provide an appropriation for the current and contingent expenses and for permanent improvements for the state school of science at Wahpeton.

Also,

Senate Bill No. 120,

A bill for an act to amend sections 1034, 1035 and 1036 of the revised codes of 1905, relating to education, as amended by chapter 99 of the session laws of 1907.

Also,

Senate Bill No. 145,

A bill for an act appropriating money to compensate George Murray for salary due and sundry items of expense incurred by said George Murray while acting as temperance commissioner during the months of April and May in the year 1907.

Also,

Senate Bill No. 146,

A bill for an act appropriating money to compensate T. R. Shaw for balance of salary due as secretary of the North Dakota state capitol commission, and for sundry items of expense incurred by said T. R. Shaw, while acting as such secretary, during the months of August, September, October and November, in the year 1905.

Also,

Senate Bill No. 147,

A bill for an act to amend section 393 of the revised codes of 1905, as amended by chapter 10, laws of 1907, 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, and providing a new appropriation therefor.

Also,

Senate Bill No. 29,

A bill for an act entitled an act making appropriations for permanent improvements at the state university and school of mines of North Dakota.

Also,

Senate Bill No. 16,

A bill for an act appropriating money for the purpose of building and equipping a dairy laboratory and barn; a veterinary laboratory and stable; for apparatus for engineering departments; for building sidewalks; for girls' dormitory and domestic science laboratory; for providing dynamo and fixtures; for boys' dormitory; and for horticultural building for the agricultural college located at Fargo, North Dakota.

Also,

Senate Bill No. 70,

A bill for an act to provide for new buildings for the school for the deaf and dumb, located at Devils Lake, North Dakota and making an appropriation therefor.

Senate Bill No. 126,

A bill for act making appropriation for the Valley City normal school, located in Valley City, Barnes county, N. D.

Also,

Senate Bill No. 68,

A bill for an act making appropriation for completing and furnishing dormitory, for establishing and changing heating plant, for grounds and walks, students' hospital and other equipment for the state normal school at Mayville, and for maintenance.

Also,

Senate Bill No. 47,

A bill for an act to provide an appropriation for the erection of new buildings and other improvements at the state hospital for the insane of North Dakota at Jamestown.

Also,

Senate Bill No. 48,

A bill for an act to provide an appropriation for the current and contingent expenses of the state hospital for the insane of North Dakota at Jamestown.

Also,

Senate Bill No. 56,

A bill for an act to provide an appropriation for the current and contingent expenses and for permanent improvements for the institution for the feeble minded, at Grafton.

Also,

Senate Bill No. 148,

A bill for an act to provide for making needed permanent improvements for the North Dakota blind asylum at Bathgate, and making an appropriation therefor.

Also,

Senate Bill No. 102,

A bill for an act to amend and re-enact chapter 243 of the laws of 1907, being an act to create a state library commission, defining its duties and making an appropriation for its maintenance.

Also,

Senate Bill No. 255,

A bill for an act making an appropriation for the Edgeley experiment station, located at the city of Edgeley in LaMoure county.

Also,

Senate Bill No. 242,

A bill for an act making an appropriation for the current and contingent expenses of the state reform school at Mandan.

Also,

Senate Bill No. 104,

A bill for an act to provide for the maintenance of the stated normal-industrial school, located at Ellendale, and making necessary improvements, and providing appropriations therefor.

Also,

Senate Bill No. 166,

A bill for an act making an appropriation for the Williston experiment station, located at the city of Williston, Williams county.

Which the senate has passed and your favorable consideration is respectfully requested.

Very respectfully,
J. W. FOLEY,
Secretary.

THIRD READING OF HOUSE BILLS.

House Bill No. 174,

A bill for an act to amend section 6237 and section 6238 of the revised codes of 1905, relating to mechanic's liens.

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 60, absent and not voting 9.

Those who voted in the affirmative were:

| | | |
|-----------------|--------------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Anderson | Gibbens | Paulson |
| Atwood | Goldammer | Peart |
| Burnett | Hemmingson | Pendray |
| Christenson | Johnson of Rolette | Ployhar |
| Collins of Cass | Lindvig | Steen |
| Crawford | Lucke | Thoreson |
| Freeman | Moen of Benson | Traynor |
| Ganssle | Moen of Cavalier | Wisner |
| Garden | Nyhus | |

Those who voted in the negative were:

| | | |
|----------------|-------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Hendrickson | Olson |
| Akesson | Hill | Pound |
| Baker of Cass | Homnes | Price |
| Baker of Stark | Honey | Putnam |
| Bjorndahl | Hughes | Schull |

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|----------------------|---------------------|
| Brynjulson | Jewett | Senour |
| Burns | Johnson of Bottineau | Sheils |
| Chatfield | Johnson of McLean | Sinclair |
| Collins of Gd. Forks | Kneeland | Skinner |
| Cunningham | Knox | Skulason |
| Davidson | Kremer | Sorlie |
| Doyle of Foster | Laithwaite | Storey |
| Doyle of McIntosh | Linde | Streeter |
| Duncan | Martin | Thompson, Gd. Forks |
| Evans | McCrea | Thompson of McLean |
| Fraine | McLear | Ward |
| Geidt | Narum | Welford |
| Grant | Nelson of McHenry | Wolbert |
| Hale | Nelson of Steele | Young |
| Hanley | Nelson of Walsh | Mr. Speaker |

Absent and not voting:

| Messrs.— | Messrs.— | Messrs.— |
|------------------|--------------------|----------|
| Brusletten | Kinney of Richland | Poe |
| Dibley | Law | Sgutt |
| Kinney of McLean | Plath | White |

Mr. Dibley being excused.
So the bill was lost.

Mr. Fraine moved

That the vote by which House Bill No. 174 was lost be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 230,

A bill for an act to amend section 2248 of the revised codes of North Dakota for 1905, requiring owners or their agents of elevators and warehouses to issue receipts for grain or seeds delivered to them for the purpose of storage and making the failure to comply a misdemeanor.

Was read the third time

The question being on the final passage of the bill.

The roll was called and there were ayes 62, nays 23, absent and not voting 10.

Those who voted in the affirmative were:

| Messrs.— | Messrs.— | Messrs.— |
|------------|------------|----------|
| Akesson | Hale | Plath |
| Atwood | Hanley | Ployhar |
| Brusletten | Hemmingson | Price |
| Brynjulson | Homnes | Putnam |
| Burnett | Honey | Schull |
| Burns | Hughes | Senour |
| Chatfield | Jewett | Sgutt |

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|-------------------|---------------------|
| Christenson | Knox | Skinner |
| Collins of Gd. Forks | Kremer | Skulason |
| Crawford | Linde | Streeter |
| Davidson | Lucke | Thompson, Gd. Forks |
| Duncan | McCrea | Thompson of McLean |
| Evans | Moen of Benson | Thoreson |
| Fraine | Moen of Cavaller | Ward |
| Freeman | Narum | Welford |
| Ganssle | Nelson of McHenry | White |
| Garden | Nelson of Steele | Wisner |
| Geidt | Nelson of Walsh | Wolbert |
| Gibbens | Olson | Young |
| Goldammer | Paulson | Mr. Speaker |
| Grant | Peart | |

Those who voted in the negative were:

| Messrs.— | Messrs.— | Messrs.— |
|-------------------|--------------------|----------|
| Aasheim | Johnson of McLean | Pendray |
| Anderson | Johnson of Rolette | Pound |
| Baker of Cass | Kinney of McLean | Shells |
| Collins of Cass | Kinney of Richland | Sorlie |
| Cunningham | Kneeland | Steen |
| Doyle of McIntosh | Laithwaite | Storey |
| Hendrickson | Lindvig | Traynor |
| Hill | Nyhus | |

Absent and not voting:

| Messrs.— | Messrs.— | Messrs.— |
|-----------------|----------------------|----------|
| Baker of Stark | Johnson of Bottineau | McLear |
| Bjorndahl | Law | Poe |
| Dibley | Martin | Sinclair |
| Doyle of Foster | | |

Mr. Dibley being excused.

So the bill passed and the title was agreed to.

Mr. Schull moved

That the vote by which House Bill No. 230 passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

COURTESIES OF THE FLOOR.

The privileges of the floor were extended to Carl Nelson, Cando; R. M. Pollock, Fargo; Andrew Vietch, Grand Forks; Dr. E. J. Walsh, Willow City; Dr. J. W. Robinson, Garrison; J. E. Robinson, Fargo; W. L. Yeater, J. Cole, Hazelton; Prof. Lloyd Rader, Dickinson; John Valeyly, Grand Forks.

Mr. Wolbert moved

That the house take a recess until 8 o'clock this evening.
Which motion prevailed, and
The house took a recess until 8 o'clock this evening.

W. D. AUSTIN,
Chief Clerk.

AFTER RECESS.

The house assembled at 8 o'clock p. m. pursuant to recess taken.

There being no objections, the house passed to the thirteenth order of business.

FIRST AND SECOND READING OF SENATE BILLS.

Senate Bill No. 183,

A bill for an act prohibiting drinking of intoxicating liquors on railroad trains in North Dakota; prescribing penalty for violation thereof, and prescribing duties of peace officer.

Was read the first and second times, and
Referred to the committee on temperance.

Senate Bill No. 252,

A bill for an act to amend section 6 of chapter 95 of the session laws of 1907, being section 847 of the revised codes of North Dakota for 1905, relating to the tuition fund and enumeration.

Was read the first and second times, and
Referred to the committee on education.

Senate Bill No. 223,

An act to amend section 872 of chapter 9 of the revised codes of North Dakota, 1905, relating to fee for certificate. Certificate, how revoked.

Was read the first and second times and
Referred to the committee on education.

Senate Bill No. 119,

A bill for an act to regulate the selling, offering or exposure of seeds for sale, and providing penalties for the violation thereof.

Was read the first and second times and
Referred to the committee on agriculture.

Senate Bill No. 124,

A bill for an act to amend section 2005 of the revised code of 1905.

Was read the first and second times and
Referred to the committee on live stock.

Senate Bill No. 191,

A bill for an act authorizing state institutions to contract for the purchase of school, state institution or other public lands, in accordance with the terms as now provided by law.

Was read the first and second times and
Referred to the committee on school and public lands

Senate Bill No. 179,

A bill for an act repealing section 9733 of the revised codes for the year 1905, relating to arrests at night, and re-enacting the same.

Was read the first and second times and
Referred to the committee on judiciary.

Senate Bill No. 229,

A bill for an act to amend chapter 128 of the laws of 1907, being an amendment to section 8983 of the revised codes of North Dakota, 1905, relating to minors not allowed in certain public places, and prescribing certain penalties for the violation thereof.

Was read the first and second times and
Referred to the committee on temperance.

Senate Bill No. 234,

A bill for an act to amend sections 811, 822, 829, 832, 882, 883, of the revised code of 1905, pertaining to education.

Was read the first and second times and
Referred to the committee on education.

Senate Bill No. 271,

A bill for an act regulating sanitary conditions in barbershops, hairdressing and manicuring parlors, and providing penalties for the violation of this act.

Was read the first and second times and
Referred to the committee on public health.

Senate Bill No. 18,

A bill for an act entitled "An act for the division of certain school districts, for the changing of the boundaries thereof, for the adjustment of indebtedness and property of the different parts thereof and prescribing the mode of procedure to procure such division."

Was read the first and second times, and
Referred to the committee on judiciary.

Senate Bill No. 275,

A bill for an act to forfeit firearms or other weapons to the state when found on the person of anyone arrested and convicted of a felony, misdemeanor or other crime.

Was read the first and second times and
Referred to the committee on judiciary.

Senate Bill No. 195,

A bill for an act creating a game and fish commission for the protection, propagation, preservation, taking, use and transportation of game, fish, wild birds, fur bearing animals, and certain harmless birds and animals.

Was read the first and second times, and
Referred to the committee on game and fish.

Senate Bill No. 280,

A bill for an act, entitled an act to repeal section 1544 of the revised codes of the state of North Dakota, relating to county treasurers and the collection of taxes.

Was read the first and second times and
Referred to the committee on taxation and tax laws.

Senate Bill No. 125,

A bill for an act to amend section 645 of chapter 8 of the revised codes of 1905, relating to election booths, challenges and providing penalty for false swearing.

Was read the first and second times and
Referred to the committee on elections and privileges.

Senate Bill No. 200,

A bill for an act to amend section 1 of chapter 255 of the laws of 1907, entitled an act to amend sections 3063 and 3133 of the revised codes of the state of North Dakota of 1905, relating to the powers of electors and supervisors in organized townships.

Was read the first and second times and
Referred to the committee on elections and privileges.

Senate Bill No. 43,

A bill for an act appropriating an annual sum of money for the use of the government experiment station at Fargo for conducting demonstration farms and for otherwise cooperating with farmers, for making experiments in the manufacture of denaturized alcohol, for publishing reports and bulletins, for analysis of fertilizers and stock foods, for complying with the provisions of the pure paint, paris green and formaldehyde laws and for making other experiments.

Was read the first and second times and

Referred to the committee on appropriations.

Senate Bill No. 90,

A bill for an act making an appropriation for the Dickinson experiment station, located at the city of Dickinson,

Have had the same under consideration and recommend that the same be amended as follows:

Was read the first and second times and

Referred to the committee on appropriations.

Senate Bill No. 254,

A bill for an act making an appropriation which will permit the State Historical society of North Dakota to acquire title to certain school lands within this state, having a historical value.

Was read the first and second times and

Referred to the committee on appropriations.

Senate Bill No. 198,

A bill for an act appropriating money to compensate A. G. Burr for salary due and sundry items of expense incurred by said A. G. Burr while acting as district judge of the Ninth judicial district, for a period of four months.

Was read the first and second times and

Referred to the committee on appropriations.

Senate Bill No. 83,

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 first and second times and

Referred to the committee on apportionment

Senate Bill No. 14,

A bill for an act creating and establishing a mining experiment station under the direction of the state school of

mines at the state university, providing for its management and making an appropriation therefor.

Was read the first and second times and
Referred to the committee on Appropriations.

Senate Bill No. 91,

A bill for an act creating and establishing an agricultural experiment station, to be located at or near the village of Hettinger, in Adams county, in connection with the North Dakota agricultural college at Fargo, and under the direction of the board of directors of said college, and making an appropriation therefor.

Was read the first and second times and
Referred to the committee on Appropriations.

Senate Bill No. 261,

A bill for an act prescribing the duties and authority of the commissioners of public printing, and making an appropriation for public printing and binding.

Was read the first and second times, and
Referred to the committee on appropriations.

Senate Bill No. 243,

A bill for an act making an appropriation to pay P. O. Fosson, George Platzer, janitors; A. Glorvick, messenger; and C. J. Hutchinson, clerk, of the tenth legislative assembly for services rendered during that session.

Was read the first and second times, and
Referred to the committee on appropriations.

Senate Bill No. 159,

A bill for an act regulating the appointment of board members, making annual reports and appropriating money for the support and maintenance of the sub-experiment stations, located at Dickinson, Williston and Langdon, and such other agricultural experiment stations as may hereafter be established by law.

Was read the first and second times, and
Referred to the committee on appropriations.

Senate Bill No. 207,

A bill for an act to appropriate money for repairing and wiring at the state penitentiary.

Was read the first and second times and
Referred to the committee on appropriations.

Senate Bill No. 4,

A bill for an act, entitled an act to appropriate the sum of ninety thousand (90,000) dollars, or as much thereof as may be necessary to indemnify persons who have lost animals from the disease known as glanders.

Was read the first and second times and
Referred to the committee on Appropriations.

Senate Bill No. 76,

A bill for an act to amend chapter 133 of the laws of North Dakota of 1907, relating to appropriations to the state historical society of North Dakota.

Was read the first and second times and
Referred to the committee on appropriations.

Senate Bill No. 108,

A bill for an act making appropriation in aid of the department of the "Grand Army of the Republic" of the state of North Dakota, for the purpose of enabling it to prepare, issue and distribute its general orders and the proceedings of the department, and providing for keeping copies of the same on file in the state library, at Bismarck, North Dakota, and for expenses incurred at state and national encampments.

Was read the first and second times and
Referred to the committee on appropriations.

Senate Bill No. 81,

A bill for an act making appropriation for the current and contingent expenses of the state penitentiary, and for making permanent improvements and additions thereto.

Was read the first and second times and
Referred to the committee on appropriations.

Senate Bill No. 165,

A bill for an act making an appropriation of one thousand dollars annually for the years 1909, 1910, 1911, 1912, 1913, 1914, 1915, 1916, 1917 and 1918 for the Williston experiment station, located at the city of Williston, Williams county, to be used for leveling the ground, experimental work in connection with irrigation, and the payment of water charges for such irrigation.

Was read the first and second times and
Referred to the committee on appropriations.

Senate Bill No. 322,

A bill for an act amending section 1. of chapter 166 of laws of 1889, it being section 1296 of revised codes of 1905, providing for purchase of books for state library.

Was read the first and second times and

Referred to the committee on appropriations.

Senate Bill No. 99,

A bill for an act to provide for the location, erection, organization and management of a state sanatorium for persons afflicted with tuberculosis, and making an appropriation for the purchase of land, and the construction of the necessary buildings, and the maintenance of the sanatorium.

Was read the first and second times and

Referred to the committee on appropriations.

Senate Bill No. 265,

A bill for an act making an annual appropriation to assist in the maintenance of the Florence Crittenden Home, located at Fargo, one of the charitable institutions of the state.

Was read the first and second times and

Referred to the committee on appropriations.

Senate Bill No. 69,

A bill for an act to appropriate \$155.26 to reimburse citizens of North Dakota who advanced money to help defray expense incurred in making the state exhibit at the St. Louis exposition.

Was read the first and second times and

Referred to the committee on appropriations.

Senate Bill No. 16,

A bill for an act appropriating money for the purpose of building and equipping a dairy laboratory and barn; a veterinary laboratory and stable; for apparatus for engineering departments; for building sidewalks; for girls' dormitory and domestic science laboratory; for providing dynamo and fixtures; for boys' dormitory; and for horticultural building for the agricultural college located at Fargo, North Dakota.

Was read the first and second times and

Referred to the committee on appropriations.

Senate Bill No. 113,

A bill for an act to provide an appropriation for the current and contingent expenses and for permanent improvements for the state school of science at Wahpeton.

Was read the first and second times and
Referred to the committee on appropriations.

Senate Bill No. 29,

A bill for an act entitled an act making appropriations for permanent improvements at the state university and school of mines of North Dakota.

Was read the first and second times and
Referred to the committee on appropriations.

Senate Bill No. 147,

A bill for an act to amend section 393 of the revised codes of 1905, as amended by chapter 10, laws of 1907, 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, and providing a new appropriation therefor.

Was read the first and second times and
Referred to the committee on appropriations.

Senate Bill No. 146,

A bill for an act appropriating money to compensate T. R. Shaw for balance of salary due as secretary of the North Dakota state capitol commission, and for sundry items of expense incurred by said T. R. Shaw, while acting as such secretary, during the months of August, September, October and November, in the year 1905.

Was read the first and second times and
Referred to the committee on appropriations.

Senate Bill No. 145,

A bill for an act appropriating money to compensate George Murray for salary due and sundry items of expense incurred by said George Murray while acting as temperance commissioner during the months of April and May in the year 1907.

Was read the first and second times and
Referred to the committee on appropriations.

Senate Bill No. 242,

A bill for an act making an appropriation for the current and contingent expenses of the state reform school at Mandan.

Was read the first and second times and

Referred to the committee on appropriations.

Senate Bill No. 120,

A bill for an act to amend sections 1034, 1035 and 1036 of the revised codes of 1905, relating to education, as amended by chapter 99 of the session laws of 1907.

Was read the first and second times and

Referred to the committee on appropriations.

Senate Bill No. 70,

A bill for an act to provide for new buildings for the school for the deaf and dumb, located at Devils Lake, North Dakota and making an appropriation therefor.

Was read the first and second times and

Referred to the committee on appropriations.

Senate Bill No. 126,

A bill for an act to amend section 645 of chapter 8 of the revised codes of 1905, relating to election booths, challenges and providing penalty for false swearing.

Was read the first and second times and

Referred to the committee on appropriations.

Senate Bill No. 68,

A bill for an act making appropriation for completing and furnishing dormitory, for establishing and changing heating plant, for grounds and walks, students' hospital and other equipment for the state normal school at Mayville, and for maintenance.

Was read the first and second times and

Referred to the committee on appropriations.

Senate Bill No. 47,

A bill for an act to provide an appropriation for the erection of new buildings and other improvements at the state hospital for the insane of North Dakota at Jamestown.

Was read the first and second times and

Referred to the committee on appropriations.

Senate Bill No. 255,

A bill for an act making an appropriation for the Edgeley experiment station, located at the city of Edgeley in LaMoure county.

Was read the first and second times and
Referred to the committee on appropriations.

Senate Bill No. 48,

A bill for an act to provide an appropriation for the current and contingent expenses of the state hospital for the insane of North Dakota at Jamestown.

Was read the first and second times and
Referred to the committee on appropriations.

Senate Bill No. 56,

A bill for an act to provide an appropriation for the current and contingent expenses and for permanent improvements for the institution for the feeble minded, at Grafton.

Was read the first and second times and
Referred to the committee on appropriations.

Senate Bill No. 148,

A bill for an act to provide for making needed permanent improvements for the North Dakota blind asylum at Bathgate, and making an appropriation therefor.

Was read the first and second times and
Referred to the committee on appropriations.

Senate Bill No. 166,

A bill for an act making an appropriation for the Williston experiment station, located at the city of Williston, Williams county.

Was read the first and second times and
Referred to the committee on appropriations.

Senate Bill No. 102,

A bill for an act to amend and re-enact chapter 243 of the laws of 1907, being an act to create a state library commission, defining its duties and making an appropriation for its maintenance.

Was read the first and second times and
Referred to the committee on appropriations.

Senate Bill No. 104,

A bill for an act to provide for the maintenance of the stated normal-industrial school, located at Ellendale, and

making necessary improvements, and providing appropriations therefor.

Was read the first and second times and
Referred to the committee on appropriations.

There being no objections, the house returned to the ninth order of business.

INTRODUCTION, FIRST AND SECOND READING OF HOUSE BILLS.

Mr. Wolbert introduced

House Bill No. 380,

A bill for an act to amend, repeal and re-enact section 15, chapter 45 of the laws of 1907, relating to commission system for government of cities.

Which was read the first and second times and
Referred to the committee on municipal corporations.

Mr. Putnam (by request) introduced

House Bill No. 381,

A bill for an act relating to public printing, and providing the manner of awarding contracts therefor.

Which was read the first and second times and
Referred to the committee on public printing.

Mr. Akesson (by request) introduced

House Bill No. 382,

A bill for an act to prohibit discrimination and rebating by fire insurance companies, their agents or representatives, and providing penalties therefor.

Which was read the first and second times and
Referred to the committee on insurance.

Mr. Price introduced

House Bill No. 383,

A bill for an act to amend section 4210 of the revised codes of North Dakota for 1905, relating to dividends and limitations of indebtedness of corporations.

Which was read the first and second times and
Referred to the committee on corporations other than municipal.

Mr. Price (by request) introduced

House Bill No. 384,

A bill for an act to amend section 4464 of the revised codes of North Dakota of 1905.

Which was read the first and second times and

Referred to the committee on insurance.

Mr. Price (by request) introduced

House Bill No. 385,

A bill for an act to provide for paving, curbing, grading or improving the highways, streets or avenues in civil townships adjoining incorporated cities of not less than 6,000 inhabitants, and for the construction of a system of sewerage and water mains therein.

Which was read the first and second times and

Referred to the committee on municipal corporations.

REPORTS OF STANDING COMMITTEES.

The committee on engrossment made the following report:

Mr. Speaker:

Your committee on engrossment have examined:

House Bill No. 148,

A bill for an act to amend section 2437 of the revised codes of North Dakota for 1905, relating to the proposals and acceptance of bonds of county depositaries.

Also,

House Bill No. 188,

A bill for an act to punish the giving of checks or drafts on any bank or other depository wherein the person so giving such check or draft shall not have sufficient funds or a credit for payment of same and providing penalties therefor.

Also,

House Bill No. 263,

A bill for an act to create a public warehouse fund and to provide for the use of such moneys and disbursements therefrom.

And find the same correctly engrossed.

C. C. CRAWFORD,
Chairman.

Mr. Crawford moved
That the report be adopted.
Which motion prevailed, and
The report of the committee was adopted.

Mr. Thoreson moved
That House Bill No. 270 be recalled from general orders
and made a special order for 2:30 p. m. Thursday, February
25th.
Which motion prevailed.

THIRD READING OF HOUSE BILLS.

House Bill No. 167,

A bill for an act to permit the construction of cattle-ways under public highways; regulating the construction of same, and prescribing duties of road supervisors in relation thereto.

Was read the third time

The question being on the final passage of the bill.

The roll was called and there were ayes 77, nays 0, absent and not voting 18.

Those who voted in the affirmative were:

| | | |
|----------------------|----------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Hale | Olson |
| Akesson | Hanley | Paulson |
| Anderson | Hemmingson | Pearl |
| Atwood | Hendrickson | Pendray |
| Baker of Cass | Hill | Pound |
| Baker of Stark | Homnes | Price |
| Bjorndahl | Honey | Putnam |
| Brynjulson | Jewett | Senour |
| Brusletten | Johnson of Bottineau | Sgutt |
| Burnett | Johnson of McLean | Sheils |
| Burns | Johnson of Rolette | Sinclair |
| Chatfield | Kinney of McLean | Skinner |
| Christenson | Kneeland | Skulason |
| Collins of Cass | Knox | Steen |
| Collins of Gd. Forks | Law | Storey |
| Cunningham | Laithwaite | Streeter |
| Davidson | Linde | Thompson, Gd. Forks |
| Doyle of McIntosh | Lucke | Thompson of McLean |
| Duncan | Martin | Thoreson |
| Fraine | McCrea | Traynor |
| Freeman | McLear | Ward |
| Ganssle | Moen of Benson | Welford |
| Garden | Narum | White |
| Gibbens | Nelson of McHenry | Wisner |
| Goldammer | Nelson of Walsh | Mr. Speaker |
| Grant | Nyhus | |

Absent and not voting:

| Messrs.— | Messrs.— | Messrs.— |
|-----------------|--------------------|----------|
| Crawford | Kinney of Richland | Ployhar |
| Dibley | Kremer | Poe |
| Doyle of Foster | Lindvig | Schull |
| Evans | Moen of Cavalier | Sorlie |
| Geidt | Nelson of Steele | Wolbert |
| Hughes | Plath | Young |

Mr. Dibley being excused.

So the bill passed and the title was agreed to.

Mr. Thoreson moved

That the vote by which House Bill No. 167 passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 261,

A bill for an act to amend section 470 of the revised codes of 1905, relating to terms of court in the Second judicial district.

Was read the third time

The question being on the final passage of the bill.

The roll was called and there were ayes 81, nays 0, absent and not voting 14.

Those who voted in the affirmative were:

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|----------------------|---------------------|
| Aasheim | Hale | Nyhus |
| Akesson | Hanley | Olson |
| Anderson | Hemmingson | Paulson |
| Atwood | Hendrickson | Peart |
| Baker of Cass | Hill | Pendray |
| Baker of Stark | Homnes | Pound |
| Bjorndahl | Honey | Price |
| Brusletten | Jewett | Putnam |
| Brynjulson | Johnson of Bottineau | Senour |
| Burnett | Johnson of McLean | Sgutt |
| Burns | Johnson of Rolette | Shells |
| Chatfield | Kinney of McLean | Sinclair |
| Christenson | Kinney of Richland | Skinner |
| Collins of Cass | Kneeland | Skulason |
| Collins of Gd. Forks | Knox | Sorlie |
| Cunningham | Law | Steen |
| Davidson | Laithwaite | Storey |
| Doyle of McIntosh | Linde | Streeter |
| Duncan | Lucke | Thompson, Gd. Forks |
| Evans | Martin | Thompson of McLean |
| Frairie | McCrea | Thoreson |
| Freeman | McLear | Traynor |
| Ganssle | Moen of Benson | Ward |
| Garden | Narum | Welford |

| | | |
|-----------|-------------------|-------------|
| Messrs.— | Messrs.— | Messrs.— |
| Gibbens | Nelson of McHenry | White |
| Goldammer | Nelson of Steele | Wisner |
| Grant | Nelson of Walsh | Mr. Speaker |

Absent and not voting:

| | | |
|-----------------|------------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Crawford | Kremer | Poe |
| Dibley | Lindvig | Schull |
| Doyle of Foster | Moen of Cavalier | Wolbert |
| Geidt | Plath | Young |
| Hughes | Ployhar | |

Mr. Dibley being excused.

So the bill passed and the title was agreed to.

Mr. Traynor moved

That the vote by which House Bill No. 261 passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 330,

A bill for an act declaring all cities heretofore attempted to be incorporated under the provisions of section 2632 of the revised codes of 1905 to have been duly incorporated and validating all acts done and contracts made under such incorporation.

Was read the third time

The question being on the final passage of the bill.

The roll was called and there were ayes 81, nays 0, absent and not voting 14.

Those who voted in the affirmative were:

| | | |
|----------------------|----------------------|-----------------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Hale | Nelson of Walsh |
| Akesson | Hanley | Nyhus |
| Anderson | Hemmingson | Olson |
| Atwood | Hendrickson | Peart |
| Baker of Cass | Hill | Pendray |
| Baker of Stark | Homnes | Pound |
| Bjorndahl | Honey | Price |
| Brusletten | Jewett | Putnam |
| Brynjulson | Johnson of Bottineau | Senour |
| Burnett | Johnson of McLean | Sgutt |
| Burns | Johnson of Rolette | Sheils |
| Chatfield | Kinney of McLean | Sinclair |
| Christenson | Kinney of Richland | Skinner |
| Collins of Cass | Kneeland | Skulason |
| Collins of Gd. Forks | Knox | Sorlie |
| Cunningham | Law | Steen |
| Davidson | Laithwaite | Storey |
| Doyle of McIntosh | Linde | Streeter |

| | | |
|-----------|-------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Duncan | Lucke | Thompson, Gd. Forks |
| Evans | Martin | Thompson of McLean |
| Fraine | McCrea | Thoreson |
| Freeman | McLear | Traynor |
| Ganssle | Moen of Benson | Ward |
| Garden | Moen of Cavalier | Welford |
| Gibbens | Narum | White |
| Goldammer | Nelson of McHenry | Wisner |
| Grant | Nelson of Steele | Mr. Speaker |

Absent and not voting:

| | | |
|-----------------|----------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Crawford | Kremer | Poe |
| Dibley | Lindvig | Schull |
| Doyle of Foster | Paulson | Wolbert |
| Geidt | Plath | Young |
| Hughes | Ployhar | |

Mr. Dibley being excused.

So the bill passed and the title was agreed to.

Mr. Hill moved

That the vote by which House Bill No. 330 passed be reconsidered and the motion to reconsider be laid on the table.

House Bill No. 314,

A bill for an act to extend the right of suffrage to women on questions pertaining solely to the prohibition or regulation of the sale or importation of intoxicating liquors.

Was read the third time

The question being on the final passage of the bill.

The roll was called and there were ayes 53, nays 26, absent and not voting 16.

Those who voted in the affirmative were:

| | | |
|-----------------|----------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Anderson | Hendrickson | Nyhus |
| Atwood | Hill | Olson |
| Bjorndahl | Homnes | Peart |
| Brusletten | Honey | Pendray |
| Brynjulson | Jewett | Putnam |
| Burnett | Johnson of Bottineau | Sheils |
| Christenson | Johnson of Rolette | Sinclair |
| Collins of Cass | Kinney of McLean | Skulason |
| Cunningham | Kinney of Richland | Steen |
| Davidson | Kneeland | Storey |
| Duncan | Knox | Thompson, Gd. Forks |
| Evans | Laithwaite | Thoreson |
| Freeman | McCrea | Traynor |
| Ganssle | Moen of Benson | Ward |
| Garden | Narum | Welford |

| | | |
|------------|-------------------|-------------|
| Messrs.— | Messrs.— | Messrs.— |
| Gibbens | Nelson of McHenry | Wisner |
| Grant | Nelson of Steele | Mr. Speaker |
| Hemmingson | Nelson of Walsh | |

Those who voted in the negative were:

| | | |
|----------------------|-----------|--------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Goldammer | Pound |
| Akesson | Hale | Price |
| Baker of Cass | Hanley | Senour |
| Baker of Stark | Law | Sgutt |
| Burns | Linde | Skinner |
| Chatfield | Lucke | Sorlie |
| Collins of Gd. Forks | Martin | Streeter |
| Doyle of McIntosh | McLear | Thompson of McLean |
| Fraine | Paulson | |

Absent and not voting:

| | | |
|-------------------|------------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Crawford | Kremer | Poe |
| Dibley | Lindvig | Schull |
| Doyle of Foster | Moen of Cavalier | White |
| Geidt | Plath | Wolbert |
| Hughes | Ployhar | Young |
| Johnson of McLean | | |

Mr. Dibley being excused.

So the bill passed and the title was agreed to.

Mr. Hanley explained his vote.

Mr. Anderson moved

That the vote by which House Bill No. 314 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 309,

A bill for an act prescribing the duty of the secretary of state, relative to laws enacted under section 122 of the constitution.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 59, nays 21 absent and not voting 15.

Those who voted in the affirmative were:

| | | |
|-------------|----------------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Homnes | Olson |
| Anderson | Honey | Peart |
| Atwood | Jewett | Pendray |
| Brusletten | Johnson of Bottineau | Putnam |
| Burnett | Johnson of McLean | Shells |
| Chatfield | Johnson of Rolette | Sinclair |
| Christenson | Kinney of McLean | Skulason |

| | | |
|-----------------|--------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Collins of Cass | Kinney of Richland | Sorlie |
| Cunningham | Kneeland | Steen |
| Davidson | Knox | Storey |
| Duncan | Law | Streeter |
| Evans | Laithwaite | Thompson, Gd. Forks |
| Freeman | Linde | Thoreson |
| Ganssle | McCrea | Traynor |
| Garden | Moen of Benson | Ward |
| Gibbens | Narum | Welford |
| Grant | Nelson of McHenry | White |
| Hanley | Nelson of Steele | Wisner |
| Hendrickson | Nelson of Walsh | Mr. Speaker |
| Hill | Nyhus | |

Those who voted in the negative were:

| | | |
|----------------------|------------|--------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Akesson | Fraine | Paulson |
| Baker of Cass | Goldammer | Pound |
| Baker of Stark | Hale | Pricé |
| Brynjulson | Hemmingson | Senour |
| Burns | Lucke | Sgutt |
| Collins of Gd. Forks | Martin | Skinner |
| Doyle of McIntosh | McLear | Thompson of McLean |

Absent and not voting:

| | | |
|-----------------|------------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Bjorndahl | Hughes | Ployhar |
| Crawford | Kremer | Poe |
| Dibley | Lindvig | Schull |
| Doyle of Foster | Moen of Cavalier | Wolbert |
| Geidt | Plath | Young |

Mr. Dibley being excused.

Mr. Martin explained his vote.

Mr. Streeter explained his vote.

So the bill passed and the title was agreed to.

Mr. Anderson moved

That the vote by which House Bill No. 309 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 321,

A bill for an act to amend section 1597 of the revised codes of 1905 of the state of North Dakota, as amended by chapter 219 of the session laws of 1907, relating to duty of county auditor.

Was read the third time.

Mr. Burns moved

That the further consideration of the bill be indefinitely postponed.

Which motion was lost.

The question being on the final passage of the bill.

The roll was called and there were ayes 70, nays 9, absent and not voting 16.

Those who voted in the affirmative were:

| | | |
|----------------------|----------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Akesson | Hemmingson | Paulson |
| Anderson | Hendrickson | Peart |
| Atwood | Hill | Pound |
| Baker of Cass | Hommes | Price |
| Bjorndahl | Honey | Putnam |
| Brusletten | Jewett | Senour |
| Brynjulson | Johnson of Bottineau | Sgutt |
| Burnett | Johnson of McLean | Sheils |
| Christenson | Johnson of Rolette | Sinclair |
| Collins of Cass | Kinney of McLean | Skulason |
| Collins of Gd. Forks | Knox | Sorlie |
| Cunningham | Laithwaite | Steen |
| Davidson | Linde | Storey |
| Duncan | Lucke | Streeter |
| Evans | McCrea | Thompson, Gd. Forks |
| Fraine | McLear | Thompson of McLean |
| Freeman | Moen of Benson | Thoreson |
| Ganssle | Narum | Traynor |
| Garden | Nelson of McHenry | Ward |
| Gibbens | Nelson of Steele | Welford |
| Goldammer | Nelson of Walsh | White |
| Grant | Nyhus | Wisner |
| Hale | Olson | Mr. Speaker |
| Hanley | | |

Those who voted in the negative were:

| | | |
|-----------|--------------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Doyle of McIntosh | Martin |
| Burns | Kinney of Richland | Pendray |
| Chatfield | Kneeland | Skinner |

Absent and not voting:

| | | |
|-----------------|------------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Baker of Stark | Kremer | Ployhar |
| Crawford | Law | Poe |
| Dibley | Lindvig | Schull |
| Doyle of Foster | Moen of Cavalier | Wolbert |
| Geidt | Plath | Young |
| Hughes | | |

Mr. Dibley being excused.

So the bill passed and the title was agreed to.

Mr. Steen moved

That the vote by which House Bill No. 321 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 292,

A bill for an act to amend section 1129 of the revised codes of North Dakota for the year 1905, relating to the agricultural and geological survey and appropriation therefor.

Was read the third time.

Mr. Traynor moved

That the further consideration of the bill be re-referred to the committee on appropriations.

Which motion was lost.

The question being on the final passage of the bill.

The roll was called and there were ayes 81, nays 0, absent and not voting 14.

Those who voted in the affirmative were:

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|----------------------|---------------------|
| Aasheim | Hemmingson | Nyhus |
| Akesson | Hendrickson | Olson |
| Anderson | Hill | Paulson |
| Atwood | Homnes | Peart |
| Baker of Cass | Honey | Pendray |
| Bjorndahl | Jewett | Pound |
| Brusletten | Johnson of Bottineau | Price |
| Brynjulson | Johnson of McLean | Putnam |
| Burnett | Johnson of Rolette | Senour |
| Burns | Kinney of McLean | Sgutt |
| Chatfield | Kinney of Richland | Shells |
| Christenson | Kneeland | Sinclair |
| Collins of Cass | Knox | Skinner |
| Collins of Gd. Forks | Law | Skulason |
| Cunningham | Laithwaite | Sorlie |
| Davidson | Linde | Steen |
| Doyle of McIntosh | Lindvig | Storey |
| Duncan | Lucke | Streeter |
| Evans | Martin | Thompson, Gd. Forks |
| Freeman | McCrea | Thompson of McLean |
| Ganssle | McLear | Thoreson |
| Garden | Moen of Benson | Traynor |
| Gibbens | Moen of Cavalier | Ward |
| Goldammer | Narum | Welford |
| Grant | Nelson of McHenry | White |
| Hale | Nelson of Steele | Wisner |
| Hanley | Nelson of Walsh | Mr. Speaker |

Absent and not voting:

| Messrs.— | Messrs.— | Messrs.— |
|-----------------|----------|----------|
| Baker of Stark | Geldt | Poe |
| Crawford | Hughes | Schull |
| Dibley | Kremer | Wolbert |
| Doyle of Foster | Plath | Young |
| Fraine | Ployhar | |

Mr. Dibley being excused.

So the bill passed and the title was agreed to.

Mr. Baker of Cass moved

That the vote by which House Bill No. 292 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 148,

A bill for an act to amend section 2437 of the revised codes of North Dakota for 1905, relating to the proposals and acceptance of bonds of county depositaries.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 82, nays 0, absent and not voting 13.

Those who voted in the affirmative were:

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|----------------------|---------------------|
| Aasheim | Hanley | Nyhul |
| Akesson | Hemmingson | Olson |
| Anderson | Hendrickson | Paulson |
| Atwood | Hill | Peart |
| Baker of Cass | Homnes | Pendray |
| Bjorndahl | Honey | Pound |
| Brusletten | Jewett | Price |
| Brynjulson | Johnson of Bottineau | Putnam |
| Burnett | Johnson of McLean | Senour |
| Burns | Johnson of Rolette | Sgutt |
| Chatfield | Kinney of McLean | Shells |
| Christenson | Kinney of Richland | Sinclair |
| Collins of Cass | Knox | Skinner |
| Collins of Gd. Forks | Law | Skulason |
| Crawford | Laithwaite | Sorlie |
| Cunningham | Linde | Steen |
| Davidson | Lindvig | Storey |
| Doyle of McIntosh | Lucke | Streeter |
| Duncan | Martin | Thompson, Gd. Forks |
| Evans | McCrea | Thompson of McLean |
| Fraine | McLear | Thoreson |
| Freeman | Moen of Benson | Traynor |
| Ganssle | Moen of Cavalier | Ward |
| Garden | Narum | Welford |
| Gibbens | Nelson of McHenry | White |
| Goldammer | Nelson of Steele | Wisner |
| Grant | Nelson of Walsh | Mr. Speaker |
| Hale | | |

Absent and not voting:

| Messrs.— | Messrs.— | Messrs.— |
|-----------------|----------|----------|
| Baker of Stark | Kneeland | Poe |
| Dibley | Kremer | Schull |
| Doyle of Foster | Plath | Wolbert |
| Geidt | Ployhar | Young |
| Hughes | | |

Mr. Dibley being excused.

So the bill passed and the title was agreed to.

Mr. Thompson of Grand Forks moved

That the vote by which House Bill No. 148 passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 188,

A bill for an act to punish the giving of checks or drafts on any bank or other depository wherein the person so giving such check or draft shall not have sufficient funds or a credit for payment of same and providing 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 59, nays 25, absent and not voting 11.

Those who voted in the affirmative were:

| | | |
|----------------------|----------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Atwood | Honey | Nyhus |
| Baker of Cass | Jewett | Paulson |
| Brusletten | Johnson of Bottineau | Peart |
| Burns | Johnson of McLean | Pendray |
| Collins of Cass | Johnson of Rolette | Pound |
| Collins of Gd. Forks | Kinney of McLean | Putnam |
| Crawford | Kinney of Richland | Senour |
| Cunningham | Kneeland | Sgutt |
| Davidson | Knox | Shells |
| Evans | Law | Sinclair |
| Fraine | Laithwaite | Storey |
| Freeman | Linde | Streeter |
| Ganssle | Lindvig | Thompson, Gd. Forks |
| Garden | Lucke | Thompson of McLean |
| Gibbens | McCrea | Welford |
| Grant | Moen of Cavalier | White |
| Hale | Narum | Wisner |
| Hemmingson | Nelson of McHenry | Wolbert |
| Hendrickson | Nelson of Steele | Mr. Speaker |
| Hill | Nelson of Walsh | |

Those who voted in the negative were:

| | | |
|-------------------|----------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Duncan | Price |
| Akesson | Goldammer | Skinner |
| Anderson | Hanley | Skulason |
| Bjorndahl | Hornes | Sorlie |
| Brynjulson | Martin | Steen |
| Burnett | McLear | Thoreson |
| Chatfield | Moen of Benson | Traynor |
| Christenson | Olson | Ward |
| Doyle of McIntosh | | |

Absent and not voting:

| | | |
|-----------------|----------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Baker of Stark | Hughes | Poe |
| Dibley | Kremer | Schull |
| Doyle of Foster | Plath | Young |
| Geidt | Ployhar | |

Mr. Dibley being excused.

Mr. Baker of Cass explained his vote.

Mr. Burnett explained his vote.

Mr. Price explained his vote.

So the bill passed and the title was agreed to.

Mr. Chatfield moved

That the vote by which House Bill No. 188 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed

There being no objections, the house returned to the ninth order of business.

Mr. McLearn introduced

House Bill No. 386,

Which was read the first and second times and

Referred to the committee on public health.

Mr. Burns introduced

House Bill No. 387,

Which was read the first and second times and

Referred to the committee on live stock.

Mr. Bjorndahl introduced

House Bill No. 388,

Which was read the first and second times and

Referred to the committee on military affairs.

COURTESIES OF THE FLOOR.

The privileges of the floor were extended to Wm. Reid, Geo. Berg, Courtenay.

Mr. Burns moved

That the house do now adjourn.

Which motion prevailed, and

The house adjourned.

W. D. AUSTIN,
Chief Clerk.

FIFTY-SECOND DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 25, 1909.

The house assembled at 2 o'clock p. m., pursuant to adjournment.

The speaker presiding.

Prayer by the chaplain.

Roll call.

All members present except Mr. Dibley, who was excused.

REFERENCE OF THE JOURNAL.

The committee on revision and correction of the journal made the following report:

Mr. Speaker:

Your committee on revision and correction of the journal have carefully examined the journal of the fifty-first day and find the same correct.

And recommend that the same be approved.

S. J. DOYLE,
Chairman

Mr. Doyle moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on enrollment made the following report:
Mr. Speaker:

Your committee on enrollment have examined
Concurrent resolution relating to penitentiary investi-
gation.

And find the same correctly enrolled.

H. J. LINDE,
Chairman.

Mr. Linde moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
February 25, 1909.

Mr. Speaker:

I have the honor to return herewith

House Bill No. 119,

An act to amend section 8089 of the revised codes of 1905
of North Dakota relating to the exemption of personal prop-
erty and disposition thereof in the matter of estates pend-
ing in county court.

Also,

House Bill No. 196,

A bill for an act to amend section 7453 of the revised
codes of North Dakota for 1905, relating to the foreclosure
of mortgages upon real property, containing a power of
sale, by advertisement, and limiting the time in which pro-
ceedings for such foreclosure may be commenced.

Also,

House Bill No. 232,

A bill for an act to amend section 8320 of the revised
codes of 1905, relating to inheritance tax.

Also,

House Bill No. 73,

A bill for an act to amend chapter 75 of the session laws of the state of North Dakota for the year 1907, prescribing the salary of the state's attorney, assistant, and clerk.

Also,

House Bill No. 286,

A bill for an act to amend section 5119 of the revised codes of 1905, relating to the succession of children of testator omitted from will.

Which the senate has indefinitely postponed.

Very respectfully,
J. W. FOLEY,
Secretary.

REPORTS OF STANDING COMMITTEES.

The committee on apportionment made the following report:

Mr. Speaker:

Your committee on apportionment to whom was referred House Bill No. 143,

A bill for an act entitled an act to redistrict the state of North Dakota into senatorial districts and apportion the senators and representatives therein.

Have had the same under consideration and recommend that the same be amended as follows:

On page 2, line 19, of the printed bill, after the word "Adams" insert the word "Fairdale"; on page 7, line 129, of the printed bill, strike out the words "townships and fractional" and also strike out lines 130, 131, 132 and 133, and insert in lieu thereof the following: "the county of Sheridan, and shall be entitled to one senator and one representative"; on page 8, line 169, of the printed bill, strike out the words and figures "Townships 147, north of ranges 74, 75, 76, 77, 78, and strike out lines 170, 171, 172 173, 174, 175 and 176, and insert in lieu thereof the following: "Township 143, north of ranges 80 and 81, west, and township 144, north of ranges 80, 81, 82, 83 and 84 west; townships 145 and 146, north of ranges 79, 80, 81, 82, 83 and 84, west; townships 147 and 148, north of ranges 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90 and 91, west; and townships 149 and 150, north of ranges 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90 and 91, west, and shall be entitled to one senator and two representatives."

And when so amended recommend that the same be referred to the committee of the whole house.

A. A. PLATH,
Chairman.

Mr. Senour moved

That House Bill No. 143 be made a special order for 3 o'clock p. m. tomorrow.

Which motion prevailed.

The committee on live stock made the following report:

Mr. Speaker:

Your committee on live stock to whom was referred House Bill No. 358,

A bill for an act to amend section 2006 of the revised codes of 1905, relating to the qualifications of district veterinarians.

Have had the same under consideration and recommend that the same be indefinitely postponed.

A. W. CUNNINGHAM,
Chairman.

Mr. Cunningham moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

The committee on public printing made the following report:

Mr. Speaker:

Your committee on public printing to whom was referred House Bill No. 104, -

A bill for an act to amend section 2432 of the revised codes of North Dakota, of 1905, relating to the publication of proceedings of boards of county commissioners.

Have had the same under consideration and recommend that the same be indefinitely postponed.

D. R. STREETER,
Chairman.

Mr. Streeter moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Also,

Your committee on public printing to whom was referred House Bill No. 217,

A bill for an act to amend section 2432 of the revised codes of 1905, of chapter 28 of the political code of the state of North Dakota, providing for the publishing of all records and proceedings of the board of county commissioners.

Have had the same under consideration and recommend that the same be indefinitely postponed.

D. R. STREETER,
Chairman.

Mr. Streeter moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Also,

A majority of your committee on public printing to whom was referred

House Bill No. 337,

A bill for an act to amend section 37 of the revised codes of 1905, so as to provide for an increase in the number of ex-officio commissioners of public printing.

Have had the same under consideration and recommend that the same do pass.

D. R. STREETER.
Chairman.

Also,

A minority of your committee on public printing to whom was referred

House Bill No. 337,

A bill for an act to amend section 37 of the revised codes of 1905, so as to provide for an increase in the number of ex-officio commissioners of public printing.

Have had the same under consideration and recommend that the same be indefinitely postponed.

D. R. STREETER.

The committee on railroads made the following report:
Mr. Speaker:

Your committee on railroads to whom was referred
House Bill No. 305,

A bill for an act authorizing and requiring the board of railway commissioners to establish grades on grain and to appoint agents at terminal points of Duluth and Minneapolis for the benefit of shippers of grain in this state, and providing for their compensation, and appropriating funds for the purpose of carrying out the provisions of this act.

Have had the same under consideration and recommend that the same be amended as follows:

In line 3, page 3, section 5 of the printed bill, after the figures "\$6,000.00" insert the word "annually."

And when so amended recommend the same do pass.

G. A. WHITE,
Chairman.

Also,

Your committee on railroads to whom was referred
Senate Bill No. 121,

A bill for an act regulating the speed of locomotives and trains while passing through cities, towns and villages in North Dakota.

Have had the same under consideration and recommend that the same be indefinitely postponed.

G. A. WHITE,
Chairman.

Mr. White moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Also,

Your committee on railroads to whom was referred:

House Bill No. 348,

A bill for an act fixing the salary of the secretary of the board of railroad commissioners and requiring them to reside at the capital city.

Have had the same under consideration and recommend that the same do pass.

G. A. WHITE,
Chairman.

Mr. White moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on temperance made the following report
Mr. Speaker:

Your committee on temperance to whom was referred
House Bill No. 117,

A bill for an act to amend section 9366 of the revised code of North Dakota, as amended by chapter 191 of the laws of 1907, defining intoxicating liquors, so that the same shall read as follows:

Have had the same under consideration and recommend that the same do pass.

E. L. GARDEN,
Chairman.

Mr. Garden moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on temperance to whom was referred
House Bill No. 301,

A bill for an act prohibiting the running of theaters, vaudeville theaters and moving picture theaters in this state on Sunday and prescribing the penalty for a violation thereof.

Have had the same under consideration and recommend that the same do pass.

E. L. GARDEN,
Chairman.

Mr. Garden moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on temperance to whom was referred

House Bill No. 331,

A bill for an act to amend section 9391 of the revised codes of North Dakota for 1905, relating to giving liquor to Indians.

Have had the same under consideration and recommend that the same do pass.

E. L. GARDEN,
Chairman.

Mr. Garden 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. Speaker:

Your committee on agriculture to whom was referred

House Bill No. 316,

A bill for an act creating and establishing an agricultural experiment station, to be located at or near the city of Harvey, in Wells county, in connection with the North Dakota agricultural college at Fargo, and under the direction of the board of directors of said college, and making an appropriation therefor.

Have had the same under consideration and recommend that the same do pass.

JAMES DUNCAN,
Chairman.

Mr. Duncan moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Mr. Sgutt moved

That House Bill No. 316 be re-referred to the committee on appropriations.

Which motion prevailed, and
The bill was so re-referred.

MOTIONS AND RESOLUTIONS.

Mr. Price moved

That the house recall House Bill No. 110 from the senate.
Which motion prevailed.

Mr. Skulason moved

That the house concur in the request of the senate to return Senate Bill No. 19.
Which motion prevailed.

Mr. Geidt moved

That the house reconsider the vote by which House Bill No. 313 was lost.
Which motion was lost.

Mr. Skulason moved

That House Bill No. 113 be taken from the foot of the calendar and placed at the head of the calendar.
Which motion prevailed.

Mr. McCrea moved

That the house do now concur in the senate amendments to House Bill No. 24.
Which motion prevailed.

Mr. McCrea moved

That the rules be suspended and House Bill No. 24 be placed upon its third reading and final passage, as amended by the senate.
Which motion prevailed.

House Bill No. 24,

A bill for an act to amend section 19 of chapter 169 of the laws of 1907, entitled "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 third time.

The question being on the final passage of the bill as amended by the senate.

The roll was called and there were ayes 92, nays 1, absent and not voting 2.

Those who voted in the affirmative were:

| | | |
|----------------------|----------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Hemmingson | Peart |
| Akesson | Hendrickson | Pendray |
| Anderson | Hill | Plath |
| Atwood | Homes | Ployhar |
| Baker of Cass | Honey | Poe |
| Baker of Stark | Hughes | Pound |
| Bjorndahl | Jewett | Price |
| Brusletten | Johnson of Bottineau | Putnam |
| Brynjullson | Johnson of McLean | Schull |
| Burnett | Johnson of Rolette | Senour |
| Burns | Kinney of McLean | Sgutt |
| Chatfield | Kinney of Richland | Shells |
| Christenson | Kneeland | Sinclair |
| Collins of Cass | Knox | Skinner |
| Collins of Gd. Forks | Kremer | Skulason |
| Crawford | Law | Sorlie |
| Cunningham | Laithwaite | Steen |
| Davidson | Linde | Storey |
| Doyle of Foster | Lindvig | Streeter |
| Doyle of McIntosh | Martin | Thompson, Gd. Forks |
| Duncan | McCrea | Thompson of McLean |
| Evans | McLear | Thoreson |
| Freeman | Moen of Benson | Traynor |
| Ganssle | Moen of Cavalier | Ward |
| Garden | Narum | Welford |
| Geidt | Nelson of McHenry | White |
| Gibbens | Nelson of Steele | Wisner |
| Goldammer | Nelson of Walsh | Wolbert |
| Grant | Nyhus | Young |
| Hale | Olson | Mr. Speaker |
| Hanley | Paulson | |

Mr. Fraine voted in the negative.

Messrs. Dibley and Lucke being absent and not voting.

Mr. Dibley being excused.

So the bill passed and the title was agreed to.

Mr. McCrea moved

That the vote by which House Bill No. 24 passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

There being no objections, the house returned to the fifth order of business.

REPORTS OF STANDING COMMITTEES.

The committee on banking made the following report:

Mr. Speaker:

Your committee on banking to whom was referred
House Bill No. 295,

A bill for an act to amend section 140 of the revised codes of the state of North Dakota of 1905, relating to the appointment of the state examiner.

Have had the same under consideration and recommend that the same be indefinitely postponed.

THOMAS BAKER, JR.,
Acting Chairman.

Mr. Baker of Cass moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Also,

Mr. Speaker:

Your committee on banking to whom was referred

House Bill No. 294,

A bill for an act to amend section 150 of the revised codes of the state of North Dakota of 1905, relating to the appointment of deputies of the state examiner.

Have had the same under consideration and recommend that the same be amended as follows:

By striking out the word "three" in line 10 and inserting in lieu thereof the word "five," and by striking out all of line 13 following the period, and by striking out all of line 14, and by striking out all of lines 15, 16 and 17, and by striking out all of line 18 down to period.

And when so amended recommend the same do pass.

THOMAS BAKER, JR.,
Acting Chairman.

MOTIONS AND RESOLUTIONS.

HOUSE JOINT RESOLUTION NO. 7.

STATE OF SOUTH DAKOTA, ELEVENTH LEGISLATIVE ASSEMBLY.
HOUSE OF REPRESENTATIVES.

A joint resolution and memorial requesting congress under the provision of Article Five of the Constitution of the United States, to call a convention to propose an amendment to the Constitution of the United States whereby polygamous cohabitation shall be prohibited and congress given power to enforce such prohibition by appropriate legislation.

Resolved by the Senate, the House of Representatives Concurring:

Whereas, it appears from investigation recently made by the Senate of the United States, and otherwise, that polygamy still exists in certain places in the United States notwithstanding prohibitory statutes enacted by the several states thereof; and

Whereas, the practice of polygamy is generally condemned by the people of the United States, and there is a demand for the more effectual prohibition thereof, by placing the subject under federal jurisdiction and control, at the same time reserving to each state the right to make and enforce its own laws relating to marriage and divorce. Now, therefore, be it

Resolved, That application be and hereby is made to congress, under the provision of Article Five of the Constitution of the United States, for the calling of a convention to propose an amendment to the Constitution of the United States, whereby polygamy and polygamous cohabitation shall be prohibited, and congress shall be given power to enforce such prohibition by appropriate legislation.

Resolved, That the legislatures of all other states of the United States now in session, or when next convened, be and they are hereby respectfully requested to join in this application by the adoption of this or any equivalent resolution.

Resolved, Further, That the secretary of state be and hereby is directed to transmit copies of this application to the senate and house of representatives of the United States and to the several members of said bodies representing this state therein; also to transmit copies hereof to the legislatures of all other states of the United States.

Mr. Garden offered the following concurrent resolution:

Whereas, states, territories and districts, in which the sale of intoxicating liquors as a beverage has been prohibited, are seriously impeded in the enforcement of their local laws enacted in the exercise of the police powers hereof by the non-action of congress in the matter of controlling inter-state traffic in such liquors; and

Whereas, in the language of the supreme court of the United States, "the federal government ought to engage in a frank and candid co-operation with the states for the general good"; therefore be it

Resolved by the Legislative Assembly now in Session, Both Houses Concurring:

First: That we urge upon congress the necessity of immediately passing such laws acting directly upon common carriers as will prevent the delivery by railroad or express companies of inter-state liquor shipments C. O. D. or to others than a bona fide consignee in person or upon written order and that all such liquor shipments be so labelled on the outside cover as to

plainly show the nature of its contents and the quantity contained therein; and

Second: Believing that congress owes the same duty to the people of the receiving as to those of the shipping state, we earnestly urge the removal of the inter-state character of the shipment of intoxicating liquors transported into any state, territory or district for delivery therein, or remaining therein for use, consumption, sale or storage, so that they shall immediately upon arrival within the boundary of the state, before and after delivery, be subject to the police powers of such state in the same manner as though such articles had been produced in said state.

Third: We further urge upon congress the necessity of passing an amendment to the revenue law to the end that no government tax receipts on account of the sale of intoxicating liquors shall be issued to any person or persons who cannot show a license or permit from the constituted authorities where such liquors are to be sold, to sell such intoxicating liquors.

Mr. Garden moved

That the concurrent resolution be adopted.

Which motion prevailed, and

The resolution was adopted.

GENERAL ORDERS.

Mr. Chatfield moved

That the house resolve itself into a committee of the whole for the consideration of general orders.

Which motion prevailed, and

The house resolved itself into a committee of the whole.

The speaker called Mr. Wolbert to the chair.

When the committee arose it submitted the following report:

Mr. Speaker:

The committee of the whole have had under consideration

Senate Bill No. 116,

A bill for an act to amend and re-enact section 830 of the revised codes of 1905, relating to school house sites, how they may be obtained and the maximum area therefor.

And recommend that the same be amended as follows:

On page 2 of the printed bill, that in lines 13 and 14 the words "together with a reasonable consideration for the improvement" be stricken out.

And when so amended recommend the same do pass.

Also,

House Bill No. 163.

For amendment to the constitution of the state of North Dakota, relating to revenue and taxation.

And recommend the same be amended as follows:

Strike out all of lines 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, and insert in lieu thereof the following:

"Corporations, companies or associations organized or domiciled out of the state, but doing business therein, may be licensed and taxed by a mode different from that provided for home corporations or companies; provided, said different mode of license shall be uniform, upon a graduated system, and said different mode of taxation shall be equal and uniform as to all such corporations, companies or associations that transact the same kind of business.

"The legislative assembly may further provide that grain grown within the state and held therein in elevators, warehouses and granaries may be taxed at a fixed rate."

And when so amended recommend the same do pass.

Also,

House Bill No. 250,

A bill for an act to amend chapter 70 of the laws of 1905, being sections 1310, 1311, 1312, 1313, 1314 and 1315 of the revised codes of 1905, relating to the levy of a tax in certain counties, to aid in the maintenance of county agricultural fair associations, and to repeal parts of same.

And recommend the same be amended as follows:

On page 2, lines 16 and 17, of the printed bill, strike out the words "in the erection of suitable buildings and improvements to accommodate" and insert in lieu thereof the words "and pay expenses and premiums awarded."

On page 3, line 39, after the word "president" insert a comma (,) and strike out the word "or," and in the same line after the word "vice-president" insert a comma (,) and strike out the word "and."

In line 47, same page, after the word "they" strike out the word "shall" and insert the word "may."

In line 50, same page, strike out the word "one-fifth" and insert the word "one-half" in lieu thereof.

In line 52, same page, after the word "levied" strike out the word "by."

On page 4, line 68, after the word "profit" strike out the word "and," and strike out all of line 69, and strike out all of line 70 prior to the word "provided" and insert in lieu thereof the words "unless it is provided in the by-laws thereof that no dividend shall be declared out of any income of said corporation accruing during the period it receives such aid."

In line 70, page 4, after the word "provided" insert the word "further."

In lines 72 and 73, page 4, strike out the words "that have held fairs for three successive years prior to the passage of this act."

And when so amended recommend the same do pass.

Also,

House Bill No. 61,

A bill for an act to amend section 2802 of the revised codes of North Dakota, relating to publication of notice of special assessment list by city auditor, and to provide for the method of procedure in perfecting appeals from acts of the special assessment commission for cities.

And recommend the same be amended as follows:

In the title after "1905" strike out "and to provide for" and insert in place thereof the following, "relating to publication of notice of special assessment list by city auditor and to."

Also strike out lines 3 to 14 inclusive, in section 1, and insert in place thereof the following:

"Section 2808 . Publication of Notice of Assessment List.) The city auditor shall thereupon publish once, in the official newspaper of the city, a notice stating that such assessment list has been confirmed by the special assessment commission and filed in his office, and is open to public inspection, and shall state in said notice the time and place when and where the city council will act upon such assessment list; and in case such notice shall have been given more than fifteen days prior to the next regular meeting of the city council, such assessment list shall be acted upon by such council at its next regular meeting; and in case such notice shall not have been published more than fifteen days prior to the first regular meeting of the city council thereafter, such assessment list shall be acted upon by the city council at its second regular meeting, after the publication of such notice. Any person aggrieved may appeal from the action of such commission by filing with the city auditor prior to the meeting at which the city council will act upon such assessment, a written notice of such appeal, and stating therein the grounds upon which the same are based."

And when so amended recommend the same do pass.

Also,

House Bill No. 76,

A bill for an act entitled an act prohibiting railroads, railroad corporations and common carriers from carrying any passenger free or at a less rate than is charged the general public, and providing a penalty therefor and making it unlawful for any person to ask for or accept any such free transportation or transportation purchased at a less rate than that charged the general public, and providing a penalty therefor, and providing transportation for the board of railroad commissioners and its secretary.

And recommend the same be amended as follows:

In line 7, section 2, strike out all after the word "public," and strike out all of lines 8 to 11, inclusive, same section.

In line 2, section 3, strike out the words "ministers of the gospel."

At the end of line 6, section 3, add the following, "but nothing in this section shall be construed to include any practicing attorney in this state as an employe of any railroad company."

That after the word "repealed" in line 2, of page 4, of the printed bill, the following be added: "Section 7. Emergency. Whereas, an emergency exists in this that many such passes as are prescribed by this act are in existence; therefore, this act shall be in force from and after its passage and approval."

And when so amended recommend the same do pass.

Also,

House Bill No. 253,

A bill for an act to amend section 2432 of the revised codes of North Dakota of 1905, relating to the publication of the proceedings of the board of county commissioners.

And recommend the same be amended as follows:

By striking out the words "one paper" in line 10 of the printed bill, and substituting therefor the word "news-papers."

And when so amended recommend the same do pass.

Also,

House Bill No. 281,

A bill for an act to amend section 2620 of the revised codes of 1905, relating to legal rates for publication of legal notices.

And recommend the same be amended as follows:

By striking out the words "in connection with sales upon execution," in lines 12 and 13 of the printed bill," and also in line 14 of the printed bill be amended by inserting the word "legal" before the word "newspaper."

And when so amended recommend the same do pass.

Also,

House Bill No. 240,

A bill for an act to regulate the width of sleighs, sleds and cutters on public highways.

And recommend that the same do pass.

House Bill No. 259,

A bill for an act to amend section 6839 of the revised codes of North Dakota for 1905, relating to the service of summons in civil actions.

And recommend that the same be indefinitely postponed.

Also,

Senate Bill No. 168,

A bill for an act to amend section 9151 of the revised codes of North Dakota, 1905, relating to having burglars' implements in possession.

And recommend that the same do pass.

Also,

House Bill No. 226,

A bill for an act providing for the appointment of a commission to compile, revise and codify the laws of the state of North Dakota, relating to matters of substantive law and procedure concerning probate and testamentary matters and matters of administration and guardianship, and to report the same to the twelfth legislative assembly for adoption or rejection, and to provide for the compensation of the members thereof.

And recommend that the same be amended as follows :

On page 2, section 3, line 6 of the printed bill, strike out the word "effecting" and insert the word "affecting"; in the same line strike out the word "descendants" and insert in lieu thereof the word "decedents."

And when so amended recommend the same do pass.

G. W. WOLBERT,
Chairman.

Mr. Wolbert moved

That the report of the committee of the whole be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Mr. Honey moved

That the vote by which the report of the committee of the whole indefinitely postponed House Bill No. 4 was adopted be reconsidered.

Mr. Skulason moved

That the motion to reconsider be laid on the table.

Which motion was lost.

The question being upon the original motion.

The same prevailed.

Mr. White moved

That the house resolve itself into a committee of the whole for the purpose of considering House Bill No. 4.

The speaker decided the motion of Mr. White to be out of order.

Mr. White appealed from the decision of the chair, and the decision was sustained.

The question being upon the adoption of the report of the committee of the whole recommending the indefinite postponement of House Bill No. 4.

Roll call demanded.

The roll was called and there were ayes 46, nays 47, absent and not voting 2.

Those who voted in the affirmative were:

| Messrs.— | Messrs.— | Messrs.— |
|-------------------|--------------------|---------------------|
| Aasheim | Gibbens | Pearl |
| Akesson | Goldammer | Ployhar |
| Anderson | Grant | Schull |
| Atwood | Hendrickson | Senour |
| Bjorndahl | Homnes | Shells |
| Brusletten | Johnson of Rolette | Skinner |
| Brynjulson | Law | Skulason |
| Chatfield | Laithwaite | Steen |
| Christenson | Linde | Thompson, Gd. Forks |
| Crawford | Lucke | Thoreson |
| Cunningham | Moen of Benson | Traynor |
| Davidson | Moen of Cavalier | Ward |
| Doyle of McIntosh | Narum | Wisner |
| Duncan | Nyhus | Young |
| Evans | Olson | Mr. Speaker |
| Freeman | | |

Those who voted in the negative were:

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|----------------------|--------------------|
| Baker of Cass | Hughes | Paulson |
| Baker of Stark | Jewett | Pendray |
| Burnett | Johnson of Bottineau | Poe |
| Burns | Johnson of McLean | Pound |
| Collins of Cass | Kinney of McLean | Price |
| Collins of Gd. Forks | Kinney of Richland | Putnam |
| Doyle of Foster | Kneeland | Sgutt |
| Fraine | Knox | Sinclair |
| Ganssle | Kremer | Sorlie |
| Garden | Lindvig | Storey |
| Geidt | Martin | Streeter |
| Hale | McCrea | Thompson of McLean |
| Hanley | McLear | Welford |
| Hemmingson | Nelson of McHenry | White |
| Hill | Nelson of Steele | Wolbert |
| Honey | Nelson of Walsh | |

Mr. Price explained his vote.
 Mr. Putnam explained his vote.
 Messrs. Dibley and Plath being absent and not voting.
 Mr. Dibley being excused.
 So the report of the committee of the whole was rejected.

GENERAL ORDERS.

Mr. White moved

That the house resolve itself into a committee of the whole for the consideration of House Bill No. 4.

Which motion prevailed, and

The house resolved itself into a committee of the whole.

The speaker called Mr. Putnam to the chair.

When the committee arose it submitted the following report:

Mr. Speaker:

The committee of the whole have had under consideration

House Bill No. 4,

A bill for an act to provide a method for the nomination of candidates for office by political parties and providing a penalty for the violation thereof.

And recommend that the same be indefinitely postponed.

S. N. PUTNAM,
 Chairman.

Mr. Chatfield moved

That the report of the committee of the whole be adopted.

Roll call demanded.

The roll was called and there were ayes 62, nays 29, absent and not voting 4.

Those who voted in the affirmative were:

| | | |
|---------------|--------------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Hanley | Ployhar |
| Akesson | Hendrickson | Pound |
| Anderson | Hill | Price |
| Atwood | Homnes | Putnam |
| Baker of Cass | Honey | Schull |
| Bjorndahl | Johnson of Rolette | Senour |
| Brusletten | Knox | Sheils |
| Brynjulson | Law | Skinner |

| | | |
|-------------------|------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Burnett | Laithwaite | Skulason |
| Chatfield | Linde | Sorlie |
| Christenson | Lucke | Steen |
| Crawford | McCrea | Strey |
| Cunningham | McLear | Thompson, Gd. Forks |
| Davidson | Moen of Benson | Thompson of McLean |
| Doyle of Foster | Moen of Cavalier | Thoreson |
| Doyle of McIntosh | Narum | Traynor |
| Duncan | Nyhus | Ward |
| Freeman | Olson | Wisner |
| Ganssle | Peart | Young |
| Gibbens | Pendray | Mr. Speaker |
| Grant | Plath | |

Those who voted in the negative were:

| | | |
|----------------------|----------------------|------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Baker of Stark | Jewett | Nelson of Steele |
| Burns | Johnson of Bottineau | Nelson of Walsh |
| Collins of Cass | Johnson of McLean | Poe |
| Collins of Gd. Forks | Kinney of McLean | Sgutt |
| Evans | Kinney of Richland | Sinclair |
| Garden | Kneeland | Streeter |
| Geidt | Kremer | Welford |
| Goldammer | Lindvig | White |
| Hemmingson | Martin | Wolbert |
| Hughes | Nelson of McHenry | |

Absent and not voting:

| | | |
|----------|----------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Dibley | Hale | Paulson |
| Fraine | | |

Mr. Dibley being excused.

So the report of the committee was adopted.

Mr. Skulason moved

That the vote by which the committee report on House Bill No. 4 was adopted be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
February 25, 1909.

Mr. Speaker:

I have the honor to return herewith House Bill No. 110, as requested by the house.

Also,

Mr. Speaker:

I have the honor to transmit herewith
Senate Bill No. 73,

A bill for an act to provide for the making of improvements at the North Dakota school of forestry, to assist in the maintenance thereof and for other purposes and making appropriations therefor.

Also,

Senate Bill No. 117,

A bill for an act to provide for instruction in military science at the state normal-industrial school, located at Ellendale.

Also,

Senate Bill No. 128,

A bill for an act for the creation of a serum institute for the manufacture and distribution of such agents as may be useful and necessary in the eradication, prevention and control of tuberculosis, glanders, hog cholera, black-leg and other infectious and contagious diseases.

Also,

Senate Bill No. 212,

A bill for an act to establish regular sessions for the state board of railway commissioners, and fixing the time, manner and place where such sessions shall be held, and otherwise defining their powers and duties; also defining the duties of the attorney general in relation thereto:

Also,

Senate Bill No. 19,

An act to amend section 6237 of the revised codes of 1905, relating to the filing of mechanic's liens, the giving of notice of furnishing materials to contractors and sub-contractors.

Which the senate has passed and your favorable consideration is respectfully requested.

Very respectfully,
J. W. FOLEY,
Secretary.

GENERAL ORDERS.

Mr. Traynor moved

That the house resolve itself into a committee of the whole for the consideration of House Bill No. 270.

Which motion prevailed, and

The house resolved itself into a committee of the whole.

The speaker called Mr. McCrea to the chair.

The committee of the whole submitted the following report:

Mr. Speaker:

The committee of the whole have had under consideration

House Bill No. 270,

A bill for a concurrent resolution, amending the constitution of the state of North Dakota, providing for the future amendments thereof.

And recommend that the same be indefinitely postponed.

GEO. A. McCREA,
Chairman.

Mr. McCrea moved

That the report of the committee of the whole be adopted.
Roll call demanded.

The roll was called and there were ayes 49, nays 43, absent and not voting 3.

Those who voted in the affirmative were:

| | | |
|----------------------|--------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Grant | Pearl |
| Akesson | Hale | Pendray |
| Anderson | Hemmingson | Plath |
| Atwood | Hendrickson | Poe |
| Brusletten | Honey | Pound |
| Brynjulson | Jewett | Schull |
| Burnett | Johnson of Rolette | Sheils |
| Collins of Cass | Kinney of McLean | Sinclair |
| Collins of Gd. Forks | Kneeland | Skulason |
| Crawford | Law | Sorlie |
| Cunningham | Linde | Thompson, Gd. Forks |
| Davidson | Lindvig | Ward |
| Duncan | McCrea | Welford |
| Freeman | Moen of Benson | White |
| Ganssle | Nelson of Steele | Wisner |
| Gibbens | Paulson | Mr. Speaker |
| Goldammer | | |

Those who voted in the negative were:

| Messrs.— | Messrs.— | Messrs.— |
|-------------------|----------------------|--------------------|
| Baker of Cass | Hugles | Ployhar |
| Baker of Stark | Johnson of Bottineau | Price |
| Bjorndahl | Johnson of McLean | Putnam |
| Burns | Kremer | Senour |
| Chatfield | Laithwaite | Sgutt |
| Christenson | Lucke | Skinner |
| Doyle of Foster | Martin | Steen |
| Doyle of McIntosh | McLear | Storey |
| Evans | Moen of Cavalier | Streeter |
| Fraine | Narum | Thompson of McLean |
| Garden | Nelson of McHenry | Thoreson |
| Geidt | Nelson of Walsh | Traynor |
| Hanley | Nyhus | Wolbert |
| Hill | Olson | Young |
| Homnes | | |

Absent and not voting:

| Messrs.— | Messrs.— | Messrs.— |
|----------|--------------------|----------|
| Dibley | Kinney of Richland | Knox |

Mr. Dibley being excused.

So the report of the committee was adopted.

Mr. McCrea moved

That the vote by which the report of the committee of the whole was adopted be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Mr. Price moved

That the vote by which House Bill No. 110 was passed be reconsidered.

Which motion prevailed.

Mr. Chatfield moved

That the rules be suspended and House Bill No. 110 be considered engrossed and placed upon its third reading and final passage.

Which motion prevailed.

THIRD READING OF HOUSE BILLS.

House Bill No. 110,

A bill for an act requiring state officials to reside at the capitol and to provide adequate compensation.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 52, nays 39, absent and not voting 4.

Those who voted in the affirmative were:

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|----------------------|--------------------|
| Anderson | Hemmingson | Ployhar |
| Atwood | Hendrickson | Pound |
| Baker of Cass | Homnes | Price |
| Baker of Stark | Honey | Putnam |
| Brynjulson | Hughes | Schull |
| Burns | Johnson of Bottineau | Senour |
| Chatfield | Johnson of McLean | Sgutt |
| Collins of Gd. Forks | Kinney of Richland | Skulason |
| Cunningham | Kneeland | Streeter |
| Davidson | Knox | Thompson of McLean |
| Doyle of Foster | Kremer | Traynor |
| Duncan | Law | Ward |
| Evans | Laithwaite | Welford |
| Ganssle | Linde | White |
| Garden | McCrea | Wisner |
| Geldt | Nelson of Steele | Wolbert |
| Gibbens | Peart | Mr. Speaker |
| Hale | | |

Those who voted in the negative were:

| Messrs.— | Messrs.— | Messrs.— |
|-------------------|--------------------|---------------------|
| Aasheim | Hanley | Nyhus |
| Akesson | Hill | Olson |
| Bjorndahl | Jewett | Paulson |
| Brusletten | Johnson of Rolette | Pendray |
| Burnett | Lindvig | Poe |
| Christenson | Lucke | Sheils |
| Collins of Cass | Martin | Sinclair |
| Crawford | McLear | Skinner |
| Doyle of McIntosh | Moen of Benson | Sorlie |
| Fraine | Moen of Cavalier | Steen |
| Freeman | Narum | Storey |
| Goldammer | Nelson of McHenry | Thompson, Gd. Forks |
| Grant | Nelson of Walsh | Young |

Absent and not voting:

| Messrs.— | Messrs.— | Messrs.— |
|------------------|----------|----------|
| Dibley | Plath | Thoreson |
| Kinney of McLean | | |

Mr. Dibley being excused.

So the bill passed and the title was agreed to.

Mr. Skulason moved

That the vote by which House Bill No. 110 passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

COURTESIES OF THE FLOOR.

The privileges of the floor were extended to W. L. Drury, J. Kitchen, Langdon; J. E. Greene, Ward county; Wm. Jones, Linton.

Mr. Gibbens moved

That the house take a recess until 7:30 o'clock p. m.

Mr. Streeter moved

As an amendment that the house take a recess until 8 o'clock p. m.

Which amendment prevailed, and

The house took a recess until 8 o'clock p. m.

W. D. AUSTIN,
Chief Clerk.

AFTER RECESS.

The house assembled at 8 o'clock p. m., pursuant to recess taken.

REPORTS OF STANDING COMMITTEES.

The committee on engrossment made the following report:

Mr. Speaker:

Your committee on engrossment have examined

House Bill No. 67,

A bill for an act to amend section 2767 of the revised codes of the state of North Dakota of 1905, relating to advertising for and awarding contracts for construction of sidewalks in cities.

Also,

House Bill No. 87,

A bill for an act to provide an appropriation for the current and contingent expenses and for permanent improvements for the institution for feeble minded at Grafton.

Also,

House Bill No. 99,

A bill for an act making appropriations for the current and contingent expenses of the state reform school of North Dakota, and for making permanent improvements thereto.

Also,

House Bill No. 156,

A bill for an act for the protection of game, fish, wild birds and fur bearing wild animals, and creating the offices of state district game and fish wardens, deputies, board of control, state fish commissioner, and defining their duties and jurisdiction.

Also,

House Bill No. 169,

A bill for an act defining the sixth judicial district, state of North Dakota and fixing the terms of court in said district.

Also,

House Bill No. 180,

A bill for an act to provide for the making of improvements at the North Dakota school of forestry, to assist in the maintenance thereof and for other purposes and making appropriations therefor.

Also,

House Bill No. 234,

A bill for an act providing for the creating of a state tuberculosis exhibition, for the control of such exhibition and for making an appropriation therefor.

Also,

House Bill No. 245,

A bill for an act to appropriate money for the use of the board of university and school lands in the payment of assessments for benefits made for drainage purposes against unsold common school and institution lands within the state.

Also,

House Bill No. 296,

A bill for an act to amend and re-enact article 10 of chapter 32 of the revised codes of 1905; relating to free public libraries.

Also,

House Bill No. 310,

A concurrent resolution amending the constitution of the state of North Dakota, relating to the taxation of farm property.

Also,

House Bill No. 315,

A bill for an act appropriating to F. M. Baker, assistant states' attorney of Stark county, \$450 attorney's fees for services rendered in the unorganized territory attached to Stark county for judicial purposes during the years 1905, 1906 and 1907.

Also,

House Bill No. 320,

A bill for an act to prohibit the marriage of insane, epileptic or feeble minded persons.

Also,

House Bill No. 335,

A bill for an act to amend section 1554 of the revised codes of 1905 of North Dakota, relating to the delinquent personal property taxes, when due.

Also,

House Bill No. 338,

A bill for an act to amend and re-enact section 264 of the revised codes of 1905, in relation to the compensation of superintendents of county boards of health.

Also,

House Bill No. 339,

A bill for an act to amend chapter 151 of the laws of 1907, an act to require an annual apportionment and accounting of surplus of life insurance companies as to policies heretofore issued.

Also,

House Bill No. 340,

A bill for an act to authorize the superintendent of public instruction and presidents of the state normal schools to arrange a course of study for the state normal schools, to provide for the rural schools of North Dakota.

Also,

House Bill No. 341,

A bill for an act to amend and re-enact section 832 of the revised codes of North Dakota for the year 1905, relating to powers and duties of district school boards.

Also,

House Bill No. 346,

A bill for an act to amend and re-enact section 1515 of the political code of 1905, relating to the organization of assessors' districts and townships, vacancies in such township and districts, and the compensation of assessors.

Also,

House Bill No. 350,

A bill for an act to repeal section 7229 of the revised codes of North Dakota for the year 1905, relating to appeals in cases tried without a jury.

Also,

House Bill No. 356,

A bill for an act to amend sections 2661 and 2687 of chapter 30 of the political code of the state of North Dakota, revised codes of 1905, relating to the number of aldermen in cities, and the term of office of such aldermen.

And find the same correctly engrossed.

C. C. CRAWFORD,
Chairman.

Mr. Crawford moved.

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on enrollment made the following report:
Mr. Speaker:

Your committee on enrollment have examined

House Bill No. 24,

A bill for an act to amend section 19 of chapter 169 of the laws of 1907, entitled "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."

Also,

House Bill No. 166,

An act making an appropriation to meet the deficiency incurred by the state live stock sanitary board in carrying out the purposes of chapter 169 of session laws of 1907.

And find the same correctly enrolled.

H. J. LINDE,
Chairman.

Mr. Linde moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The chief clerk announced that the speaker was about to sign

House Bill No. 166,

An act making an appropriation to meet the deficiency incurred by the state live stock sanitary board in carrying out the purposes of chapter 169 of session laws of 1907.

Also,

House Bill No. 24,

A bill for an act to amend section 19 of chapter 169 of the laws of 1907, entitled "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."

And the speaker signed the same in the presence of the house.

GENERAL ORDERS.

Mr. Chatfield moved

That the house resolve itself into a committee of the whole for the consideration of general orders.

Which motion prevailed and,

The house resolved itself into a committee of the whole.

The speaker called Mr. Chatfield to the chair.

When the committee arose it submitted the following report:

Mr. Speaker:

Your committee of the whole have had under consideration

House Bill No. 158,

A bill for an act, to provide indeterminate sentences of persons convicted of certain crimes; providing for a board of experts empowered to prescribe suitable rules of conduct and treatment; and to determine how and when a person sentenced under this act shall be paroled or released; and providing for a parole officer.

And recommend that the same be amended as follows:

In the first line of the title strike out the word "intermediate" and insert the word "indeterminate" in lieu thereof.

In the fifth line of the title strike out all after the word "released."

Page 2, line 12, strike out the word "to" and insert the word "of."

In line 17 correct the spelling of the word "referred" by inserting the letter "r."

Page 2, section 3, line 1, strike out all after the figure "3" and insert "duties of field officers."

Page 3 strike out all of lines 2, 3, 4, 5 and 6; in line 7 strike out the words "parole officer" and insert "the officer who is or may hereafter be provided by law to look after the welfare of persons whose sentences have been suspended or who have been paroled."

In section 4, line 3, strike out the word "doctor" and insert the word "physician."

On page 5, section 5, line 2, after the word "penitentiary" insert the words "and prison physician"; on line 3 strike out the words "mileage and."

In section 7 strike out all of lines 4 and 5 after the word "sentences."

And when so amended recommend the same do pass.

Also,

House Bill No. 216,

A bill for an act for the inspection of fermented and spirituous liquors, malt liquors, wines, ciders and all beverages manufactured, sold or offered for sale as a substitute for intoxicating liquors, and providing for the appointment of a state inspector and deputies, prescribing their duties, designating their fees, and prescribing rules and regulations for such inspection, providing for the payment and disposition of such fees, providing penalties for the violation of the provisions of this act, designating ports of entry where liquor shipped into this state shall be inspected.

And recommend that the same be amended as follows:

Amend section 2 by striking out lines 7 and 8.

Amend section 8, line 8, by striking out the words and figures "five dollars (\$5.00)" and insert in lieu thereof the words and figures "not exceeding the sum of fifty dollars (\$50.00)."

Amend section 11 by striking out all of line 12 after the word "labels." Strike out all of line 13 and insert in lieu thereof the words "said shipper shall attach one label for each six gallons of liquor or fraction thereof contained in such bottle, jug, keg, barrel, case or other container of liquor."

Amend section 13 so as to read as follows:

"All fees collected and all revenues derived under the provisions of this act shall be paid into a fund to be known and designated as the 'liquor inspection fund,' and all expenses incurred under the provisions of this act, including the salary of the inspector and his deputies shall be paid monthly out of this fund, on warrants drawn by the state auditor, and all fees received by the inspector and his deputies shall on or before the last day of each month be paid into the state treasury by said inspector and shall be placed to the credit of said liquor inspection fund and any

sum remaining in said fund on the 31st day of December of each year shall then be transferred to the general revenue fund.”

Amend section 20 to read as follows:

“Section 20. All acts or parts of acts in conflict herewith are hereby repealed.”

And when so amended recommend the same do pass.

Also,

House Bill No. 136,

A bill for an act to amend section 3058, article 3, chapter 33, revised political code, 1905, state of North Dakota, relating to corporate powers of organized townships; and sections 3096 and 3097, article 8 of said chapter 33, revised political code, 1908, relating to by-laws of such organized townships.

And recommend that the same be amended as follows:

Strike out everything after the words “a bill” and insert the following:

“For an act to amend section 3133 of chapter 255 of the session laws of 1907, relating to powers of electors and supervisors of organized townships.”

Be It Enacted by the Legislative Assembly of the State of North Dakota:

Section 1. Amendment.) That section 3133 of the session laws of 1907, be and the same is hereby amended to read as follows:

Section 3133. Powers of Supervisors.) The supervisors shall have charge of such affairs of the township as are not by law committed to other township officers, and they shall have power to draw orders on the township treasury for the disbursement of such sums as may be necessary for the purpose of defraying the incidental expenses of the township and for all moneys raised by the township to be disbursed for any other purpose, and when it shall seem advisable by said board of supervisors, they may recommend to the electors of their township the expenditure of a stated amount, for the purpose of purchasing building sites, and purchase, erection, location or removal of any building or erection for a town hall, library building or other erection for the use and benefit of said township.

When an unincorporated village is within such corporate limits, the board of supervisors shall have all the powers to pass laws and ordinances for the government and regulation of such incorporated villages, as are conferred upon village boards by the provisions of section 2864 of article 2 of the revised political code of 1905, and all acts amendatory thereof, excepting those the exercise of which would conflict with the provisions of laws now existing relative to township boards.

Section 2. Emergency.) Whereas, an emergency exists in that there is no provision of law now providing for the purchase, erection, location or removal of township buildings, this act shall take effect and be in force from and after its passage and approval."

And when so amended recommend the same do pass.

Also,

Senate Bill No. 123,

A bill for an act declaring certain noxious weeds to be a public nuisance, and creating a commissioner of noxious weeds, providing for the manner of his appointment and prescribing his powers and duties, and providing penalties for failure to perform the same and providing penalties for failure to comply with his notice and orders.

And recommend that the same be amended as follows:

In line 10 of section 2 after the word "of" strike out all the words "two dollars and fifty cents" and insert in lieu thereof the following, "three dollars."

In line 7 of section 8 strike out the word "twenty."

In line 8 of section 8 strike out the word "five" and insert in lieu thereof the word "ten," and in same line, same section, strike out "twenty-five (\$25)" and insert in lieu thereof "ten (\$10)."

In line 7 of section 9, strike out "fifty (\$50)" and insert in lieu thereof "twenty-five (\$25)."

In line 8 of section 9 strike out "two hundred (\$200)," and insert in lieu thereof "one hundred (\$100)"; same line strike out "by" and insert in lieu thereof "in a," and after the word "action" add the following, "by the commissioner of noxious weeds and to cover the same into the general fund of the respective districts."

And when so amended recommend the same do pass.

Also,

House Bill No. 252,

A bill for an act to require public warehouses to clean all grain handled by them before testing the same for grade, and providing a penalty for the violation of this act.

And recommend that the same be amended as follows:

By inserting in line 3 of printed bill after the word "shall" "upon demand of person delivering same."

Also by striking out all of section 2 after the word "not" in line 11 and inserting in lieu thereof, "less than ten dollars, nor more than twenty-five dollars."

And when so amended recommend the same do pass.

Also,

House Bill No. 284,

A bill for an act regulating the practice in county courts having increased jurisdiction, and all matters relating thereto; fixing the terms of court, compensation of judges and clerks and other officers of said courts and their duties, and repealing sections 8289 and 8319 inclusive, of the revised codes of 1905 of North Dakota, and chapter 68, laws of 1907.

And recommend that the same be amended as follows:

Immediately after the enacting clause insert the following section: "Sec. 1. Jurisdiction. The county court shall have concurrent jurisdiction with the district court in all civil actions where the amount in controversy does not exceed one thousand dollars and in all criminal actions below the grade of felony." Strike out the figure 1 after the word section in line 1, of the printed bill, and insert the figure "2"; strike out the figure "2" in line 1, of section 2, of the printed bill, and insert the figure "3"; on page 2, line 1, after the word "Sec." strike out the figure "3" and insert the figure "4"; on page 2, line 1, of sec. 4, after the word "Sec." strike out the figure "4" and insert the figure "5"; on page 3, line 1, of section 5, after the word "Sec." strike out the figure "5" and insert the figure "6"; on page 2, line 4, of section 5, after the word "manner" insert the following: "In all civil actions tried to the court without a jury or wherein a trial by jury is waived, the judge of such county court, upon consent of all parties to the action, may hear testimony and take evidence in any part of his county"; on line 1, of section 6, of the printed bill, after the word "Sec." strike out the figure "6" and insert the figure "7"; on page 3, line 4, of section 6, of the printed bill, strike out the word "for" and insert the word "to" in lieu thereof; in line 1, page 3, section 7, of the printed bill, after the word "Sec." strike out the figure "7" and insert the figure "8"; in line 1, of section 8, of the printed bill, after the word "Sec." strike out the figure "8" and insert the figure "9"; in line 3, of section 8, page 4, of the printed bill, after the word "Tuesday" strike out the words "after the first Monday"; on the same page and section, line 6, strike out the word "was" and insert the word "is"; and in the same page and section, line 8, strike out the word "time" and insert

the word "term"; following section 8, of the printed bill, insert section 25, of the printed bill, and number it Sec. 10; following section 10, insert the following section: "Sec. 11. Jury May Be, Required to Attend Subsequent Terms. Any jury so summoned may at the discretion of the judge of such county court be required by such judge to attend at any subsequent adjourned or regular term of such court not exceeding in all one calendar year. Jurors shall attend without service of venire or summons upon receipt of a notice from the clerk of such court stating the date on which his appearance is required, which notice may be served by registered mail"; on line 1, of section 9, of the printed bill, after the word "sec." strike out the figure "9" and insert the figure "12"; in the same section, line 3, of the printed bill after the word "judge," add the following words: "Such bailiff shall have the same powers as a constable and shall receive for his services the same fees as are prescribed for constables"; on page 4, line 1, of section 10, of the printed bill, after the word "Sec." strike out the figure "10" and insert the figure "13"; on page 5, section 11, line 1, of the printed bill, after the word "Sec." strike 12, of the printed bill, after the word "Sec." strike out the figure "12" and insert the figure "15"; on page 6, line 1, of Sec. 13, of the printed bill, after the word "Sec." strike out the figure "13" and insert the figure "16"; in line 3, of Sec. 13, of the printed bill, strike out the word "five" and insert the word "ten"; in the same section, line 9, of the printed bill, strike out the word "five" and insert the word "ten"; in the same section, line 14, of the printed bill, strike out the word "offec" and insert the word "office"; in the same line and section, strike out the word "five" and insert the word "ten"; in the same section, line 17, strike out the word "five" and insert the word "ten"; in the same section, line 19, strike out the word "five" and insert the word "ten"; on page 7, Sec. 14, of the printed bill, after the word "Sec." strike out the figure "14" and insert the figure "17"; immediately after the figure "14" in the same line, insert the title "service by publication"; in the same line, strike out the letter "a" after the word "by"; on line 1, section 15, of the printed bill, after the word "Sec." strike out the figure "15" and insert the figure "18"; in line 1, of section 16, of the printed bill, strike out the figure "16" and insert the figure "19"; on page 9, line 1, of section 17, strike out the figure "17" and insert the figure "20"; on the same page, line 1, of section 18, of the printed bill, strike out the figure "18" and insert the figure "21"; in the same section, line 5, of the printed bill after the word "district" strike out the word "judge" and insert the word "court"; in section 20, line 1, strike out the figure "20" and insert the figure "22"; in the second section 20, line 1, strike out the figure "20" and insert the figure "23"; same section, line 3, strike out the word "garnishee" and insert the word "garnishment"; section 21, line 1, of the printed bill, strike out the figure "21" and insert the figure "24"; strike out all of section 22, of the printed bill, and insert in lieu thereof the following: "Sec. 25. Place of Trial of Civil Action. The place of trial of all civil actions shall be governed by chapter 6 of the code of civil procedure of the 1905 Revised Codes of the State of North Dakota. And an action may be commenced in the county court of any county in the state, subject to removal for cause. If the county designated for that purpose in the summons and complaint is not the proper county the action may, notwithstanding, be tried therein unless the defendant before the time for answering expires demands in writing that the trial be had in the proper county, and the place of trial be thereupon changed by consent of the parties, or by order of the court as provided in this section. The court may change the place of trial in the following cases:

1. When the county designated for that purpose in the complaint is not the proper county.
2. When there is reason to believe that an impartial trial cannot be had therein.

3. When convenience of witnesses and the ends of justice would be promoted by the change. Provided, however, that if the county to which a change of venue is demanded or ordered as herein-above provided, does not have a county court with increased jurisdiction, in that event a change of venue shall be granted and had to the district court of the proper county, and said action shall be tried and determined in said district court as if the same had originally been commenced in such district court, but costs shall be taxed and allowed as in a county court having increased jurisdiction"; strike out section 23 of the printed bill, and insert the following: Sec. 26. Prejudice of Judge; Affidavit; Procedure.) Whenever the defendant, in a criminal action shall before the opening of any term in which the case appears on the calendar for trial, file his affidavit stating that he has good reason to believe and does believe that he cannot have a fair and impartial trial of such action on account of the bias or prejudice of the judge of the county court in which said action is pending, the court shall thereafter proceed in said action, as follows:

1. The court may request, arrange and procure the judge of another county having a county court with increased jurisdiction to preside at said trial in the county in which the action is pending. A change upon the ground in this section provided for must be asked at the time hereinafter provided and not more than one change can be granted therefor; but if a trial has been had without a verdict, a change for the cause provided for in this section may be had if asked for at the term at which said trial was had and before another trial of the action is begun, provided; that the county judge before whom said affidavit is filed may in his discretion in lieu thereof certify all proceedings to the district court.

2. The actual expenses of a county judge, procured under the provisions of this section while traveling to and from the county to which he has been called and during the trial of the cause, shall be paid by the county in which the action was pending.

When either party to a civil action pending in any of the county courts having increased jurisdiction, in his state, shall, after issue is joined and before the opening of any term at which the cause is to be tried, file an affidavit, corroborated by the affidavit of his attorney in such cause and that of at least one reputable person, stating that there is good reason to believe that such party cannot have a fair and impartial trial of said action by reason of the prejudice, bias or interest of the judge of the county court in which the action is pending, the court shall proceed no further in the action, but shall forthwith request, arrange for and procure the county judge of some other county of the state having a county court of increased jurisdiction to preside at such trial in the county in which the action is pending. The actual expenses of such judge while in attendance upon the trial of the cause for which the change was had and the extra expense of the court and jury, incurred by reason of said change, shall be paid by the person asking for the change, in advance, or a bond, to be approved by the clerk of the county court, given therefor, the amount of said bond being fixed by the presiding judge, provided, that not more than one such change shall be granted on the application of either party, and provided that the county judge before whom said affidavit is filed may in his discretion in lieu thereof certify all proceedings to the district court. A failure to file the affidavit of prejudice hereinafter mentioned within the time before specified in any criminal or civil action shall constitute a waiver of all objections to the trial of such action by the presiding judge of such county court." On page 12, section 24, of the printed bill, strike out the figure "24" and insert the figure "27"; on the same page and section, lines 5 and 6, strike out the words "not less than ten days" and insert in lieu thereof the words "on or"; strike out sections 25 and 26 of the printed bill; on page 13, line 1, of section 27, of the printed bill, strike out the figure "27" and insert in lieu thereof the figure "28"; on page 14, in line 1, of section 28, of the printed bill,

strike out the figures "28" and insert the figure "29"; on the same page, in line 1, of section 29, of the printed bill, strike out the figure "29" and insert the figure "30"; on page 15, in line 1, of section 30, of the printed bill, strike out the figure "30" and insert the figure "31"; strike out the word "provided" in line 4, page 15, same section, and strike out all of lines 5 and 6; on the same page and same section, in line 1, of section 31, of the printed bill, strike out the figure "31" and insert the figure "32"; in line 5, same section and page, strike out the letter "s" in the word "commits"; on page 16, line 1, of section 32, of the printed bill, strike out the figure "32" and insert the figure "33"; on the same page line 1, of section 33, of the printed bill, strike out the figure "33" and insert the figure "34"; on page 17, line 1, of section 34, of the printed bill, strike out the figure "34" and insert the figure "35"; on line 3, same section and page, after the word "court" add the words "The judge of a county court having increased jurisdiction may act as a committing magistrate, and hold preliminary examinations in any part of his county"; on the same page, in line 1, of section 35, of the printed bill, strike out the figure "35" and insert the figure "36"; on the same page, line 1, of section 36, of the printed bill, strike out the figure "36" and insert the figure "37"; on page 18, line 1, of section 37, of the printed bill, strike out the figure "37" and insert the figure "38"; on the same page, in line 1, of section 38, of the printed bill, strike out the figure "38" and insert the figure "39"; on the same page, line 1, of section 39, of the printed bill, strike out the figure "39" and insert the figure "40"; on the same page, line 1, of section 40, of the printed bill, strike out the figure "40" and insert the figure "41"; on page 20, line 1, of section 41, of the printed bill, strike out the figure "41" and insert the figure "42"; on page 21, line 1, of section 42, of the printed bill, strike out the figure "42" and insert the figure "43"; on the same page, line 1, of section 43, of the printed bill, strike out the figure "43" and insert the figure "44"; on the same page, and section, line 8, strike out the word "three" and insert the word "two" in lieu thereof; on the same page, in line 1, of section 44, of the printed bill, strike out the figure "44" and insert the figure "45"; on page 22, line 1, of section 45 of the printed bill, strike out the figure "45" and insert the figure "46" on the same page, line 1, of section 46, of the printed bill, strike out the figure "46" and insert the figure "47"; and immediately after the figure 46, insert the word "Repeal.") as the title to the section.

And when so amended recommend the same do pass.

Also,

House Bill No. 229,

A bill for an act to amend section 126 of the revised codes of 1905, providing for the appointment of assistant attorneys general, and fixing their salary, and appropriating money to pay the same.

And recommend that the same be amended as follows:

On page 1, line 2 of section 2 of the printed bill, strike out the words "three thousand" and insert in lieu thereof the words "two thousand five hundred."

On page 2, line 3 of section 3, strike out the words "six thousand" and insert in lieu thereof the words "five thous-

and"; in the same line after the word "dollars" insert the words "per annum."

And when so amended recommend the same do pass.

Also,

Senate Bill No. 170,

A bill for an act to amend chapter 161 of the session laws of 1907, relating to the boundaries of the Ninth judicial district, and prescribing and defining the terms of the district court therein.

And recommend that the same be amended as follows:

Amend the title by inserting after the word "the" in line 2 of the title of the printed bill, the following: "second, eighth, and by striking out the word "prescribing" in line 2, of the title; and by striking out the entire third line of the title, and inserting after the word "and" in line 2, the following: "providing for terms of court in said districts;" that the same be further amended by striking out everything after the enacting clause and inserting the following:

"Sec. 1. Amendment.) Section 3 of Chapter 161 of the Session laws of 1907, relating to terms of court in the second, eighth and ninth Judicial Districts of the State of North Dakota, is hereby amended to read as follows:

Sec. 3. Terms of Court.) The terms of the District Court for the second and eighth Judicial Districts shall remain as now fixed.

The terms of the District Court in the Ninth Judicial District shall be held at the county seat of each county in said district as follows:

In the county of Bottineau, on the second Monday in February, the fourth Monday in April, the fourth Monday in June, the third Monday in September, and the third Monday of November of each year, provided, that no jury shall be called for the terms of court beginning on the fourth Monday in April, the fourth Monday in June and the third Monday in September, except in the discretion of the District Judge.

In the County of McHenry on the second Monday in March, the second Monday in May and the third Monday in July, the first Monday in October and the third Monday in December of each year, provided, that no jury shall be called for the terms of court beginning the second Monday in May, the third Monday in July, and the first Monday in October, except in the discretion of the District Judge.

In the County of Pierce on the third Monday in January, the first Monday in April, the first Monday in June, the first Monday in September and the third Monday in October of each year, provided, that no jury shall be called for the terms of court beginning the first Monday in April, the first Monday in September, and the third Monday in October, except in the discretion of the District Judge.

Any terms of court now called for the Ninth Judicial District by the presiding judges of the Second and Eighth Judicial Districts shall be duly held, unless continued by the Judge of the Ninth Judicial District, for cause.

Sec. 2. Emergency.) Whereas, an emergency exists in this, that it is necessary for the perfection of court work in said Ninth Judicial District, that this amendment take effect prior to July 1st, 1909, therefore this act shall take effect and be in force from and after its passage and approval.

And when so amended recommend the same do pass.

Also,

House Bill No. 290,

A bill for an act to authorize a popular vote upon the question of calling a delegate convention to amend and revise the constitution of the state of North Dakota.

And recommend that the same be indefinitely postponed.

Also,

House Bill No. 280,

A bill for an act to amend section 390 of the revised codes of 1905 of North Dakota, appropriating money for clerk hire in the several state offices, and fixing the salaries of the chief deputy state officers.

And recommend that the same be indefinitely postponed.

Also,

House Bill No. 298,

A bill for an act to regulate the maintenace of barns, stables and other structures for keeping animals within the residence portions of cities, towns and villages.

And recommend that the same be indefinitely postponed.

Also,

House Bill No. 225,

A bill for an act to regulate the itinerant vending of medicines, nostrums and appliances for the treatment of disease, injury or deformity.

And recommend that the same be indefinitely postponed.

Also,

House Bill No. 197,

A bill for an act, entitled an act making appropriations for permanent improvements at the state university and school of mines of North Dakota.

And recommend that the same be amended as follows:

Referring to printed bill—

On line 9 change figures from \$100,000 to \$60,000.

On line 11, change figures from \$21,000 to \$15,000.

On line 20, change item from \$5,000 to \$3,000.

Strike out lines 23 and 24.

Insert for deficiency and maintenance, \$15,000.

All other items to remain unchanged.

Leaving total amount as allowed for bill, \$189,000.

And when so amended recommend the same do pass.

Also,

House Bill No. 179,

A bill for an act to provide an appropriation for the current and contingent expenses and for permanent improvements for the state school of science at Wahpeton.

And recommend that the same be amended as follows:

Referring to printed bill—

Strike out line 11.

On line 12, change figures from \$7,000 to \$1,500.

On line 13, change figures from \$2,500 to \$1,700.

On line 16, change figures from \$1,000 to \$800.

On line 18, change figures from \$2,200 to \$1,200.

Making total amount as amended \$60,000.

And when so amended recommend the same do pass.

Also,

House Bill No. 172,

A bill for an act making appropriation for the Valley City normal school located in Valley City, Barnes county, North Dakota.

And recommend that the same be amended as follows:

Referring to printed bill—

On line 13 change the figures from \$50,000 to \$45,000.

On line 14 change the figures from \$25,000 to \$20,000.

On line 15 change the figures from \$50,000 to \$40,000.

On line 19 change the figures from \$2,302 to \$2,375."

On line 20 change the figures from \$2,000 to \$1,000.

On line 21 change the figures from \$3,000 to \$2,500.

On line 22 change the figures from \$2,500 to \$1,500.

Strike out all of line 27.

On line 28 change figures from \$2,500 to \$1,500.

Strike out all of lines 29 and 30.

All other items to remain unchanged.

Total amount as amended to be \$152,875.

And when so amended recommend the same do pass.

M. M. CHATFIELD,
Chairman.

Mr. Chatfield moved

That the report of the committee of the whole be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Mr. Schull gave notice that he would move to reconsider that part of the report of the committee of the whole relating to House Bill No. 290.

Mr. Nelson of Steele gave notice that he would move to reconsider that part of the report of the committee of the whole relating to House Bill No. 225.

Mr. Price gave notice that he would move to reconsider that part of the report of the committee of the whole relating to House Bill No. 280.

Mr. Chatfield moved

That the vote by which the report of the committee of the whole was adopted, except that part relating to House Bills Nos. 280, 290 and 225, be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

Mr. Skulason moved

That the rules be suspended and House Bills Nos. 197, 179 and 172 be considered engrossed and placed upon their third reading and final passage.

Which motion prevailed, and

House Bill No. 197,

A bill for an act, entitled an act making appropriations for permanent improvements at the state university and school of mines 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 79, nays 3, absent and not voting 13.

Those who voted in the affirmative were:

Messrs.—

Aasheim
Akesson
Anderson
Baker of Cass
Baker of Stark
Brusletten

Messrs.—

Hemmingson
Hendrickson
Hill
Homnes
Honey
Hughes

Messrs.—

Paulson
Pendray
Plath
Ployhar
Poe
Price

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|----------------------|---------------------|
| Brynjulson | Jewett | Putnam |
| Burnett | Johnson of Bottineau | Senour |
| Chatfield | Johnson of McLean | Sgutt |
| Christenson | Johnson of Rolette | Sheils |
| Collins of Cass | Kinney of McLean | Skinner |
| Collins of Gd. Forks | Kinney of Richland | Skulason |
| Crawford | Kneeland | Sorlie |
| Cunningham | Knox | Steen |
| Davidson | Law | Storey |
| Doyle of Foster | Laithwaite | Streeter |
| Duncan | Linde | Thompson, Gd. Forks |
| Evans | Lucke | Thompson of McLean |
| Freeman | Martin | Thoreson |
| Ganssle | McCrea | Ward |
| Garden | McLear | Welford |
| Geidt | Moen of Benson | White |
| Gibbens | Narum | Wisner |
| Goldammer | Nelson of Steele | Wolbert |
| Grant | Nelson of Walsh | Young |
| Hale | Olson | Mr. Speaker |
| Hanley | | |

Those who voted in the negative were:

| Messrs.— | Messrs.— | Messrs.— |
|-----------|-------------------|-------------------|
| Bjorndahl | Doyle of McIntosh | Nelson of McHenry |

Absent and not voting:

| Messrs.— | Messrs.— | Messrs.— |
|----------|------------------|----------|
| Atwood | Lindvig | Pound |
| Burns | Moen of Cavalier | Schull |
| Dibley | Nyhus | Sinclair |
| Fraine | Peart | Traynor |
| Kremer | | |

Mr. Bjorndahl explained his vote.

Mr. Dibley being excused.

So the bill passed and the title was agreed to.

Mr. Skulason moved

That the vote by which House Bill No. 197 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 179,

A bill for an act to provide an appropriation for the current and contingent expenses and for permanent improvements for the state school of science at Wahpeton.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 78, nays 3, absent and not voting 14.

Those who voted in the affirmative were:

| | | |
|----------------------|----------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Hemmingson | Paulson |
| Akesson | Hendrickson | Pendray |
| Anderson | Hill | Plath |
| Baker of Cass | Homnes | Ployhar |
| Baker of Stark | Honey | Pound |
| Brusletten | Hughes | Price |
| Brynjulson | Jewett | Putnam |
| Burnett | Johnson of Bottineau | Senour |
| Burns | Johnson of McLean | Sgutt |
| Chatfield | Johnson of Rolette | Shells |
| Christenson | Kinney of McLean | Skinner |
| Collins of Cass | Kinney of Richland | Skulason |
| Collins of Gd. Forks | Kneeland | Sorlie |
| Crawford | Law | Steen |
| Cunningham | Laithwaite | Storey |
| Davidson | Linde | Streeter |
| Doyle of Foster | Lindvig | Thompson, Gd. Forks |
| Evans | Lucke | Thompson of McLean |
| Freeman | McCrea | Thoreson |
| Ganssle | Moen of Benson | Ward |
| Garden | Moen of Cavaller | Welford |
| Gibbens | Narum | White |
| Goldammer | Nelson of Steele | Wisner |
| Grant | Nelson of Walsh | Wolbert |
| Hale | Nyhus | Young |
| Hanley | Olson | Mr. Speaker |

Those who voted in the negative were:

| | | |
|-------------------|----------|-------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Doyle of McIntosh | Geidt | Nelson of McHenry |

Absent and not voting:

| | | |
|-----------|----------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Atwood | Knox | Poe |
| Bjorndahl | Kremer | Schull |
| Dibley | Martin | Sinclair |
| Duncan | McLear | Traynor |
| Fraine | Peart | |

Mr. Dibley being excused.

So the bill passed and the title was agreed to.

Mr. Brusletten moved

That the vote by which House Bill No. 179 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 172,

A bill for an act making appropriation for the Valley City normal school located in Valley City, Barnes 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 83, nays 2, absent and not voting 10.

Those who voted in the affirmative were:

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|----------------------|---------------------|
| Aasheim | Hanley | Peart |
| Akesson | Hemmingson | Pendray |
| Anderson | Hendrickson | Plath |
| Baker of Cass | Hill | Ployhar |
| Baker of Stark | Hommes | Poe |
| Bjorndahl | Honey | Pound |
| Brusletten | Hughes | Price |
| Brynjulson | Jewett | Putnam |
| Burnett | Johnson of Bottineau | Senour |
| Burns | Johnson of McLean | Sgutt |
| Chatfield | Johnson of Rolette | Sheils |
| Christenson | Kinney of McLean | Skinner |
| Collins of Cass | Kinney of Richland | Skulason |
| Collins of Gd. Forks | Kneeland | Sorlie |
| Crawford | Knox | Steen |
| Cunningham | Law | Storey |
| Davidson | Laithwaite | Streeter |
| Doyle of Foster | Linde | Thompson, Gd. Forks |
| Duncan | Lindvig | Thompson of McLean |
| Evans | Lucke | Thoreson |
| Freeman | McCrea | Ward |
| Ganssle | McLear | Welford |
| Garden | Moen of Benson | White |
| Geidt | Moen of Cavalier | Wisner |
| Gibbens | Narum | Wolbert |
| Goldammer | Nelson of Steele | Young |
| Grant | Nyhus | Mr. Speaker |
| Hale | Olson | |

Absent and not voting:

| Messrs.— | Messrs.— | Messrs.— |
|----------|-----------------|----------|
| Atwood | Martin | Schull |
| Dibley | Nelson of Walsh | Sinclair |
| Fraine | Paulson | Traynor |
| Kremer | | |

Messrs. Doyle of McIntosh and Nelson of McHenry voting in the negative.

Mr. Dibley being excused.

So the bill passed and the title was agreed to.

Mr. Ployhar moved

That the vote by which House Bill No. 172 passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 113,

A bill for an act to amend chapter 258 of the session laws of the state of North Dakota of 1907, being an act to prohibit discrimination between different sections, communities or localities, unfair competition 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 67, nays 17, absent and not voting 11.

Those who voted in the affirmative were:

| Messrs.— | Messrs.— | Messrs.— |
|-------------------|----------------------|---------------------|
| Aasheim | Hendrickson | Nelson of Steele |
| Akesson | Homnes | Nyhus |
| Anderson | Hughes | Olson |
| Baker of Cass | Jewett | Paulson |
| Bjorndahl | Johnson of Bottineau | Pendray |
| Brusletten | Johnson of McLean | Plath |
| Brynjulson | Johnson of Rolette | Ployhar |
| Burnett | Kinney of McLean | Poe |
| Burns | Kinney of Richland | Price |
| Chatfield | Knox | Putnam |
| Christenson | Law | Senour |
| Collins of Cass | Laithwaite | Skinner |
| Crawford | Linde | Skulason |
| Doyle of McIntosh | Lindvig | Steen |
| Duncan | Lucke | Storey |
| Evans | Martin | Thompson, Gd. Forks |
| Freeman | McCrea | Thompson of McLean |
| Ganssle | McLear | Thoreson |
| Garden | Moen of Benson | Ward |
| Gibbens | Moen of Cavalier | Welford |
| Goldammer | Narum | Wisner |
| Grant | Nelson of McHenry | Young |
| Hemmingson | | |

Those who voted in the negative were:

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|----------|-------------|
| Baker of Stark | Hanley | Sorlie |
| Collins of Gd. Forks | Hill | Streeter |
| Cunningham | Honey | White |
| Davidson | Kneeland | Wolbert |
| Doyle of Foster | Sgutt | Mr. Speaker |
| Hale | Shells | |

Absent and not voting:

Messrs.—
Atwood
Dibley
Fraine
Geidt

Messrs.—
Kremer
Nelson of Walsh
Peart
Pound

Messrs.—
Schull
Sinclair
Traynor

Mr. Dibley being excused.

Mr. White explained his vote.

Mr. Wolbert explained his vote.

So the bill passed and the title was agreed to.

Mr. Chatfield moved

That the house reconsider the vote by which House Bill No. 113 passed.

Which motion prevailed.

Mr. Chatfield moved

That House Bill No. 113 be re-referred to the committee on judiciary.

Which motion prevailed, and

The bill was so re-referred.

Mr. Grant moved

That House Bill No. 353 be withdrawn from the committee on highways and re-referred to the committee on taxation and tax laws.

Which motion prevailed, and

The bill was so re-referred.

COURTESIES OF THE FLOOR.

The privileges of the floor were extended to M. E. Long, Pinto; W. G. Gillespie, F. D. Hall, Fargo,

Mr. Streeter moved

That the house do now adjourn.

Which motion prevailed, and

The house adjourned.

W. D. AUSTIN,
Chief Clerk.

FIFTY-THIRD DAY

**HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 26, 1909.**

The house assembled at 2 o'clock p. m., pursuant to adjournment.

The speaker presiding.

Prayer by the Rev. Anderson of Valley City.

Roll call.

All members present except Mr. Dibley, who was excused.

REFERENCE OF THE JOURNAL.

The committee on revision and correction of the journal made the following report:

Mr. Speaker:

Your committee on revision and correction of the journal have carefully examined the journal of the fifty-second day and recommend that the same be corrected as follows:

Page 45, line 1, change Brusletten to Ployhar.

And when so amended recommend that the same be approved.

**S. J. DOYLE,
Chairman.**

Mr. Doyle moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

MESSAGE FROM THE SENATE.

The following message was received from the senate.

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
February 26, 1909.

Mr. Speaker:

I have the honor to return herewith

House Bill No. 183,

A bill for an act to amend section 928 of the revised codes of North Dakota, 1905, as amended by chapter 103 of the session laws of 1907, relating to depositories of school funds.

Also,

House Bill No. 86,

A bill for an act making contracts containing provisions, preventing purchasers from setting up defects in articles of commerce as counter claims, void as against public policy.

Also,

House Bill No. 185,

A bill for an act to amend section 922 of the revised codes of North Dakota relating to proposals for depositories of school funds.

Which the senate has indefinitely postponed.

Also,

Mr. Speaker:

I have the honor to transmit herewith

Senate Bill No. 288,

A bill for an act to amend chapter 218 of the session laws of North Dakota, 1907, relating to property exempt from taxation.

Also,

Senate Bill No. 225,

A bill for an act defining the tenth judicial district, and providing for terms of court therein.

Also,

Senate Bill No. 133,

A bill for an act to amend section 2586 of the revised codes of North Dakota for 1905, relating to salaries of judges of the county court.

Also,

Senate Bill No. 268,

A bill for an act authorizing the trustees of the institution for feeble minded, to transport, at the expense of the state, inmates whose parents or guardian has removed from the state to the residence of such parent or guardian without the state, and providing an appropriation therefor.

Also,

Senate Bill No. 92,

A bill for an act for the betterment of the public highways in the state, to provide for the establishment of a uniform system of drainage of such highways and lands adjacent thereto, to provide for the necessary surveys therefore and the payment of the costs of construction and maintenance thereof, and empowering certain officers to establish and maintain such system, and for purposes connected therewith.

Also,

Senate Bill No. 93,

A bill for an act authorizing the sale of a certain portion of the land granted by the United States government for a memorial park and burial ground of soldiers killed at the battle of White Stone Hill, and to provide how the moneys arising from such sale shall be expended.

Also,

Senate Bill No. 188,

A bill for an act authorizing the state engineer to grant permits for the appropriation of flood waters of draws,

coulees or streams and water courses, which for the greater part of the year flow less than one-third of one cubic foot per second.

Also,

Senate Bill No. 199,

A bill for an act to amend section 3054 of the revised codes of North Dakota for 1905, relating to the division of organized townships.

Also,

Senate Bill No. 206,

A bill for an act regulating the closing of pool and billiard halls, bowling alleys and temperance saloons, and providing penalties for the violation thereof.

Also,

Senate Bill No. 278,

A bill for an act, entitled an act to amend section 9758 of the state of North Dakota, relating to preliminary examinations.

Also,

Senate Bill No. 279,

A bill for an act, entitled an act to repeal section 2478 of the revised codes of the state of North Dakota, relating to partial payment of taxes.

Also,

Senate Bill No. 281,

A bill for an act, entitled an act to repeal chapter 180 of the session laws of 1907, enacted by the tenth legislative assembly of the state of North Dakota, relating to indeterminate sentences of persons convicted of crime.

Which the senate has passed and your favorable consideration is respectfully requested.

Also,

Mr. Speaker:

I have the honor to transmit herewith the following concurrent resolution:

Whereas, the present tariff system has created conditions in the United States which need to be remedied, especially in such cases where it has

brought a number of necessities of life under the absolute control of a small number of unprincipled trust magnates, we believe in a wise and adequate reduction; but,

Whereas, the tariff rates now existing for the protection of farm products have proven to be highly beneficial to all agricultural states; now therefore, be it

Resolved by the Senate of the State of North Dakota, the House of Representatives concurring:

That our congressional delegation be respectfully requested to use all honorable means to have the present tariff rates on all farm products retained.

Which the senate has adopted and your favorable consideration is respectfully requested.

Also,

Mr. Speaker:

I have the honor to transmit herewith the following concurrent resolution:

Whereas, at the request of the president of the United States the governors of the various states and certain private citizens of national importance, met in the year 1908 for the purpose of discussing the conservation of our national resources, and

Whereas, the personnel of such gathering created nation-wide interest in the subject matters brought before it and the meeting demonstrated the practical necessity for the intelligent husbanding through legislative enactment of nature's magnificent gifts. Therefore, be it

Resolved by the Senate of the Eleventh Legislative Assembly, the House of Representatives Concurring:

That the governor is hereby requested to create an honorary commission to be known as the North Dakota Conservation Commission, which commission shall be composed of the governor, who shall act as chairman, and two appointees of the governor, together with the state geologist and the state engineer as ex-officio members of said commission.

The purpose of this commission shall specifically be the consideration of the steps necessary to be taken looking toward the proper conservation and wise utilization of the state's natural resources, and adequate development and administration of the scientific and technical work of the state, the practical application of both drainage and irrigating system to our farm lands and the recommending to successive legislative assemblies of such legislation as the commission deems right and proper for the conservation of natural resources.

Which the senate has adopted and your favorable consideration is respectfully requested.

Very respectfully,
J. W. FOLEY,
 Secretary.

Mr. Skulason moved

That the senate concurrent resolution relating to the present tariff be referred to the committee on state affairs.

Which motion prevailed, and

The resolution was so referred.

Mr. Skulason moved

That the senate concurrent resolution relating to the North Dakota conservation commission be referred to the committee on state affairs.

Which motion prevailed, and

The resolution was so referred.

The committee on engrossment made the following report:

Mr. Speaker:

Your committee on engrossment have examined

House Bill No. 61,

A bill for an act to amend section 2802 of the revised codes of North Dakota, relating to publication of notice of special assessment list by city auditor, and to provide for the method of procedure in perfecting appeals from acts of the special assessment commission for cities.

Also,

House Bill No. 76,

A bill for an act, entitled an act prohibiting railroads, railroad corporations and common carriers from carrying any passenger free or at a less rate than is charged the general public, and providing a penalty therefor, and making it unlawful for any person to ask for or accept any such free transportation or transportation purchased at a less rate than that charged the general public, and providing a penalty therefor, and providing transportation for the board of railroad commissioners and its secretary.

Also,

House Bill No. 117,

A bill for an act to amend section 9366 of the revised code of North Dakota, as amended by chapter 191 of the laws of 1907, defining intoxicating liquors, so that the same shall read as follows:

Also,

House Bill No. 163.

For amendment to the constitution of the state of North Dakota, relating to revenue and taxation.

Also,

House Bill No. 226,

A bill for an act providing for the appointment of a commission to compile, revise and codify the laws of the state of North Dakota, relating to matters of substantive law and procedure concerning probate and testamentary matters and matters of administration and guardianship, and to report the same to the twelfth legislative assembly for adoption or rejection, and to provide for the compensation of the members thereof.

Also,

House Bill No. 240,

A bill for an act to regulate the width of sleighs, sleds and cutters on public highways.

Also,

House Bill No. 250,

A bill for an act to amend chapter 70 of the laws of 1905, being sections 1310, 1311, 1312, 1313, 1314 and 1315 of the revised codes of 1905, relating to the levy of a tax in certain counties, to aid in the maintenance of county agricultural fair associations, and to repeal parts of same.

Also,

House Bill No. 253,

A bill for an act to amend section 2432 of the revised codes of North Dakota of 1905, relating to the publication of the proceedings of the board of county commissioners.

Also,

House Bill No. 281,

A bill for an act to amend section 2620 of the revised codes of 1905, relating to legal rates for publication of legal notices.

Also,

House Bill No. 301,

A bill for an act prohibiting the running of theaters, vaudeville theaters and moving picture theaters in this state on Sunday and prescribing the penalty for a violation thereof.

Also,

House Bill No. 331,

A bill for an act to amend section 9391 of the revised codes of North Dakota for 1905, relating to giving liquor to Indians.

Also,

House Bill No. 348,

A bill for an act fixing the salary of the secretary of the board of railroad commissioners and requiring them to reside at the capital city.

And find the same correctly engrossed.

C. C. CRAWFORD,
Chairman.

Mr. Crawford moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. Speaker:

Your committee on engrossment have examined

House Bill No. 110,

A bill for an act requiring state officials to reside at the capitol and to provide adequate compensation.

And find the same correctly re-engrossed.

C. C. CRAWFORD,
Chairman.

Mr. Crawford 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. Speaker:

Your committee on state affairs to whom was referred
House Bill No. 176,

A bill for an act to amend section 3213 of the revised codes of North Dakota for the year 1905, relating to the purchase of road machinery.

Have had the same under consideration and recommend that the same be indefinitely postponed.

W. J. PRICE,
Chairman.

Mr. Price moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Also,

Your committee on state affairs to whom was referred
House Bill No. 112,

A bill for an act to regulate dealers in nursery stock and their agents and salesmen in the state of North Dakota.

Have had the same under consideration and recommend that the same be amended as follows:

Amend title by inserting after the words "North Dakota" "and to provide a nursery inspector."

Also strike out all of that portion of the bill after the enacting clause, and insert section 1 to 12 as per attached.

And when so amended recommend the same do pass.

W. J. PRICE,
Chairman.

Also,

Your committee on state affairs to whom was referred
House Bill No. 325,

A bill for an act to create a state board of control, and provide for the management and control of public property at the charitable, reformatory and penal institutions of the

state, and to make an appropriation therefor, and abolishing existing boards governing such institutions.

Have had the same under consideration and recommend that the same be indefinitely postponed.

W. J. PRICE,
Chairman.

Mr. Price moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Also,

Your committee on state affairs to whom was referred
House Bill No. 327,

A bill for an act to create a state board of control, and to provide for the management and control of the soldiers' home, the charitable, reformatory and penal institutions of the state, and to provide for supervisory powers over the state educational institutions, and to make an appropriation therefor, and for the defining of certain offenses, and providing penalties therefor.

Have had the same under consideration and recommend that the same be amended as follows:

Strike out all of section 22 of the printed bill and insert the following in lieu thereof:

"The board shall advertise for and receive competitive bids from architects to prepare plans, specifications, estimates and details for buildings, betterments, equipment, exceeding one thousand (\$1,000.00) dollars in value, which may be necessary in any of the institutions, and supervising the work of construction on all buildings, betterments and improvements done at institutions under the control of the board. The architect whose plans, specifications and estimates shall be adopted by the board shall receive such compensation as said board may specify in its advertising for such bids."

Also section 47, line 19 of the printed bill, after the word "bidder" insert the following, "which bids shall be opened

publicly and in the presence of the respective bidders present."

And when so amended recommend the same do pass.

W. J. PRICE,
Chairman.

Mr. Price moved

That the rules be suspended and the report of the committee be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on warehouses and grain grading made the following report:

Mr. Speaker:

Your committee on warehouse and grain grading to whom was referred

House Bill No. 291,

A bill for an act to amend section 2247 of the revised codes of North Dakota for 1905, relating to bonds of public warehouses.

Have had the same under consideration and recommend that the same do pass.

C. E. KNOX,
Chairman.

Mr. Knox moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on warehouses and grain grading to whom was referred

House Bill No. 272,

A bill for an act to amend section 2242 of the revised codes for 1905; relating to the handling, weighing and storing of grain, and providing for the revoking of warehouse licenses.

Have had the same under consideration and recommend that the same do pass.

C. E. KNOX,
Chairman.

Mr. Knox moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on election and privileges made the following report:

Mr. Speaker:

Your committee on elections and privileges to whom was referred

House Bill No. 236,

A bill for an act to amend section 651 of the revised codes of the state of North Dakota for 1905.

Have had the same under consideration and recommend that the same do pass.

MATT JOHNSON,
Chairman.

Mr. Johnson moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on elections and privileges to whom was referred

House Bill No. 299,

A bill for an act to amend section 13 of chapter 109 of the session laws of 1907, relating to the selection of candidates for United States senator by popular vote.

Have had the same under consideration and recommend that the same be indefinitely postponed.

MATT JOHNSON,
Chairman.

Mr. Johnson moved

That the report be adopted.

Which motion prevailed.

The further consideration of the bill was indefinitely postponed.

Also,

Your committee on elections and privileges to whom was referred

House Bill No. 13,

An act to limit the expenses of candidates for nomination to public offices before the primary.

Have had the same under consideration and recommend that the same be referred to general orders without recommendation.

MATT JOHNSON,
Chairman.

Mr. Johnson moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also.

A majority of your committee on elections and privileges to whom was referred

House Bill No. 40,

A bill for an act to secure the purity of elections.

Have had the same under consideration and recommend that the same be indefinitely postponed.

MATT JOHNSON,
Chairman.

Also,

A minority of your committee on elections and privileges to whom was referred

House Bill No. 40,

A bill for an act to secure the purity of elections.

Have had the same under consideration and recommend that the same do pass.

A. S. GIBBENS,
C. E. DAVIDSON,
G. A. McCREA.

The committee on agriculture made the following report:

Mr. Speaker:

Your committee on agriculture to whom was referred
House Bill No. 363,

A bill for an act making it unlawful to move, run, drive or transport any threshing machine outfit, or any part thereof, over any cultivated lands in this state without the consent of the owner of said lands, and providing a penalty therefor.

Have had the same under consideration and recommend that the same do pass.

JAMES DUNCAN,
Chairman.

Mr. Duncan moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on agriculture to whom was referred
House Bill No. 306,

A bill for an act creating and establishing an agricultural experiment station on the reform school grounds near Mandan, in Morton county, providing for its management and making an appropriation therefor.

Have had the same under consideration and recommend that the same do pass.

JAMES DUNCAN,
Chairman.

Mr. Duncan moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on agriculture to whom was referred
House Bill No. 119,

A bill for an act to amend section 8089 of the revised codes of 1905 of North Dakota, relating to the exemption

of personal property and disposition thereof in the matter of estates pending in county court.

Have had the same under consideration and recommend that the same do pass.

JAMES DUNCAN,
Chairman.

Mr. Duncan moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on live stock made the following report :

Mr. Speaker :

Your committee on live stock to whom was referred

House Bill No. 258,

A bill for an act to amend section 9263 of the revised codes of the state of North Dakota for the year of 1905, relating to unlawfully branding and stealing of live stock and prescribing penalties therefor.

Have had the same under consideration and recommend that the same do pass.

A. W. CUNNINGHAM,
Chairman.

Mr. Cunningham moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on live stock to whom was referred

Senate Bill No. 181,

A bill for an act, entitled an act to amend and re-enact section 3195 of the revised codes of 1905.

Have had the same under consideration and recommend that the same be indefinitely postponed.

A. W. CUNNINGHAM,
Chairman.

Mr. Cunningham moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Also,

Your committee on live stock to whom was referred

House Bill No. 303,

A bill for an act to amend section 1933 of the revised codes of 1905 of the state of North Dakota, relative to when lawful for stock to run at large.

Have had the same under consideration and recommend that the same be indefinitely postponed.

A. W. CUNNINGHAM,
Chairman.

Mr. Cunningham moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Also,

Your committee on live stock to whom was referred

Senate Bill No. 124,

A bill for an act to amend section 2005 of the revised code of 1905.

Have had the same under consideration and recommend that the same do pass.

A. W. CUNNINGHAM,
Chairman.

Mr. Cunningham moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on engrossment made the following report:

Mr. Speaker:

Your committee on engrossment have examined
House Bill No. 172,

A bill for an act making appropriation for the Valley City normal school located in Valley City, Barnes county, North Dakota.

Also,

House Bill No. 179,

A bill for an act to provide an appropriation for the current and contingent expenses and for permanent improvements for the state school of science at Wahpeton.

Also,

House Bill No. 197,

A bill for an act, entitled an act making appropriations for permanent improvements at the state university and school of mines of North Dakota.

Also,

House Bill No. 252,

A bill for an act to require public warehouses to clean all grain handled by them before testing the same for grade, and providing a penalty for the violation of this act.

And find the same correctly engrossed.

C. C. CRAWFORD,
Chairman.

Mr. Crawford 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. Speaker:

Your committee on judiciary to whom was referred
House Bill No. 113,

A bill for an act to amend chapter 258 of the session laws of the state of North Dakota of 1907, being an act to prohibit discrimination between different sections, communi-

ties or localities, unfair competition and providing penalties for the violation thereof.

Have had the same under consideration and recommend that the same be amended as follows:

Strike out everything after the word "bill" of the printed bill, and insert the following: "For an act to prohibit discrimination between different sections, communities or localities and to prohibit unfair competition, and providing penalties for the violation thereof.

Section 1. Unfair Competition. Penalty.) Any person, firm or corporation, foreign or domestic, doing business in the state of North Dakota, and engaged in the production, manufacture, distribution or purchase of any commodity in general use, that shall intentionally, for the purpose of destroying or preventing competition, discriminate between different sections, communities or cities of this state, by purchasing such commodity at a higher rate or price in one section, community or city, or any portion thereof, than is paid by such person, firm or corporation for such commodity in any other section, community or city, after equalizing the distance from the point of purchase to the point of distribution, and the freight rates therefrom; or who shall wilfully, for the purpose of such discrimination and unfair competition, refuse to purchase any commodity in general use, and in the manufacture, production, purchase, or distribution of which such person, firm, or corporation may be engaged, from any other person, firm or corporation which may desire to sell the same and who shall comply with all reasonable regulations of such person, firm, or corporation, and who shall offer such commodity for sale at a customary and proper time and place and in proper condition, shall be deemed guilty of a misdemeanor.

Sec. 2. Corporation Forfeits Charter, When.) If any complaint is made to the secretary of state, that any corporation chartered in this state, or authorized to do business therein, is or has been guilty of unfair discrimination within the terms of this act, it shall be the duty of such secretary to institute at once an inquiry as to such discrimination, giving the corporation complained of notice of such complaint and an opportunity to be heard; and if in the opinion of such secretary of state, any corporation, foreign or domestic, shall have been guilty of any such unfair discrimination under the terms of this act, the said secretary of state shall so find, and shall make a record of such finding upon the records in his office, and shall at once forfeit the charter of such corporation, if it be a domestic corporation, or if it be a foreign corporation, he shall immediately revoke and forfeit its permit to do business in this state.

Sec. 3. Attorney General Brings Action, When.) If, after the revocation of such charter in the case of domestic corporation, or of its permit if it be a foreign corporation, any such corporation shall continue or attempt to do business within this state, it shall be the duty of the attorney general of this state, by a proper action commenced in the name of the state, to oust such corporation from any and all business of any kind or character within the state of North Dakota.

Sec. 4. Penalty.) Any firm, person or corporation violating any of the provisions of this act, shall, upon conviction thereof, forfeit to the state of North Dakota a sum of not less than Two Hundred nor more than Two Thousand Dollars for each and every violation of this act, said sum to be recovered by action commenced by the attorney general in the name of the state of North Dakota in any court of competent jurisdiction. All sums so collected shall be credited to the general school fund of this state.

Sec. 5. Cumulative Remedies.) Nothing in this act contained shall be construed as repealing or in any manner altering any other act or part of act heretofore enacted by the Legislative Assembly of this state, but the

remedies herein provided shall be construed as cumulative of all other existing remedies.

And when so amended recommend the same do pass.

B. G. SKULASON,
Chairman.

Mr. Gibbens moved

That the rules be suspended and the report of the committee be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Mr. Skulason moved

That the rules be suspended and House Bill No. 113 be considered engrossed and placed upon its third reading and final passage.

Which motion prevailed.

House Bill No. 113,

A bill for an act to amend chapter 258 of the session laws of the state of North Dakota of 1907, being an act to prohibit discrimination between different sections, communities or localities, unfair competition 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 82, nays 9, absent and not voting 4.

Those who voted in the affirmative were:

Messrs.—

Aashelm
Akesson
Anderson
Atwood
Baker of Cass
Baker of Stark
Bjorndahl
Brynjulson
Brusletten
Burnett
Burns
Chatfield
Christenson
Collins of Cass
Collins of Gd. Forks
Crawford
Cunningham
Davidson
Doyle of McIntosh

Messrs.—

Grant
Hale
Hanley
Hemmingson
Hendrickson
Hill
Homnes
Honey
Hughes
Jewett
Johnson of Bottineau
Johnson of McLean
Kinney of McLean
Kinney of Richland
Kneeland
Knox
Law
Lalthwaite
Lindvig

Messrs.—

Nelson of Steele
Nelson of Walsh
Nyhus
Olson
Paulson
Peart
Pendray
Plath
Ployhar
Poe
Pound
Schull
Sgutt
Shells
Skinner
Skulason
Steen
Storey
Thompson, Gd. Forks

| | | |
|-----------|-------------------|--------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Duncan | Linde | Thompson of McLean |
| Evans | Lucke | Thoreson |
| Frane | Martin | Ward |
| Freeman | McCrea | Welford |
| Ganssle | Moen of Benson | White |
| Garden | Moen of Cavalier | Wisner |
| Geidt | Narum | Young |
| Gibbens | Nelson of McHenry | Mr. Speaker |
| Goldammer | | |

Those who voted in the negative were:

| | | |
|--------------------|----------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Johnson of Rolette | Senour | Streeter |
| Kremer | Sinclair | Traynor |
| Price | Sorlie | Wolbert |

Absent and not voting:

| | | |
|-----------------|----------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Dibley | McLear | Putnam |
| Doyle of Foster | | |

Mr. Dibley being excused.

So the bill passed and the title was agreed to.

Mr. Chatfield moved

That the vote by which House Bill No. 113 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

REPORTS OF STANDING COMMITTEES.

The committee on military affairs made the following report:

Mr. Speaker.

Your committee on military affairs to whom was referred

House Bill No. 317,

A bill for an act to amend section 2 of chapter 174 of the session laws of North Dakota for 1907, entitled an act making an appropriation towards paying deficiency or debts on armories already constructed, or towards the construction of armories for the various military companies of the state of North Dakota, and for the creating of a board of armory supervisors, and defining its duties, for the transfer of armories upon the mustering out of any military

organization enumerated, and defining the duties of the state treasurer in carrying out the provisions of this act.

Have had the same under consideration and recommend that the same do pass.

J. H. FRAINE,
Chairman.

Mr. Fraine 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. Speaker:

Your committee on judiciary to whom was referred
House Bill No. 219,

A bill for an act to amend article 4 of chapter 32 of the political code of North Dakota, as found in the revised codes of North Dakota for 1905, relating to changing limits of cities, towns and villages, and to repeal sections 2948 and 2949 of the revised codes for 1905.

Have had the same under consideration and recommend that the same do pass.

B. G. SKULASON,
Chairman.

Mr. Skulason moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on judiciary to whom was referred
Senate Bill No. 222,

A bill for an act to legalize certain floating indebtedness incurred by cities of this state under certain circumstances incurred by cities, village and school district of this state under certain circumstances and bonds issued, or that may be issued to fund the same.

Have had the same under consideration and recommend that the same be amended as follows:

On page 2, line 1 of the engrossed bill, strike out the words "pursuant to law" and insert in lieu thereof the following, "having been thereunder authorized by a majority vote of the qualified electors of such city, village or school district voting thereon at any regular or special election."

And when so amended recommend the same do pass.

B. G. SKULASON,
Chairman.

Mr. Kneeland moved

That the rules be suspended and the report of the committee be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on judiciary to whom was referred

Senate Bill No. 112,

A bill for a concurrent resolution amending the constitution of the state of North Dakota.

Have had the same under consideration and recommend that the same be referred to the house committee on education.

B. G. SKULASON,
Chairman.

Mr. Skulason moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on judiciary to whom was referred

Senate Bill No. 179,

A bill for an act repealing section 9733 of the revised codes for the year 1905, relating to arrests at night, and re-enacting the same.

Have had the same under consideration and recommend that the same do pass.

B. G. SKULASON,
Chairman.

Mr. Skulason moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on judiciary to whom was referred
Senate Bill No. 202,

A bill for an act fixing the salary of the clerk of the
supreme court.

Have had the same under consideration and recommend
that the same do pass.

B. G. SKULASON,
Chairman.

Mr. Skulason moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on judiciary to whom was referred
Senate Bill No. 275,

A bill for an act to forfeit firearms or other weapons to
the state when found on the person of anyone arrested and
convicted of a felony, misdemeanor or other crime.

Have had the same under consideration and recommend
that the same be indefinitely postponed.

B. G. SKULASON,
Chairman.

Mr. Skulason moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely
postponed.

Also,

Your committee on judiciary to whom was referred
Senate Bill No. 44,

A bill for an act providing when surety may be released
on bond and prescribing mode of procedure.

Have had the same under consideration and recommend that the same be indefinitely postponed.

B. G. SKULASON,
Chairman.

Mr. Skulason moved
That the report be adopted
Which motion prevailed, and
The further consideration of the bill was indefinitely postponed.

MOTIONS AND RESOLUTIONS.

Mr. Baker of Cass moved
That the vote by which House Bill No. 176 was indefinitely postponed be reconsidered.
Which motion was lost.

THIRD READING OF HOUSE BILLS.

House Bill No. 278,

A bill for an act fixing the liability of a bank to its depositor for payment of forged or raised checks.

Was read the third time

The question being on the final passage of the bill.

The roll was called and there were ayes 67, nays 22, ab sent and not voting 6.

Those who voted in the affirmative were:

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|----------------------|---------------------|
| Aasheim | Hale | Ployhar |
| Akesson | Hill | Price |
| Anderson | Honey | Schull |
| Baker of Cass | Hughes | Senour |
| Baker of Stark | Jewett | Sgutt |
| Bjorndahl | Johnson of Bottineau | Sheils |
| Burns | Johnson of McLean | Sinclair |
| Christenson | Johnson of Rolette | Skulason |
| Collins of Cass | Kinney of McLean | Sorlie |
| Collins of Gd. Forks | Kinney of Richland | Storey |
| Crawford | Knox | Streeter |
| Cunningham | Law | Thompson, Gd. Forks |
| Doyle of Foster | Laithwaite | Thompson of McLean |
| Doyle of McIntosh | Linde | Thoreson |
| Duncan | Lucke | Traynor |
| Evans | McCrea | Ward |
| Fraine | Moen of Benson | Welford |
| Freeman | Moen of Cavalier | White |

| | | |
|----------|------------------|-------------|
| Messrs.— | Messrs.— | Messrs.— |
| Ganssle | Narum | Wisner |
| Garden | Nelson of Steele | Wolbert |
| Geidt | Peart | Young |
| Grant | Plath | Mr. Speaker |
| Gibbens | | |

Those who voted in the negative were:

| | | |
|------------|-----------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Brusletten | Hendrickson | Olson |
| Brynjulson | Hornes | Paulson |
| Burnett | Lindvig | Pendray |
| Chatfield | Mart'n | Poe |
| Davidson | McLear | Pound |
| Goldammer | Nelson of Walsh | Skinner |
| Hanley | Nyhus | Steen |
| Hemmingson | | |

Absent and not voting:

| | | |
|----------|----------|-------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Atwood | Kneeland | Nelson of McHenry |
| Dibley | Kremer | Putnam |

Mr. Dibley being excused.

So the bill passed and the title was agreed to.

Mr. Wolbert moved

That the vote by which House Bill No. 278 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

Mr. Kneeland moved

That the rules be suspended and House Bill No. 327 be considered engrossed and placed upon its third reading and final passage.

Which motion prevailed.

House Bill No. 327,

A bill for an act to create a state board of control, and to provide for the management and control of the soldiers' home, the charitable, reformatory and penal institutions of the state, and to provide for supervisory powers over the state educational institutions, and to make an appropriation therefor, and for the defining of certain offenses, and providing 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 75, nays 15, absent and not voting 5.

Those who voted in the affirmative were:

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|----------------------|---------------------|
| Aasheim | Hendrickson | Nelson of Walsh |
| Akesson | Hill | Nyhus |
| Anderson | Homnes | Olson |
| Atwood | Honey | Paulson |
| Baker of Cass | Jewett | Pearl |
| Baker of Stark | Johnson of Bottineau | Plath |
| Brynjulson | Johnson of McLean | Ployhar |
| Burnett | Johnson of Rolette | Poe |
| Burns | Kinney of McLean | Price |
| Chatfield | Kinney of Richland | Sgutt |
| Collins of Cass | Kneeland | Sheils |
| Collins of Gd. Forks | Knox | Skulason |
| Crawford | Kremer | Sorlie |
| Cunningham | Law | Storey |
| Davidson | Laithwaite | Streeter |
| Doyle of Foster | Linde | Thompson, Gd. Forks |
| Duncan | Lindvig | Thompson of McLean |
| Fraine | Lucke | Thoreson |
| Freeman | McCrea | Traynor |
| Ganssle | McLear | Ward |
| Garden | Moen of Benson | Welford |
| Grant | Moen of Cavalier | White |
| Hale | Narum | Wisner |
| Hanley | Nelson of McHenry | Wolbert |
| Hemmingson | Nelson of Steele | Mr. Speaker |

Those who voted in the negative were:

| Messrs.— | Messrs.— | Messrs.— |
|-------------------|-----------|----------|
| Bjorndahl | Goldammer | Schull |
| Brusletten | Hughes | Senour |
| Doyle of McIntosh | Martin | Sinclair |
| Evans | Pendray | Skinner |
| Gibbens | Pound | Young |

Absent and not voting:

| Messrs.— | Messrs.— | Messrs.— |
|-------------|----------|----------|
| Christenson | Geidt | Steen |
| Dibley | Putnam | |

Mr. Dibley being excused.

So the bill passed and the title was agreed to.

Mr. Atwood moved

That the vote by which House Bill No. 327 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 134,

A bill for an act making an appropriation to pay legal expenses and disbursements incurred by the government agricultural experiment station of the North Dakota agri-

cultural college, in defending the suit brought to annul the "Pure Paint Law" of 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 89, nays 0, absent and not voting 6.

Those who voted in the affirmative were:

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|----------------------|---------------------|
| Aasheim | Hemmingson | Olson |
| Akesson | Hendrickson | Paulson |
| Anderson | Hill | Peart |
| Atwood | Homnes | Pendray |
| Baker of Cass | Honey | Plath |
| Baker of Stark | Hughes | Ployhar |
| Bjorndahl | Jewett | Poe |
| Brusletten | Johnson of Bottineau | Price |
| Brynjulson | Johnson of McLean | Schull |
| Burnett | Johnson of Rolette | Senour |
| Burns | Kinney of McLean | Stutt |
| Chatfield | Kinney of Richland | Sheils |
| Christenson | Kneeland | Sinclair |
| Collins of Cass | Knox | Skinner |
| Collins of Gd. Forks | Kremer | Skulason |
| Crawford | Law | Sorlie |
| Cunningham | Laithwaite | Steen |
| Davidson | Linde | Storey |
| Doyle of McIntosh | Lindvig | Streeter |
| Duncan | Lucke | Thompson, Gd. Forks |
| Evans | Martin | Thompson of McLean |
| Fraine | McCrea | Thoreson |
| Freeman | McLear | Traynor |
| Garden | Moep of Benson | Ward |
| Geidt | Moen of Cavalier | Welford |
| Gibbens | Narum | White |
| Goldammer | Nelson of McHenry | Wisner |
| Grant | Nelson of Steele | Young |
| Hale | Nelson of Walsh | Mr. Speaker |
| Hanley | Nyhus | |

Absent and not voting:

| Messrs.— | Messrs.— | Messrs.— |
|-----------------|----------|----------|
| Dibley | Ganssle | Putnam |
| Doyle of Foster | Pound | Wolbert |

Mr. Dibley being excused.

So the bill passed and the title was agreed to.

Mr. McCrea moved

That the vote by which House Bill No. 134 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 145,

A bill for an act for an appropriation to reimburse Professor E. F. Ladd for disbursements and expenses incurred in the enforcement of the pure food laws.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 89, nays 0, absent and not voting 6.

Those who voted in the affirmative were:

| | | |
|----------------------|----------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Hemmingson | Paulson |
| Akesson | Hendrickson | Peart |
| Anderson | Hill | Pendray |
| Atwood | Homnes | Plath |
| Baker of Cass | Honey | Ployhar |
| Baker of Stark | Hughes | Poe |
| Bjorndahl | Jewett | Pound |
| Brusletten | Johnson of Bottineau | Price |
| Brynjulson | Johnson of McLean | Putnam |
| Burnett | Johnson of Rolette | Schull |
| Burns | Kinney of McLean | Senour |
| Chatfield | Kinney of Richland | Sgutt |
| Christenson | Kneeland | Shells |
| Collins of Cass | Knox | Skinner |
| Collins of Gd. Forks | Kremer | Skulason |
| Crawford | Law | Sorlie |
| Cunningham | Laithwaite | Steen |
| Doyle of Foster | Linde | Storey |
| Doyle of McIntosh | Lindvig | Streeter |
| Duncan | Lucke | Thompson, Gd. Forks |
| Evans | Martin | Thompson of McLean |
| Fraine | McCrea | Thoreson |
| Freeman | McLear | Traynor |
| Garden | Moen of Benson | Ward |
| Geidt | Moen of Cavalier | Welford |
| Gibbens | Narum | White |
| Goldammer | Nelson of McHenry | Wisner |
| Grant | Nelson of Steele | Young |
| Hale | Nelson of Walsh | Mr. Speaker |
| Hanley | Olson | |

Absent and not voting:

| | | |
|----------|----------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Davidson | Ganssle | Sinclair |
| Dibley | Nyhus | Wolbert |

Mr. Dibley being excused.

So the bill passed and the title was agreed to.

Mr. Putnam moved

That the vote by which House Bill No. 145 passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 213,

A bill for an act creating, establishing and locating a fish hatchery and fish cultural station at Fish lake, Birchwood park, in Rolette county, North Dakota, and 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 81, nays 6, absent and not voting 8.

Those who voted in the affirmative were:

| | | |
|----------------------|----------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Hanley | Peart |
| Akesson | Hendrickson | Pendray |
| Anderson | Hill | Ployhar |
| Atwood | Homnes | Poe |
| Baker of Cass | Honey | Pound |
| Baker of Stark | Hughes | Price |
| Bjorndahl | Jewett | Schull |
| Burnett | Johnson of Bottineau | Senour |
| Burns | Johnson of McLean | Sgutt |
| Chatfield | Johnson of Rolette | Sheils |
| Christenson | Knox | Skinner |
| Collins of Cass | Kremer | Skulason |
| Collins of Gd. Forks | Law | Sorlie |
| Crawford | Laithwaite | Steen |
| Cunningham | Linde | Storey |
| Davidson | Lindvig | Streeter |
| Doyle of Foster | Lucke | Thompson, Gd. Forks |
| Duncan | Martin | Thompson of McLean |
| Evans | McCrea | Thoreson |
| Fraine | McLear | Traynor |
| Freeman | Moen of Cavalier | Ward |
| Ganssle | Nelson of McHenry | Welford |
| Garden | Nelson of Steele | White |
| Geidt | Nelson of Walsh | Wisner |
| Gibbens | Nyhus | Wolbert |
| Goldammer | Olson | Young |
| Hale | Paulson | Mr. Speaker |

Those who voted in the negative were:

| | | |
|------------|------------|----------------|
| Messrs.— | Messrs.— | Messrs.— |
| Brusletten | Grant | Moen of Benson |
| Brynjulson | Hemmingson | Narum |

Absent and not voting:

| | | |
|-------------------|--------------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Dibley | Kinney of Richland | Putnam |
| Doyle of McIntosh | Kneeland | Sinclair |
| Kinney of McLean | Plath | |

Mr. Dibley being excused.

So the bill passed and the title was agreed to.

Mr. Johnson of Rolette moved

That the vote by which House Bill No. 213 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

Mr. Price moved

That the report of the committee of the whole indefinitely postponing House Bill No. 280 be reconsidered.

Which motion was lost.

Mr. White moved

That the rules be suspended and House Bill No. 76 be placed upon its third reading and final passage.

Which motion prevailed.

House Bill No. 76,

A bill for an act, entitled an act prohibiting railroads, railroad corporations and common carriers from carrying any passenger free or at a less rate than is charged the general public, and providing a penalty therefor, and making it unlawful for any person to ask for or accept any such free transportation or transportation purchased at a less rate than that charged the general public, and providing a penalty therefor, and providing transportation for the board of railroad commissioners and its secretary.

Was read the third time.

Mr. Martin moved

That the further consideration of the bill be indefinitely postponed.

Which motion was lost.

The question being on the final passage of the bill.

The roll was called and there were ayes 57, nays 35, absent and not voting 3.

Those who voted in the affirmative were:

| | | |
|-------------|----------------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Akesson | Hanley | Plath |
| Anderson | Hemmingson | Ployhar |
| Atwood | Hendrickson | Putnam |
| Bjorndahl | Hill | Schull |
| Brusletten | Homnes | Sheils |
| Burnett | Honey | Skulason |
| Chatfield | Jewett | Sorlie |
| Christenson | Johnson of Bottineau | Steen |
| Cunningham | Johnson of McLean | Storey |

| Messrs.— | Messrs.— | Messrs.— |
|-----------------|-------------------|---------------------|
| Davidson | Kneeland | Streeter |
| Doyle of Foster | Law | Thompson, Gd. Forks |
| Duncan | Laithwaite | Thompson of McLean |
| Fraine | Linde | Thoreson |
| Freeman | Martin | Traynor |
| Ganssle | McCrea | Welford |
| Garden | Moen of Cavalier | White |
| Gibbens | Nelson of McHenry | Wisner |
| Goldammer | Nelson of Steele | Wolbert |
| Grant | Nelson of Walsh | Mr. Speaker |

Those who voted in the negative were:

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|--------------------|----------|
| Aasheim | Hughes | Peart |
| Baker of Cass | Johnson of Rolette | Pendray |
| Baker of Stark | Kinney of Richland | Poe |
| Brynjulson | Knox | Pound |
| Burns | Kremer | Price |
| Collins of Cass | Lindvig | Senour |
| Collins of Gd. Forks | Lucke | Sgutt |
| Crawford | McLear | Sinclair |
| Doyle of McIntosh | Moen of Benson | Skinner |
| Evans | Narum | Ward |
| Geidt | Nyhus | Young |
| Hale | Paulson | |

Absent and not voting:

| Messrs.— | Messrs.— | Messrs.— |
|----------|------------------|----------|
| Dibley | Kinney of McLean | Olson |

Mr. Dibley being excused.

Mr. Skinner explained his vote.

So the bill passed and the title was agreed to.

Mr. White moved

That the vote by which House Bill No. 76 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

GENERAL ORDERS.

Mr. Senour moved

That the house resolve itself into a committee of the whole for the consideration of House Bill No. 143.

Which motion prevailed, and

The house resolved itself into a committee of the whole.

Mr. Speaker called Mr. Thompson of McLean to the chair.

When the committee arose it submitted the following report:

Mr. Speaker:

The committee of the whole have had under consideration

House Bill No. 143,

A bill for an act entitled an act to redistrict the state of North Dakota into senatorial districts and apportion the senators and representatives therein.

Have had the same under consideration and recommend that the same be amended as follows:

On page 2, line 19, of the printed bill, after the word "Adams" insert the word "Fairdale"; on page 7, line 129, of the printed bill, strike out the words "townships and fractional" and also strike out lines 130, 131, 132 and 133, and insert in lieu thereof the following: "the county of Sheridan, and shall be entitled to one senator and one representative"; on page 8, line 169, of the printed bill, strike out the words and figures "Townships 147, north of ranges 74, 75, 76, 77, 78, and strike out lines 170, 171, 172 173, 174, 175 and 176, and insert in lieu thereof the following: "Township 143, north of ranges 80 and 81, west, and township 144, north of ranges 80, 81, 82, 83 and 84 west; townships 145 and 146, north of ranges 79, 80, 81, 82, 83 and 84, west; townships 147 and 148, north of ranges 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90 and 91, west; and townships 149 and 150, north of ranges 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90 and 91, west, and shall be entitled to one senator and two representatives."

In line 145, page 7, after the word "village of Litchville" insert the words "village of Nome."

In line 115, page 6 of the printed bill, strike out the word "three" and insert the word "four."

In line 138, page 7, strike out the word "Baxter" and insert "Dexter."

In line 64, page 4, after the word "Brandenburg" insert the words "village of Great Bend."

In line 3, section 1, after the word "hundred" insert the word "one."

And when so amended recommend the same do pass.

F. J. THOMPSON,
Chairman.

Mr. Thompson of McLean moved

That the report of the committee of the whole be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Mr. Chatfield moved

That the rules be suspended and House Bill No. 143 be considered engrossed and placed upon its third reading and final passage.

Which motion prevailed.

House Bill No. 143,

A bill for an act entitled an act to redistrict the state of North Dakota into senatorial districts and apportion the senators and representatives therein.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 86, nays 0, absent and not voting 9.

Those who voted in the affirmative were:

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|----------------------|---------------------|
| Aasheim | Hemmingson | Peart |
| Akesson | Hendrickson | Pendray |
| Anderson | Hill | Plath |
| Baker of Cass | Hommes | Ployhar |
| Baker of Stark | Honey | Pound |
| Bjorndahl | Hughes | Price |
| Brusletten | Jewett | Putnam |
| Brynjulson | Johnson of Bottineau | Schull |
| Burnett | Johnson of McLean | Senour |
| Burns | Kinney of McLean | Sgutt |
| Chatfield | Kinney of Richland | Sheils |
| Christenson | Kneeland | Sinclair |
| Collins of Cass | Kremer | Skinner |
| Collins of Gd. Forks | Law | Skulason |
| Cunningham | Laithwaite | Sorlie |
| Davidson | Linde | Storey |
| Doyle of Foster | Lindvig | Streeter |
| Doyle of McIntosh | Lucke | Thompson, Gd. Forks |
| Duncan | Martin | Thompson of McLean |
| Evans | McLear | Thoreson |
| Freeman | Moen of Benson | Traynor |
| Ganssle | Moen of Cavaller | Ward |
| Garden | Narum | Welford |
| Geldt | Nelson of McHenry | White |
| Gibbens | Nelson of Steele | Wisner |
| Goldammer | Nelson of Walsh | Wolbert |
| Grant | Nyhus | Young |
| Hale | Olson | Mr. Speaker |
| Hanley | Paulson | |

Absent and not voting:

| Messrs.— | Messrs.— | Messrs.— |
|----------|--------------------|----------|
| Atwood | Fraine | McCrea |
| Crawford | Johnson of Rolette | Poe |
| Dibley | Knox | Steen |

Mr. Dibley being excused.

So the bill passed and the title was agreed to.

Mr. Senour moved

That the vote by which House Bill No. 143 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 263,

A bill for an act to create a public warehouse fund and to provide for the use of such moneys and disbursements therefrom.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 87, nays 1, absent and not voting 7.

Those who voted in the affirmative were:

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|----------------------|---------------------|
| Aasheim | Hale | Nyhus |
| Akesson | Hanley | Olson |
| Anderson | Hemmingson | Paulson |
| Atwood | Hendrickson | Peart |
| Baker of Cass | Hill | Pendray |
| Baker of Stark | Homnes | Plath |
| Bjorndahl | Honey | Ployhar |
| Brusletten | Hughes | Poe |
| Brynjulson | Jewett | Pound |
| Burnett | Johnson of Bottineau | Price |
| Burns | Johnson of McLean | Putnam |
| Chatfield | Johnson of Rolette | SGutt |
| Christenson | Kinney of McLean | Shells |
| Collins of Gd. Forks | Kinney of Richland | Sinclair |
| Crawford | Kneeland | Skinner |
| Cunningham | Knox | Skulason |
| Davidson | Kremer | Steen |
| Doyle of Foster | Law | Storey |
| Doyle of McIntosh | Laithwaite | Thompson, Gd. Forks |
| Duncan | Linde | Thompson of McLean |
| Evans | Lindrig | Thoreson |
| Fraffe | Lucke | Traynor |
| Freeman | McLear | Ward |
| Ganssle | Moen of Benson | Welford |
| Garden | Moen of Cavalier | White |
| Geidt | Narum | Wisner |
| Gibbens | Nelson of McHenry | Wolbert |
| Goldammer | Nelson of Steele | Young |
| Grant | Nelson of Walsh | Mr. Speaker |

Absent and not voting:

| Messrs.— | Messrs.— | Messrs.— |
|-----------------|----------|----------|
| Collins of Cass | McCrea | Sorlie |
| Dibley | Senour | Streeter |
| Martin | | |

Mr. Schull voted in the negative.

Mr. Dibley being excused.

So the bill passed and the title was agreed to.

Mr. Traynor moved

That the vote by which House Bill No. 263 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 147,

A bill for an act relating to the qualifications of members of state, county, city, township, town and village boards of equalization.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 87, nays 0, absent and not voting 8.

Those who voted in the affirmative were:

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|--------------------|---------------------|
| Aasheim | Hale | Paulson |
| Akesson | Hanley | Peart |
| Anderson | Hemmingson | Pendray |
| Atwood | Hendrickson | Plath |
| Baker of Cass | Hill | Ployhar |
| Baker of Stark | Homnes | Poe |
| Bjorndahl | Honey | Pound |
| Brusletten | Hughes | Price |
| Brynjulson | Jewett | Putnam |
| Burnett | Johnson of McLean | Schull |
| Burns | Kinney of McLean | Scutt |
| Chatfield | Kinney of Richland | Sheils |
| Christenson | Kneeland | Sinclair |
| Collins of Cass | Knox | Skinner |
| Collins of Gd. Forks | Kremer | Skulason |
| Crawford | Law | Steen |
| Cunningham | Laihwaiite | Storey |
| Davidson | Linde | Streeter |
| Doyle of Foster | Lindvig | Thompson, Gd. Forks |
| Duncan | Lucke | Thompson of McLean |
| Evans | McLear | Thoreson |
| Fraine | Moen of Benson | Traynor |
| Freeman | Moen of Cavalier | Ward |
| Ganssie | Narum | Welford |
| Garden | Nelson of McHenry | White |
| Geidt | Nelson of Steele | Wisner |
| Gibbens | Nelson of Walsh | Wolbert |
| Goldammer | Nyhus | Young |
| Grant | Olson | Mr. Speaker |

Absent and not voting:

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|--------------------|----------|
| Dibley | Johnson of Rolette | Senour |
| Doyle of McIntosh | Martin | Sorlie |
| Johnson of Bottineau | McCrea | |

Mr. Dibley being excused.

So the bill passed and the title was agreed to.

Mr. Hendrickson moved

That the vote by which House Bill No. 147 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

There being no objection, the house returned to the fifth order of business.

REPORTS OF STANDING COMMITTEES.

The committee on military affairs made the following report:

Mr. Speaker.

Your committee on military affairs to whom was referred House Bill No. 351,

A bill for an act to provide a military code of the state of North Dakota.

Have had the same under consideration and recommend that the same be amended as follows:

In line 1, section 1, strike out the word "exceptions" and insert in lieu thereof the word "exemptions."

In line 1, of section 5, strike out the word "or" and insert in lieu thereof the word "and."

In line 14, of section 6, on page 4, strike out the word "appointed" and insert in lieu thereof the word "detailed."

In line 24, of section 6, on page 4, strike out the word "personal" and in line 25 strike out the words "and not being a" and in line 26 strike out the words "part of the organized militia or national guard of the state."

In line 27, section 6, after the word "commissions" insert the words "or detail as staff officers."

In line 1, section 7, strike out the letters "Seg" and insert in lieu thereof the letters "Sec.", at the beginning of said line.

In line 6, section 7, strike out the letters "nuder" and insert in lieu thereof the letters "under."

In line 12, section 7, after the word "there" insert the word "state."

In line 6, section 8, strike out the "," after the word "guard."

In line 1, section 12, on page 7, of the printed bill strike out the word "occassion" and insert in lieu thereof the word "occasion."

In line 20, of section 12, before the word "shall" insert the word "which."

After the word "code" in line 8, section 14, on page 9, of the printed bill insert the following: "He shall receive the sum of \$900 per annum for the purpose of defraying his personal expenses in the discharge of the duties pertaining to his office and for other necessary expenses, to be paid quarterly without the filing of any itemized statement."

In line 28, on page 24, of the printed bill after the word "assistant" insert the word "inspector."

In line 33, page 24, of the printed bill strike out the letters "Q. M." and insert in lieu thereof the word "quartermaster."

In line 7, on page 25, of the printed bill strike out the letters "Q. M." and insert in lieu thereof the word "quartermaster."

In line 33, on page 28, of the printed bill after the word "general's" strike out the apostrophe and the letter "s."

After the word "officers," line 1, section 27, strike out all down to and including the word "state" in line 12, on page 31, of the printed bill and insert in lieu thereof the following: "The Adjutant General shall have personal charge of his office at the state capitol, and shall be appointed by the commander-in-chief from the commissioned officers of the national guard of this state, and such adjutant general shall have been a commissioned officer of the field or line in active service in the guard of this state for a period of least three years immediately preceding his appointment, and such appointee shall be the officer highest in rank who will accept such appointment and the judge advocate and paymaster general shall be appointed from the commissioned officers of the national guard of this state, each of whom shall have been a commissioned officer in the national guard of this state for a period of at least three years immediately preceding such appointment. Provided, that on the expiration of the term of office of the adjutant general, he shall not be eligible for re-appointment, but shall be placed on the retired list."

In line 2, section 32, of the printed bill strike out the word "of" and insert in lieu thereof the word "or."

In line 4, of section 34, of the printed bill strike out the comma and word "or" following the word "years."

In line 10, section 34, of the printed bill strike out the word "withfrawn" and insert in lieu thereof the word "withdrawn."

In line 27, section 34, of the printed bill strike out the words "a board" and insert in lieu thereof the word "courts."

In line 1, on page 40, of the printed bill strike out the figure "2" and insert in lieu thereof the figure "3" and strike out the word "enlistment" and insert in lieu thereof the word "enlistments."

In line 5, section 39, strike out the word "suth" and insert in lieu thereof the word "such."

In line 7, section 40, in the printed bill strike out the word "may" and insert the word "must."

In line 9, section 41, strike out the word "batallion" and insert in lieu thereof the word "battalion."

In line 14, section 41, strike out the word "seargent" and insert in lieu thereof the word "sergeant."

In line 16, section 45, strike out the word "now" and insert in lieu thereof the word "not."

In line 11, section 51, of the printed bill strike out the word "apepars" and insert in lieu thereof the word "appears."

In line 15, section 51, strike out the word "government" and insert in lieu thereof the word "governor."

In line 3, section 54, of the printed bill strike out the word "only."

In line 9, of section 68, strike out all after the word "proved", and the word "auditors" in line 10, of said section.

In line 1, of section 70, strike out the second letter "i" in the word "providing."

In line 10, of section 72, strike out the word "seregant" and insert in lieu thereof the word "sergeant" at the end of said line.

In line 13, of said section (72), strike out the word "seregant" and insert in lieu thereof the word "sergeant" at the beginning of said line.

In line 11, section 73, of the printed bill strike out the word "expense" and insert in lieu thereof the word "expenses."

In line 20, section 73, of the printed bill strike out the parenthesis and question mark before the word "for."

In line 7, section 76, of the printed bill strike out the "additions" and insert in lieu thereof the word "actions."

In line 7, section 83, of the printed bill strike out the word "engines" and insert in lieu thereof the word "departments."

In line 1, section 86, of the printed bill strike out the parenthesis mark after the word "property."

In line 2, after the word "rank" insert a parenthesis mark.

In line 9, section 86, of the printed bill strike out the word "of" and insert in lieu thereof the word "or."

At the end of line 11, section 86, of the printed bill strike out the word "member" and insert in lieu thereof the word "members."

In line 2, section 87, of the printed bill strike out the word "liquors" and insert in lieu thereof the word "liquor."

In line 1, section 92, of the printed bill strike out the word "officer" and insert in lieu thereof the word "officers."

In line 10, section 93, strike out the word "role" and insert in lieu thereof the word "roll."

In line 10, section 93, of the printed bill strike out all after the word "organization," all of line 11, all of line 12 and the letters "ization" in line 13.

In line 4, page 76, of the printed bill before the word "Sections" insert "Sec. 97 repealed."

In line 4, page 76, in the printed bill after the figures "1716" insert the figures "1717."

In line 5, on said page after the figures "1733" insert the figures "1734."

In line 6, on said page after the figures "1745" insert the figures "1746."

On line 9, on said page strike out the figures "1782."

After the word "repealed" at the end of the bill insert the following:
 "Sec. 98. Emergency. Whereas, an emergency exists in this that the present military law of the state of North Dakota is inadequate and the requirements of the government make it necessary to enact a military code for the state of North Dakota an emergency exists, therefore, this act shall be in force from and after its passage and approval.

And when so amended recommend the same do pass.

J. H. FRAINE,
 Chairman.

Mr. Fraine moved

That the rules be suspended and the report of the committee be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Mr. Fraine moved

That the rules be suspended and House Bill No. 351 be considered engrossed and placed upon its third reading and final passage.

Which motion prevailed.

House Bill No. 351,

A bill for an act to provide a military code 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 82, nays 0, absent and not voting 13.

Those who voted in the affirmative were:

| | | |
|----------------------|--------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Hanley | Peart |
| Akesson | Hemmingson | Pendray |
| Anderson | Hendrickson | Plath |
| Atwood | Hill | Ployhar |
| Baker of Cass | Homnes | Poe |
| Baker of Stark | Honey | Pound |
| Brusletten | Hughes | Price |
| Brynjulson | Jewett | Putnam |
| Burnett | Johnson of McLean | Senour |
| Burns | Kinney of McLean | Sgutt |
| Chatfield | Kinney of Richland | Shells |
| Christenson | Kneeland | Sinclair |
| Collins of Cass | Knox | Skinner |
| Collins of Gd. Forks | Kremer | Skulason |
| Crawford | Laithwaite | Steen |
| Cunningham | Lindvig | Storey |
| Doyle of Foster | Lucke | Streeter |
| Duncan | Martin | Thompson, Gd. Forks |
| Evans | McCrea | Thompson of McLean |
| Fraine | Moen of Benson | Thoreson |
| Freeman | Moen of Cavalier | Traynor |
| Ganssle | Narum | Ward |
| Garden | Nelson of McHenry | Welford |
| Geidt | Nelson of Steele | White |
| Gibbens | Nyhus | Wolbert |
| Goldammer | Olson | Young |
| Grant | Paulson | Mr. Speaker |
| Hale | | |

Absent and not voting:

| | | |
|----------------------|--------------------|-----------------|
| Messrs.— | Messrs.— | Messrs.— |
| Bjorndahl | Johnson of Rolette | Nelson of Walsh |
| Davidson | Law | Schull |
| Dibley | Linde | Sorlie |
| Doyle of McIntosh | McLear | Wisner |
| Johnson of Bottineau | | |

Mr. Dibley being excused.

So the bill passed and the title was agreed to.

Mr. Fraine moved

That the vote by which House Bill No. 351 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

THIRD READING OF HOUSE BILLS.

House Bill No. 275,

A bill for an act entitled an act to provide for the determination of heirship and the share of such heirs respective-

ly in claims to certain real estate by action in the district court.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 84, nays 0, absent and not voting 11.

Those who voted in the affirmative were:

| | | |
|----------------------|--------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Hale | Paulson |
| Akesson | Hemmingson | Peart |
| Anderson | Hill | Pendray |
| Atwood | Hommel | Plath |
| Baker of Cass | Honey | Ployhar |
| Baker of Stark | Hughes | Poe |
| Brynjulson | Jewett | Pound |
| Brusletten | Johnson of McLean | Price |
| Burnett | Johnson of Rolette | Putnam |
| Burns | Kinney of McLean | Schull |
| Chatfield | Kinney of Richland | Senour |
| Christenson | Kneeland | Sgutt |
| Collins of Cass | Knox | Sheils |
| Collins of Gd. Forks | Kremer | Sinclair |
| Crawford | Law | Skinner |
| Cunningham | Laithwalte | Skulason |
| Davidson | Lindvig | Steen |
| Doyle of Foster | Lucke | Storey |
| Duncan | Martin | Streeter |
| Evans | McCrea | Thompson, Gd. Forks |
| Fraine | Moen of Benson | Thompson of McLean |
| Freeman | Moen of Cavalier | Thoreson |
| Ganssle | Narum | Traynor |
| Garden | Nelson of McHenry | Ward |
| Geidt | Nelson of Steele | Welford |
| Gibbens | Nelson of Walsh | White |
| Goldammer | Nyhus | Young |
| Grant | Olson | Mr. Speaker |

Absent and not voting:

| | | |
|-------------------|----------------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Bjorndahl | Hendrickson | Sorlie |
| Dibley | Johnson of Bottineau | Wisner |
| Doyle of McIntosh | Linde | Wolbert |
| Hanley | McLear | |

Mr. Dibley being excused.

So the bill passed and the title was agreed to.

Mr. Fraine moved

That the vote by which House Bill No. 275 passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 67,

A bill for an act to amend section 2767 of the revised codes of the state of North Dakota of 1905, relating to advertising for and awarding contracts for construction of sidewalks in cities.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 84, nays 0, absent and not voting 11.

Those who voted in the affirmative were:

| | | |
|----------------------|----------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Hemmingson | Paulson |
| Akesson | Hill | Peart |
| Anderson | Homnes | Pendray |
| Atwood | Honey | Plath |
| Baker of Cass | Hughes | Ployhar |
| Bjorn Dahl | Jewett | Poe |
| Brusletten | Johnson of Bottineau | Pound |
| Brynjulson | Johnson of McLean | Price |
| Burnett | Johnson of Rolette | Putnam |
| Chatfield | Kinney of McLean | Schull |
| Christenson | Kinney of Richland | Senour |
| Collins of Cass | Kneeland | Sgutt |
| Collins of Gd. Forks | Knox | Sheils |
| Crawford | Kremer | Sinclair |
| Cunningham | Law | Skinner |
| Davidson | Laithwaite | Skulason |
| Doyle of McIntosh | Lindvig | Steen |
| Duncan | Lucke | Storey |
| Evans | Martin | Streeter |
| Freeman | McCrea | Thompson, Gd. Forks |
| Ganssle | McLear | Thompson of McLean |
| Garden | Moen of Benson | Thoreson |
| Geidt | Moen of Cavalier | Traynor |
| Gibbens | Narum | Ward |
| Goldammer | Nelson of McHenry | Welford |
| Grant | Nelson of Steele | White |
| Hale | Nelson of Walsh | Wisner |
| Hanley | Olson | Mr. Speaker |

Absent and not voting:

| | | |
|-----------------|-------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Baker of Stark | Fraine | Sorlie |
| Burns | Hendrickson | Wolbert |
| Dibley | Linde | Young |
| Doyle of Foster | Nyhus | |

Mr. Dibley being excused.

So the bill passed and the title was agreed to.

Mr. White moved

That the vote by which House Bill No. 67 passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 341,

A bill for an act to amend and re-enact section 832 of the revised codes of North Dakota for the year 1905, relating to powers and duties of district school boards.

Was read the third time.

Mr. Anderson moved

That the further consideration of the bill be indefinitely postponed.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

House Bill No. 296,

A bill for an act to amend and re-enact article 10 of chapter 32 of the revised codes of 1905; relating to free public libraries.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 81, nays 4, absent and not voting 10.

Those who voted in the affirmative were:

| | | |
|----------------------|--------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Hendrickson | Peart |
| Akesson | Hill | Pendray |
| Anderson | Homnes | Plath |
| Atwood | Honey | Ployhar |
| Baker of Cass | Hughes | Poe |
| Baker of Stark | Jewett | Pound |
| Bjorndahl | Johnson of McLean | Putnam |
| Brusletten | Johnson of Rolette | Schull |
| Brynjulson | Kinney of McLean | Senour |
| Burns | Kinney of Richland | Sgutt |
| Chatfield | Kneeland | Shells |
| Christenson | Knox | Sinclair |
| Collins of Cass | Kremer | Skinner |
| Collins of Gd. Forks | Law | Skulason |
| Crawford | Laithwaite | Steen |
| Cunningham | Linde | Storey |
| Doyle of Foster | Lucke | Streeter |
| Duncan | McCrea | Thompson, Gd. Forks |
| Evans | McLear | Thompson of McLean |

| | | |
|--|-------------------|-------------|
| Messrs.— | Messrs.— | Messrs.— |
| Freeman | Moen of Benson | Thoreson |
| Ganssle | Moen of Cavalier | Traynor |
| Garden | Narum | Ward |
| Gibbens | Nelson of McHenry | Wellford |
| Goldammer | Nelson of Steele | White |
| Hale | Nyhus | Wisner |
| Hanley | Olson | Wolbert |
| Hemmingson | Paulson | Mr. Speaker |
| Those who voted in the negative were: | | |
| Davidson | Geidt | Grant |
| Doyle of McIntosh | | |

Absent and not voting:

| | | |
|----------------------|-----------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Burnett | Lindvig | Price |
| Dibley | Martin | Sorlie |
| Fraine | Nelson of Walsh | Young |
| Johnson of Bottineau | | |

Mr. Davidson explained his vote.

Mr. Dibley being excused.

So the bill passed and the title was agreed to.

Mr. Skulason moved

That the vote by which House Bill No. 296 passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 340,

A bill for an act to authorize the superintendent of public instruction and presidents of the state normal schools to arrange a course of study for the state normal schools, to provide for the rural 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 84, nays 1, absent and not voting 10.

Those who voted in the affirmative were:

| | | |
|----------------|--------------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Hanley | Olson |
| Akesson | Hemmingson | Paulson |
| Anderson | Hendrickson | Pendray |
| Atwood | Hill | Plath |
| Baker of Cass | Homes | Ployhar |
| Baker of Stark | Honey | Poe |
| Bjorndahl | Hughes | Pound |
| Brusletten | Jewett | Price |
| Brynjalsen | Johnson of McLean | Schull |
| Burnett | Johnson of Rolette | Sgutt |

| | | |
|----------------------|--------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Burns | Kinney of McLean | Shells |
| Chatfield | Kinney of Richland | Sinclair |
| Christenson | Kneeland | Skinner |
| Collins of Gd. Forks | Knox | Skulason |
| Crawford | Kremer | Steen |
| Davidson | Law | Storey |
| Doyle of Foster | Laithwaite | Streeter |
| Doyle of McIntosh | Linde | Thompson, Gd. Forks |
| Duncan | Lindvig | Thompson of McLean |
| Fraine | Lucke | Thoreson |
| Freeman | McCrea | Traynor |
| Ganssle | McLear | Ward |
| Garden | Moen of Benson | Welford |
| Geidt | Narum | White |
| Gibbens | Nelson of McHenry | Wisner |
| Goldammer | Nelson of Steele | Wolbert |
| Grant | Nelson of Walsh | Young |
| Hale | Nyhus | Mr. Speaker |

Absent and not voting:

| | | |
|-----------------|----------------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Collins of Cass | Johnson of Bottineau | Peart |
| Cunningham | Martin | Senour |
| Dibley | Moen of Cavalier | Sorlie |
| Evans | | |

Mr. Putnam voted in the negative.

Mr. Dibley being excused.

So the bill passed and the title was agreed to.

Mr. McCrea moved

That the vote by which House Bill No. 340 passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

The speaker called Mr. Baker of Stark to the chair.

House Bill No. 350,

A bill for an act to repeal section 7229 of the revised codes of North Dakota for the year 1905, relating to appeals in cases tried without a jury.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 55, nays 30, absent and not voting 10.

Those who voted in the affirmative were:

| | | |
|----------|----------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Hill | Paulson |
| Akesson | Homes | Pendray |
| Anderson | Honey | Plath |

| | | |
|----------------------|--------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Atwood | Johnson of McLean | Ployhar |
| Baker of Stark | Johnson of Rolette | Pound |
| Bjorn Dahl | Kneeland | Putnam |
| Brusletten | Knox | Senour |
| Brynjulson | Law | Skulason |
| Burnett | Laithwaite | Steen |
| Collins of Gd. Forks | Lucke | Storey |
| Crawford | Moen of Benson | Thompson, Gd. Forks |
| Duncan | Moen of Cavalier | Thompson of McLean |
| Evans | Narum | Thoreson |
| Fraine | Nelson of McHenry | Traynor |
| Freeman | Nelson of Steele | Ward |
| Gibbens | Nelson of Walsh | Welford |
| Hale | Nyhus | Wisner |
| Hanley | Olson | Mr. Speaker |
| Hendrickson | | |

Those who voted in the negative were:

| | | |
|-------------------|------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Baker of Cass | Geidt | McLear |
| Burns | Goldammer | Peart |
| Chatfield | Grant | Schull |
| Christenson | Hemmingson | Sheils |
| Collins of Cass | Hughes | Sinclair |
| Cunningham | Jewett | Skinner |
| Davidson | Kremer | Streeter |
| Doyle of Foster | Linde | White |
| Doyle of McIntosh | Lindvig | Wolbert |
| Garden | Martin | Young |

Absent and not voting:

| | | |
|----------------------|--------------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Dibley | Kinney of Richland | Price |
| Ganssle | McCrea | Sgutt |
| Johnson of Bottineau | Poe | Sorlie |
| Kinney of McLean | | |

Mr. Dibley being excused.

So the bill passed and the title was agreed to.

Mr. Skulason moved

That the vote by which House Bill No. 350 passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 169,

A bill for an act defining the sixth judicial district, state of North Dakota and fixing the terms of court in said district.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 83, nays 0, absent and not voting 12.

Those who voted in the affirmative were:

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|----------------------|---------------------|
| Aasheim | Grant | Nyhus |
| Akesso. | Hale | Olson |
| Anderson | Hemmingson | Paulson |
| Atwood | Hendrickson | Peart |
| Baker of Cass | Hill | Pendray |
| Baker of Stark | Homnes | Plath |
| Bjorndahl | Honey | Ployhar |
| Brusletten | Hughes | Pound |
| Brynjulson | Jewett | Price |
| Burnett | Johnson of Bottineau | Putnam |
| Burns | Johnson of McLean | Schull |
| Chatfield | Johnson of Rolette | Senour |
| Christenson | Kneeland | Skulason |
| Collins of Cass | Knox | Steen |
| Collins of Gd. Forks | Kremer | Storey |
| Crawford | Law | Streeter |
| Cunningham | Lathwaite | Thompson, Gd. Forks |
| Davidson | Linde | Thompson of McLean |
| Doyle of Foster | Lindvig | Thoreson |
| Doyle of McIntosh | Lucke | Traynor |
| Duncan | Martin | Ward |
| Evans | McLear | Welford |
| Fraine | Moen of Benson | White |
| Freeman | Moen of Cavalier | Wisner |
| Garden | Narum | Wolbert |
| Geldt | Nelson of McHenry | Young |
| Gibbens | Nelson of Steele | Mr. Speaker |
| Goldammer | Nelson of Walsh | |

Absent and not voting:

| Messrs.— | Messrs.— | Messrs.— |
|------------------|--------------------|----------|
| Dibley | Kinney of Richland | Sheils |
| Ganssle | McCrea | Sinclair |
| Hanley | Poe | Skinner |
| Kinney of McLean | Sgutt | Sorlie |

Mr. Dibley being excused.

So the bill passed and the title was agreed to.

Mr. Thompson of McLean moved

That the vote by which House Bill No. 169 passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 245,

A bill for an act to appropriate money for the use of the board of university and school lands in the payment of assessments for benefits made for drainage purposes

against unsold common school and institution lands within the state.

Was read the third time.

Mr. Thompson of McLean asked unanimous consent to amend the bill.

There being no objections, Mr. Thompson of McLean offered the following amendment, and moved its adoption:

Page 2 of printed bill, subsection 5, line 4, after the word "October" insert the following, "(6) In any county which may hereafter be organized within the territorial limits of the judicial district, as hereinafter provided, at least two regular terms of the district court shall be held at the county seat thereof each year, at such time as the judge of the district may direct."

Which motion prevailed, and
The amendment was adopted.

The question being on the final passage of the bill as amended.

The roll was called and there were ayes 75, nays 0, absent and not voting 20.

Those who voted in the affirmative were:

| | | |
|----------------------|--------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Hanley | Nelson of McHenry |
| Akesson | Hemmingson | Nelson of Steele |
| Anderson | Hendrickson | Nelson of Walsh |
| Baker of Stark | Hill | Olson |
| Bjorndahl | Homnes | Paulson |
| Brusletten | Honey | Pendray |
| Brynjulson | Hughes | Plath |
| Burnett | Jewett | Ployhar |
| Christenson | Johnson of McLean | Pound |
| Collins of Cass | Johnson of Rolette | Price |
| Collins of Gd. Forks | Kinney of McLean | Putnam |
| Crawford | Kinney of Richland | Sgutt |
| Cunningham | Kneeland | Sinclair |
| Davidson | Knox | Skulason |
| Doyle of Foster | Kremer | Steen |
| Duncan | Law | Storey |
| Evans | Laithwaite | Streeter |
| Fraine | Linde | Thompson, Gd. Forks |
| Freeman | Lindvig | Thoreson |
| Ganssle | Lucke | Traynor |
| Geldt | Martin | Welford |
| Gibbens | McLear | White |
| Goldammer | Moen of Benson | Wisner |
| Grant | Moen of Cavalier | Young |
| Hale | Narum | Mr. Speaker |

Absent and not voting:

| | | |
|-------------------|----------------------|--------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Atwood | Johnson of Bottineau | Sheils |
| Baker of Cass | McCrea | Skinner |
| Burns | Nyhus | Sorlie |
| Chatfield | Pearl | Thompson of McLean |
| Dibley | Poe | Ward |
| Doyle of McIntosh | Schull | Wolbert |
| Garden | Senour | |

Mr. Dibley being excused.

So the bill passed as amended and the title was agreed to.

Mr. Grant moved

That the vote by which House Bill No. 245 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 356,

A bill for an act to amend sections 2661 and 2687 of chapter 30 of the political code of the state of North Dakota, revised codes of 1905, relating to the number of aldermen in cities, and the term of office of such aldermen.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 74, nays 0, absent and not voting 21.

Those who voted in the affirmative were:

| | | |
|----------------------|--------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Hemmingson | Olson |
| Akesson | Hendrickson | Paulson |
| Anderson | Hill | Pearl |
| Baker of Cass | Homnes | Pendray |
| Baker of Stark | Honey | Plath |
| Brusletten | Hughes | Ployhar |
| Brynjulson | Jewett | Pound |
| Chatfield | Johnson of Rolette | Putnam |
| Christenson | Kinney of McLean | Schull |
| Collins of Cass | Kinney of Richland | Senour |
| Collins of Gd. Forks | Kneeland | Sgutt |
| Crawford | Law | Skulason |
| Cunningham | Laithwaite | Steen |
| Davidson | Linde | Streeter |
| Duncan | Lindvig | Thompson, Gd. Forks |
| Evans | Lucke | Thompson of McLean |
| Fraine | Martin | Thoreson |
| Freeman | McLear | Traynor |
| Ganssle | Moen of Benson | Ward |
| Geidt | Moen of Cavalier | Welford |
| Gibbens | Narum | White |

| | | |
|-----------|-------------------|-------------|
| Messrs.— | Messrs.— | Messrs.— |
| Goldammer | Nelson of McHenry | Wisner |
| Grant | Nelson of Steele | Young |
| Hale | Nelson of Walsh | Mr. Speaker |
| Hanley | Nyhus | |

Absent and not voting:

| | | |
|-------------------|----------------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Atwood | Garden | Price |
| Bjorndahl | Johnson of Bottineau | Shells |
| Burnett | Johnson of McLean | Sinclair |
| Burns | Knox | Skinner |
| Dibley | Kremer | Sorlie |
| Doyle of Foster | McCrea | Storey |
| Doyle of McIntosh | Poe | Wolbert |

Mr. Dibley being excused.

So the bill passed and the title was agreed to.

Mr. Senour moved

That the vote by which House Bill No. 256 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

The chief clerk announced that the speaker was about to sign

Senate Bill No. 27,

For an act entitled "An act to amend section 155 of chapter 4 of the political code of the state of North Dakota, and all acts or parts of acts amendatory thereof, providing for the investment of moneys belonging to the permanent funds of the common schools, university, school of mines, agricultural college, school for the deaf and dumb, normal schools and all other funds derived from the sale of public lands or any other source belonging to the school divisions of the state.

And the speaker signed the same in the presence of the house.

COURTESIES OF THE FLOOR.

The privileges of the floor were extended to James A. Coffey, Robt. M. Milne, Courtenay; E. S. DeLancy, Casper Winkler, Valley City; D. E. Crowley, Wimbledon; Fred H. Getchell, Valley City.

Mr. Burdick moved

That the house take a recess until 7:30 p. m.

Which motion prevailed, and

The house took a recess until 7:30 p. m.

W. D. AUSTIN,
Chief Clerk.

AFTER RECESS.

The house assembled at 7:30 o'clock p. m., pursuant to recess taken.

The speaker in the chair.

THIRD READING OF HOUSE BILLS.

House Bill No. 335,

A bill for an act to amend section 1554 of the revised codes of 1905 of North Dakota, relating to the delinquent personal property taxes, when due.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 54, nays 9, absent and not voting 32.

Those who voted in the affirmative were:

Messrs.—

Aasheim
Akesson
Anderson
Baker of Cass
Bjorndahl
Brusletten
Brynjulson
Burnett
Chatfield
Christenson
Cunningham
Davidson
Duncan
Evans
Freeman
Geidt
Gibbens
Grant

Messrs.—

Hanley
Hendrickson
Hill
Homnes
Honey
Hughes
Jewett
Johnson of McLean
Kinney of Richland
Kneeland
Law
Lindvig
Lucke
Martin
Moen of Benson
Narum
Nelson of McHenry
Nelson of Steele

Messrs.—

Nelson of Walsh
Nyhus
Olson
Paulson
Peart
Ployhar
Price
Sgutt
Sheils
Sorlie
Steen
Storey
Streeter
Thompson, Gd. Forks
Thoreson
Wisner
Mr. Speaker

Those who voted in the negative were:

Baker of Stark
Collins of Cass
Fraine

Laithwaite
Linde
Poe

Senour
Skinner
White

Absent and not voting:

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|----------------------|--------------------|
| Atwood | Hemmingson | Pound |
| Burns | Johnson of Bottineau | Putnam |
| Collins of Gd. Forks | Johnson of Rolette | Schull |
| Crawford | Kinney of McLean | Sinclair |
| Dibley | Knox | Skulason |
| Doyle of Foster | Kremer | Thompson of McLean |
| Doyle of McIntosh | McCrea | Traynor |
| Ganssle | McLear | Ward |
| Garden | Moen of Cavalier | Welford |
| Goldammer | Pendray | Wolbert |
| Hale | Plath | Young |

Mr. Dibley being excused.

So the bill passed and the title was agreed to.

Mr. Steen moved

That the vote by which House Bill No. 335 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 310,

A concurrent resolution amending the constitution of the state of North Dakota, relating to the taxation of farm property.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 52, nays 32, absent and not voting 11.

Those who voted in the affirmative were:

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|--------------------|---------------------|
| Aasheim | Hendrickson | Nyhus |
| Akesson | Hill | Paulson |
| Anderson | Homnes | Peart |
| Bjorndahl | Jewett | Pendray |
| Bryndalson | Johnson of McLean | Schull |
| Burnett | Johnson of Rolette | Senour |
| Burns | Kinney of Richland | Sgutt |
| Chatfield | Laithwaite | Sinclair |
| Christenson | Linde | Skinner |
| Collins of Gd. Forks | Lucke | Sorlie |
| Cunningham | Martin | Steen |
| Davidson | McLear | Streeter |
| Duncan | Moen of Benson | Thompson, Gd. Forks |
| Freeman | Moen of Cavalier | Thoreson |
| Gibbens | Nelson of McHenry | Welford |
| Goldammer | Nelson of Steele | Young |
| Hanley | Nelson of Walsh | Mr. Speaker |
| Hemmingson | | |

Those who voted in the negative were:

| | | |
|-----------------|----------------------|--------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Atwood | Grant | Price |
| Baker of Cass | Honey | Putnam |
| Baker of Stark | Hughes | Shells |
| Brusletten | Johnson of Bottineau | Skulason |
| Collins of Cass | Law | Storey |
| Doyle of Foster | McCrea | Thompson of McLean |
| Evans | Narum | Traynor |
| Fraine | Olson | Ward |
| Ganssle | Plath | White |
| Garden | Ployhar | Wisner |
| Geidt | Poe | |

Absent and not voting:

| | | |
|-------------------|------------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Crawford | Kinney of McLean | Lindvi |
| Dibley | Kneeland | Pound |
| Doyle of McIntosh | Knox | Wolbert |
| Hale | Kremer | |

Mr. Dibley being excused.

So the bill passed and the title was agreed to.

Mr. Jewett moved

That the vote by which House Bill No. 310 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

The speaker gave notice that he would at 2:30 o'clock tomorrow move to reconsider the vote by which House Bill No. 310 passed.

House Bill No. 346,

A bill for an act to amend and re-enact section 1515 of the political code of 1905, relating to the organization of assessors' districts and townships, vacancies in such township and districts, and the compensation of assessors.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 86, nays 0, absent and not voting 9.

Those who voted in the affirmative were:

| | | |
|----------------|-------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Hanley | Peart |
| Akesson | Hemmingson | Pendray |
| Anderson | Hendrickson | Plath |
| Atwood | Hill | Ployhar |
| Baker of Cass | Homnes | Poe |
| Baker of Stark | Honey | Price |

| | | |
|----------------------|----------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Bjorndahl | Hughes | Putnam |
| Brusletten | Jewett | Schull |
| Brynjulson | Johnson of Bottineau | Senour |
| Burnett | Johnson of McLean | Sgutt |
| Burns | Johnson of Rolette | Sheils |
| Chatfield | Kinney of Richland | Sinclair |
| Christenson | Kneeland | Skinner |
| Collins of Cass | Law | Skulason |
| Collins of Gd. Forks | Laithwaite | Sorlie |
| Cunningham | Linde | Steen |
| Davidson | Lucke | Storey |
| Doyle of Foster | Martin | Streeter |
| Duncan | McCrea | Thompson, Gd. Forks |
| Evans | McLear | Thompson of McLean |
| Fraine | Moen of Benson | Thoreson |
| Freeman | Moen of Cavalier | Traynor |
| Ganssle | Narum | Ward |
| Garden | Nelson of McHenry | Welford |
| Geidt | Nelson of Steele | White |
| Gibbens | Nelson of Walsh | Wisner |
| Goldammer | Nyhus | Young |
| Grant | Olson | Mr. Speaker |
| Hale | Paulson | |

Absent and not voting:

| | | |
|-------------------|------------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Crawford | Kinney of McLean | Lindvig |
| Dibley | Knox | Pound |
| Doyle of McIntosh | Kremer | Wolbert |

Mr. Dibley being excused.

So the bill passed and the title was agreed to.

Mr. Streeter moved

That the vote by which House Bill No. 346 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 339,

A bill for an act to amend chapter 151 of the laws of 1907, an act to require an annual apportionment and accounting of surplus of life insurance companies as to policies heretofore issued.

Was read the third time

The question being on the final passage of the bill.

The roll was called and there were ayes 67, nays 19, absent and not voting 9.

Those who voted in the affirmative were:

| | | |
|----------|-----------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Gibbens | Olson |
| Akesson | Goldammer | Paulson |

| | | |
|----------------------|----------------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Anderson | Grant | Pearl |
| Atwood | Hale | Pendray |
| Baker of Cass | Hemmingson | Plath |
| Baker of Stark | Hendrickson | Ployhar |
| Bjorndahl | Homnes | Poe |
| Brusletten | Honey | Price |
| Brynjulson | Hughes | Putnam |
| Chatfield | Jawett | Schull |
| Christenson | Johnson of Bottineau | Senour |
| Collins of Cass | Johnson of McLean | Sgutt |
| Collins of Gd. Forks | Johnson of Rolette | Sheils |
| Cunningham | Kinney of Richland | Sinclair |
| Davidson | Law | Skinner |
| Doyle of McIntosh | Laithwaite | Skulason |
| Duncan | Linde | Streeter |
| Evans | Lucke | Traynor |
| Fralne | Moen of Benson | War. |
| Freeman | Nelson of McHenry | Welford |
| Ganssle | Nelson of Walsh | Wisner |
| Garden | Nyhus | Young |
| Geidt | | |

Those who voted in the negative were:

| | | |
|------------------|------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Burnett | Martin | Sorlie |
| Burns | McCrea | Steen |
| Hanley | McLear | Storey |
| Hill | Moen of Cavalier | Thompson, Gd. Forks |
| Kinney of McLean | Narum | Thoreson |
| Kneeland | Nelson of Steele | Mr. Speaker |
| Knox | | |

Absent and not voting:

| | | |
|-----------------|----------|--------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Crawford | Kremer | Thompson of McLean |
| Dibley | Lindvig | White |
| Doyle of Foster | Pound | Wolbert |

Mr. Dibley being excused.

So the bill passed and the title was agreed to.

Mr. Hale moved

That the vote by which House Bill No. 339 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 234,

A bill for an act providing for the creating of a state tuberculosis exhibition, for the control of such exhibition and for 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 78, nays 7, absent and not voting 10.

Those who voted in the affirmative were:

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|----------------------|---------------------|
| Aasheim | Goldammer | Olson |
| Akesson | Grant | Paulson |
| Atwood | Hale | Peart |
| Baker of Cass | Hanley | Pendray |
| Baker of Stark | Hemmingson | Plath |
| Bjorndahl | Hendrickson | Ployhar |
| Brusletten | Hill | Poe |
| Brynjulson | Homnes | Præce |
| Burnett | Honey | Putnam |
| Burns | Jewett | Schull |
| Chatfield | Johnson of Bottineau | Senour |
| Christenson | Johnson of McLean | Sgutt |
| Collins of Cass | Kinney of McLean | Shells |
| Collins of Gd. Forks | Kinney of Richland | Sinclair |
| Cunningham | Kneeland | Skinner |
| Davidson | Knox | Sorlie |
| Doyle of Foster | Law | Steen |
| Doyle of McIntosh | Linde | Storey |
| Duncan | Martin | Streeter |
| Evans | McCrea | Thompson, Gd. Forks |
| Fraine | McLear | Thoreson |
| Freeman | Moen of Benson | Traynor |
| Ganssle | Narum | Ward |
| Garden | Nelson of McHenry | Welford |
| Geidt | Nelson of Steele | Wisner |
| Gibbens | Nyhus | Mr. Speaker |

Those who voted in the negative were:

| Messrs.— | Messrs.— | Messrs.— |
|------------|------------------|----------|
| Hughes | Moen of Cavalier | Skulason |
| Laithwaite | Nelson of Walsh | Young |
| Lucke | | |

Absent and not voting:

| Messrs.— | Messrs.— | Messrs.— |
|--------------------|----------|--------------------|
| Anderson | Kremer | Thompson of McLean |
| Crawford | Lindvig | White |
| Dibley | Pound | Wolbert |
| Johnson of Rolette | | |

Mr. Dibley being excused.

Mr. Skulason explained his vote.

So the bill passed and the title was agreed to.

Mr. Sorlie moved

That the vote by which House Bill No. 234 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 320,

A bill for an act to prohibit the marriage of insane, epileptic or feeble minded persons.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 86, nays 1, absent and not voting 8.

Those who voted in the affirmative were:

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|----------------------|---------------------|
| Aasheim | Hanley | Paulson |
| Akesson | Hemmingson | Peart |
| Anderson | Hendrickson | Pendray |
| Atwood | Hill | Plath |
| Baker of Cass | Homnes | Ployhar |
| Baker of Stark | Honey | Poe |
| Bjorndahl | Hughes | Price |
| Brusletten | Jewett | Putnam |
| Brynjulson | Johnson of Bottineau | Schull |
| Burnett | Johnson of McLean | Senour |
| Burns | Kinney of McLean | Sgutt |
| Chatfield | Kinney of Richland | Sheils |
| Christenson | Kneeland | Sinclair |
| Collins of Cass | Knox | Skinner |
| Collins of Gd. Forks | Law | Skulason |
| Cunningham | Laithwaite | Sorlie |
| Davidson | Linde | Steen |
| Doyle of Foster | Lucke | Storey |
| Doyle of McIntosh | Martin | Streeter |
| Duncan | McCrea | Thompson, Gd. Forks |
| Evans | McLear | Thompson of McLean |
| Fraine | Moen of Benson | Thoreson |
| Freeman | Moen of Cavalier | Traynor |
| Gansle | Narum | Ward |
| Geidt | Nelson of McHenry | Welford |
| Gibbens | Nelson of Steele | White |
| Goldammer | Nelson of Walsh | Wisner |
| Grant | Nyhus | Young |
| Hale | Olson | |

Absent and not voting:

| Messrs.— | Messrs.— | Messrs.— |
|----------|----------|-------------|
| Crawford | Kremer | Wolbert |
| Dibley | Lindvig | Mr. Speaker |
| Garden | Pound | |

Mr. Johnson of Rolette voted in the negative.

Mr. Nelson of McHenry explained his vote.

Mr. Dibley being excused.

So the bill passed and the title was agreed to.

Mr. Christenson moved

That the vote by which House Bill No. 320 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 338,

A bill for an act to amend and re-enact section 264 of the revised codes of 1905, in relation to the compensation of superintendents of county boards of health.

Was read the third time

The question being on the final passage of the bill.

The roll was called and there were ayes 78, nays 7, absent and not voting 10.

Those who voted in the affirmative were:

| | | |
|----------------------|----------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Hendrickson | Olson |
| Akesson | Hill | Paulson |
| Anderson | Homnes | Peart |
| Atwood | Honey | Pendray |
| Baker of Cass | Hughes | Plath |
| Baker of Stark | Jewett | Ployhar |
| Brynjulson | Johnson of Bottineau | Poe |
| Burnett | Johnson of McLean | Price |
| Burns | Johnson of Rolette | Putnam |
| Chatfield | Kinney of McLean | Schull |
| Collins of Cass | Kinney of Richland | Senour |
| Collins of Gd. Forks | Kneeland | Sgutt |
| Cunningham | Knox | Sheils |
| Doyle of Foster | Law | Sinclair |
| Doyle of McIntosh | Laithwaite | Skinner |
| Duncan | Linde | Sorlie |
| Evans | Lucke | Streeter |
| Fraine | Martin | Thompson, Gd. Forks |
| Freeman | McCrea | Thoreson |
| Ganssle | McLear | Traynor |
| Garden | Moen of Benson | Ward |
| Geidt | Moen of Cavalier | Welford |
| Grant | Nelson of McHenry | White |
| Hale | Nelson of Steele | Wisner |
| Hanley | Nelson of Walsh | Young |
| Hemmingson | Nyhus | Mr. Speaker |

Those who voted in the negative were:

| | | |
|-------------|----------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Bjorndahl | Narum | Steen |
| Christenson | Skulason | Storey |
| Davidson | | |

Absent and not voting:

| | | |
|------------|-----------|--------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Brusletten | Goldammer | Pound |
| Crawford | Kremer | Thompson of McLean |
| Dibley | Lindvig | Wolbert |
| Gibbens | | |

Mr. Dibley being excused.

So the bill passed and the title was agreed to.

Mr. Streeter moved

That the vote by which House Bill No. 338 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 315,

A bill for an act appropriating to F. M. Baker, assistant states' attorney of Stark county, \$450 attorney's fees for services rendered in the unorganized territory attached to Stark county for judicial purposes during the years 1905, 1906 and 1907.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 89, nays 0, absent and not voting 6.

Those who voted in the affirmative were:

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|----------------------|---------------------|
| Aasheim | Hanley | Paulson |
| Akesson | Hemmingson | Pearl |
| Anderson | Hendrickson | Pendray |
| Atwood | Hill | Plath |
| Baker of Cass | Homes | Ployhar |
| Baker of Stark | Honey | Poe |
| Bjorndahl | Hughes | Price |
| Brusletten | Jewett | Putnam |
| Brynjulson | Johnson of Bottineau | Schull |
| Burnett | Johnson of McLean | Senour |
| Burns | Johnson of Rolette | Sgutt |
| Chatfield | Kinney of McLean | Sheils |
| Christenson | Kinney of Richland | Sinclair |
| Collins of Cass | Kneeland | Skinner |
| Collins of Gd. Forks | Knox | Skulason |
| Cunningham | Law | Sorlie |
| Davidson | Lalthwaite | Steen |
| Doyle of Foster | Linde | Storey |
| Doyle of McIntosh | Lucke | Streeter |
| Duncan | Martin | Thompson, Gd. Forks |
| Evans | McCrea | Thompson of McLean |
| Fraine | McLear | Thoreson |
| Freeman | Moen of Benson | Traynor |
| Ganssle | Moen of Cavalier | Ward |
| Garden | Narum | Welford |
| Geidt | Nelson of McHenry | White |
| Gibbens | Nelson of Steele | Wisner |
| Goldammer | Nelson of Walsh | Young |
| Grant | Nyhus | Mr. Speaker |
| Hale | Olson | |

Absent and not voting:

Messrs.—

Crawford
Dibley

Messrs.—

Kremer
Lindvig

Messrs.—

Pound
Wolbert

Mr. Dibley being excused.

So the bill passed and the title was agreed to

Mr. Senour moved

That the vote by which House Bill No. 315 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 99,

A bill for an act making appropriations for the current and contingent expenses of the state reform school of North Dakota, 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 88, nays 0, absent and not voting 7.

Those who voted in the affirmative were:

Messrs.—

Aasheim
Akesson
Anderson
Atwood
Baker of Cass
Baker of Stark
Bjorndahl
Brusletten
Brynjilson
Burnett
Burns
Chatfield
Christenson
Collins of Cass
Collins of Gd. Forks
Cunningham
Davidson
Doyle of Foster
Doyle of McIntosh
Duncan
Fraire
Freeman
Ganssie
Garden
Geidt
Gibbens
Goldammer
Grant
Hale
Hanley

Messrs.—

Hemmingson
Hendrickson
Hill
Homnes
Honey
Hughes
Jewett
Johnson of Bottineau
Johnson of McLean
Johnson of Rolette
Kinney of McLean
Kinney of Richland
Kneeland
Knox
Law
Lalthwaite
Linde
Lucke
Martin
McCrea
McLear
Moen of Benson
Moen of Cavalier
Narum
Nelson of McHenry
Nelson of Steele
Nelson of Walsh
Nyhus
Olson

Messrs.—

Paulson
Peart
Pendray
Plath
Ployhar
Poe
Price
Putnam
Schull
Senour
Sgutt
Shells
Sinclair
Skinner
Skulason
Sorlie
Steen
Storey
Streeter
Thompson, Gd. Forks
Thompson of McLean
Thoreson
Traynor
Ward
Welford
White
Wisner
Young
Mr. Speaker

Absent and not voting:

Messrs.—

Crawford
Dibley
Evans

Messrs.—

Kremer
Lindvig

Messrs.—

Pound
Wolbert

Mr. Dibley being excused.

So the bill passed and the title was agreed to.

Mr. Hanley moved

That the vote by which House Bill No. 99 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 87,

A bill for an act to provide an appropriation for the current and contingent expenses and for permanent improvements for the institution for feeble minded at Grafton.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 87, nays 1, absent and not voting 7.

Those who voted in the affirmative were:

Messrs.—

Aasheim
Akesson
Anderson
Atwood
Baker of Cass
Baker of Stark
Bjorndahl
Brusletten
Brynjulson
Burnett
Burns
Chatfield
Christenson
Collins of Cass
Collins of Gd. Forks
Cunningham
Davidson
Doyle of Foster
Duncan
Evans
Fraine
Freeman
Gansle
Garden
Geidt
Gibbens
Goldammer
Grant
Hale

Messrs.—

Hanley
Hemmingson
Hendrickson
Hill
Homnes
Honey
Hughes
Jewett
Johnson of Bottineau
Johnson of McLean
Johnson of Rolette
Kinney of McLean
Kinney of Richland
Kneeland
Knox
Law
Lalthwaite
Linde
Lucke
Martin
McCrea
McLear
Moen of Benson
Narum
Nelson of McHenry
Nelson of Steele
Nelson of Walsh
Nyhus
Olson

Messrs.—

Paulson
Peart
Pendray
Plath
Ployhar
Poe
Price
Putnam
Schull
Senour
Sgutt
Sheils
Sinclair
Skinner
Skulason
Sorlie
Steen
Storey
Streeter
Thompson, Gd. Forks
Thompson of McLean
Thoreson
Traynor
Ward
Welford
White
Wisner
Young
Mr. Speaker

Absent and not voting:

| | | |
|----------|------------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Crawford | Lindvig | Pound |
| Dibley | Moen of Cavalier | Wolbert |
| Kremer | | |

Mr. Doyle of McIntosh voted in the negative.

Mr. Dibley being excused.

So the bill passed and the title was agreed to.

Mr. Laithwaite moved

That the vote by which House Bill No. 87 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 348,

A bill for an act fixing the salary of the secretary of the board of railroad commissioners and requiring them to reside at the capital city.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 66, nays 22, absent and not voting 7.

Those who voted in the affirmative were:

| | | |
|----------------------|----------------------|--------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Hale | Peart |
| Akesson | Hanley | Pendray |
| Anderson | Hemmingson | Plath |
| Atwood | Hendrickson | Ployhar |
| Baker of Cass | Hill | Poe |
| Baker of Stark | Homnes | Price |
| Burnett | Honey | Putnam |
| Burns | Hughes | Senour |
| Chatfield | Johnson of Bottineau | Sgutt |
| Christenson | Johnson of McLean | Sinclair |
| Collins of Cass | Johnson of Rolette | Sorlie |
| Collins of Gd. Forks | Kinney of Richland | Steen |
| Cunningham | Kneeland | Storey |
| Davidson | Law | Streeter |
| Doyle of Foster | Laithwaite | Thompson of McLean |
| Duncan | Martin | Thoreson |
| Evans | McCrea | Traynor |
| Freeman | McLear | Ward |
| Ganssle | Moen of Benson | Welford |
| Garden | Nelson of McHenry | White |
| Geidt | Nelson of Steele | Wisner |
| Gibbens | Nelson of Walsh | Mr. Speaker |

Those who voted in the negative were:

| Messrs.— | Messrs.— | Messrs.— |
|-------------------|------------------|---------------------|
| Bjorndahl | Knox | Paulson |
| Brusletten | Linde | Schull |
| Brynjulson | Lucke | Sheils |
| Doyle of McIntosh | Moen of Cavalier | Skinner |
| Goldammer | Narum | Skulason |
| Grant | Nyhus | Thompson, Gd. Forks |
| Jewett | Olson | Young |
| Kinney of McLean | | |

Absent and not voting:

| | | |
|----------|---------|---------|
| Crawford | Kremer | Pound |
| Dibley | Lindvig | Wolbert |
| Fralpe | | |

Mr. Dibley being excused.

So the bill passed and the title was agreed to.

Mr. Johnson of Bottineau moved

That the vote by which House Bill No. 348 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 301,

A bill for an act prohibiting the running of theaters, vaudeville theaters and moving picture theaters in this state on Sunday and prescribing the penalty for a 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 78, nays 10, absent and not voting 7.

Those who voted in the affirmative were:

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|----------------------|----------|
| Aasheim | Hendrickson | Olson |
| Anderson | Hill | Paulson |
| Baker of Cass | Homnes | Peart |
| Baker of Stark | Honey | Pendray |
| Bjorndahl | Hughes | Plath |
| Brusletten | Jewett | Ployhar |
| Brynjulson | Johnson of Bottineau | Price |
| Burnett | Johnson of McLean | Putnam |
| Chatfield | Johnson of Rolette | Schull |
| Christenson | Kinney of McLean | Senour |
| Collins of Cass | Kinney of Richland | Sgutt |
| Collins of Gd. Forks | Kneeland | Sheils |
| Cunningham | Knox | Sinclair |
| Davidson | Law | Skulason |
| Doyle of Foster | Laithwalte | Sortie |
| Doyle of McIntosh | Linde | Steen |

| | | |
|------------|------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Duncan | Lucke | Storey |
| Evans | Martin | Thompson, Cd. Forks |
| Freeman | McCrea | Thompson of McLean |
| Ganssle | McLear | Thoreson |
| Garden | Moen of Benson | Traynor |
| Gibbens | Moen of Cavaller | Ward |
| Grant | Narum | Welford |
| Hale | Nelson of Steele | White |
| Hanley | Nelson of Walsh | Wisner |
| Hemmingson | Nyhus | Mr. Speaker |

Those who voted in the negative were:

| | | |
|----------|-------------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Akesson | Geidt | Skinner |
| Atwood | Goldammer | Streeter |
| Burns | Nelson of McHenry | Young |
| Fraine | | |

Absent and not voting:

| | | |
|----------|----------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Crawford | Lindvig | Pound |
| Dibley | Poe | Wolbert |
| Kremer | | |

Mr. Streeter explained his vote.

Mr. Dibley being excused.

So the bill passed and the title was agreed to.

Mr. Martin moved

That the vote by which House Bill No. 301 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 331,

A bill for an act to amend section 9391 of the revised codes of North Dakota for 1905, relating to giving liquor to Indians.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 77, nays 10, absent and not voting 8.

Those who voted in the affirmative were:

| | | |
|---------------|-------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Hale | Nyhus |
| Akesson | Hanley | Olson |
| Anderson | Hemmingson | Paulson |
| Atwood | Hendrickson | Pearl |
| Baker of Cass | Hill | Pendray |
| Bjorndahl | Honey | Plath |

| | | |
|----------------------|----------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Brusletten | Hughes | Ployhar |
| Brynjulson | Jewett | Putnam |
| Burnett | Johnson of Bottineau | Senour |
| Burns | Johnson of McLean | Sgutt |
| Christenson | Johnson of Rolette | Shells |
| Collins of Cass | Kinney of McLean | Sinclair |
| Collins of Gd. Forks | Kinney of Richland | Skulason |
| Cunningham | Kneeland | Sorlie |
| Davidson | Knox | Steen |
| Doyle of Foster | Law | Storey |
| Doyle of McIntosh | Laithwaite | Streeter |
| Duncan | Lucke | Thompson, Gd. Forks |
| Evans | McCrea | Thoreson |
| Fradne | McLear | Traynor |
| Freeman | Moen of Benson | Ward |
| Ganssle | Moen of Cavalier | Welford |
| Garden | Narum | White |
| Geidt | Nelson of McHenry | Wisner |
| Gibbens | Nelson of Steele | Mr. Speaker |
| Goldammer | Nelson of Walsh | |

Those who voted in the negative were:

| | | |
|-----------|----------|--------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Chatfield | Poe | Skinner |
| Homnes | Price | Thompson of McLean |
| Linde | Schull | Young |
| Martin | | |

Absent and not voting:

| | | |
|----------------|----------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Baker of Stark | Grant | Pound |
| Crawford | Kremer | Wolbert |
| Dibley | Lindvig | |

Mr. Dibley being excused.

So the bill passed and the title was agreed to.

Mr. Garden moved

That the vote by which House Bill No. 331 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 163.

For amendment to the constitution of the state of North Dakota, relating to revenue and taxation.

Was read the third time

The question being on the final passage of the bill.

The roll was called and there were ayes 80, nays 6, absent and not voting 9.

Those who voted in the affirmative were:

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|----------------------|---------------------|
| Aasheim | Hale | Paulson |
| Anderson | Hanley | Peart |
| Atwood | Hemmingson | Pendray |
| Baker of Cass | Hendrickson | Plath |
| Baker of Stark | Hill | Ployhar |
| Bjorndahl | Homnes | Poe |
| Brusletten | Honey | Putnam |
| Brynjulson | Jewett | Senour |
| Burnett | Johnson of Bottineau | Sgutt |
| Burns | Johnson of McLean | Sheils |
| Chatfield | Johnson of Rolette | Sinclair |
| Christenson | Kinney of McLean | Skinner |
| Collins of Cass | Kinney of Richland | Skulason |
| Collins of Gd. Forks | Kneeland | Sorlie |
| Cunningham | Law | Steen |
| Davidson | Laithwaite | Storey |
| Doyle of Foster | Linde | Streeter |
| Doyle of McIntosh | Lucke | Thompson, Gd. Forks |
| Duncan | McCrea | Thompson of McLean |
| Evans | McLear | Thoreson |
| Fraine | Moen of Benson | Traynor |
| Freeman | Moen of Cavalier | Ward |
| Ganssle | Narum | Welford |
| Garden | Nelson of McHenry | White |
| Geidt | Nelson of Steele | Wisner |
| Gibbens | Nyhus | Mr. Speaker |
| Grant | Olson | |

Those who voted in the negative were:

| Messrs.— | Messrs.— | Messrs.— |
|-----------|----------|----------|
| Akesson | Hughes | Schull |
| Goldammer | Price | Young |

Absent and not voting:

| Messrs.— | Messrs.— | Messrs.— |
|----------|----------|-----------------|
| Crawford | Kremer | Nelson of Walsh |
| Dibley | Lindvig | Pound |
| Knox | Martin | Wolbert |

Mr. Dibley being excused.

So the bill passed and the title was agreed to.

Mr. Gibbens moved

That the vote by which House Bill No. 163 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 117,

A bill for an act to amend section 9366 of the revised code of North Dakota, as amended by chapter 191 of the laws of 1907, defining intoxicating liquors, so that the same shall read as follows:

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 58, nays 20, absent and not voting 17.

Those who voted in the affirmative were:

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|----------------------|---------------------|
| Aasheim | Goldammer | Nelson of Walsh |
| Akesson | Grant | Nyhus |
| Anderson | Hale | Olson |
| Baker of Cass | Hemmingson | Peart |
| Baker of Stark | Hill | Pendray |
| Bjorndahl | Homnes | Plath |
| Brusletten | Honey | Putnam |
| Brynjulson | Hughes | Senour |
| Christenson | Jewett | Sheils |
| Collins of Cass | Johnson of Bottineau | Sinclair |
| Collins of Gd. Forks | Johnson of McLean | Sorlie |
| Cunningham | Kinney of McLean | Steen |
| Davidson | Kinney of Richland | Storey |
| Doyle of Foster | Kneeland | Thompson, Gd. Forks |
| Doyle of McIntosh | Knox | Ward |
| Duncan | Law | Welford |
| Evans | Laithwaite | White |
| Freeman | McCrea | Wisner |
| Garden | Narum | Mr. Speaker |
| Gibbens | | |

Those who voted in the negative were:

| Messrs.— | Messrs.— | Messrs.— |
|--------------------|-------------------|--------------------|
| Burns | Linde | Skinner |
| Chatfield | Martin | Streeter |
| Fraine | McLear | Thompson of McLean |
| Ganssle | Nelson of McHenry | Thoreson |
| Geidt | Poe | Traynor |
| Hanley | Price | Young |
| Johnson of Rolette | Schull | |

Absent and not voting:

| Messrs.— | Messrs.— | Messrs.— |
|-------------|------------------|----------|
| Atwood | Lindvig | Ployhar |
| Burnett | Lucke | Pound |
| Crawford | Moen of Benson | Sgutt |
| Dibley | Moen of Cavalier | Skulason |
| Hendrickson | Nelson of Steele | Wolbert |
| Kremer | Paulson | |

Mr. Dibley being excused.

So the bill passed and the title was agreed to.

Mr. McCrea moved

That the vote by which House Bill No. 117 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 250,

A bill for an act to amend chapter 70 of the laws of 1905, being sections 1310, 1311, 1312, 1313, 1314 and 1315 of the revised codes of 1905, relating to the levy of a tax in certain counties, to aid in the maintenance of county agricultural fair associations, and to repeal parts of same.

Was read the third time.

Mr. Evans moved

That the further consideration of the bill be indefinitely postponed.

Which motion was lost.

The question being on the final passage of the bill.

The roll was called and there were ayes 48, nays 37, absent and not voting 10.

Those who voted in the affirmative were:

| | | |
|----------------------|----------------------|-------------|
| Messrs.— | Messrs.— | Messrs.— |
| Akesson | Hill | Paulson |
| Atwood | Homnes | Peart |
| Baker of Stark | Honey | Plath |
| Brynjulson | Jewett | Price |
| Burns | Johnson of Bottineau | Schull |
| Chatfield | Johnson of McLean | Senour |
| Collins of Cass | Kinney of McLean | Sgutt |
| Collins of Gd. Forks | Kinney of Richland | Sheils |
| Cunningham | Knox | Sinclair |
| Doyle of Foster | Law | Sorlie |
| Fraine | Laithwaite | Streeter |
| Ganssle | Linde | Thoreson |
| Garden | Lucke | Welford |
| Gibbens | McCrea | White |
| Hale | Nelson of Steele | Wisner |
| Hemmingson | Nelson of Walsh | Mr. Speaker |

Those who voted in the negative were:

| | | |
|-------------------|--------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Hanley | Pendray |
| Anderson | Hendrickson | Poe |
| Baker of Cass | Hughes | Putnam |
| Bjorndahl | Johnson of Rolette | Skinner |
| Brusletten | Martin | Skulason |
| Burnett | McLear | Steen |
| Davidson | Moen of Benson | Storey |
| Doyle of McIntosh | Moen of Cavalier | Thompson, Gd. Forks |
| Evans | Narum | Thompson of McLean |
| Freeman | Nelson of McHenry | Traynor |
| Geidt | Nyhus | Ward |
| Goldammer | Olson | Young |
| Grant | | |

Absent and not voting:

Messrs.—

Christenson
Crawford
Dibley
Duncan

Messrs.—

Kneeland
Kremer
Lindvig

Messrs.—

Ployhar
Pound
Wolbert

Mr. Dibley being excused.

Mr. White explained his vote.

So the bill passed and the title was agreed to.

Mr. Sorlie moved

That the vote by which House Bill No. 250 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

Mr. Thompson of McLean moved

That the house require the committee on fish and game to report Senate Bill No. 195 tomorrow.

Which motion was lost.

House Bill No. 61,

A bill for an act to amend section 2802 of the revised codes of North Dakota, relating to publication of notice of special assessment list by city auditor, and to provide for the method of procedure in perfecting appeals from acts of the special assessment commission for cities.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 87, nays 0, absent and not voting 8.

Those who voted in the affirmative were:

Messrs.—

Aashelm
Akesson
Anderson
Atwood
Baker of Cass
Baker of Stark
Bjorndahl
Brusletten
Brynjulson
Burnett
Burns
Chatfield
Christenson
Collins of Cass
Collins of Gd. Forks
Cunningham

Messrs.—

Hale
Hanley
Hemmingson
Hendrickson
Hill
Homnes
Honey
Hughes
Jewett
Johnson of Bottineau
Johnson of McLean
Johnson of Rolette
Kinney of McLean
Kinney of Richland
Kneeland
Knox

Messrs.—

Olson
Paulson
Peart
Plath
Ployhar
Poe
Price
Putnam
Schull
Senour
Sgutt
Shells
Sinclair
Skinner
Skulason
Sorlie

| | | |
|-------------------|-------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Davidson | Laithwaite | Steen |
| Doyle of Foster | Linde | Storey |
| Doyle of McIntosh | Lucke | Streeter |
| Duncan | Martin | Thompson, Gd. Forks |
| Evans | McCrea | Thompson of McLean |
| Fraine | McLear | Thoreson |
| Freeman | Moen of Benson | Traynor |
| Ganssle | Moen of Cavalier | Ward |
| Garden | Narum | Welford |
| Geidt | Nelson of McHenry | White |
| Gibbens | Nelson of Steele | Wisner |
| Goldammer | Nelson of Walsh | Young |
| Grant | Nyhus | Mr. Speaker |

Absent and not voting:

| | | |
|----------|----------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Crawford | Law | Pound |
| Dibley | Lindvig | Wolbert |
| Kremer | Pendray | |

Mr. Dibley being excused.

So the bill passed and the title was agreed to.

Mr. Sgutt moved

That the vote by which House Bill No. 114 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

The speaker called Mr. Baker of Cass to the chair.

House Bill No. 253,

A bill for an act to amend section 2432 of the revised codes of North Dakota of 1905, relating to the publication of the proceedings of the board of 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 53, nays 29, absent and not voting 13.

Those who voted in the affirmative were:

| | | |
|----------------------|----------------------|-----------------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Hemmingson | Nelson of Walsh |
| Akesson | Hendrickson | Olson |
| Anderson | Hill | Paulson |
| Atwood | Hornes | Peart |
| Baker of Cass | Honey | Plath |
| Baker of Stark | Jewett | Ployhar |
| Burnett | Johnson of Bottineau | Price |
| Collins of Cass | Johnson of McLean | Schull |
| Collins of Gd. Forks | Johnson of Rolette | Sgutt |
| Cunningham | Kinney of Richland | Skulason |

| | | |
|-------------------|-------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Davidson | Knox | Sorlie |
| Doyle of Foster | Laithwaite | Streeter |
| Doyle of McIntosh | Linde | Thompson, Gd. Forks |
| Garden | McCrea | Thompson of McLean |
| Geidt | McLear | Traynor |
| Gibbens | Moen of Benson | White |
| Grant | Nelson of McHenry | Wisner |
| Hale | Nelson of Steele | |

Those who voted in the negative were:

| | | |
|-------------|------------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Bjorndahl | Ganssle | Senour |
| Brusletten | Goldammer | Shells |
| Brynjulson | Hanley | Sinclair |
| Burns | Kneeland | Skinner |
| Chatfield | Lucke | Steen |
| Christenson | Moen of Cavalier | Storey |
| Duncan | Narum | Ward |
| Evans | Nyhus | Welford |
| Fraine | Pendray | Young |
| Freeman | Putnam | |

Absent and not voting:

| | | |
|------------------|----------|-------------|
| Messrs.— | Messrs.— | Messrs.— |
| Crawford | Law | Pound |
| Dibley | Lindvig | Thoreson |
| Hughes | Martin | Wolbert |
| Kinney of McLean | Poe | Mr. Speaker |
| Kremer | | |

Mr. Hanley explained his vote.

Mr. Schull explained his vote.

Mr. Dibley being excused.

So the bill passed and the title was agreed to.

Mr. Davidson moved

That the vote by which House Bill No. 253 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 281,

A bill for an act to amend section 2620 of the revised codes of 1905, relating to legal rates for publication of legal notices.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 78, nays 3, absent and not voting 14.

Those who voted in the affirmative were:

| | | |
|----------------------|----------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Aashcim | Hanley | Nyhus |
| Akesson | Hemmingson | Olson |
| Anderson | Hendrickson | Paulson |
| Atwood | Hill | Pearl |
| Baker of Cass | Homes | Pendray |
| Baker of Stark | Honev | Plath |
| Bjorndahl | Hughes | Ployhar |
| Brusletten | Jewett | Price |
| Brynjulson | Johnson of Bottineau | Schull |
| Burnett | Johnson of McLean | Sgutt |
| Burns | Johnson of Rolette | Shells |
| Christenson | Kinney of McLean | Sinclair |
| Collins of Cass | Kinney of Richland | Skinner |
| Collins of Gd. Forks | Kneeland | Skulason |
| Davidson | Knox | Steen |
| Duncan | Law | Storey |
| Evans | Laithwaite | Streeter |
| Fraine | Linde | Thompson, Gd. Forks |
| Freeman | Lucke | Thompson of McLean |
| Ganssle | McLear | Thoreson |
| Garden | Moen of Benson | Traynor |
| Geidt | Moen of Cavalier | Ward |
| Gibbens | Narum | Welford |
| Goldammer | Nelson of McHenry | White |
| Grant | Nelson of Steele | Wisner |
| Hale | Nelson of Walsh | Young |

Those who voted in the negative were:

| | | |
|-----------|-------------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Chatfield | Doyle of McIntosh | Martin |

Absent and not voting:

| | | |
|-----------------|----------|-------------|
| Messrs.— | Messrs.— | Messrs.— |
| Crawford | Lindvig | Senour |
| Cunningham | McCrea | Sorlie |
| Dibley | Poe | Wolbert |
| Doyle of Foster | Pound | Mr. Speaker |
| Kremer | Putnam | |

Mr. Dibley being excused.

So the bill passed and the title was agreed to.

Mr. Anderson moved

That the vote by which House Bill No. 281 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 240,

A bill for an act to regulate the width of sleighs, sleds and cutters on public highways.

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 39, absent and not voting 19.

Those who voted in the affirmative were:

| | | |
|---------------|----------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Akesson | Hill | Schull |
| Anderson | Johnson of Bottineau | Sgutt |
| Atwood | Johnson of McLean | Skinner |
| Baker of Cass | Kinney of Richland | Skulason |
| Burnett | Knox | Streeter |
| Evans | Law | Thompson, Gd. Forks |
| Freeman | Martin | Thompson of McLean |
| Ganssle | Nelson of McHenry | Thoreson |
| Garden | Nelson of Steele | Welford |
| Gibbens | Paulson | White |
| Hale | Plath | Wisner |
| Hemmingson | Price | Mr. Speaker |
| Hendrickson | | |

Those who voted in the negative were:

| | | |
|----------------------|--------------------|------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Grant | Moen of Cavalier |
| Bjorndahl | Hanley | Narum |
| Brusletten | Homnes | Nelson of Walsh |
| Brynjulson | Honey | Nyhus |
| Burns | Hughes | Olson |
| Chatfield | Jewett | Pendray |
| Christenson | Johnson of Rolette | Senour |
| Collins of Gd. Forks | Kinney of McLean | Shells |
| Cunningham | Kneeland | Sinclair |
| Davidson | Laithwalte | Steen |
| Doyle of McIntosh | Lucke | Traynor |
| Duncaa | McLear | Ward |
| Geidt | Moen of Benson | Young |

Absent and not voting:

| | | |
|-----------------|----------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Baker of Stark | Kremer | Poe |
| Collins of Cass | Linde | Pound |
| Crawford | Lindvig | Putnam |
| Dibley | McCrea | Sorlie |
| Doyle of Foster | Peart | Storey |
| Fraine | Ployhar | Wolbert |
| Goldammer | | |

Mr. Dibley being excused.
So the bill was lost.

Mr. Nelson of Steele moved

That the vote by which House Bill No. 240 was lost be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 226,

A bill for an act providing for the appointment of a commission to compile, revise and codify the laws of the state of North Dakota, relating to matters of substantive law and procedure concerning probate and testamentary matters and matters of administration and guardianship, and to report the same to the twelfth legislative assembly for adoption or rejection, and to provide for the compensation of the members thereof.

Was read the third time.

Mr. Schull asked unanimous consent to amend the bill.

There being no objections, Mr. Schull offered the following amendment and moved its adoption:

On page 3, line 19, strike out the word "December" and insert the word "November."

In line 21, page 3, after the word "in" add the following, "pamphlet from 1 volume."

In line 3, page 4, section 4, strike out the word "four" and insert the word "eight."

In line 3, section 5, page 4, after the word "assemblies" insert the following, "judges of the district court, the supreme court judges and 250 copies to the State Bar association."

Which motion prevailed, and

The amendment was adopted.

The question being on the final passage of the bill: amended.

The roll was called and there were ayes 52, nays 27, absent and not voting 16.

Those who voted in the affirmative were:

| | | |
|----------------------|----------------------|--------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Hendrickson | Plath |
| Akesson | Homes | Ployhar |
| Atwood | Honey | Price |
| Baker of Cass | Hughes | Schull |
| Brusletten | Jewett | Senour |
| Brynjulson | Johnson of Bottineau | Sgutt |
| Chatfield | Johnson of McLean | Sheils |
| Collins of Cass | Johnson of Rolette | Skinner |
| Collins of Gd. Forks | Kinney of Richland | Skulason |
| Cunningham | Kaeeland | Sorlie |
| Davidson | Law | Streeter |
| Duncan | Linde | Thompson of McLean |
| Fraine | Martin | Thoreson |
| Freeman | McCrea | Traynor |
| Garden | Moen of Benson | Warl |

| | | |
|----------|-------------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Geidt | Nelson of McHenry | White |
| Gibbens | Olson | Wisner |
| Hanley | | |

Those who voted in the negative were:

| | | |
|-----------------|------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Anderson | Hemmingson | Nelson of Walsh |
| Bjorndahl | Hill | Nyhus |
| Burnett | Kinney of McLean | Pendray |
| Burns | Knox | Sinclair |
| Christenson | Lucke | Steen |
| Doyle of Foster | McLear | Storey |
| Evans | Moen of Cavalier | Thompson, Gd. Forks |
| Goldammer | Narum | Welford |
| Grant | Nelson of Steele | Young |

Absent and not voting:

| | | |
|-------------------|------------|-------------|
| Messrs.— | Messrs.— | Messrs.— |
| Baker of Stark | Kremer | Poe |
| Crawford | Laithwaite | Pound |
| Dibley | Lindvig | Putnam |
| Doyle of McIntosh | Paulson | Wolbert |
| Ganssle | Peart | Mr. Speaker |
| Hale | | |

Mr. Dibley being excused.

So the bill passed as amended and the title was agreed to.

Mr. Chatfield moved

That the vote by which House Bill No. 226 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 252,

A bill for an act to require public warehouses to clean all grain handled by them before testing the same for grade, and providing a penalty for the violation of this act.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 77, nays 3, absent and not voting 15.

Those who voted in the affirmative were:

| | | |
|---------------|----------------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Hemmingson | Paulson |
| Akesson | Hendrickson | Peart |
| Anderson | Hill | Pendray |
| Atwood | Hommes | Plath |
| Baker of Cass | Honey | Ployhar |
| Bjorndahl | Hughes | Price |
| Brusletten | Jewett | Putnam |
| Burnett | Johnson of Bottineau | Senour |

| | | |
|----------------------|--------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Chatfield | Johnson of McLean | Sgutt |
| Christenson | Johnson of Rolette | Shells |
| Collins of Cass | Kinney of McLean | Sinclair |
| Collins of Gd. Forks | Kinney of Richland | Skinner |
| Cunningham | Kneeland | Skulason |
| Davidson | Knox | Sorlie |
| Doyle of Foster | Law | Steen |
| Doyle of McIntosh | Lipde | Storey |
| Duncan | Lucke | Streeter |
| Evans | Martin | Thompson, Gd. Forks |
| Fraine | McCrea | Thompson of McLean |
| Freeman | Moen of Benson | Thoreson |
| Garden | Narum | Traynor |
| Geidt | Nelson of McHenry | Ward |
| Gibbens | Nelson of Steele | Wisner |
| Goldammer | Nelson of Walsh | Young |
| Grant | Nyhus | Mr. Speaker |
| Hanley | Olson | |

Those who voted in the negative were:

| | | |
|------------|----------|------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Brynjulson | Burns | Moen of Cavalier |

Absent and not voting:

| | | |
|----------------|------------|---------|
| Baker of Stark | Kremer | Pound |
| Crawford | Laithwaite | Schull |
| Dibley | Lindvig | Welford |
| Ganssle | McLear | White |
| Hale | Poe | Wolbert |

Mr. Dibley being excused.

So the bill passed and the title was agreed to.

Mr. Anderson moved

That the vote by which House Bill No. 252 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

The speaker in the chair.

There being no objections, the house returned to the seventh order of business.

MOTIONS AND RESOLUTIONS.

Mr. Hale introduced the following concurrent resolution and moved its adoption:

Resolved by the House of Representatives of the Eleventh Legislative Assembly, the Senate Concurring:

That, whereas, there are now two bills pending upon the same subject, in reference to the protection of fish and

game, one introduced in the house and one in the senate, both of which have passed; in the house bill known as House Bill No. 156; in the senate bill known as Talcott Bill No. 195, and in as much as the protection of our game and fish is of the utmost importance, and there being now upon the statute books not adequate laws giving such protection, and as the session is drawing near to a close, in order to secure an adequate law, it is deemed necessary that a conference committee of three each be appointed from both the house and senate to consider the bills herein mentioned, and to report to the house and senate respectively.

Which motion prevailed, and

The resolution was adopted.

There being no objections, the house returned to the fifth order of business.

REPORTS OF STANDING COMMITTEES.

The committee on appropriations made the following report:

Mr. Speaker:

Your committee on appropriations to whom was referred Senate Bill No. 254,

A bill for an act making an appropriation which will permit the State Historical society of North Dakota to acquire title to certain school lands within this state, having a historical value.

Have had the same under consideration and recommend that the same do pass.

S. N. PUTNAM,
Chairman.

Mr. Putnam moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on appropriations to whom was referred Senate Bill No. 322,

A bill for an act amending section 1 of chapter 166 of laws of 1889, it being section 1296 of revised codes of 1905, providing for purchase of books for state library.

Have had the same under consideration and recommend that the same do pass.

S. N. PUTNAM,
Chairman.

Mr. Putnam moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on appropriations to whom was referred Senate Bill No. 146,

A bill for an act appropriating money to compensate T. R. Shaw for balance of salary due as secretary of the North Dakota state capitol commission, and for sundry items of expense incurred by said T. R. Shaw, while acting as such secretary, during the months of August, September, October and November, in the year 1905.

Have had the same under consideration and recommend that the same do pass.

S. N. PUTNAM,
Chairman.

Mr. Putnam moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on appropriations to whom was referred House Bill No. 307,

A bill for an act to create a bureau of the department of agriculture and labor, to be known as the dairy department; to provide for the appointment of a dairy commissioner and an assistant dairy commissioner; fixing their compensation; defining their powers and duties; prescribing rules for the regulation of the manufacture and sale of dairy products; prescribing penalties for violations; providing a license for creameries, manufacturers of butter and cheese, stations and cream buyers throughout the state, and making an appropriation for the purposes of this act.

Have had the same under consideration and recommend that the same do pass.

S. N. PUTNAM,
Chairman.

Mr. Putnam moved

That the report be adopted.
Which motion prevailed, and
The report of the committee was adopted.

Also,

Your committee on appropriations to whom was referred
Senate Bill No. 47,

A bill for an act to provide an appropriation for the erection of new buildings and other improvements at the state hospital for the insane of North Dakota at Jamestown.

Have had the same under consideration and recommend that the same do pass.

S. N. PUTNAM,
Chairman.

Mr. Putnam moved

That the report be adopted.
Which motion prevailed, and
The report of the committee was adopted.

Also,

Your committee on appropriations to whom was referred
Senate Bill No. 90,

A bill for an act making an appropriation for the Dickinson experiment station, located at the city of Dickinson, in Stark county.

Have had the same under consideration and recommend that the same do pass.

S. N. PUTNAM,
Chairman.

Mr. Putnam moved

That the report be adopted.
Which motion prevailed, and
The report of the committee was adopted.

Also,

Your committee on appropriations to whom was referred
Senate Bill No. 99,

A bill for an act to provide for the location and temporary organization and management of a state sanitarium for persons afflicted with tuberculosis, and making an appropriation for the purchase of land for said sanitarium, and authorizing improvements on said grounds.

Have had the same under consideration and recommend that the same do pass.

S. N. PUTNAM,
Chairman.

Mr. Putnam moved

That the report be adopted.
Which motion prevailed, and
The report of the committee was adopted.

Also,

Your committee on appropriations to whom was referred Senate Bill No. 102,

A bill for an act to amend and re-enact chapter 243 of the laws of 1907, being an act to create a state library commission, defining its duties and making an appropriation for its maintenance.

Have had the same under consideration and recommend that the same do pass.

S. N. PUTNAM,
Chairman.

Mr. Putnam moved

That the report be adopted.
Which motion prevailed, and
The report of the committee was adopted.

Also,

Your committee on appropriations to whom was referred Senate Bill No. 69,

A bill for an act to appropriate \$155.26 to reimburse citizens of North Dakota who advanced money to help defray expense incurred in making the state exhibit at the St. Louis exposition.

Have had the same under consideration and recommend that the same do pass.

S. N. PUTNAM,
Chairman.

Mr. Putnam moved

That the report be adopted.
Which motion prevailed, and
The report of the committee was adopted.

Also,

Your committee on appropriations to whom was referred Senate Bill No. 207,

A bill for an act to appropriate money for repairing and wiring at the state penitentiary.

Have had the same under consideration and recommend that the same do pass.

S. N. PUTNAM,
Chairman.

Mr. Putnam moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on appropriations to whom was referred Senate Bill No. 108,

A bill for an act making appropriation in aid of the department of the "Grand Army of the Republic" of the state of North Dakota, for the purpose of enabling it to prepare, issue and distribute its general orders and the proceedings of the department, and providing for keeping copies of the same on file in the state library, at Bismarck, North Dakota, and for expenses incurred at state and national encampments.

Have had the same under consideration and recommend that the same do pass.

S. N. PUTNAM,
Chairman.

Mr. Putnam moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on appropriations to whom was referred Senate Bill No. 198,

A bill for an act appropriating money to compensate A. G. Burr for salary due and sundry items of expense incurred by said A. G. Burr while acting as district judge of the Ninth judicial district, for a period of four months.

Have had the same under consideration and recommend that the same do pass.

S. N. PUTNAM,
Chairman.

Mr. Putnam moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on appropriations to whom was referred Senate Bill No. 145,

A bill for an act appropriating money to compensate George Murray for salary due and sundry items of expense incurred by said George Murray while acting as temperance commissioner during the months of April and May in the year 1907.

Have had the same under consideration and recommend that the same do pass.

S. N. PUTNAM,
Chairman.

Mr. Putnam moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on appropriations to whom was referred Senate Bill No. 14,

A bill for an act creating and establishing a mining experiment sub-station under the direction of the state school of mines at the state university, and providing for its management.

Have had the same under consideration and recommend that the same do pass.

S. N. PUTNAM,
Chairman.

Mr. Putnam moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on appropriations to whom was referred Senate Bill No. 147,

A bill for an act to amend section 393 of the revised codes of 1905, as amended by chapter 10, laws of 1907, 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, and providing a new appropriation therefor.

Have had the same under consideration and recommend that the same do pass.

S. N. PUTNAM,
Chairman.

Mr. Putnam moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on appropriations to whom was referred Senate Bill No. 255,

A bill for an act making an appropriation for the Edgeley experiment station, located at the city of Edgeley in LaMoure county.

Have had the same under consideration and recommend that the same do pass.

S. N. PUTNAM,
Chairman.

Mr. Putnam moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on appropriations to whom was referred Senate Bill No. 43,

A bill for an act appropriating an annual sum of money for the use of the government experiment station at Fargo for conducting demonstration farms and for otherwise co-operating with farmers, for making experiments in the

manufacture of denaturized alcohol, for publishing reports and bulletins, for analysis of fertilizers and stock foods, for complying with the provisions of the pure paint, paris green and formaldehyde laws and for making other experiments.

Have had the same under consideration and recommend that the same do pass.

S. N. PUTNAM,
Chairman.

Mr. Putnam moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on appropriations to whom was referred Senate Bill No. 91,

A bill for an act creating and establishing an agricultural experiment station, to be located at or near the village of Hettinger, in Adams county, in connection with the North Dakota agricultural college at Fargo, and under the direction of the board of directors of said college, and making an appropriation therefor.

Have had the same under consideration and recommend that the same do pass.

S. N. PUTNAM,
Chairman.

Mr. Putnam moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on appropriations to whom was referred Senate Bill No. 70,

A bill for an act to provide for new buildings for the school for the 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:

That the item for a school building, gymnasium and assembly hall be raised to \$25,000, for a separate hospital building there be allowed \$8,000. Total for bill, \$33,000.

And when so amended recommend the same do pass.

S. N. PUTNAM,
Chairman.

Mr. Traynor moved

That the rules be suspended and the report of the committee be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on appropriations to whom was referred Senate Bill No. 29,

A bill for an act making appropriations for permanent improvements at the state university and school of mines of North Dakota, and for maintenance of a mining experiment sub-station in connection with such state school of mines.

Have had the same under consideration and recommend that the same do pass.

S. N. PUTNAM,
Chairman.

Mr. Putnam moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on appropriations to whom was referred House Bill No. 316,

A bill for an act creating and establishing an agricultural experiment station, to be located at or near the city of Harvey, in Wells county, in connection with the North Dakota agricultural college at Fargo, and under the direction of the board of directors of said college, and making an appropriation therefor.

Have had the same under consideration and recommend that the same do pass.

S. N. PUTNAM,
Chairman.

Mr. Putnam moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on appropriations to whom was referred House Bill No. 178,

A bill for an act making an appropriation for the improvement, betterment, conservation and preservation of the Rock Island Military Wood Reservation in Ramsey County, North Dakota.

Have had the same under consideration and recommend that the same do pass.

S. N. PUTNAM,
Chairman.

Mr. Putnam moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on appropriations to whom was referred House Bill No. 369,

A bill for an act to appropriate a sum of money for the maintenance and conservation of the state park at Fort Abercrombie.

Have had the same under consideration and recommend that the same do pass.

S. N. PUTNAM,
Chairman.

Mr. Putnam moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on appropriations to whom was referred House Bill No. 251,

A bill for an act appropriating money to provide for the erection, equipment and maintenance of a biological station

at Devils Lake, North Dakota, and to carry on its associated work.

Have had the same under consideration and recommend that the same do pass.

S. N. PUTNAM,
Chairman.

Mr. Putnam moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on appropriations to whom was referred Senate Bill No. 68,

A bill for an act making appropriation for completing and furnishing dormitory, for establishing and changing heating plant, for grounds and walks, students' hospital and other equipment for the state normal school at Mayville, and for maintenance.

Have had the same under consideration and recommend that the same be amended as follows:

In item "for completing and furnishing the new dormitory," change amount from \$35,000 to \$41,000.

And when so amended recommend the same do pass.

S. N. PUTNAM,
Chairman.

Mr. White moved

That the rules be suspended and the report of the committee be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on appropriations to whom was referred House Bill No. 304,

A bill for an act to authorize, empower and require the board of railroad commissioners to ascertain and determine the true cash value of all the railroad property of every railroad company in this state, used in the operation and maintenance of their respective railways, and to employ experts and such other assistance as may be neces-

sary to ascertain and determine such value, and making an appropriation therefor.

Have had the same under consideration and recommend that the same be amended as follows:

In section 3, line 3 of the printed bill, strike out the words and figures "twenty-five thousand (\$25,000)" and insert in lieu thereof "fifteen thousand (\$15,000)."

And when so amended recommend the same do pass.

S. N. PUTNAM,
Chairman.

Mr. Garden moved

That the rules be suspended and the report of the committee be adopted.

Which motion prevailed, and
The report of the committee was adopted.

Also,

Your committee on appropriations to whom was referred
Senate Bill No. 16,

A bill for an act appropriating money for the purpose of building and equipping a dairy laboratory and barn; a veterinary laboratory and stable; for apparatus for engineering departments; for building sidewalks; for girls' dormitory and domestic science laboratory; for providing dynamo and fixtures; for boys' dormitory; and for horticultural building for the agricultural college located at Fargo, North Dakota.

Have had the same under consideration and recommend that the same be amended as follows:

Add item of \$10,000 for dynamo, and fixtures for furnishing the college with light and power.

And when so amended recommend the same do pass.

S. N. PUTNAM,
Chairman.

Mr. Baker of Cass moved

That the rules be suspended and the report of the committee be adopted.

Which motion prevailed, and
The report of the committee was adopted.

Also,

Your committee on appropriations to whom was referred
Senate Bill No. 165,

A bill for an act making an appropriation of five hundred dollars for each of the years 1909, 1910, 1911, 1912, 1913, 1914, 1915, 1916, 1917 and 1918 for the Williston experiment station, located at the city of Williston, Williams county, to be used for payment of water charges for irrigation.

Have had the same under consideration and recommend that the same be amended as follows:

Add to title:

“Including construction, operation and maintenance charges.”

Add to end of section 1, after the word “irrigation,” “including construction, operation and maintenance charges.”

And when so amended recommend the same do pass.

S. N. PUTNAM,
Chairman.

Mr. Putnam moved

That the rules be suspended and the report of the committee be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Mr. Price moved

That the rules be suspended and all appropriation bills be placed upon their third reading and final passage.

Which motion prevailed.

Senate Bill No. 16,

A bill for an act appropriating money for the purpose of building and equipping a dairy laboratory and barn; a veterinary laboratory and stable; for apparatus for engineering departments; for building sidewalks; for girls' dormitory and domestic science laboratory; for providing dynamo and fixtures; for boys' dormitory; and for horticultural building for the agricultural college located at Fargo, North Dakota.

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 68, nays 5, absent and not voting 22.

Those who voted in the affirmative were:

| | | |
|----------------------|----------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Hill | Pearl |
| Akesson | Homnes | Plath |
| Anderson | Honey | Ployhar |
| Baker of Cass | Hughes | Price |
| Brusletten | Jewett | Putnam |
| Burnett | Johnson of Bottineau | Senour |
| Burns | Johnson of McLean | Sgutt |
| Chatfield | Johnson of Rolette | Shells |
| Christenson | Kinney of McLean | Skinner |
| Collins of Cass | Kinney of Richland | Skulason |
| Collins of Gd. Forks | Knox | Sorlie |
| Cunningham | Law | Streeter |
| Davidson | Laithwaite | Thompson, Gd. Forks |
| Doyle of Foster | Linde | Thompson of McLean |
| Duncan | Lucke | Thoreson |
| Evans | Martin | Traynor |
| Freeman | McCrea | Ward |
| Garden | Moen of Cavalier | Welford |
| Gibbens | Narum | White |
| Grant | Nelson of Stéele | Wisner |
| Hanley | Nelson of Walsh | Young |
| Hemmingson | Olson | Mr. Speaker |
| Hendrickson | Paulson | |

Those who voted in the negative were:

| | | |
|-------------------|----------|----------------|
| Messrs.— | Messrs.— | Messrs.— |
| Bjorndahl | Geidt | Moen of Benson |
| Doyle of McIntosh | McLear | |

Absent and not voting:

| | | |
|----------------|-------------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Atwood | Hale | Poe |
| Baker of Stark | Kneeland | Pound |
| Brynjulson | Kremer | Schull |
| Crawford | Lindvig | Sinclair |
| Dibley | Nelson of McHenry | Steen |
| Fraine | Nyhus | Storey |
| Ganssle | Pendray | Wolbert. |
| Goldammer | | |

Mr. Dibley being excused.

So the bill passed as amended and the title was agreed to.

Senate Bill No. 102,

A bill for an act to amend and re-enact chapter 243 of the laws of 1907, being an act to create a state library commis-

sion, defining its duties and making an appropriation for its maintenance.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 69, nays 2, absent and not voting 24.

Those who voted in the affirmative were:

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|----------------------|---------------------|
| Aasheim | Hemmingson | Olson |
| Akesson | Hendrickson | Paulson |
| Anderson | Hill | Peart |
| Baker of Cass | Honey | Pendray |
| Bjorndahl | Hughes | Plath |
| Brusletten | Jawett | Ployhar |
| Burnett | Johnson of Bottineau | Price |
| Burns | Johnson of McLean | Putnam |
| Châtfield | Johnson of Rolette | Sgutt |
| Christenson | Kinney of McLean | Shells |
| Collins of Cass | Kinney of Richland | Skinner |
| Collins of Gd. Forks | Knox | Skulason |
| Cunningham | Law | Sorlie |
| Davidson | Laithwaite | Streeter |
| Doyle of Foster | Linde | Thompson, Gd. Forks |
| Duncan | Lucke | Thompson of McLean |
| Evans | Martin | Thoreson |
| Freeman | McCrea | Traynor |
| Ganssle | McLear | Ward |
| Garden | Moen of Cavalier | White |
| Gibbens | Narum | Wisner |
| Grant | Nelson of Steele | Young |
| Hanley | Nyhus | Mr. Speaker |

Absent and not voting:

| Messrs.— | Messrs.— | Messrs.— |
|----------------|-------------------|----------|
| Atwood | Homnes | Pound |
| Baker of Stark | Kneeland | Schull |
| Brynjulson | Kremer | Senour |
| Crawford | Lindvig | Sinclair |
| Dibley | Moen of Benson | Steen |
| Fraine | Nelson of McHenry | Storey |
| Goldammer | Nelson of Walsh | Welford |
| Hale | Poe | Wolbert |

Messrs. Doyle of McIntosh and Giedt voting in the negative.

Mr. Dibley being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 68,

A bill for an act making appropriation for completing and furnishing dormitory, for establishing and changing

heating plant, for grounds and walks, students' hospital and other equipment for the state normal school at Mayville, and for maintenance.

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 71, nays 1, absent and not voting 23.

Those who voted in the affirmative were:

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|----------------------|---------------------|
| Aasheim | Hemmingson | Olson |
| Akesson | Hendrickson | Paulson |
| Anderson | Hill | Peart |
| Baker of Cass | Homnes | Pendray |
| Bjorndahl | Honey | Plath |
| Brusletten | Hughes | Ployhar |
| Brynjulson | Jewett | Price |
| Burnett | Johnson of Bottineau | Putnam |
| Burns | Johnson of McLean | Sgutt |
| Chatfield | Johnson of Rolette | Sheils |
| Christenson | Kinney of McLean | Skinner |
| Collins of Cass | Kinney of Richland | Skulason |
| Collins of Gd. Forks | Kneeland | Sordie |
| Cunningham | Knox | Streeter |
| Davidson | Law | Thompson, Gd. Forks |
| Doyle of Foster | Linde | Thompson of McLean |
| Duncan | Lucke | Thoreson |
| Freeman | Martin | Traynor |
| Ganssle | Moen of Benson | Ward |
| Garden | Moen of Cavalier | White |
| Geidt | Nelson of McHenry | Wisner |
| Gibbens | Nelson of Steele | Young |
| Grant | Nelson of Walsh | Mr. Speaker |
| Hanley | Nyhus | |

Absent and not voting:

| Messrs.— | Messrs.— | Messrs.— |
|----------------|------------|----------|
| Atwood | Kremer | Schull |
| Baker of Stark | Laithwaite | Senour |
| Crawford | Lindvig | Sinclair |
| Dibley | McCrea | Steen |
| Elvans | McLear | Storey |
| Fraine | Narum | Welford |
| Goldammer | Poe | Wolbert |
| Hale | Pound | |

Mr. Doyle of McIntosh voted in the negative.

Mr. Dibley being excused.

So the bill passed and the title as amended was agreed to.

Senate Bill No. 146,

A bill for an act appropriating money to compensate T. R. Shaw for balance of salary due as secretary of the North Dakota state capitol commission, and for sundry items of expense incurred by said T. R. Shaw, while acting as such secretary, during the months of August, September, October and November, in the year 1905.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 65, nays 7, absent and not voting 23.

Those who voted in the affirmative were:

| Messrs.— | Messrs.— | Messrs.— |
|-------------------|----------------------|---------------------|
| Aasheim | Hill | Pearl |
| Akesson | Homnes | Plath |
| Anderson | Honey | Ployhar |
| Baker of Cass | Hughes | Price |
| Bjorndahl | Jewett | Putnam |
| Brusletten | Johnson of Bottineau | Senour |
| Brynjolfson | Johnson of McLean | Sgutt |
| Burnett | Johnson of Rolette | Sheils |
| Burns | Kinney of Richland | Skinner |
| Chatfield | Kneeland | Skulason |
| Collins of Cass | Knox | Sorlie |
| Cunningham | Law | Streeter |
| Doyle of Foster | Laithwaite | Thompson, Gd. Forks |
| Doyle of McIntosh | Linde | Thompson of McLean |
| Duncan | Lucke | Thoreson |
| Freeman | McCrea | Traynor |
| Ganssle | Moen of Benson | Ward |
| Garden | Moen of Cavalier | White |
| Gibbins | Nelson of Steele | Wisner |
| Hanley | Nelson of Walsh | Young |
| Hemmingson | Olson | Mr. Speaker |
| Hendrickson | Paulson | |

Those who voted in the negative were:

| Messrs.— | Messrs.— | Messrs.— |
|-------------|------------------|----------|
| Christenson | Grant | Narum |
| Davidson | Kinney of McLean | Nybus |
| Geidt | | |

Absent and not voting:

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|----------|----------|
| Atwood | Hale | Pound |
| Baker of Stark | Kremer | Schull |
| Collins of Gd. Forks | Lindvig | Sinclair |
| Crawford | Martin | Steen |
| Dibley | McLear | Storey |

Messrs.—

Evans
Fraine
Goldammer

Messrs.—

Nelson of McHenry
Pendray
Poe

Messrs.—

Welford
Wolbert

Mr. Dibley being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 70,

A bill for an act to provide for new buildings for the school for the 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 as amended.

The roll was called and there were ayes 73, nays 1, absent and not voting 21.

Those who voted in the affirmative were:

Messrs.—

Aasheim
Akesson
Anderson
Baker of Cass
Bjorndahl
Brusletten
Brynjolfson
Burnett
Burns
Chatfield
Christenson
Collins of Cass
Collins of Gd. Forks
Cunningham
Davidson
Duncan
Evans
Freeman
Ganssle
Garden
Geidt
Gibbins
Goldammer
Hanley
Hemmingson

Messrs.—

Hendrickson
Hill
Homnes
Honey
Hughes
Jewett
Johnson of Bottineau
Johnson of McLean
Johnson of Rolette
Kinney of McLean
Kinney of Richland
Kneeland
Knox
Law
Laithwaite
Linde
Lucke
McCrea
Moen of Benson
Moen of Cavalier
Narum
Nelson of Steele
Nelson of Walsh
Olson
Paulson

Messrs.—

Peart
Pendray
Plath
Ployhar
Price
Putnam
Senour
Sgutt
Sheils
Skinner
Skulason
Sorlie
Streeter
Thompson, Gd. Forks
Thompson of McLean
Thoreson
Traynor
Ward
Welford
White
Wisner
Young
Mr. Speaker

Absent and not voting:

Messrs.—

Atwood
Baker of Stark
Crawford
Dibley

Messrs.—

Hale
Kremer
Lindvig
Martin

Messrs.—

Poe
Pound
Schull
Sinclair

| | | |
|-----------------|-------------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Doyle of Foster | McLear | Steen |
| Fraine | Nelson of McHenry | Storey |
| Grant | Nyhus | Wolbert |

Mr. Doyle of McIntosh voted in the negative.

Mr. Dibley being excused.

So the bill passed as amended and the title was agreed to.

Senate Bill No. 29,

A bill for an act making appropriations for permanent improvements at the state university and school of mines of North Dakota, and for maintenance of a mining experiment sub-station in connection with such state school of mines.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 66, nays 1, absent and not voting 28.

Those who voted in the affirmative were:

| | | |
|----------------------|----------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Gibbins | Paulson |
| Akesson | Grant | Pearl |
| Anderson | Hanley | Plath |
| Baker of Cass | Hemmingson | Ployhar |
| Baker of Stark | Hill | Price |
| Bjorndahl | Honey | Putnam |
| Brusletten | Hughes | Senour |
| Brynjolfson | Jewett | Sgutt |
| Burnett | Johnson of Bottineau | Shells |
| Burns | Johnson of Rolette | Skinner |
| Chatfield | Kinney of McLean | Skulason |
| Collins of Cass | Kinney of Richland | Sorlie |
| Collins of Gd. Forks | Kneeland | Streeter |
| Cunningham | Knox | Thompson, Gd. Forks |
| Davidson | Law | Thompson of McLean |
| Doyle of Foster | Laithwaite | Thoreson |
| Duncan | Linde | Traynor |
| Evans | Lucke | Ward |
| Freeman | Moen of Benson | Welford |
| Ganssle | Nelson of Steele | White |
| Garden | Nelson of Walsh | Wisner |
| Geidt | Olson | Mr. Speaker |

Absent and not voting:

| | | |
|-------------------|-------------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Atwood | Kremer | Pendray |
| Crawford | Lindvig | Poe |
| Dibley | Martin | Pound |
| Doyle of McIntosh | McCrea | Schull |
| Fraine | McLear | Sinclair |
| Goldammer | Moen of Cavalier | Steen |
| Hale | Narum | Storey |
| Hendrickson | Nelson of McHenry | Wolbert |
| Homnes | Nyhus | Young |
| Johnson of McLean | | |

Mr. Christenson voted in the negative.
 Mr. Dibley being excused.
 So the bill passed and the title was agreed to.

Senate Bill No. 91,

A bill for an act creating and establishing an agricultural experiment station, to be located at or near the village of Hettinger, in Adams county, in connection with the North Dakota agricultural college at Fargo, and under the direction of the board of directors of said college, 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 22, nays 9, absent and not voting 24.

Those who voted in the affirmative were:

| | | |
|----------------------|----------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Hemmingson | Paulson |
| Akesson | Hendrickson | Pearl |
| Anderson | Hill | Plath |
| Baker of Cass | Honey | Ployhar |
| Baker of Stark | Hughes | Poe |
| Bjorndahl | Jewett | Price |
| Brynjolfson | Johnson of Bottineau | Putnam |
| Burnett | Johnson of McLean | Senour |
| Burns | Johnson of Rolette | Skutt |
| Chatfield | Kinney of McLean | Skulason |
| Christenson | Kinney of Richland | Sorlie |
| Collins of Cass | Kneeland | Streeter |
| Collins of Gd. Forks | Knox | Thompson, Gd. Forks |
| Cunningham | Law | Thompson of McLean |
| Davidson | Laithwaite | Thoreson |
| Duncan | Linde | Traynor |
| Evans | McCrea | Ward |
| Freeman | Moen of Benson | Welford |
| Ganssle | Nelson of Steele | White |
| Garden | Nelson of Walsh | Wisner |
| Gibbins | Olson | Mr. Speaker |

Those who voted in the affirmative were:

| | | |
|------------|------------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Brusletten | Moen of Cavalier | Shells |
| Grant | Narum | Skinner |
| Lucke | Pendray | Young |

Absent and not voting Messrs. Atwood, Crawford, Dibley, Doyle of Foster, Doyle of McIntosh, Fraine, Giedt, Goldammer, Hale Hanley, Homnes, Kremer, Lindvig, Mar

tin, McLear, Nelson of McHenry, Nyhus, Poe, Pound, Schull, Sinclair, Steen, Storey, and Wolbert.

Mr. Dibley being excused.

So the bill passed and the title was agreed to.

COURTESIES OF THE FLOOR.

The privileges of the floor were extended to Dr. Johns, P. D. Norton, Jacob Sonderall, Hettinger.

Mr. Skulason moved

That the house take a recess until tomorrow at 10 o'clock a. m.

Which motion prevailed, and

The house took a recess until 10 o'clock a. m. tomorrow.

W. D. AUSTIN,
Chief Clerk.

FIFTY-THIRD DAY AFTER RECESS
 AND
 FIFTY-FOURTH DAY

HOUSE OF REPRESENTATIVES,
 BISMARCK, NORTH DAKOTA,
 February 27, 1909.

The house assembled at 10 o'clock a. m., pursuant to recess taken.

THIRD READING OF SENATE BILLS.

Senate Bill No. 99,

A bill for an act to provide for the location and temporary organization and management of a state sanitarium for persons afflicted with tuberculosis, and making an appropriation for the purchase of land for said sanitarium, and authorizing improvements on said grounds.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 54, nays 0, absent and not voting 41.

Those who voted in the affirmative were:

Messrs.—

Anderson
 Baker of Cass
 Baker of Stark

Messrs.—

Hendrickson
 Hughes
 Jewett

Messrs.—

Paulson
 Pendray
 Plath

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|--------------------|-------------|
| Brusletten | Johnson of McLean | Ployhar |
| Burnett | Johnson of Rolette | Shells |
| Burns | Kneeland | Sinclair |
| Chatfield | Knox | Skinner |
| Collins of Cass | Law | Skulason |
| Collins of Gd. Forks | Laithwaite | Sorlie |
| Crawford | Linde | Steen |
| Cunningham | Lucke | Storey |
| Davidson | Martin | Streeter |
| Duncan | McOrea | Ward |
| Frairie | Moen of Benson | Welford |
| Freeman | Moen of Cavalier | White |
| Ganssle | Narum | Wisner |
| Gibbens | Nyhus | Wolbert |
| Grant | Olson | Mr. Speaker |

Absent and not voting:

| Messrs.— | Messrs.— | Messrs.— |
|-------------------|----------------------|---------------------|
| Aasheim | Hanley | Pear |
| Akesson | Hemmingson | Poe |
| Atwood | Hill | Pound |
| Bjorndahl | Hornes | Price |
| Brynjulson | Honey | Putnam |
| Christenson | Johnson of Bottineau | Schull |
| Dibley | Kinney of McLean | Senour |
| Doyle of Foster | Kinney of Richland | Sgutt |
| Doyle of McIntosh | Kremer | Thompson, Gd. Forks |
| Evans | Lindvig | Thompson of McLean |
| Garden | McLear | Thoreson |
| Geldt | Nelson of McHenry | Traynor |
| Goldammer | Nelson of Steele | Young |
| Hale | Nelson of Walsh | |

Mr. Dibley being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 90,

A bill for an act making an appropriation for the Dickinson experiment station, located at the city of Dickinson, Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 48, nays 12, absent and not voting 35.

Those who voted in the affirmative were:

| Messrs.— | Messrs.— | Messrs.— |
|----------------|-------------------|----------|
| Baker of Cass | Goldammer | Paulson |
| Baker of Stark | Hendrickson | Pendray |
| Bjorndahl | Hill | Plath |
| Brusletten | Honey | Ployhar |
| Burnett | Hughes | Pound |
| Burns | Jewett | Sgutt |
| Chatfield | Johnson of McLean | Shells |

| | | |
|----------------------|-----------------|-----------------|
| Messrs.— | Messrs.— | Messrs.— |
| Collins of Cass | Kneeland | Sinclair |
| Collins of Gd. Forks | Knox | Skinner |
| Crawford | Law | Skulason |
| Cunningham | Laithwaite | Sorlie |
| Doyle of McIntosh | Linde | Streeter |
| Duncan | Martin | Ward |
| Fraine | McCrea | Welford |
| Freeman | Nelson of Walsh | White |
| Ganssie | Olson | Mr. Speaker |

Those who voted in the negative were:

| | | |
|--------------------|------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Anderson | Lucke | Nyhus |
| Davidson | Moen of Benson | Steen |
| Grant | Moen of Cavalier | Storey |
| Johnson of Rolette | Narum | Thompson, Gd. Forks |

Absent and not voting:

| | | |
|-----------------|----------------------|--------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Aashelm | Hanley | Poe |
| Akesson | Hemmingson | Price |
| Atwood | Homnes | Putnam |
| Brynjulson | Johnson of Bottineau | Schull |
| Christenson | Kinney of McLean | Senour |
| Dibley | Kinney of Richland | Thompson of McLean |
| Doyle of Foster | Kremer | Thoreson |
| Evans | Lindvig | Traynor |
| Garden | McLear | Wisner |
| Geidt | Nelson of McHenry | Wolbert |
| Gibbens | Nelson of Steele | Young |
| Hale | Pearl | |

Mr. Dibley being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 254,

A bill for an act making an appropriation which will permit the State Historical society of North Dakota to acquire title to certain school lands within this state, having a historical value.

Was read the third time

The question being on the final passage of the bill.

The roll was called and there were ayes 62, nays 0, absent and not voting 33.

Those who voted in the affirmative were:

| | | |
|-----------------|-------------------|-----------------|
| Messrs.— | Messrs.— | Messrs.— |
| Anderson | Hill | Paulson |
| Baker of Cass | Homnes | Pendray |
| Baker of Stark | Honey | Plath |
| Brynjulson | Hughes | Ployhar |
| Burnett | Jewett | Pound |
| Burns | Johnson of McLean | Shells |

| | | |
|----------------------|--------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Chatfield | Johnson of Rolette | Sinclair |
| Collins of Cass | Kneeland | Skinner |
| Collins of Gd. Forks | Law | Skulason |
| Crawford | Laithwaite | Sorlie |
| Cunningham | Linde | Steen |
| Davidson | Lucke | Storey |
| Doyle of McIntosh | Martin | Streeter |
| Duncan | McCrea | Thompson, Gd. Forks |
| Fraine | Moen of Benson | Ward |
| Freeman | Moen of Cavalier | Welford |
| Ganssle | Narum | White |
| Gibbens | Nelson of Steele | Wisner |
| Goldammer | Nelson of Walsh | Wolbert |
| Grant | Nyhus | Mr. Speaker |
| Hendrickson | Olson | |

Absent and not voting:

| | | |
|-----------------|----------------------|--------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Hale | Peart |
| Akesson | Hanley | Poe |
| Atwood | Hemmingson | Price |
| Bjorndahl | Johnson of Bottineau | Putnam |
| Brusletten | Kinney of McLean | Schull |
| Christenson | Kinney of Richland | Senour |
| Dibley | Knox | Sgutt |
| Doyle of Foster | Kremer | Thompson of McLean |
| Evans | Lindvig | Thoreson |
| Garden | McLear | Traynor |
| Geidt | Nelson of McHenry | Young |

Mr. Dibley being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 322,

A bill for an act amending section 1 of chapter 166 of laws of 1889, it being section 1296 of revised codes of 1905, providing for purchase of books for state library.

Was read the third time

The question being on the final passage of the bill.

The roll was called and there were ayes 64, nays 0, absent and not voting 31.

Those who voted in the affirmative were:

| | | |
|----------------|--------------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Grant | Paulson |
| Akesson | Hill | Pendray |
| Anderson | Homes | Plath |
| Baker of Cass | Honey | Ployhar |
| Baker of Stark | Hughes | Pound |
| Bjorndahl | Jewett | Putnam |
| Brusletten | Johnson of McLean | Shells |
| Brynjulson | Johnson of Rolette | Sinclair |
| Burnett | Kneeland | Skinner |

| | | |
|----------------------|------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Burns | Knox | Skulason |
| Chatfield | Law | Sorlie |
| Christenson | Laithwaite | Steen |
| Collins of Cass | Linde | Storey |
| Collins of Gd. Forks | Lucke | Streeter |
| Crawford | Martin | Thompson, Gd. Forks |
| Cunningham | McCrea | Ward |
| Davidson | Moen of Benson | Welford |
| Doyle of Foster | Narum | White |
| Duncan | Nelson of Steele | Wisner |
| Fraine | Nyhus | Wolbert |
| Freeman | Olson | Mr. Speaker |
| Goldammer | | |

Absent and not voting:

| | | |
|-------------------|----------------------|--------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Atwood | Hendrickson | Pearl |
| Dibley | Johnson of Bottineau | Poe |
| Doyle of McIntosh | Kinney of McLean | Price |
| Evans | Kinney of Richland | Schull |
| Ganssle | Kremer | Senour |
| Garden | Lindvig | Sgutt |
| Geidt | McLear | Thompson of McLean |
| Gibbens | Moen of Cavalier | Thoreson |
| Hale | Nelson of McHenry | Traynor |
| Hanley | Nelson of Walsh | Young |
| Hemmingson | | |

Mr. Dibley being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 47,

A bill for an act to provide an appropriation for the erection of new buildings and other improvements at the state hospital for the insane of North Dakota 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 62, nays 1, absent and not voting 32.

Those who voted in the affirmative were:

| | | |
|----------------------|--------------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Hendrickson | Pendray |
| Akesson | Hill | Plath |
| Anderson | Honey | Ployhar |
| Baker of Stark | Hughes | Pound |
| Bjorndahl | Jewett | Putnam |
| Brusletten | Johnson of McLean | Shells |
| Burnett | Johnson of Rolette | Sinclair |
| Burns | Kneeland | Skinner |
| Chatfield | Knox | Skulason |
| Collins of Cass | Law | Sorlie |
| Collins of Gd. Forks | Laithwaite | Steen |

| | | |
|------------|------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Crawford | Linde | Storey |
| Cunningham | Lucke | Streeter |
| Davidson | Martin | Thompson, Gd. Forks |
| Duncan | McCrea | Thoreson |
| Fraine | Moen of Benson | Ward |
| Freeman | Moen of Cavalier | Welford |
| Ganssle | Narum | White |
| Garden | Nelson of Walsh | Wisner |
| Goldammer | Nyhus | Mr. Speaker |
| Grant | Olson | |

Absent and not voting:

| | | |
|-------------------|----------------------|--------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Atwood | Hanley | Peart |
| Baker of Cass | Hemmingson | Poe |
| Brynjulson | Homnes | Price |
| Christenson | Johnson of Bottineau | Schull |
| Dibley | Kinney of McLean | Senour |
| Doyle of Foster | Kinney of Richland | Sgutt |
| Doyle of McIntosh | Kremer | Thompson of McLean |
| Evans | Lindvig | Traynor |
| Geidt | McLear | Wolbert |
| Gibbens | Nelson of McHenry | Young |
| Hale | Nelson of Steele | |

Mr. Paulson voted in the negative.

Mr. Dibley being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 43,

A bill for an act appropriating an annual sum of money for the use of the government experiment station at Fargo for conducting demonstration farms and for otherwise co-operating with farmers, for making experiments in the manufacture of denaturized alcohol, for publishing reports and bulletins, for analysis of fertilizers and stock foods, for complying with the provisions of the pure paint, paris green and formaldehyde laws and for making other experiments.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 71, nays 0, absent and not voting 24.

Those who voted in the affirmative were:

| | | |
|----------------|-------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Grant | Olson |
| Akesson | Hendrickson | Paulson |
| Anderson | Hill | Pendray |
| Baker of Cass | Homnes | Plath |
| Baker of Stark | Honey | Ployhar |

| | | |
|----------------------|--------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Bjorndahl | Hughes | Pound |
| Brusletten | Jewett | Shells |
| Brynjulson | Johnson of McLean | Sinclair |
| Burnett | Johnson of Rolette | Skinner |
| Burns | Kinney of McLean | Skulason |
| Chatfield | Kneeland | Sorlie |
| Christenson | Knox | Steen |
| Collins of Cass | Law | Storey |
| Collins of Gd. Forks | Laitwaite | Streeter |
| Crawford | Linde | Thompson, Gd. Forks |
| Cunningham | Lucke | Thompson of McLean |
| Davidson | Martin | Thoreson |
| Doyle of McIntosh | McCrea | Ward |
| Duncan | Moen of Benson | Welford |
| Fraine | Moen of Cavalier | White |
| Freeman | Narum | Wisner |
| Garden | Nelson of Steele | Wolbert |
| Gibbons | Nelson of Walsh | Mr. Speaker |
| Goldammer | Nyhus | |

Absent and not voting:

| | | |
|-----------------|----------------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Atwood | Hemmingson | Poe |
| Dibley | Johnson of Bottineau | Price |
| Doyle of Foster | Kinney of Richland | Putnam |
| Evans | Kremer | Schull |
| Gaussle | Lindvig | Senour |
| Geidt | McLear | Sgutt |
| Hale | Nelson of McHenry | Traynor |
| Hanley | Peart | Young |

Mr. Dibley being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 14,

A bill for an act creating and establishing a mining experiment sub-station under the direction of the state school of mines at the state university, and providing for its management.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 51, nays 15, absent and not voting 29.

Those who voted in the affirmative were:

| | | |
|----------------|--------------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Freeman | Olson |
| Akesson | Hill | Plath |
| Baker of Cass | Homnes | Pound |
| Baker of Stark | Honey | Putnam |
| Brynjulson | Hughes | Senour |
| Burnett | Johnson of McLean | Shells |
| Burns | Johnson of Rolette | Skinner |

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|------------------|---------------------|
| Chatfield | Kneeland | Skulason |
| Christenson | Knox | Sorlie |
| Collins of Cass | Law | Thompson, Gd. Forks |
| Collins of Gd. Forks | Laithwaite | Thoreson |
| Crawford | Linde | Ward |
| Cunningham | Martin | Welford |
| Doyle of McIntosh | Moen of Benson | White |
| Duncan | Moen of Cavalier | Wisner |
| Evans | Nelson of Steele | Wolbert |
| Fraine | Nelson of Walsh | Mr. Speaker |

Those who voted in the negative were:

| Messrs.— | Messrs.— | Messrs.— |
|------------|-----------|----------|
| Anderson | Goldammer | Nyhus |
| Bjorndahl | Grant | Paulson |
| Brusletten | Jewett | Pendray |
| Davidson | Lucke | Sinclair |
| Ganssle | Narum | Steen |

Absent and not voting:

| Messrs.— | Messrs.— | Messrs.— |
|-----------------|----------------------|--------------------|
| Atwood | Johnson of Bottineau | Poe |
| Dibley | Kinney of McLean | Price |
| Doyle of Foster | Kinney of Richland | Schull |
| Garden | Kremer | Sgutt |
| Geidt | Lindvig | Storey |
| Gibbens | McCrea | Streeter |
| Hale | McLear | Thompson of McLean |
| Hanley | Nelson of McHenry | Traynor |
| Hemmingson | Peart | Young |
| Hendrickson | Ployhar | |

Mr. Dibley being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 108,

A bill for an act making appropriation in aid of the department of the "Grand Army of the Republic" of the state of North Dakota, for the purpose of enabling it to prepare, issue and distribute its general orders and the proceedings of the department, and providing for keeping copies of the same on file in the state library, at Bismarck, North Dakota, and for expenses incurred at state and national encampments.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 64, nays 5, absent and not voting 25.

Those who voted in the affirmative were:

| | | |
|----------------------|----------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Honey | Pendray |
| Akesson | Hughes | Ployhar |
| Anderson | Jewett | Pound |
| Baker of Cass | Johnson of Bottineau | Putnam |
| Baker of Stark | Johnson of McLean | Senour |
| Burnett | Johnson of Rolette | Sheils |
| Burns | Kneeland | Sinclair |
| Chatfield | Knox | Skinner |
| Collins of Cass | Law | Skulason |
| Collins of Gd. Forks | Laithwaite | Sorlie |
| Crawford | Linde | Steen |
| Cunningham | Lucke | Storey |
| Davidson | Martin | Streeter |
| Doyle of Foster | Moen of Benson | Thompson, Gd. Forks |
| Doyle of McIntosh | Moen of Cavalier | Thoreson |
| Duncan | Narum | Ward |
| Evans | Nelson of Steele | Welford |
| Freeman | Nelson of Walsh | White |
| Garden | Nyhus | Wisner |
| Goldammer | Oison | Wolbert |
| Hill | Paulson | Mr. Speaker |
| Homnes | | |

• Those who voted in the negative were:

| | | |
|------------|-------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Bjorndahl | Brynjulson | Grant |
| Brusletten | Christenson | |

Absent and not voting:

| | | |
|------------|--------------------|--------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Atwood | Hendrickson | Plath |
| Dibley | Kinney of McLean | Poe |
| Fraine | Kinney of Richland | Price |
| Ganssle | Kremer | Schull |
| Geldt | Lindvig | Sgutt |
| Gibbens | McCrea | Thompson of McLean |
| Hale | McLear | Traynor |
| Hanley | Nelson of McHenry | Young |
| Hemmingson | Peart | |

Mr. Dibley being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 255,

A bill for an act making an appropriation for the Edgeley experiment station, located at the city of Edgeley in LaMoure county.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 71, nays 1, absent and not voting 23.

Those who voted in the affirmative were:

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|----------------------|---------------------|
| Aasheim | Goldammer | Paulson |
| Akossou | Grant | Pendray |
| Anderson | Hendrickson | Plath |
| Baker of Cass | Hill | Ployhar |
| Baker of Stark | Homnes | Pound |
| Bjorndahl | Honey | Putnam |
| Brusletten | Hughes | Senour |
| Brynjolfson | Jewett | Sheils |
| Burnett | Johnson of Bottineau | Sinclair |
| Burns | Johnson of McLean | Skinner |
| Chatfield | Johnson of Rolette | Skulason |
| Christenson | Kneeland | Sorlie |
| Collins of Cass | Knox | Steen |
| Collins of Gd. Forks | Law | Storey |
| Crawford | Laithwaite | Streeter |
| Cunningham | Linde | Thompson, Gd. Forks |
| Davidson | Lucke | Thoreson |
| Doyle of McIntosh | Martin | Traynor |
| Duncan | McCrea | Welford |
| Evans | Moen of Benson | White |
| Fraine | Narum | Wisner |
| Freeman | Nelson of Steele | Wolbert |
| Ganssle | Nyhus | Mr. Speaker |
| Garden | Olson | |

Absent and not voting:

| Messrs.— | Messrs.— | Messrs.— |
|-----------------|--------------------|--------------------|
| Atwood | Kinney of McLean | Poe |
| Dibley | Kinney of Richland | Price |
| Doyle of Foster | Kremer | Schull |
| Geidt | Lindvig | Sgutt |
| Gibbins | McLear | Thompson of McLean |
| Hale | Nelson of McHenry | Ward |
| Hanley | Nelson of Walsh | Young |
| Hemmingson | Peart | |

Mr. Moen of Cavalier voted in the negative.

Mr. Dibley being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 147,

A bill for an act to amend section 393 of the revised codes of 1905, as amended by chapter 10, laws of 1907, 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, and providing a new 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 69, nays 0, absent and not voting 26.

Those who voted in the affirmative were:

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|----------------------|---------------------|
| Aasheim | Garden | Nyhus |
| Akesson | Goldammer | Olson |
| Anderson | Grant | Paulson |
| Baker of Cass | Hendrickson | Pendray |
| Baker of Stark | Hill | Plath |
| Bjorndahl | Homnes | Ployhar |
| Brusletten | Honey | Pound |
| Brynjolfson | Hughes | Putnam |
| Burnett | Jewett | Senour |
| Burns | Johnson of Bottineau | Shells |
| Chatfield | Johnson of McLean | Sinclair |
| Christenson | Johnson of Rolette | Skinner |
| Collins of Cass | Kinney of McLean | Sorlie |
| Collins of Gd. Forks | Kneeland | Steen |
| Crawford | Knox | Storey |
| Cunningham | Laithwaite | Streeter |
| Davidson | Linde | Thompson, Gd. Forks |
| Doyle of McIntosh | Lucke | Thoreson |
| Duncan | Martin | Ward |
| Evans | Moen of Benson | White |
| Fraine | Moen of Cavalier | Wisner |
| Freeman | Narum | Wolbert |
| Ganssle | Nelson of Steele | Mr. Speaker |

Absent and not voting:

| Messrs.— | Messrs.— | Messrs.— |
|--------------------|-------------------|--------------------|
| Atwood | Kremer | Price |
| Dibley | Law | Schull |
| Doyle of Foster | Lindvig | Sgutt |
| Geidt | McCrea | Skulason |
| Gibbias | McLear | Thompson of McLean |
| Hale | Nelson of McHenry | Traynor |
| Hanley | Nelson of Walsh | Welford |
| Hemmingson | Peart | Young |
| Kinney of Richland | Poe | |

Mr. Dibley being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 145,

A bill for an act appropriating money to compensate George Murray for salary due and sundry items of expense incurred by said George Murray while acting as temperance commissioner during the months of April and May in the year 1907.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 72, nays 2, absent and not voting 21.

Those who voted in the affirmative were:

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|----------------------|---------------------|
| Aasheim | Grant | Nelson of Walsh |
| Akesson | Goldammer | Nyhus |
| Anderson | Hendrickson | Oison |
| Baker of Cass | Hill | Pendray |
| Baker of Stark | Homnes | Plath |
| Bjorndahl | Honey | Ployhar |
| Brusletten | Hughes | Putnam |
| Brynjolfsen | Jewett | Senour |
| Burnett | Johnson of Bottineau | Sheils |
| Burns | Johnson of McLean | Sinclair |
| Chatfield | Johnson of Rolette | Skinner |
| Christenson | Kinney of McLean | Skulason |
| Collins of Cass | Kneeland | Sorlie |
| Collins of Gd. Forks | Knox | Steen |
| Crawford | Law | Storey |
| Cunningham | Laithwaite | Streeter |
| Davidson | Linde | Thompson, Gd. Forks |
| Doyle of McIntosh | Lucke | Thoreson |
| Duncan | Martin | Ward |
| Evans | McCrea | Welford |
| Fraine | Moen of Benson | White |
| Freeman | Moen of Cavalier | Wisner |
| Ganssle | Narum | Wolbert |
| Garden | Nelson of Steele | Mr. Speaker |

Absent and not voting:

| Messrs.— | Messrs.— | Messrs.— |
|-----------------|--------------------|--------------------|
| Atwood | Hemmingson | Poe |
| Dibley | Kinney of Richland | Price |
| Doyle of Foster | Kremer | Schull |
| Geidt | Lindvig | Sgutt |
| Gibbins | McLear | Thompson of McLean |
| Hale | Nelson of McHenry | Traynor |
| Hanley | Peart | Young |

Messrs. Paulson and Pound voting in the negative.

Mr. Dibley being excused.

So the bill passed and the title was agreed to.

The speaker called Mr. Gibbens to the chair.

Senate Bill No. 69,

A bill for an act to appropriate \$155.26 to reimburse citizens of North Dakota who advanced money to help defray expense incurred in making the state exhibit at the St. Louis exposition.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 73, nays 1, absent and not voting 21.

Those who voted in the affirmative were:

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|----------------------|---------------------|
| Aasheim | Hendrickson | Olson |
| Akesson | Hill | Paulson |
| Anderson | Homnes | Pendray |
| Baker of Cass | Honey | Plath |
| Baker of Stark | Hughes | Ployhar |
| Bjorndahl | Jewett | Pound |
| Brusletten | Johnson of Bottineau | Putnam |
| Brynjolfson | Johnson of McLean | Senour |
| Burnett | Johnson of Rolette | Shells |
| Burns | Kinney of McLean | Sinclair |
| Chatfield | Kneeland | Skinner |
| Christenson | Knox | Skulason |
| Collins of Cass | Law | Sorlie |
| Collins of Gd. Forks | Laithwaite | Steen |
| Crawford | Linde | Storey |
| Cunningham | Lucke | Streeter |
| Davidson | Martin | Thompson, Gd. Forks |
| Doyle of McIntosh | McCrea | Thoreson |
| Duncan | Moen of Benson | Ward |
| Evans | Moen of Cavalier | Welford |
| Fraine | Narum | White |
| Freeman | Nelson of Steele | Wisner |
| Ganssle | Nelson of Walsh | Wolbert |
| Garden | Nyhus | Mr. Speaker |
| Grant | | |

Absent and not voting:

| Messrs.— | Messrs.— | Messrs.— |
|-----------------|--------------------|--------------------|
| Atwood | Hemmingson | Poe |
| Dibley | Kinney of Richland | Price |
| Doyle of Foster | Kremer | Schull |
| Geidt | Lindvig | Sgutt |
| Gibbins | McLear | Thompson of McLean |
| Hale | Nelson of McHenry | Traynor |
| Hanley | Pearl | Young |

Mr. Goldammer voted in the negative.

Mr. Dibley being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 198,

A bill for an act appropriating money to compensate A. G. Burr for salary due and sundry items of expense incurred by said A. G. Burr while acting as district judge of the Ninth judicial district, for a period of four months.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 72, nays 0, absent and not voting 23.

Those who voted in the affirmative were:

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|----------------------|---------------------|
| Aasheim | Goldammer | Nyhus |
| Akesson | Grant | Olson |
| Anderson | Hendrickson | Paulson |
| Baker of Cass | Hill | Pendray |
| Baker of Stark | Homnes | Plath |
| Bjorndahl | Honey | Ployhar |
| Brusletten | Hughes | Pound |
| Brynjolfson | Jewett | Putnam |
| Burnett | Johnson of Bottineau | Senour |
| Burns | Johnson of McLean | Sheils |
| Chatfield | Johnson of Rolette | Sinclair |
| Christenson | Kinney of McLean | Skinner |
| Collins of Cass | Kneeland | Skulason |
| Collins of Gd. Forks | Knox | Steen |
| Crawford | Law | Storey |
| Cunningham | Laithwaite | Streeter |
| Davidson | Linde | Thompson, Gd. Forks |
| Doyle of McIntosh | Lucke | Thoreson |
| Duncan | McCrea | Ward |
| Evans | Moen of Benson | Welford |
| Fraine | Moen of Cavalier | White |
| Freeman | Narum | Wisner |
| Ganssle | Nelson of Steele | Wolbert |
| Garden | Nelson of Walsh | Mr. Speaker |

Absent and not voting:

| Messrs.— | Messrs.— | Messrs.— |
|-----------------|--------------------|--------------------|
| Atwood | Kinney of Richland | Price |
| Dibley | Kremer | Schull |
| Doyle of Foster | Lindvig | Sgutt |
| Geidt | Martin | Sorlle |
| Gibbins | McLear | Thompson of McLean |
| Hale | Nelson of McHenry | Traynor |
| Hanley | Peart | Young |
| Hemmingson | Poe | |

Mr. Dibley being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 207,

A bill for an act to appropriate money for repairing and wiring at the state penitentiary.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 72, nays 0, absent and not voting 23.

Those who voted in the affirmative were:

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|----------------------|---------------------|
| Aashoim | Gibbins | Nelson of Walsh |
| Akesson | Goldammer | Nyhus |
| Anderson | Grant | Olson |
| Baker of Cass | Hendrickson | Paulson |
| Baker of Stark | Hill | Peart |
| Bjorndahl | Homnes | Pendray |
| Brusletten | Honey | Plath |
| Brynjolfson | Hughes | Ployhar |
| Burnett | Jewett | Pound |
| Burns | Johnson of Bottineau | Price |
| Chatfield | Johnson of McLean | Putnam |
| Christenson | Johnson of Rolette | Senour |
| Collins of Cass | Kinney of McLean | Sheils |
| Collins of Gd. Forks | Kneeland | Skinner |
| Crawford | Knox | Skulason |
| Cunningham | Law | Steen |
| Davidson | Laithwalte | Storey |
| Doyle of McIntosh | Linde | Streeter |
| Duncan | Lucke | Thompson, Gd. Forks |
| Evans | McCrea | Thoreson |
| Fraine | Moen of Benson | Ward |
| Freeman | Moen of Cavalier | White |
| Ganssle | Narum | Wisner |
| Garden | Nelson of Steele | Mr. Speaker |

Absent and not voting:

| Messrs.— | Messrs.— | Messrs.— |
|--------------------|-------------------|--------------------|
| Atwood | Kremer | Sinclair |
| Dibley | Lindvig | Sorlie |
| Doyle of Foster | Martin | Thompson of McLean |
| Geidt | McLear | Traynor |
| Hale | Nelson of McHenry | Welford |
| Hanley | Poe | Wolbert |
| Hemmingson | Schull | Young |
| Kinney of Richland | Sgutt | |

Mr. Dibley being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 165,

A bill for an act making an appropriation of five hundred dollars for each of the years 1909, 1910, 1911, 1912, 1913, 1914, 1915, 1916, 1917 and 1918 for the Williston experiment station, located at the city of Williston, Williams county, to be used for payment of water charges for irrigation.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 71, nays 0, absent and not voting 24.

Those who voted in the affirmative were:

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|----------------------|---------------------|
| Aasheim | Gibbens | Nelson of Steele |
| Akesson | Goldammer | Nelson of Walsh |
| Anderson | Grant | Nyhus |
| Baker of Cass | Hendrickson | Olson |
| Baker of Stark | Hill | Paulson |
| Bjorndahl | Homnes | Pendray |
| Brusletten | Honey | Plath |
| Brynjulson | Hughes | Ployhar |
| Burnett | Jewett | Pound |
| Burns | Johnson of Bottineau | Put.am |
| Chatfield | Johnson of McLean | Senour |
| Christenson | Johnson of Rolette | Sheils |
| Collins of Cass | Kinney of McLean | Skinner |
| Collins of Gd. Forks | Kneeland | Skulason |
| Crawford | Knox | Steen |
| Cunningham | Law | Storey |
| Davidson | Laithwaite | Streeter |
| Doyle of McIntosh | Linde | Thompson, Gd. Forks |
| Duncan | Lucke | Ward |
| Evans | Martin | Welford |
| Fraine | McCrea | White |
| Freeman | Moen of Benson | Wisner |
| Ganssle | Moen of Cavalier | Wolbert |
| Garden | Narum | |

Absent and not voting:

| Messrs.— | Messrs.— | Messrs.— |
|--------------------|-------------------|--------------------|
| Atwood | Kremer | Sgutt |
| Dibley | Lindvig | Sinclair |
| Doyle of Foster | McLear | Sorlie |
| Geidt | Nelson of McHenry | Thompson of McLean |
| Hale | Peart | Thoreson |
| Hanley | Poe | Traynor |
| Hemmingson | Price | Young |
| Kinney of Richland | Schull | Mr. Speaker |

Mr. Dibley being excused.

So the bill passed and the title was agreed to.

Mr. Sheils moved

That the rules be suspended and House Bill No. 304 be considered engrossed and placed upon its third reading and final passage.

Which motion prevailed.

THIRD READING OF HOUSE BILLS.

House Bill No. 304.

A bill for an act to authorize, empower and require the board of railroad commissioners to ascertain and determine the true cash value of all the railroad property of

every railroad company in this state, used in the operation and maintenance of their respective railways, and to employ experts and such other assistance as may be necessary to ascertain and determine such value, and making an appropriation therefor.

Was read the third time.

Mr. Skulason moved

That the further consideration of the bill be indefinitely postponed.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

The speaker in the chair.

Mr. Duncan moved

That the rules be suspended and House Bill No. 307 be considered engrossed and placed upon its third reading and final passage.

Which motion prevailed.

House Bill No. 307,

A bill for an act to create a bureau of the department of agriculture and labor, to be known as the dairy department; to provide for the appointment of a dairy commissioner and an assistant dairy commissioner; fixing their compensation; defining their powers and duties; prescribing rules for the regulation of the manufacture and sale of dairy products; prescribing penalties for violations; providing a license for creameries, manufacturers of butter and cheese, stations and cream buyers throughout the state, and making an appropriation for the purposes of this act.

Was read the third time

The question being on the final passage of the bill.

The roll was called and there were ayes 52, nays 23, absent and not voting 20.

Those who voted in the affirmative were:

| | | |
|----------------------|--------------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Baker of Cass | Hill | Ployhar |
| Baker of Stark | Homnes | Pound |
| Burns | Honey | Putnam |
| Chatfield | Hughes | Senour |
| Collins of Cass | Jewett | Sgutt |
| Collins of Gd. Forks | Johnson of Rolette | Shells |
| Crawford | Law | Skinner |

| | | |
|-------------|------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Cunningham | Laithwaite | Skulason |
| Davidson | Linde | Storey |
| Duncan | Martin | Streeter |
| Evans | McCrea | Thompson, Gd. Forks |
| Fraine | Moen of Benson | Thoreson |
| Freeman | Moen of Cavalier | Ward |
| Ganssle | Nelson of Walsh | Welford |
| Garden | Nyhus | Wisner |
| Gibbens | Olson | Wolbert |
| Hale | Plath | Mr. Speaker |
| Hendrickson | | |

Those who voted in the negative were:

| | | |
|-------------|----------------------|------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Grant | Nelson of Steele |
| Akesson | Johnson of Bottineau | Paulson |
| Anderson | Johnson of McLean | Pendray |
| Bjorn Dahl | Kinney of McLean | Sinclair |
| Brusletten | Kneeland | Sorlie |
| Brynjulson | Knox | Steen |
| Burnett | Lucke | White |
| Christenson | Narum | |

Absent and not voting:

| | | |
|-------------------|--------------------|--------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Atwood | Hemmingson | Poe |
| Dibley | Kinney of Richland | Price |
| Doyle of Foster | Kremer | Schull |
| Doyle of McIntosh | Lindvig | Thompson of McLean |
| Geidt | McLear | Traynor |
| Goldammer | Nelson of McHenry | Young |
| Hanley | Peart | |

Mr. Dibley being excused.

So the bill passed and the title was agreed to.

Mr. Skulason gave notice that at 2:30 p. m. today he would move to reconsider the vote by which House Bill No. 307 passed.

Mr. Sgutt moved

That the rules be suspended and that House Bill No. 316 be considered engrossed and placed upon its third reading and final passage.

Which motion prevailed.

House Bill No. 316,

A bill for an act creating and establishing an agricultural experiment station, to be located at or near the city of Harvey, in Wells county, in connection with the North Dakota agricultural college at Fargo, and under the direction

of the board of directors of said college, 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 58, nays 14, absent and not voting 23.

Those who voted in the affirmative were:

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|----------------------|---------------------|
| Akesson | Goldammer | Paulson |
| Anderson | Hale | Pendray |
| Baker of Cass | Hendrickson | Plath |
| Baker of Stark | Homnes | Pound |
| Bjorndahl | Honey | Putnam |
| Brynjolfson | Hughes | Senour |
| Burns | Jewett | Sgutt |
| Chatfield | Johnson of Bottineau | Sheils |
| Collins of Cass | Johnson of McLean | Sinclair |
| Collins of Gd. Forks | Johnson of Rolette | Skinner |
| Crawford | Kneeland | Steen |
| Cunningham | Law | Storey |
| Davidson | Laithwaite | Streeter |
| Doyle of McIntosh | Linde | Thompson, Gd. Forks |
| Duncan | Martin | Ward |
| Evans | McCrea | Welford |
| Freeman | Moen of Benson | Wisner |
| Ganssle | Nelson of Steele | Wolbert |
| Garden | Nelson of Walsh | Mr. Speaker |
| Gibbins | | |

Those who voted in the negative were:

| Messrs.— | Messrs.— | Messrs.— |
|-------------|------------------|-----------|
| Brusletten | Kinney of McLean | Nyhus |
| Burnett | Knox | Olson |
| Christenson | Lucke | Skulerson |
| Grant | Moen of Cavalier | Sorlie |
| Hill | Narum | |

Absent and not voting:

| | | |
|-----------------|--------------------|--------------------|
| Aasheim | Kinney of Richland | Price |
| Atwood | Kremer | Schull |
| Dibley | Lindvig | Thompson of McLean |
| Doyle of Foster | McLear | Thoreson |
| Fraine | Nelson of McHenry | Traynor |
| Geidt | Peart | Whita |
| Hanley | Ployhar | Young |
| Hemmingson | Poe | |

Mr. Dibley being excused.

So the bill passed and the title was agreed to.

Mr. Sgutt moved

That the vote by which House Bill No. 316 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

Mr. Brusletten moved

That the rules be suspended and House Bill No. 369 be considered engrossed and placed upon its third reading and final passage.

Which motion prevailed

House Bill No. 369,

A bill for an act to appropriate a sum of money for the maintenance and conservation of the state park at Fort Abercrombie.

Was read the third time

The question being on the final passage of the bill.

The roll was called and there were ayes 66, nays 4, absent and not voting 25.

Those who voted in the affirmative were:

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|----------------------|-------------|
| Aashelm | Homes | Olson |
| Akesson | Honey | Paulson |
| Anderson | Hughes | Pendray |
| Baker of Cass | Jewett | Plath |
| Brusletten | Johnson of Bottineau | Ployhar |
| Burnett | Johnson of McLean | Pound |
| Chatfield | Johnson of Rolette | Putnam |
| Collins of Cass | Kinney of McLean | Sgutt |
| Collins of Gd. Forks | Kneeland | Sheils |
| Crawford | Knox | Sinclair |
| Cunningham | Law | Skinner |
| Davidson | Laithwaite | Skulason |
| Duncan | Linde | Sorlie |
| Evans | Lucke | Streeter |
| Fraine | Martin | Thoreson |
| Freeman | McCrea | Ward |
| Ganssle | Moen of Benson | Welford |
| Garden | Moen of Cavalier | White |
| Gibbins | Narum | Wisner |
| Goldammer | Nelson of Steele | Wolbert |
| Grant | Nelson of Walsh | Mr. Speaker |
| Hill | Nyhus | |

Those who voted in the negative were:

| Messrs.— | Messrs.— | Messrs.— |
|-------------|-------------|----------|
| Bjorndahl | Christenson | Steen |
| Brynjolfson | | |

Absent and not voting:

| Messrs.— | Messrs.— | Messrs.— |
|----------------|--------------------|----------|
| Atwood | Hemmingson | Poe |
| Baker of Stark | Hendrickson | Price |
| Burns | Kinney of Richland | Schull |
| Dibley | Kremer | Senour |

| | | |
|-------------------|-------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Doyle of Foster | Lindvig | Thompson, Gd. Forks |
| Doyle of McIntosh | McLear | Thompson of McLean |
| Geidt | Nelson of McHenry | Traynor |
| Hale | Peart | Young |
| Hanley | | |

Mr. Dibley being excused.

So the bill passed and the title was agreed to.

Mr. Brusletten moved

That the vote by which House Bill No. 369 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

Mr. Honey moved

That the rules be suspended and that House Bill No. 251 be considered engrossed and placed upon its third reading and final passage.

Which motion prevailed.

House Bill No. 251,

A bill for an act appropriating money to provide for the erection, equipment and maintenance of a biological station at Devils Lake, North Dakota, and to carry on its associated work.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 49, nays 23, absent and not voting 23.

Those who voted in the affirmative were:

| | | |
|----------------------|----------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Gibbins | Nelson of McHenry |
| Akesson | Goldammer | Ployhar |
| Anderson | Hill | Pound |
| Baker of Cass | Homnes | Putnam |
| Baker of Stark | Honey | Sgutt |
| Brusletten | Hughes | Sheils |
| Burns | Johnson of Bottineau | Skinner |
| Chatfield | Johnson of McLean | Skulason |
| Collins of Cass | Johnson of Rolette | Sorlie |
| Collins of Gd. Forks | Kneeland | Streeter |
| Cunningham | Knox | Thompson, Gd. Forks |
| Davidson | Law | Ward |
| Doyle of McIntosh | Laithwaite | White |
| Duncan | Linde | Wisner |
| Evans | Martin | Wolbert |
| Garden | Moen of Benson | Mr. Speaker |

Those who voted in the negative were:

| Messrs.— | Messrs.— | Messrs.— |
|-------------|------------------|----------|
| Bjorndahl | Grant | Nyhus |
| Brynjolfson | Jewett | Olson |
| Burnett. | Kinney of McLean | Paulson |
| Christenson | Lucke | Pendray |
| Crawford | Moen of Cavalier | Sinclair |
| Fraine | Narum | Steen |
| Freeman | Nelson of Steele | Welford |
| Ganssle | Nelson of Walsh | |

Absent and not voting:

| Messrs.— | Messrs.— | Messrs.— |
|-----------------|--------------------|--------------------|
| Atwood | Kinney of Richland | Price |
| Dibley | Kremer | Schull |
| Doyle of Foster | Lindvig | Senour |
| Geidt | McCrea | Thompson of McLean |
| Hale | McLear | Thoreson |
| Hanley | Peart | Traynor |
| Hemmingson | Plath | Young |
| Hendrickson | Poe | |

Mr. Dibley being excused.

So the bill passed and the title was agreed to.

Mr. Honey moved

That the vote by which House Bill No. 251 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

Mr. Honey moved

That the rules be suspended and House Bill No. 178 be considered engrossed and placed upon its third reading and final passage.

Which motion prevailed.

House Bill No. 178,

A bill for an act making an appropriation for the improvement, betterment, conservation and preservation of the Rock Island Military Wood Reesrvation in Ramsey 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 44, nays 25, absent and not voting 26.

Those who voted in the affirmative were:

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|----------------------|-----------------|
| Akesson | Garden | Nelson of Walsh |
| Anderson | Gibbins | Plath |
| Baker of Cass | Goldammer | Ployhar |
| Burns | Hill | Putnam |
| Chatfield | Homnes | Sgutt |
| Collins of Cass | Honey | Shells |
| Collins of Gd. Forks | Hughes | Skinner |
| Crawford | Jewett | Sorlie |
| Cunningham | Johnson of Bottineau | Storey |
| Davidson | Johnson of McLean | Streeter |
| Duncan | Johnson of Rolette | Ward |
| Evans | Law | Welford |
| Fraine | Laithwaite | Wisner |
| Freeman | Linde | Mr. Speaker |
| Ganssle | Moen of Benson | |

Those who voted in the negative were:

| Messrs.— | Messrs.— | Messrs.— |
|-------------------|------------------|---------------------|
| Aasheim | Kinney of McLean | Paulson |
| Bjorndahl | Knox | Pendray |
| Brusletten | Lucke | Pound |
| Brynjolfson | Moen of Cavalier | Sinclair |
| Burnett | Narum | Skulason |
| Christenson | Nelson of Steele | Steen |
| Doyle of McIntosh | Nyhus | Thompson, Gd. Forks |
| Grant | Olson | White |
| Hendrickson | | |

Absent and not voting:

| Messrs.— | Messrs.— | Messrs.— |
|--------------------|-------------------|--------------------|
| Atwood | Kneeland | Price |
| Baker of Stark | Kremer | Schull |
| Dibley | Lindvig | Senour |
| Doyle of Foster | Martin | Thompson of McLean |
| Ceidt | McCrea | Thoreson |
| Hale | McLear | Traynor |
| Hanley | Nelson of McHenry | Wolbert |
| Hemmingson | Pear | Young |
| Kinney of Richland | Poe | |

Mr. Dibley being excused.
So the bill was lost.

Mr. Honey moved

That the vote by which House Bill No. 178 was lost be re-considered.

Which motion prevailed

Mr. Honey moved

That House Bill No. 178 be made a special order for 3 o'clock p. m.

Which motion prevailed.

REPORTS OF STANDING COMMITTEES.

The committee on appropriations made the following report:

Mr. Speaker:

Your committee on appropriations to whom was referred Senate Bill No. 113,

A bill for an act to provide an appropriation for the current and contingent expenses and for permanent improvements for the state school of science at Wahpeton.

Have had the same under consideration and recommend that the same do pass.

S. N. PUTNAM,
Chairman.

Mr. Putnam moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on appropriations to whom was referred Senate Bill No. 48,

A bill for an act to provide an appropriation for the current and contingent expenses of the state hospital for the insane of North Dakota at Jamestown.

Have had the same under consideration and recommend that the same do pass.

S. N. PUTNAM,
Chairman.

Mr. Putnam moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on appropriations to whom was referred Senate Bill No. 104,

A bill for an act to provide for the maintenance of the stated normal-industrial school, located at Ellendale, and making necessary improvements, and providing appropriations therefor.

Have had the same under consideration and recommend that the same be amended as follows:

Item for library, raise the figures from \$15,000 to \$24,--000.

And when so amended recommend the same do pass.

S. N. PUTNAM,
Chairman.

Mr. Putnam moved

That the rules be suspended and the report of the committee be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on appropriations to whom was referred Senate Bill No. 265,

A bill for an act making an annual appropriation to assist in the maintenance of the Florence Crittenden Home, located at Fargo, one of the charitable institutions of the state.

Have had the same under consideration and recommend that the same do pass.

S. N. PUTNAM,
Chairman.

Mr. Putnam moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on appropriations to whom was referred Senate Bill No. 159,

A bill for an act providing for the management and control of, for making annual reports by the respective superintendents and appropriating money annually for the support and maintenance of the agricultural sub-experiment stations, located at Dickinson, Williston and Langdon.

Have had the same under consideration and recommend that the same do pass.

S. N. PUTNAM,
Chairman.

Mr. Putnam moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on appropriations to whom was referred Senate Bill No. 148,

A bill for an act to provide for making needed permanent improvements for the North Dakota blind asylum at Bathgate, and making an appropriation therefor.

Have had the same under consideration and recommend that the same do pass.

S. N. PUTNAM,
Chairman.

Mr. Putnam moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on appropriations to whom was referred Senate Bill No. 166,

A bill for an act making an appropriation for the Williston experiment station, located at the city of Williston, Williams county.

Have had the same under consideration and recommend that the same do pass.

S. N. PUTNAM,
Chairman.

Mr. Putnam moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on appropriations to whom was referred Senate Bill No. 56,

A bill for an act to provide an appropriation for the current and contingent expenses and for permanent improvements for the institution for the feeble minded, at Grafton.

Have had the same under consideration and recommend that the same be amended as follows:

In addition to amount of bill, add \$800 for silo.

And when so amended recommend the same do pass.

S. N. PUTNAM,
Chairman.

Mr. Putnam moved

That the rules be suspended and the report of the committee be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Mr. Baker of Cass moved

That House Bill No. 294 be withdrawn from general orders and re-referred to the committee on banking.

Which motion prevailed, and

The bill was so re-referred.

Mr. Sorlie moved

That the rules be suspended and the senate bills on appropriations just reported be placed upon their third reading and final passage.

Senate Bill No. 113,

A bill for an act to provide an appropriation for the current and contingent expenses and for permanent improvements for the state school of science at Wahpeton.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 71, nays 1, absent and not voting 24.

Those who voted in the affirmative were:

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|----------------------|----------|
| Aasheim | Hendrickson | Pendray |
| Akesson | Hill | Plath |
| Anderson | Hornes | Ployhar |
| Baker of Cass | Honey | Pound |
| Baker of Stark | Hughes | Putnam |
| Bjorndahl | Jewett | Senour |
| Brusletten | Johnson of Bottineau | Sgutt |
| Burnett | Johnson of McLearn | Sheils |
| Chatfield | Johnson of Rolette | Skinner |
| Christenson | Kinney of McLean | Skulason |
| Collins of Cass | Kneeland | Sorlie |
| Collins of Gd. Forks | Knox | Steen |
| Crawford | Law | Storey |

| | | |
|------------|------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Cunningham | Laituwaite | Streeter |
| Davidson | Linde | Thompson, Gd. Forks |
| Duncan | Lucke | Thompson of McLean |
| Evans | Moen of Benson | Thoreson |
| Fraine | Narum | Ward |
| Freeman | Nelson of Steele | Welford |
| Ganssle | Nelson of Walsh | White |
| Garden | Nyhus | Wisner |
| Gibbins | Olson | Wolbert |
| Goldammer | Paulson | Mr. Speaker |
| Grant | | |

Absent and not voting:

| | | |
|-----------------|--------------------|-------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Atwood | Hemmingson | Nelson of McHenry |
| Brynjolfson | Kinney of Richland | Pearl |
| Burns | Kremer | Poe |
| Dibley | Lindvig | Price |
| Doyle of Foster | Martin | Schull |
| Geidt | McCrea | Sinclair |
| Hale | McLear | Traynor |
| Hanley | Moen of Cavalier | Young |

Mr. Doyle of McIntosh voted in the negative.

Mr. Dibley being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 265,

A bill for an act making an annual appropriation to assist in the maintenance of the Florence Crittenden Home, located at Fargo, one of the charitable institutions 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 46, nays 22, absent and not voting 27.

Those who voted in the affirmative were:

| | | |
|----------------------|--------------------|--------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Baker of Cass | Gibbins | Nelson of Steele |
| Baker of Stark | Hendrickson | Paulson |
| Bjorndahl | Hill | Pendray |
| Burnett | Homnes | Sgutt |
| Christenson | Honey | Shells |
| Collins of Cass | Hughes | Skinner |
| Collins of Gd. Forks | Jewett | Skulason |
| Crawford | Johnson of McLean | Sorlie |
| Cunningham | Johnson of Rolette | Storey |
| Davidson | Kinney of McLean | Streeter |
| Doyle of Foster | Kneeland | Thompson of McLean |
| Duncan | Knox | Welford |
| Evans | Law | White |
| Fraine | Linde | Wisner |
| Ganssle | McCrea | Wolbert |
| Garden | | |

Those who voted in the negative were:

| | | |
|-------------------|-----------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Anderson | Laithwaite | Putnam |
| Brusletten | Lucke | Senour |
| Brynjolfson | Moen of Benson | Sinclair |
| Chatfield | Narum | Steen |
| Doyle of McIntosh | Nelson of Walsh | Thompson, Gd. Forks |
| Freeman | Nyhus | Ward |
| Goldammer | Pound | Mr. Speaker |
| Grant | | |

Absent and not voting:

| | | |
|------------|----------------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Johnson of Bottineau | Peart |
| Akesson | Kinney of Richland | Plath |
| Atwood | Kremer | Ployhar |
| Burns | Lindvig | Poe |
| Dibley | Martin | Price |
| Geidt | McLear | Schull |
| Hale | Moen of Cavalier | Thoreson |
| Hanley | Nelson of McHenry | Traynor |
| Hemmingson | Olson | Young |

Mr. Dibley being excused.
So the bill was lost.

Mr. Baker of Cass moved

That the vote by which Senate Bill No. 265 was lost be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

The speaker appointed as a conference committee on fish and game bills, Messrs. Fraine, Honey and Duncan.

The speaker recalled House Bill No. 388 from the committee on military affairs and re-referred the same to the committee on judiciary.

Mr. Baker of Cass moved

That the house do now adjourn.

Which motion prevailed, and

The house adjourned.

W. D. AUSTIN,
Chief Clerk.

FIFTY-FOURTH DAY

—

**HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 27, 1909.**

The house assembled at 2 o'clock p. m., pursuant to adjournment.

The speaker presiding.

Prayer by the chaplain.

Roll call.

All members present except Mr. Dibley, who was excused.

REFERENCE OF THE JOURNAL.

The committee on revision and correction of the journal made the following report:

Mr. Speaker:

Your committee on revision and correction of the journal have carefully examined the journal of the fifty-third day and find the same correct.

And recommend that the same be approved.

**S. J. DOYLE,
Chairman.**

Mr. Doyle moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on engrossment made the following report:

Mr. Speaker:

Your committee on engrossment have examined

House Bill No. 216,

A bill for an act for the inspection of fermented and spirituous liquors, malt liquors, wines, ciders and all beverages manufactured, sold or offered for sale as a substitute for intoxicating liquors, and providing for the appointment of a state inspector and deputies, prescribing their duties, designating their fees, and prescribing rules and regulations for such inspection, providing for the payment and disposition of such fees, providing penalties for the violation of the provisions of this act, designating ports of entry where liquor shipped into this state shall be inspected.

Also,

House Bill No. 219,

A bill for an act to amend article 4 of chapter 32 of the political code of North Dakota, as found in the revised codes of North Dakota for 1905, relating to changing limits of cities, towns and villages, and to repeal sections 2948 and 2949 of the revised codes for 1905.

Also,

House Bill No. 236,

A bill for an act to amend section 651 of the revised codes of the state of North Dakota for 1905.

Also,

House Bill No. 258,

A bill for an act to amend section 9263 of the revised codes of the state of North Dakota for the year of 1905, relating to unlawfully branding and stealing of live stock and prescribing penalties therefor.

Also,

House Bill No. 272,

A bill for an act to amend section 2242 of the revised codes for 1905; relating to the handling, weighing and storing of grain, and providing for the revoking of warehouse licenses.

Also,

House Bill No. 284,

A bill for an act regulating the practice in county courts having increased jurisdiction, and all matters relating thereto; fixing the terms of court, compensation of judges and clerks and other officers of said courts and their duties, and repealing sections 8289 and 8319 inclusive, of the revised codes of 1905 of North Dakota, and chapter 68, laws of 1907.

Also,

House Bill No. 291,

A bill for an act to amend section 2247 of the revised codes of North Dakota for 1905, relating to bonds of public warehouses.

Also,

House Bill No. 306,

A bill for an act creating and establishing an agricultural experiment station on the reform school grounds near Mandan, in Morton county, providing for its management and making an appropriation therefor.

Also,

House Bill No. 317,

A bill for an act to amend section 2 of chapter 174 of the session laws of North Dakota for 1907, entitled an act making an appropriation towards paying deficiency or debts on armories already constructed, or towards the construction of armories for the various military companies of the state of North Dakota, and for the creating of a board of armory supervisors, and defining its duties, for the transfer of armories upon the mustering out of any military organization enumerated, and defining the duties of the state treasurer in carrying out the provisions of this act.

Also,

House Bill No. 363,

A bill for an act making it unlawful to move, run, drive or transport any threshing machine outfit, or any part thereof, over any cultivated lands in this state without the consent of the owner of said lands, and providing a penalty therefor.

Also,

House Bill No. 136,

A bill for an act to amend section 3133 of chapter 255 of the session laws of 1907, relating to powers of electors and supervisors of organized townships.

Also,

House Bill No. 158,

A bill for an act, to provide indeterminate sentences of persons convicted of certain crimes; providing for a board of experts empowered to prescribe suitable rules of conduct and treatment; and to determine how and when a person sentenced under this act shall be paroled or released; and providing for a parole officer.

And find the same correctly engrossed.

C. C. CRAWFORD,
Chairman.

Mr. Crawford moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

MESSAGE FROM THE SENATE.

The following message was received from the senate.

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
February 27, 1909.

Mr. Speaker:

I have the honor to transmit herewith
Senate Bill No. 30,

A bill for an act authorizing cities incorporated under the laws of this state to regulate and fix the rates to be

charged by persons, firms or corporations furnishing water, light, or other public service or utility to such cities and the inhabitants thereof.

Also,

Senate Bill No. 71,

A bill for an act amending the constitution of the state of North Dakota, empowering the legislative assembly to provide by law for the erection, leasing, purchasing and operating terminal elevators, in the states of Minnesota and Wisconsin or either.

Also,

Senate Bill No. 184,

A bill for an act to prevent the setting of fires by threshing engines, engines in sawmills and all stationary engines that exhaust through the smoke stack.

Also,

Senate Bill No. 205,

A bill for an act to amend section 8288 of the revised codes of 1905 of the state of North Dakota, relating to the increased jurisdiction of the county courts, and providing for abolishing the same.

Also,

Senate Bill No. 211,

A bill for an act, entitled an act to safeguard the health of pupils in the public schools of this state, and provide for the payment of expenses in connection therewith.

Also,

Senate Bill No. 220,

A bill for an act to amend sections 2825 and 2826 of the revised codes of the state of North Dakota for 1905, and chapter 47 of the session laws of the state of North Dakota for 1907, relating to the extension of corporate limits of cities, and to provide a method of procedure for the extension of corporate limits of cities.

Also,

Senate Bill No. 238,

A bill for an act to amend section 8478 of chapter 5 of the justice code of the revised codes of North Dakota for

1905, relating to change of venue and number of such changes, and granting a change of venue to state and defendant alike.

Also,

Senate Bill No. 246,

A bill for an act to require domestic life insurance companies to make a deposit of securities with the insurance commissioner.

Also,

Senate Bill No. 247,

A bill for an act to authorize the insurance commissioner to accept the deposit of securities from domestic life insurance companies.

Also,

Senate Bill No. 250,

A bill for an act to amend section 2946 of the 1905 revised codes of North Dakota, relative to the restricting of the limits of cities, towns and villages and disconnecting and excluding portions thereof.

Also,

Senate Bill No. 293

A bill for an act granting recognition to diplomas issued by first class high schools as teacher's diplomas.

Also,

Senate Bill No. 308.

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.

Also,

Senate Bill No. 313.

A bill for an act to amend and re-enact chapter III, laws of 1907, of the state of North Dakota, relating to and to provide for owners and managers of elevators, and warehouses, track and independent grain buyers and station agents of railroads to make annual reports to the commissioner of agriculture and labor, and making it a misdemeanor for violation of the same.

Which the senate has passed and your favorable consideration is respectfully requested.

Also,

Mr. Speaker:

I have the honor to return herewith
House Bill No. 150,

A bill for an act to amend section 4073 of the revised codes of the state of North Dakota of 1905, relating to the granting of alimony in divorce cases.

Also,

House Bill No. 209,

A bill for an act to amend sections 525 and 527 of the revised codes of 1905, relating to the summoning of jurors.

Also,

House Bill No. 247,

A bill for an act to amend section 7459 of the revised codes of North Dakota of 1905, relating to the publication of the notice of foreclosure by advertisement, and prescribing the duty of the party, attorney or agent foreclosing the mortgage.

Which the senate has indefinitely postponed.

Very respectfully,

J. W. FOLEY,
Secretary.

There being no objections, the house returned to the seventh order of business.

MOTIONS AND RESOLUTIONS.

Mr. Baker of Cass moved

To reconsider the vote by which Senate Bill No. 265 was indefinitely postponed.

Which motion prevailed.

Mr. Baker of Cass moved

That Senate Bill No. 265 be placed upon its third reading and final passage.

Which motion prevailed.

Senate Bill No. 265,

A bill for an act making an annual appropriation to assist in the maintenance of the Florence Crittenden Home, located at Fargo, one of the charitable institutions 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 74, nays 15, absent and not voting 6.

Those who voted in the affirmative were:

| | | |
|----------------------|----------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Homnes | Ployhar |
| Akesson | Honey | Pound |
| Anderson | Hughes | Price |
| Atwood | Jewett | Schull |
| Baker of Cass | Johnson of Bottineau | Senour |
| Baker of Stark | Johnson of McLean | Sgutt |
| Burnett | Johnson of Rolette | Sheils |
| Burns | Kinney of McLean | Sinclair |
| Collins of Cass | Kneeland | Skinner |
| Collins of Gd. Forks | Knox | Skulason |
| Crawford | Kremer | Sorlie |
| Cunningham | Law | Steen |
| Doyle of Foster | Linde | Storey |
| Doyle of McIntosh | Lindvig | Streeter |
| Duncan | Lucke | Thompson, Gd. Forks |
| Fraine | McCrea | Thompson of McLean |
| Ganssle | McLear | Thoreson |
| Garden | Moen of Cavalier | Traynor |
| Geidt | Nelson of McHenry | Welford |
| Gibbens | Nelson of Steele | White |
| Hale | Nyhus | Wisner |
| Hanley | Olson | Wolbert |
| Hemmingson | Paulson | Young |
| Hendrickson | Pendray | Mr. Speaker |
| Hill | Plath | |

Those who voted in the negative were:

| | | |
|-------------|------------|-----------------|
| Messrs.— | Messrs.— | Messrs.— |
| Bjorndahl | Davidson | Moen of Benson |
| Brusletten | Freeman | Narum |
| Brynjulson | Goldammer | Nelson of Walsh |
| Chatfield | Grant | Putnam |
| Christenson | Laithwaite | Ward |

Absent and not voting:

| | | |
|----------|--------------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Dibley | Kinney of Richland | Peart |
| Evans | Martin | Poe |

Mr. Dibley being excused.

So the bill passed and the title was agreed to.

Mr. Baker of Cass moved

That the vote by which Senate Bill No. 265 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

Mr. Kneeland moved

That the rules be suspended and House Bill No. 284 be placed upon its third reading and final passage:

Which motion prevailed.

House Bill No. 284,

A bill for an act regulating the practice in county courts having increased jurisdiction, and all matters relating thereto; fixing the terms of court, compensation of judges and clerks and other officers of said courts and their duties, and repealing sections 8289 and 8319 inclusive, of the revised codes of 1905 of North Dakota, and chapter 68, laws of 1907.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 91, nays 0, absent and not voting 4.

Those who voted in the affirmative were:

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|----------------------|---------------------|
| Akesson | Hemmingson | Paulson |
| Anderson | Hendrickson | Peart |
| Atwood | Hill | Pendray |
| Baker of Cass | Homnes | Plath |
| Baker of Stark | Honey | Ployhar |
| Bjorndahl | Hughes | Pound |
| Brusletten | Jewett | Price |
| Brynjulson | Johnson of Bottineau | Putnam |
| Burnett | Johnson of McLean | Schull |
| Burns | Johnson of Rolette | Senour |
| Chatfield | Kinney of McLean | Sgutt |
| Christenson | Kneeland | Shells |
| Collins of Cass | Knox | Sinclair |
| Collins of Gd. Forks | Kremer | Skinner |
| Crawford | Law | Skulason |
| Cunningham | Laithwaite | Sorlie |
| Davidson | Linde | Steen |
| Doyle of Foster | Lindvig | Storey |
| Doyle of McIntosh | Lucke | Streeter |
| Duncan | Martin | Thompson, Gd. Forks |
| Evans | McCrea | Thompson of McLean |
| Fraine | McLear | Thoreson |
| Freeman | Moen of Benson | Traynor |
| Ganssle | Moen of Cavalier | Ward |

| | | |
|-----------|-------------------|-------------|
| Messrs.— | Messrs.— | Messrs.— |
| Garden | Narum | Welford |
| Geidt | Nelson of McHenry | White |
| Gibbens | Nelson of Steele | Wisner |
| Goldammer | Nelson of Walsh | Wolbert |
| Grant | Nyhus | Young |
| Hale | Olson | Mr. Speaker |
| Hanley | | |

Absent and not voting:

| | | |
|----------|--------------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Kinney of Richland | Poe |
| Dibley | | |

Mr. Dibley being excused.

So the bill passed and the title was agreed to.

Mr. Kneeland moved

That the vote by which House Bill No. 284 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

PETITONS AND COMMUNICATIONS.

We, the undersigned, protest against the abolishing of the spring shooting of ducks and geese.

H. H. OTOS,
And 96 Others.

To the Honorable Body of Legislators for the State of North Dakota:

We, the undersigned ladies of Gackle and vicinity, knowing the conditions of the weather on November 30th, and knowing the extreme exposure and danger that was suffered (and the conditions under which he now suffers, by the loss of both hands and feet) by Charles Walker, a workingman of Gackle, N. Dak., in an effort to save the life of Miss Ella House, one of the lady teachers of a country school near Gackle, in the terrible blizzard of November 30th, 1908, and also knowing the worthiness of Mr. Walker, do hereby petition your honorable body for aid.

MAGGIE GUSZLER,
And 65 Others.

REPORTS OF STANDING COMMITTEES.

The committee on banking made the following report:

Mr. Speaker:

Your committee on banking to whom was referred
House Bill No. 294,

A bill for an act to amend section 150 of the revised codes of the state of North Dakota of 1905, relating to the appointment of deputies of the state examiner.

Have had the same under consideration and recommend that the same be amended as follows:

By striking out the word "three" in line 10 of the printed bill, and inserting in lieu thereof the word "five," and strike out all of line 14 of the printed bill after the word "accountants," and strike out all of lines 15, 16, 17 and 18 of the printed bill.

And change the title to read as follows:

"For an act to amend section 150 of the revised codes of the state of North Dakota of 1905, relating to the salary of the state examiner, and to the appointment, salaries, and qualifications of deputies of the state examiner."

And when so amended recommend the same do pass.

G. W. WOLBERT,
Chairman.

Mr. Wolbert moved

That the rules be suspended and the report of the committee be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on judiciary made the following report:

Mr. Speaker:

A majority of your committee on judiciary to whom was referred

Senate Bill No. 82,

A concurrent resolution, amending the constitution of the state of North Dakota, relating to the legislative department, and providing for direct legislation and reference of laws.

Have had the same under consideration and recommend that the same be indefinitely postponed.

B. G. SKULASON,
Chairman.

Also,

A minority of your committee on judiciary to whom was referred

Senate Bill No. 82,

A concurrent resolution, amending the constitution of the state of North Dakota, relating to the legislative department, and providing for direct legislation and reference of laws.

Have had the same under consideration and recommend that the same do pass.

J. M. HANLEY,
F. M. BAKER,
J. H. FRAINE.

Also,

Your committee on judiciary to whom was referred

House Bill No. 238,

A bill for an act regulating employment agents and agencies, requiring persons and corporations engaging in such business to procure a license therefor, prohibiting unreasonable charges for compensation by such persons or corporations, and providing suitable penalties for its violation.

Have had the same under consideration and recommend that the same be indefinitely postponed.

B. G. SKULASON,
Chairman.

Mr. Skulason moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Also,

Your committee on judiciary to whom was referred

House Bill No. 373,

A bill for an act fixing the rate of interest on the redemption of lands sold on execution or foreclosure.

Have had the same under consideration and recommend that the same be indefinitely postponed.

B. G. SKULASON,
Chairman.

Mr. Skulason moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Also,

Your committee on judiciary to whom was referred
Senate Bill No. 132,

A bill for an act to amend and re-enact section 4036 of revised codes of North Dakota for the year 1905, as amended by chapter 172 of the laws of North Dakota for the year 1907.

Have had the same under consideration and recommend that the same be indefinitely postponed.

B. G. SKULASON,
Chairman.

Mr. Skulason moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Also,

Senate Bill No. 19,

An act to amend section 6237 of the revised codes of 1905, relating to the filing of mechanic's liens, the giving of notice of furnishing materials to contractors and sub-contractors.

A majority of your committee on judiciary to whom was referred

Have had the same under consideration and recommend that the same do pass.

B. G. SKULASON,
Chairman.

Also,

A minority of your committee on judiciary to whom was referred

Senate Bill No. 19,

An act to amend section 6237 of the revised codes of 1905, relating to the filing of mechanic's liens, the giving of notice of furnishing materials to contractors and sub-contractors.

Have had the same under consideration and recommend that the same be amended as follows:

By striking out all after the word "act" in line 31 on page 2, down to the word "provided," in line 37 on page 3.

Also by striking out all of lines 46, 47, 48, 49, 50, on page 3 of the printed bill.

And when so amended recommend the same do pass.

J. H. FRAINE,
F. M. BAKER,
J. M. HANLEY.

The committee on appropriations made the following report:

Mr. Speaker:

Your committee on appropriations to whom was referred

Senate Bill No. 76,

A bill for an act to amend chapter 133 of the laws of North Dakota of 1907, relating to appropriations to the state historical society of North Dakota.

Have had the same under consideration and recommend that the same do pass.

S. N. PUTNAM,
Chairman.

Mr. Putnam 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. Speaker:

Your committee on insurance to whom was referred
House Bill No. 366,

A bill for an act to amend chapter 158, of the session laws of 1907, providing that the amount of insurance written upon real property shall be taken conclusively to be the true value thereof.

Have had the same under consideration and recommend that the same be indefinitely postponed.

JOHN A. HONEY,
Chairman.

Mr. Honey moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Also,

Your committee on insurance to whom was referred
House Bill No. 384,

A bill for an act to amend section 4464 of the revised codes of North Dakota of 1905.

Have had the same under consideration and recommend that the same be indefinitely postponed.

JOHN A. HONEY,
Chairman.

Mr. Honey moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Also,

Your committee on insurance to whom was referred
House Bill No. 367,

A bill for an act to amend section 4464 of the revised codes of North Dakota for 1905.

Have had the same under consideration and recommend that the same do pass.

JOHN A. HONEY,
Chairman.

Mr. Honey moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on insurance to whom was referred
House Bill No. 382,

A bill for an act to prohibit discrimination and rebating by fire insurance companies, their agents or representatives, and providing penalties therefor.

Have had the same under consideration and recommend that the same do pass.

JOHN A. HONEY,
Chairman.

Mr. Honey moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on banking made the following report:

Mr. Speaker:

Your committee on banking to whom was referred
House Bill No. 342,

A bill for an act to repeal section 5513 of the revised code of North Dakota for 1905, and re-enact the same, regulating usurious contracts, and to provide a penalty for making the same.

Have had the same under consideration and recommend that the same be indefinitely postponed.

G. W. WOLBERT,
Chairman.

Mr. Wolbert moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Also,

Your committee on banking to whom was referred
House Bill No. 361,

A bill for an act to amend sections 4637 and 4641 of the revised codes of the state of North Dakota for the year 1905, relating to banking corporations.

Have had the same under consideration and recommend that the same do pass.

G. W. WOLBERT,
Chairman.

Mr. Wolbert moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on banking to whom was referred
House Bill No. 345,

A bill for an act providing that all state banks shall be known and designated by an official number.

Have had the same under consideration and recommend that the same do pass.

G. W. WOLBERT,
Chairman.

Mr. Wolbert moved.

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on temperance made the following report

Mr. Speaker:

Your committee on temperance to whom was referred
House Bill No. 283,

A bill for an act to amend sections 9354, 9355, 9356, 9357, 9358, 9359, 9360, 9361, 9362, 9363, of the revised codes of 1905, and any acts amendatory thereof, and to re-enact sections 9364 and 9365 of said code, regulating the sale of intoxicating liquors by druggists who are registered pharmacists; and to provide a method of such sales, and of granting and revoking of permits.

Have had the same under consideration and recommend that the same be amended as follows:

Amend printed bill by adding line 11, section 1, "authorized in his discretion to grant a druggist permit for a period."

Line 21 strike out the words "and sixty" after the word "applicant."

Strike out all of lines 22, 23, 24, 25, and all of line 26, except the word "all."

Line 41, page 3, insert the following:

"Provided, that permits may be granted to any pharmacist possessing all the qualifications herein set forth who owns in his own right in any partnership, association or corporation, if in a city, an amount of interest or capital stock of at least two thousand dollars and if elsewhere of the value of at least fifteen hundred dollars and who is the manager and in actual personal charge of the business of such partnership or corporation at the place of its retail business, and who in addition to his responsibility as a partner or stockholder, shall become personally and individually responsible for all sales in the same manner and to the same extent that he would if he owned said business in person; and,

"Provided, that such applicant must have been engaged in business as a druggist at the place designated in said petition for a period of at least six months next preceding the making of the application for such permit; and,

"Provided, that only one permit shall be granted or issued to the same person."

In line 22, section 2, page 4, after the word "satisfied" strike out the balance of line; also strike out lines 23 and 24, and all of line 25 up to and including the word "and."

Section 4, line 11, page 7, after the word "dollars" strike out balance of line, and strike out all of lines 12, 13, 14 and 15, and all of line 16 up to and including the word "dollars."

Section 5, page 8, line 8, after the word "therefore" insert the words "not exceeding one pint in quantity."

Line 11, same page, strike out after the word "need" balance of line and all of line 12 up to and including the word "necessary," and insert in lieu thereof the following, "and any physician giving such prescription shall insert therein the true date of its issue, and no such prescription shall be

filled except on date given, or the following day, and shall not be refilled, and shall be retained on file for the period of two years by the druggist filling the same."

In section 6, page 10, line 21, after the word "the" insert the following, "name of," and in same line strike out the words "and number."

Section 6, page 10, in line 23, strike out the word "quarter."

Section 7, page 12, in line 18, after the word "the" insert the following words, "name of," and in same line strike out the words "and number."

On same page in line 20 strike out the word "quarter."

Section 8, page 13, strike out the following:

In line 7, beginning with the word "accepting" strike out all of said line, and lines 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, and to the word "but" in line 19.

Section 8, line 23, strike out all of said line after the word "herein" and on page 14, line 24, strike out the word "one gallon."

And when so amended recommend the same do pass.

E. L. GARDEN,
Chairman.

Also,

Your committee on temperance to whom was referred

Senate Bill No. 229,

A bill for an act to amend chapter 128 of the laws of 1907, being an amendment to section 8983 of the revised codes of North Dakota, 1905, relating to minors not allowed in certain public places, and prescribing certain penalties for the violation thereof.

Have had the same under consideration and recommend that the same do pass.

E. L. GARDEN,
Chairman.

Mr. Garden moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on temperance to whom was referred
Senate Bill No. 183,

A bill for an act prohibiting drinking of intoxicating liquors on railroad trains in North Dakota; prescribing penalty for violation thereof, and prescribing duties of peace officer.

Have had the same under consideration and recommend that the same do pass.

E. L. GARDEN,
Chairman.

Mr. Garden moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on immigration made the following report:

Mr. Speaker:

Your committee on immigration to whom was referred
House Bill No. 242,

A bill for an act to amend section 131 of the revised codes of North Dakota of 1905, relating to an appropriation to promote immigration, and creating a board of immigration, prescribing its powers and duties, and making an appropriation therefor.

Have had the same under consideration and recommend that the same be amended as follows:

Strike out all of the title and insert the following:

“An act, entitled an act to create a board of immigration, prescribing its powers and duties, and repealing all acts and parts of acts in conflict herewith.”

Strike out all of section 1.

In line 1 of section 2 of the printed bill, after the word “section” strike out the figure “2” and insert the figure “1”; also insert the words “board of immigration created.”

In line 1 of section 3 of the printed bill, after the word “section” strike out the figure “3,” and insert the figure “2” in lieu thereof.

Also insert the word "Board, of whom composed."

In line 9, page 2 of the printed bill, after the word "whatsoever," strike out the period and insert a comma, and the following words, "but shall be entitled to their necessary expenses incurred in attending the meetings of the board."

In line 2 strike out the figure "4" after the word "section" and insert the figure "3." Also insert the words "duties of the commissioner of agriculture and labor."

In line 10 of section 4 on page 2 strike out the word "other" after the word "such."

In section 5 on page 2 change the word and figure "section 5" to the word and figure "section 4."

On page 3, line 1, change the word and figure "section 6" to "section 5."

On the same page change the word and figure "section 7" to section 6," and insert the following words, "duties of board."

In line 8 of section 7 of the printed bill after the word "messengers" strike out the word "and" and insert a comma and the following words, "circulars, folders and pamphlets," and after the word "and" strike out the word "by" in the same line.

In line 13 on page 3, after the word "aforesaid" insert the following, "the board may in its discretion cause to be translated and printed in such foreign language or languages as may be selected, any or all of the circulars, folders and pamphlets, published or printed under its direction."

After line 16 on page 3 of the printed bill insert the following:

"Section 7. Distribution of Printed Matter.) The board of immigration may in its discretion furnish to city or county advancement associations, immigration societies or bodies of citizens organized to promote immigration, and the development and enrichment of the state, and other persons and corporations interested, copies of its several publications printed under its direction when application is made therefor. Such publications shall be so furnished at actual cost of printing the same."

In line 1 of section 8 of the printed bill, after the figure "8" strike out all of said section down to line 7 of said section, including the words "the state" in line 7 and insert

the following heading, "The Board to File Statement of Expenses and Disbursements."

In line 10, page 4 of section 8 of the printed bill, strike out the word "section" after the word "this" and insert the word "act" in lieu thereof.

On page 4 of the printed bill, strike out all of section 9 after the figure "9" and insert the following:

"Repeal.) All acts or parts of acts in conflict herewith are hereby repealed."

And when so amended recommend the same do pass.

S. H. NELSON,
Chairman.

Also,

Your committee on immigration to whom was referred
House Bill No. 237,

A bill for an act to create a board of immigration and for the support of such board.

Have had the same under consideration and recommend that the same be indefinitely postponed.

S. H. NELSON,
Chairman.

Mr. Nelson moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

The committee on railroads made the following report:

Mr. Speaker:

Your committee on railroads to whom was referred

House Bill No. 288,

A bill for an act, entitled "An act concerning railroads and to better protect the life of railway employes and the traveling public, and providing penalties for the violation thereof."

Have had the same under consideration and recommend that the same be indefinitely postponed.

G. A. WHITE
Chairman.

Mr. White moved

That the report be adopted

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Also,

Your committee on railroads to whom was referred:

House Bill No. 85,

A bill for an act to amend section 4305 of the revised codes of 1905, relating to the maintenance of station houses.

Have had the same under consideration and recommend that the same be indefinitely postponed.

G. A. WHITE,
Chairman.

Mr. White moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

The committee on engrossment made the following report:

Mr. Speaker:

Your committee on engrossment have examined:

House Bill No. 251,

A bill for an act appropriating money to provide for the erection, equipment and maintenance of a biological station at Devils Lake, North Dakota, and to carry on its associated work.

Also,

House Bill No. 316,

A bill for an act creating and establishing an agricultural experiment station, to be located at or near the city of Harvey, in Wells county, in connection with the North Dakota agricultural college at Fargo, and under the direction of the board of directors of said college, and making an appropriation therefor.

Also,

House Bill No. 369,

A bill for an act to appropriate a sum of money for the maintenance and conservation of the state park at Fort Abercrombie.

And find the same correctly engrossed.

C. C. CRAWFORD,
Chairman.

Mr. Crawford moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on drains and drainage made the following report:

Mr. Speaker:

Your committee on drains and drainage to whom was referred

House Bill No. 371,

A bill for an act making it a misdemeanor to dam or obstruct highway ditches.

Have had the same under consideration and recommend that the same be indefinitely postponed.

FERDINAND LUCKE,
Chairman.

Mr. Lucke moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

REPORT OF PUBLIC SERVICE COMMISSION.

The following report of the public service commission was filed:

To the Members of the Eleventh Legislative Assembly of the State of North Dakota:

The tenth legislative assembly of the state of North Dakota passed an act providing for a public service commis-

sion, viz., chapter 194, page 313 of the session laws of 1907; this commission consisting of the governor, lieutenant governor, and Honorable Treadwell Twichell, speaker of the house of representatives of the tenth legislative assembly. This law required the public service commission to ascertain the value of the property of all public service corporations operating in the state of North Dakota, and report of the same to be filed with the secretary of state on the first day of July 1908, in order that any information obtained by such commission should be available for the state board of equalization at its next session thereafter, as well as for the next legislative assembly.

In accordance with said law the said commission met at the office of the governor in the city of Bismarck on the 16th day of March, A. D. 1908, duly organized under said law, electing Governor Burke chairman, and Lieutenant Governor R. S. Lewis, secretary, and for the purpose of obtaining the required information, the commission prepared a list of seventy questions for each public service corporation to answer. Upon receipt of the answers, this commission prepared a very voluminous report containing the information in reference to the valuation of railroads and other public service corporations in this state, which report was duly filed, as provided by law, with the secretary of state on the 1st day of July, 1908.

All the questions asked were not answered by some of the public service corporations to which they were submitted, and this board, after receipt of the replies, went to the head offices in St. Paul and Minneapolis of the Great Northern, Northern Pacific and the M., St. P. & S. S. M. Ry., to confer with the officers of the company, and later the officers furnished some further information, which was not received in time to file with the report on the 1st of July, but was received in time for use at the meeting of the board of equalization in August, 1908.

According to the answers received from the Great Northern railroad, that company has 690.63 miles of main line of an estimated value of \$37,011.71 per mile. Branch lines, 853.42 miles of the value of \$24,405.03 per mile. This value is estimated on the cost of building the railroad new, and from this, it is claimed by the report that there should be one-sixth deducted for wear and tear, leaving the main

lines valued at \$31,000 per mile and the branch lines at \$20,000 per mile.

The supplemental report of the Northern Pacific railroad estimates the cost per mile of reproducing entire system of main and branch lines and sidetracks at not less than \$61,114 per mile, and that the cost of reproducing 1,462.53 miles of main and branch lines and sidings in the state of North Dakota would be not less than \$40,794.00 per mile.

The Chicago, Northwestern railroad has 1428 miles of an estimated value of \$17,946.00 per mile.

The Chicago, Milwaukee & St. Paul railroad has 153.31 miles in the state, and according to its report does not know its value.

The Farmers' Grain & Shipping Co. has 53 miles of road that cost \$534,000, or \$10,627.48 a mile.

The Devils Lake Chautauqua railroad has 5 1-3 miles, a capital of \$21,000. Report does not give any value or gross earnings.

The Minneapolis, St. Paul & Sault Ste. Marie Ry. has 1,083.41 miles in the state. The answers to the questions asked do not show the value nor the gross earnings within the state.

The Fargo & Moorhead street railway has 9.24 miles, a capital of \$300,000. Real property of the value of \$12,300 and personal property of the value of \$37,181.81.

The Grand Forks Transit Co. has 2 1-4 miles, with personal property in the state of the value of \$20,350. The value of the road bed is \$3,000 and the gross earnings the past four years \$14,422.56.

The American Express Co. of New York operate over 14.28 miles, and have personal property in the state of the value of \$100.

The Great Northern Express Co. operates over 1,562.59 miles. Personal property in the state of the value of \$15,092. Earnings on local business for North Dakota for 1907, \$96,801.86, with the claim that the cost of operating for 1907 was \$95,161.68.

Northern Express Co. operates over 1,164 miles in the state and have personal property of the value of \$10,613.60. No other values or gross earnings estimated.

The United States Express Co. has personal property of the value of \$485.85. Mileage, 256.22. Gross earnings

for 1907 on local business in North Dakota, \$41,186.05. Operating expenses in North Dakota for the same year, \$41,576.86.

Western Express Co. personal property valued at \$1,799.04. Mileage in this state, 1,171.82. No earnings in the state given in report.

If the railroads include every item of cost that enters into the business actually done in North Dakota they should credit to the business done within the state all interstate business within the state as well as local business.

The information obtained, though meagre in some respects, was of great value to the last board of equalization and was, as is shown by the report of such board of equalization, the reason for the increase in the assessed valuation of railroads of one thousand dollars per mile. The statements filed as to the value of their different properties preclude the possibility of their claiming one value for rate making and another for assessment and taxation.

The reports of the express companies doing business in this state are very unsatisfactory, and indicate little or no disposition to give the state the information that the legislature desires.

The state will never be able to acquire accurate information until such time as some one with special fitness and training, acting for and by the authority of the state, shall make an exhaustive physical examination of the properties of the different public utilities corporations.

In our judgment, the rates charged by the express companies doing business within the state are excessive and unreasonable, and the value of the property owned by the express company, as reported by them, is not a just basis for assessment and taxation, considering the excessive business and profits of these companies.

The questions asked, if answered accurately, would have furnished definite knowledge of the approximate physical value of the property of the different public service corporations and a fair basis for intelligent action in the regulation of rates and the levying of taxes. We would have obtained information of the value of the different properties in North Dakota, and their proportionate value considered as a part of a system extending through several states. On account of the system of bookkeeping of the several corporations, the claim is made by some of the corporations

that it is impossible to estimate the value of the property, and the answers in many of the reports indicate that the corporations do not know the value of their own property, or that they are adverse to giving this information, and it is impossible to estimate from the reports the actual earnings of the railroads in this state, for the reason that the entire cost of maintenance and operation is charged against business in North Dakota, and when credit is given, it only covers the business originating and terminating in the state.

The Northern Pacific Railway Co., the Great Northern Railway Co. and the Northwestern Railway Co. furnished to this commission the most accurate and reliable reports, and there was a general disposition on the part of the officials of such roads to be fair.

The law does not require this commission to make a report to the legislature directly, and this communication is only intended as notice that the report is on file in the office of the secretary of state for your inspection.

The report filed with the secretary of state contains the report of all car companies, refrigerator companies, telephone and telegraph companies, and steamboat companies doing business within this state, and with this report so filed are the original reports furnished by each of these public service corporations doing business in this state.

Very respectfully,

JOHN BURKE,
R. S. LEWIS,
TREADWELL TWICHELL.

Mr. Doyle of McIntosh moved

That the rules be suspended and Senate Bill No. 91 be taken from the table

Which motion was lost.

The speaker called Mr. Sheils to the chair.

Mr. Burdick moved

That the house reconsider the vote by which House Bill No. 310 passed.

Mr. Cunningham moved

That the motion to reconsider be laid on the table.

Which motion prevailed.

THIRD READING OF HOUSE BILLS.

The speaker in the chair.

House Bill No. 158,

A bill for an act, to provide indeterminate sentences of persons convicted of certain crimes; providing for a board of experts empowered to prescribe suitable rules of conduct and treatment; and to determine how and when a person sentenced under this act shall be paroled or released; and providing for a parole officer.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 81, nays 5, absent and not voting 9.

Those who voted in the affirmative were:

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|----------------------|---------------------|
| Aasheim | Hanley | Nelson of Walsh. |
| Akesson | Hemmingson | Nyhus |
| Anderson | Hendrickson | Olson |
| Baker of Cass | Hill | Paulson |
| Baker of Stark | Homes | Plath |
| Bjorndahl | Honey | Ployhar |
| Brusletten | Hughes | Pound |
| Brynjulson | Jewett | Putnam |
| Burns | Johnson of Bottineau | Schull |
| Chatfield | Johnson of McLean | Senour |
| Christenson | Johnson of Rolette | Shells |
| Collins of Cass | Kinney of McLean | Skinner |
| Collins of Gd. Forks | Kneeland | Skulason |
| Crawford | Knox | Sorlie |
| Cunningham | Kremer | Steen |
| Doyle of Foster | Law | Storey |
| Doyle of McIntosh | Laithwaite | Streeter |
| Duncan | Linde | Thompson, Gd. Forks |
| Evans | Lindvig | Thompson of McLean |
| Fraine | Lucke | Thoreson |
| Freeman | Martin | Traynor |
| Ganssle | McLear | Welford |
| Garden | Moen of Benson | White |
| Geidt | Moen of Cavaller | Wisner |
| Gibbens | Narum | Wolbert |
| Goldammer | Nelson of McHenry | Young |
| Grant | Nelson of Steele | Mr. Speaker |

Those who voted in the negative were:

| Messrs.— | Messrs.— | Messrs.— |
|----------|----------|----------|
| Davidson | Price | Ward |
| Pendray | Sinclair | |

Absent and not voting:

| | | |
|----------|--------------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Atwood | Hale | Peart |
| Burnett | Kinney of Richland | Poe |
| Dibley | McCrea | Sgutt |

Mr. Dibley being excused.

So the bill passed and the title was agreed to.

Mr. Wolbert moved

That the vote by which House Bill No. 158 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
February 27, 1909.

Mr. Speaker: .

I have the honor to transmit herewith the following concurrent resolution:

Whereas, it is represented to the senate of the state of North Dakota through communications and petitions from a large number of the German-Russian citizens of this state that an injustice, hardship and suffering is frequently worked upon deserving persons who desire to become citizens of the United States, and who are deported because of a claim of examining physicians that they have trachoma; and,

Whereas, it is represented to this senate that in many cases this eye trouble results from exposure, from dust and from inclement weather in the passage across the ocean, and that proper treatment would work a cure and enable these people to become citizens of the United States; now, therefore,

Be it Resolved by the Senate of the State of North Dakota, the House Concurring:

That, in the interests of justice and humanity, this matter be referred to the senators and representatives of this state with a request that it be investigated, and that if possible some change in the immigration rules be made which

shall, while protecting the people of the United States from the immigration of persons suffering with contagious or other diseases, do justice to deserving immigrants who might become prosperous and valuable citizens of the United States and of the Northwest; and,

Be it further resolved, that a copy of the accompanying petition, signed by two hundred (200) prosperous German-Russian settlers of North Dakota, be forwarded with this resolution.

Hon. J. B. Sharpe, North Dakota Senate, Bismarck, N. D.:

DEAR SIR: The undersigned takes liberty to call your attention to the inhuman and often brutal treatment of German-Russian immigrants on account of the disease of their eyes. Numerous cases have been published in the "Dakota Freie Presse" where emigrants before leaving their country had their eyes examined by a specialist, were then examined at the port before boarding the steamer and were declared healthy, but on arrival at Ellis island were refused to land on account of suffering from trachoma, which in many cases was not at all trachoma, according to the diagnosis of European specialists, but simply an inflammation of the eyes from being exposed to wind, dust, bad air in the steerage and sleeplessness, which could easily be cured within a short time were they given the proper treatment. But, as the practice now is, the sick members of the family are sent back to Europe, regardless of the helpless condition in which they are. After having sold all their property in the old country, they in many cases have just enough money to pay their fare to the destination in some German-Russian settlement in the United States, where relatives and friends would take care of them. After being examined by specialists in Europe, they board the steamer, convinced of being healthy. Now, imagine their fate, when, on their arrival at Ellis island and near their destination, they are told that one or more of their children will not be allowed to land and will be returned to where they came from. Often the whole family returns heart-broken, ruined, homeless, to lead the life of paupers; often the mother with the refused children returns to the old country, while the father with the admitted children goes on to find a homestead in the prairies of the Dakotas or some other state. In some cases the mother will find work as a washerwoman or servant in Liverpool, Antwerp, Bre-

men or Hamburg, while her sick children are treated, and her husband over here works diligently to earn money enough to support his beloved ones on the other side of the ocean. After their children have been declared cured, they and mother again board the steamer and sail for America, but often they will be turned out a second time, and there are cases where people have tried three times in vain to land on our shores.

Our constitution is built upon a human basis; our laws are more human than those of European countries; still our President Roosevelt appeals in his last message to our courts to give our constitution and laws a more human appliance. If anywhere more humanity is needed in the appliance or execution of our immigration laws and we believe the remedy will be found, if the cause of the evil is known. It is un-American to destroy family happiness. We have recently appropriated \$800,000 for the sufferers in Italy; perhaps one-eighth of this amount would avoid all the suffering that is now brought to hundreds or thousands of families every year through the enforcement of our immigration laws.

There are, in our opinion, many ways to a remedy. One would be to station an American physician in each European port, where inspection should be *final*. An immigrant who passes such examination before he goes on board should be allowed to land here. Another and a more human idea would be to erect a proper hospital at Ellis island, where all those suffering from trachoma or inflamed eyes, should be treated and cured at a minimum expense to themselves. If our government would erect such a hospital, employ specialists and cure the suffering immigrants, they or their relatives would willingly agree to pay for their board rather than be returned to Europe. Thousands of German-Russians, now prospering American citizens, would gladly contribute to such humanitarian institutions, as many expressions to the "Dakota Freie Presse" indicate.

Something ought to be done to take this brutal point from our immigration law and prove to the world that we are a human nation in every respect. To this end we most respectfully ask your help and co-operation. It might be advisable to have a committee appointed to investigate this matter, and to find ways and means for a remedy. I would

refer you to Dr. C. C. Young of Wichita Falls, Texas, who has made some personal investigations in the matter and who could give you some valuable information. By giving this matter your best attention and quick action, you will earn the gratitude of the entire German-Russian population of the United States. The senate of North Dakota should influence the United States senate for that effect.

In which the house has concurred.

Which the senate has adopted and your favorable consideration is respectfully requested.

Very respectfully,
J. W. FOLEY,
 Secretary.

Mr. Skulason moved

That the senate concurrent resolution be referred to the committee on public health.

Which motion prevailed, and

The resolution was so referred.

THIRD READING OF HOUSE BILLS.

House Bill No. 216,

A bill for an act for the inspection of fermented and spirituous liquors, malt liquors, wines, ciders and all beverages manufactured, sold or offered for sale as a substitute for intoxicating liquors, and providing for the appointment of a state inspector and deputies, prescribing their duties, designating their fees, and prescribing rules and regulations for such inspection, providing for the payment and disposition of such fees, providing penalties for the violation of the provisions of this act, designating ports of entry where liquor shipped into this state shall be inspected.

Was read the third time

The question being on the final passage of the bill.

The roll was called and there were ayes 48, nays 35, absent and not voting 12.

Those who voted in the affirmative were:

| | | |
|------------|-------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Atwood | Hemmingson | Olson |
| Bjorn Dahl | Hendrickson | Paulson |
| Brusletten | Hill | Peart |

| | | |
|----------------------|----------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Burnett | Homnes | Ployhar |
| Chatfield | Honey | Sheils |
| Christenson | Jewett | Skulason |
| Collins of Cass | Johnson of Bottineau | Sorlie |
| Collins of Gd. Forks | Johnson of McLean | Storey |
| Crawford | Kinney of McLean | Thompson, Gd. Forks |
| Cunningham | Kneeland | Thoreson |
| Davidson | Knox | Traynor |
| Freeman | Laithwaite | Ward |
| Garden | Linde | Welford |
| Gibbens | Lucke | White |
| Grant | McCrea | Wisner |
| Hale | Nelson of Steele | Mr. Speaker |

Those who voted in the negative were:

| | | |
|--------------------|-------------------|--------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Kremer | Pound |
| Akesson | Lindvig | Price |
| Baker of Cass | Martin | Schull |
| Baker of Stark | McLear | Senour |
| Brynjulson | Moen of Benson | Sinclair |
| Duncan | Moen of Cavalier | Skinner |
| Fraine | Narum | Steen |
| Ganssle | Nelson of McHenry | Streeter |
| Goldammer | Nelson of Walsh | Thompson of McLean |
| Hanley | Nyhus | Wolbert |
| Hughes | Pendray | Young |
| Johnson of Rolette | Plath | |

Absent and not voting:

| | | |
|-----------------|--------------------|--------|
| Anderson | Doyle of McIntosh | Law |
| Burns | Evans | Poe |
| Dibley | Geidt | Putnam |
| Doyle of Foster | Kinney of Richland | Sgutt |

Mr. Dibley being excused.

So the bill passed and the title was agreed to.

Mr. Garden moved

That the vote by which House Bill No. 216 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
February 27, 1909.

Mr. Speaker:

I have the honor to return herewith the following concurrent resolution:

Whereas, states, territories and districts, in which the sale of intoxicating liquors as a beverage has been prohibited, are seriously impeded in the enforcement of their local laws enacted in the exercise of the police powers hereof by the non-action of congress in the matter of controlling inter-state traffic in such liquors; and

Whereas, in the language of the supreme court of the United States, "the federal government ought to engage in a frank and candid co-operation with the states for the general good"; therefore be it

Resolved by the Legislative Assembly now in Session, Both Houses Concurring:

First: That we urge upon congress the necessity of immediately passing such laws acting directly upon common carriers as will prevent the delivery by railroad or express companies of inter-state liquor shipments C. O. D. or to others than a bona fide consignee in person or upon written order and that all such liquor shipments be so labelled on the outside cover as to plainly show the nature of its contents and the quantity contained therein; and

Second: Believing that congress owes the same duty to the people of the receiving as to those of the shipping state, we earnestly urge the removal of the inter-state character of the shipment of intoxicating liquors transported into any state, territory or district for delivery therein, or remaining therein for use, consumption, sale or storage, so that they shall immediately upon arrival within the boundary of the state, before and after delivery, be subject to the police powers of such state in the same manner as though such articles had been produced in said state.

Third: We further urge upon congress the necessity of passing an amendment to the revenue law to the end that no government tax receipts on account of the sale of intoxicating liquors shall be issued to any person or persons who cannot show a license or permit from the constituted authorities where such liquors are to be sold, to sell such intoxicating liquors.

In which the senate has concurred.

Also,

Mr. Speaker.

I have the honor to return herewith

House Bill No. 12,

A bill authorizing counties to procure seed grain for relief of persons unable to procure same; authorizing board of county commissioners and boards of township supervisors to provide for the relief of persons unable to procure seed grain.

Which the senate has amended as follows, and passed as amended.

Strike out all after the words "a bill" and insert in lieu thereof the following:

For an act authorizing counties to issue bonds or warrants to procure seed grain for needy farmers resident therein.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

Section 1. In any county of the state where the crops for any preceding year have been a total or partial failure by reason of drouth, hail or other cause, it shall be lawful for the board of county commissioners of such county to issue the bonds of the county under and pursuant to the provis-

ions of this act, and with the proceeds derived from the sale thereof, to purchase seed wheat for the inhabitants thereof who are in need of seed grain and are unable to procure the same, whenever said board shall be petitioned in writing so to do by not less than 100 freeholders resident in the county; and said board at a meeting called as hereinafter provided to consider said petition, shall by a majority vote determine that the prayer of the petition should be granted; provided, that all such petitions shall be filed with the county auditor, or county clerk, on or before the fifteenth day of April; and thereupon it shall be the duty of said officer to forthwith call a meeting of the board of county commissioners of his county to consider said petitions; and provided, further, that the total amounts of bonds issued by any county under the provisions of this act shall not, with the then existing indebtedness of the county, exceed the limit of indebtedness fixed by the constitution in such case; that said bonds shall be in denominations of five hundred (500) dollars; shall bear a rate of interest not exceeding seven per cent per annum, payable semi-annually at such place and times as shall be determined by the board, and that all bonds issued under the provisions of this act shall become due and payable in not less than two nor more than five years from the date thereof, the date of maturity to be fixed by the county board at the time of the issuance thereof, with the above limitation.

Sec. 2. Such bonds shall be signed by the chairman of the board of county commissioners and be attested by the county auditor, or county clerk, as the case may be, who shall affix the seal of the county thereto and shall have indorsed thereon a certificate signed by the county auditor or county clerk, stating that said bonds are issued pursuant to law and are within the debt limit.

Sec. 3. It shall be the duty of said board to receive sealed proposals for the purchase of said bonds after giving notice for ten days in three newspapers of general daily circulation, published as follows: One in the city of St. Paul, in the state of Minnesota; one in the city of Bismarck, in the state of North Dakota; and one in the county where the bonds are to be issued, if there be one published in such county, if not, then publication may be made in a weekly paper published in said county, if there be one so published, and said bonds shall be sold to the highest bidder for cash; provided, the same shall not be sold for less than their par value; and, provided, further, that the said county may reject all bids and postpone the sale of said bonds for a time not exceeding fifteen days.

Sec. 4. The proceeds arising from the sale of said bonds shall be paid by the purchaser thereof, to the county treasurer of the county, or to his authorized agent, at the time of the delivery thereof, and such proceeds shall be paid out only on the order of the board of county commissioners.

Sec. 5. It shall be the duty of said board to require the county treasurer to give an additional bond with sureties to be approved by the board, in a sum to be determined by said board, before the proceeds of said bonds are paid into the treasury.

Sec. 6. For the purpose of securing prompt payment of the principal and interest of said bonds, there shall be levied by the board of county commissioners at the time and in the manner other taxes are levied, such sums as shall be sufficient to pay such interest, and in addition thereto a sinking fund tax shall be annually levied sufficient to pay and retire said bonds at their maturity and it shall be the duty of the county treasurer to pay promptly the interest upon said bonds as the same shall fall due. No tax or fund provided for the payment of such bonds, either principal or interest, shall at any time be used for any other purpose; provided, however, that the board of county commissioners may deposit any part or portion of the sinking fund herein provided for, in any bank furnishing satisfactory security to the state of North Dakota, which shall furnish to the county a bond of indemnity to be approved by the board, and receive interest on the same, which shall be credited to the sinking fund. It shall

be the duty of the treasurer when said bond or any coupons attached thereto are paid, to cancel the same by writing upon the face thereof the word "paid," and the date of payment. Before the bonds are delivered to the purchaser the treasurer of the county shall register them in a book to be provided for that purpose, known as the bond register, in which register he shall enter the number of each bond, its date, date of maturity, amount, rate of interest, to whom and where payable; provided, that said treasurer shall receive a per centum, at the discretion of the county commissioners, not to exceed one per cent, for the receiving and disbursing of the amount received from the sale of said bonds, said per centum to be covered into the treasury as a part of the salary fund. The board of county commissioners may issue warrants instead of bonds, if in their judgment the best interests of the county are thereby served; provided, that such warrants shall not be issued in any amount to exceed three thousand dollars.

Sec. 7. The fund arising from the sale of said bonds shall be applied exclusively by the said board for the purchase of seed grain for residents of the county who are unable to procure the same; provided, that not more than one hundred and fifty bushels of wheat or its equivalent in other grain shall be furnished to any one person; provided, further, that in any county in which it is necessary to procure seed grain under the provisions of this act and the parties taking advantage of the same are unable to obtain feed for their stock for the putting in of said seed grain, the county commissioners may, in their discretion, purchase and deliver to such parties who are unable to procure in any other way, such amount of feed as will in their judgment enable said parties to put in their seed; such seed to be furnished at actual cost, the amount to be paid for such feed to become a part of the seed lien on the crop raised from the seed furnished to such party under the provisions of this act.

Sec. 8. Commissioners May Issue Warrants for Purchase.) In providing for the purchase of seed grain the commissioners may in lieu of issuing bonds, order warrants drawn upon the general fund of the county to pay for the seed grain purchased under the general provisions of this act.

Sec. 9. All persons entitled to, and wishing to avail themselves of the benefit of this act, shall file with the county auditor, or county clerk, of the county where said applicant resides, on or before the first day of March, an application duly sworn to before said county auditor, or county clerk, or some other officer authorized to administer oaths. Said application shall contain a true statement of the number of acres the applicant has plowed, or prepared for seeding; how many acres the applicant intends to have plowed and prepared for seeding; how many bushels and what kind of grain he will require to seed the ground so prepared as aforesaid; how many bushels of grain the applicant harvested in the preceding year; that the applicant has not procured and is not able to procure the necessary seed grain for the current year; that he desires the same for seed and no other purpose, and that he will not sell or dispose of the same or any part thereof, but will use the same and the whole thereof in seeding the land so prepared or to be prepared for crop. Said application shall also contain a true and full description of all the real and personal property owned by the applicant, and the incumbrances thereon; and a true description by government subdivisions of the land upon which the applicant intends to sow said seed grain. All applications filed under the provisions of this act shall be consecutively numbered and shall be open to public inspection, and no application shall be considered by the board of county commissioners except such as have been made and filed in the manner prescribed in this section; provided, that the board of commissioners may in their discretion consider any application although made after the time so specified.

Sec. 10. The board of county commissioners of each county issuing bonds under the provisions of this act are hereby appointed and constituted a

board of examination and adjustment of the applications for seed grain filed under the preceding section, and it shall be the duty of said board to meet at the county auditor or clerk's office on the first Tuesday in March, or as soon thereafter as possible, to examine and consider separately each application filed under the provisions of this act, and to determine who are entitled to the benefits thereof, and the amount to which each applicant is entitled, and said board shall on or before the tenth day of March, deliver and file with the county auditor, or county clerk, its adjustment of the said applications, which shall be signed by the chairman of the board.

Sec. 11. The county auditor or county clerk of each county shall as soon as the county commissioners shall have performed the duty prescribed in the preceding section, issue to each applicant demanding it, an order for the number of bushels of each kind of seed grain which has been allowed to said applicant, unless otherwise directed by the board or the chairman thereof; provided, however, that said order shall not be delivered until said applicant shall have signed a contract in duplicate, attested by the county auditor or county clerk, to the effect that said applicant for and in consideration of..... bushels of seed grain received from..... county, promises to pay to said county.....dollars, the amount of the cost of said seed grain; that said sum shall be taxable against all the real and personal property of said applicant; that such tax shall be levied by the county auditor, or county clerk, of his county and collected as other taxes are collected under the laws of this state; that the amount of such indebtedness shall become due and payable on the first day of October in the year in which said seed grain is furnished, together with interest on such amount from the first day of April of that year, at the rate of seven per cent per annum, and if said indebtedness be not paid on or before the twentieth day of October of that year, it shall then be the duty of the county auditor, or county clerk, of the said county, to cause the amount of said indebtedness to be entered upon the tax lists of said county for that year, as a tax on the land on which said seed wheat was sown, and upon any other land owned by the applicant, to be collected as other taxes are, and the sum so entered and levied shall be a lien upon the real estate owned by said person until said indebtedness is fully paid, when it shall be the duty of the proper officer to cancel the same.

Sec. 12. Upon the filing of the contracts provided for in section ten (10), the county shall acquire a just and valid lien upon the crops of grain raised each year by the person receiving seed grain to the amount of the sum then due to the county upon said contract, as against all creditors, purchasers or mortgagees, whether in good faith or otherwise, and the filing of said contract shall be held and considered to be full and sufficient notice to all parties of the existence and extent of said lien, which shall continue in force until the amount covered by said contract is fully paid.

Sec. 13. Each and every person who has received seed grain under the provisions of this act, shall, as soon as his crops for the year wherein payment is to be made are harvested and threshed, market a sufficient amount of grain to pay the amount then due on his contract and pay the same over to the treasurer of his county.

Sec. 14. Any person or persons, who shall, contrary to the provisions of this act, sell, transfer, take or carry away, or in any manner dispose of the seed grain, or any part thereof, furnished by the county under this act, or shall use or dispose of said seed grain, or any part thereof, for any other purpose, than that of planting or sowing the same as stated in his application, or shall sell, transfer, take or carry away, or in any manner dispose of the crop, or any part thereof, produced from the sowing or planting of said seed grain, shall be guilty of a misdemeanor, and upon conviction thereof shall pay a fine of not less than ten (10) dollars, nor more than one hundred (100) dollars, or may be imprisoned in the

county jail for a term of not less than ninety days, and shall pay all the costs of prosecution, and whoever under any of the provisions herein shall be found guilty of false swearing, shall be deemed to have committed perjury and shall upon conviction suffer the pains and penalties of that crime. Upon the filing of said application in the office of the register of deeds, and the sowing of the seed obtained thereunder, the title and right of possession to the growing crop and to the grain produced from said seed shall be in the county which shall have furnished the seed until the debt incurred for said seed shall have been paid, and any seizure thereof or interference therewith, except by the applicant and those in his employ, for the purpose of harvesting, threshing and marketing the same to pay the debt aforesaid, shall be deemed a conversion thereof, and treble damages may be recovered against the person so converting the same by the county furnishing said seed.

Sec. 15. It shall be the duty of the constables and town clerks of the towns, and the county commissioners, sheriffs and state's attorneys of the counties furnishing seed grain under the provisions of this act, having any knowledge of the violation of its provisions, to make complaint thereof to a justice of the peace, and said justice shall thereupon issue a warrant for the arrest of the offender, and proceed to hear and determine the matter, or to bind the offender over to appear before the grand jury, as the case may be.

Sec. 16. The county commissioners of every county proposing to distribute seed grain under the provisions of this act, shall advertise such intention in such manner and for such length of time prior to the first day of March as is possible for them to do, giving notice that all applications must be filed with the county auditor, or county clerk, by the first day of March; provided, that no distribution of seed grain under the provisions of this act shall take place prior to the tenth day of March. If more seed grain is applied for than can be supplied by the commissioners under the provisions of this act, a pro rata distribution shall be made by them among those who shall have been found entitled to the benefits of this act. The commissioners shall have the right to refuse any application which they may deem improper to grant, and they may revise their adjustment of applications at any time before final distribution.

Sec. 17. It shall be the duty of the commissioners providing seed grain under the provisions of this act, to purchase the same at the lowest price at which suitable grain can be obtained, and to furnish the same to applicants at the actual cost thereof to the commissioners, with transportation and handling charges added, if any there be, and any person requiring or extorting from any applicant a greater price shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by fine or imprisonment, or both, as the court may determine.

Sec. 18. All money received by the county treasurer in payment of debts incurred under the provisions of this act, shall be paid into, and become a part of the sinking fund herein provided for, and be used exclusively in the purchase or payment of bonds issued hereunder.

Sec. 19. Said board may at any time, with the concurrence of the owners thereof, pay and retire any of the bonds issued under the provisions of this act out of the funds provided for that purpose, at not more than the par value thereof at accrued interest.

Sec. 20. In case a sufficient fund has been paid into the county treasury in any one year, as provided in section 10 of this act, on or before November 1st, to meet the interest and sinking fund provided for in this act, then there shall be no tax assessed for such purpose in that year, and in no year shall there be a greater sum assessed than will, together with the balance at that date in the treasury belonging to the seed grain fund, be sufficient to meet said interest and sinking fund promptly for that year.

Sec. 21. As there are settlers who are unable to procure seed for their farms for the coming spring, and an emergency exists, this act shall take effect and be in force immediately after its passage and approval.

Very respectfully,
J. W. FOLEY,
 Secretary.

THIRD READING OF HOUSE BILLS.

House Bill No. 136,

A bill for an act to amend section 3133 of chapter 255 of the session laws of 1907, relating to powers of electors and supervisors of organized townships.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 61, nays 19, absent and not voting 15.

Those who voted in the affirmative were:

| | | |
|----------------------|--------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Grant | Olson |
| Akesson | Hale | Pearl |
| Anderson | Hemmingson | Pendray |
| Atwood | Hill | Plath |
| Baker of Cass | Honey | Ployhar |
| Baker of Stark | Hughes | Pound |
| Bjorndahl | Jewett | Price |
| Brusletten | Johnson of McLean | Senour |
| Brynjulson | Johnson of Rolette | Sheils |
| Burnett | Kinney of McLean | Sinclair |
| Burns | Kneeland | Skulason |
| Christenson | Knox | Sorlie |
| Collins of Cass | Kremer | Steen |
| Collins of Gd. Forks | Lucke | Thompson, Gd. Forks |
| Crawford | McCrea | Thompson of McLean |
| Cunningham | Moen of Cavaller | Thoreson |
| Fraine | Narum | Ward |
| Freeman | Nelson of McHenry | Welford |
| Ganssle | Nelson of Walsh | Wisner |
| Garden | Nyhus | Wolbert |
| Gibbens | | |

Those who voted in the negative were:

| | | |
|----------------------|----------------|-------------|
| Messrs.— | Messrs.— | Messrs.— |
| Davidson | Linde | Skinner |
| Doyle of McIntosh | Lindvig | Storey |
| Duncan | McLear | Traynor |
| Goldammer | Moen of Benson | White |
| Hanley | Paulson | Young |
| Hommes | Schull | Mr. Speaker |
| Johnson of Bottineau | | |

Absent and not voting:

| | | |
|-----------------|--------------------|------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Chatfield | Hendrickson | Nelson of Steele |
| Dibley | Kinney of Richland | Poe |
| Doyle of Foster | Law | Putnam |
| Evans | Laithwaite | Sgutt |
| Geidt | Martin | Streeter |

Mr. Johnson of Bottineau explained his vote.

Mr. Dibley being excused.

So the bill passed and the title was agreed to.

Mr. Davidson gave notice that he would at 3 o'clock p. m. Monday move to reconsider the vote by which House Bill No. 136 passed.

Mr. Sorlie moved

That the house concur in the senate amendments to House Bill No. 12.

Which motion prevailed, and

The amendments were concurred in.

Mr. Sorlie moved

That the rules be suspended and House Bill No. 12 be considered engrossed and placed upon its third reading and final passage, as amended by the senate.

Which motion prevailed.

House Bill No. 12,

A bill for an act authorizing counties to issue bonds or warrants to procure seed grain for needy farmers resident therein.

Was read the third time.

The question being on the final passage of the bill as amended by the senate.

The roll was called and there were ayes 82, nays 0, absent and not voting 13.

Those who voted in the affirmative were:

| | | |
|----------------|----------------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Hemmingson | Peart |
| Akesson | Hill | Pendray |
| Anderson | Homnes | Plath |
| Atwood | Honey | Ployhar |
| Baker of Cass | Hughes | Pound |
| Baker of Stark | Jewett | Price |
| Bjorndahl | Johnson of Bottineau | Schull |
| Brusletten | Johnson of McLean | Senour |
| Brynjolfson | Kinney of McLean | Sgutt |

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|-------------------|---------------------|
| Burnett | Kneeland | Shells |
| Chatfield | Knox | Sinclair |
| Christenson | Kremer | Skinner |
| Collins of Cass | Law | Skulason |
| Collins of Gd. Forks | Laithwaite | Sorlie |
| Crawford | Linde | Steen |
| Cunningham | Lindvig | Streeter |
| Davidson | McCrea | Thompson, Gd. Forks |
| Doyle of Foster | McLear | Thompson of McLean |
| Doyle of McIntosh | Moen of Benson | Thoreson |
| Duncan | Moen of Cavalier | Traynor |
| Fraine | Narum | Ward |
| Freeman | Nelson of McHenry | Welford |
| Ganssle | Nelson of Steele | White |
| Gibbins | Nelson of Walsh | Wisner |
| Goldammer | Nyhus | Wolbert |
| Grant | Olson | Young |
| Hale | Paulson | Mr. Speaker |
| Hanley | | |

Absent and not voting:

| Messrs.— | Messrs.— | Messrs.— |
|----------|--------------------|----------|
| Burns | Hendrickson | Martin |
| Dibley | Johnson of Rolette | Poe |
| Evans | Kinney of Richland | Putnam |
| Garden | Lucke | Storey |
| Geidt | | |

Mr. Dibley being excused.

So the bill passed as amended by the senate and the title was agreed to.

Mr. Sorlie moved

That the vote by which House Bill No. 12 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

SPECIAL ORDER

House Bill No. 178,

A bill for an act making an appropriation for the improvement, betterment, conservation and preservation of the Rock Island Military Wood Reesrvation in Ramsey 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 79, nays 2, absent and not voting 14.

Those who voted in the affirmative were:

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|----------------------|---------------------|
| Aasheim | Hemmingson | Peart |
| Akesson | Hill | Pendray |
| Anderson | Homnes | Plath |
| Atwood | Honey | Ployhar |
| Baker of Cass | Hughes | Price |
| Baker of Stark | Jewett | Putnam |
| Bjorn Dahl | Johnson of Bottineau | Schull |
| Brynjolfson | Johnson of McLean | Senour |
| Burnett | Johnson of Rolette | Sgutt |
| Chatfield | Kneeland | Sheils |
| Christenson | Knox | Sinclair |
| Collins of Cass | Kremer | Skinner |
| Collins of Gd. Forks | Law | Skulason |
| Crawford | Laithwaite | Sorlie |
| Cunningham | Linde | Steen |
| Davidson | Lindvig | Thompson, Gd. Forks |
| Doyle of Foster | Lucke | Thompson of McLean |
| Doyle of McIntosh | McCrea | Thoreson |
| Duncan | McLear | Traynor |
| Fraine | Moen of Benson | Ward |
| Freeman | Moen of Cavalier | Welford |
| Ganssle | Narum | White |
| Garden | Nelson of McHenry | Wisner |
| Gibbins | Nelson of Steele | Wolbert |
| Goldammer | Nyhus | Young |
| Hale | Olson | Mr. Speaker |
| Hanley | | |

Absent and not voting:

| Messrs.— | Messrs.— | Messrs.— |
|-------------|--------------------|----------|
| Burns | Kinney of McLean | Poe |
| Dibley | Kinney of Richland | Pound |
| Evans | Martin | Storey |
| Geidt | Nelson of Walsh | Streeter |
| Hendrickson | Paulson | |

Messrs. Brusletten and Grant voting in the negative.

Mr. Dibley being excused.

So the bill passed and the title was agreed to.

Mr. Honey moved

That the vote by which House Bill No. 178 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

Mr. White moved

That the rules be suspended and House Bill No. 305 be taken from general orders and the amendments adopted and considered engrossed and placed upon its third reading and final passage.

Which motion prevailed.

House Bill No. 305,

A bill for an act authorizing and requiring the board of railway commissioners to establish grades on grain and to appoint agents at terminal points of Duluth and Minneapolis for the benefit of shippers of grain in this state, and providing for their compensation, and appropriating funds for the purpose of carrying out the provisions of this act.

Was read the third time.

Mr. Kneeland asked unanimous consent to amend the bill.

There being no objections, Mr. Kneeland offered the following amendment and moved its adoption:

In line 5 of section 1 after the word "grades" insert the following, "which shall conform to the grades established at the terminal points."

Which motion prevailed, and

The amendment was adopted.

The question being on the final passage of the bill.

The roll was called and there were ayes 66, nays 10, absent and not voting 19.

Those who voted in the affirmative were:

Messrs.—

Anderson
Atwood
Baker of Stark
Bjorndahl
Brynjulson
Burnett
Chatfield
Christenson
Collins of Gd. Forks
Crawford
Cunningham
Davidson
Doyle of Foster
Doyle of McIntosh
Duncan
Fraine
Freeman
Ganssle
Garden
Gibbens
Goldammer
Hale

Messrs.—

Hanley
Hemmingson
Hill
Homnes
Honey
Hughes
Jewett
Johnson of Bottineau
Johnson of McLean
Kneeland
Knox
Kremer
Law
Linde
Martin
McLear
Moen of Benson
Moen of Cavaller
Nelson of McHenry
Nelson of Steele
Olson
Paulson

Messrs.—

Peart
Plath
Ployhar
Price
Putnam
Schull
Senour
Shells
Skinner
Skulason
Sorlie
Steen
Thompson of McLean
Thoreson
Traynor
Ward
Welford
White
Wisner
Wolbert
Young
Mr. Speaker

Those who voted in the negative were:

Messrs.—

Akesson
Brusletten
Grant
Laithwaite

Messrs.—

Lucke
Narum
Nelson of Walsh

Messrs.—

Nyhus
Pendray
Storey

Absent and not voting:

| Messrs.— | Messrs.— | Messrs.— |
|-----------------|--------------------|---------------------|
| Aasheim | Hendrickson | Poe |
| Baker of Cass | Johnson of Rolette | Pound |
| Burns | Kinney of McLean | Sgutt |
| Collins of Cass | Kinney of Richland | Sinclair |
| Dibley | Lindvig | Streeter |
| Evans | McCrea | Thompson, Gd. Forks |
| Geidt | | |

Mr. Dibley being excused.

So the bill passed and the title was agreed to.

Mr. Hanley moved

That the vote by which House Bill No. 305 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

Mr. Nelson of Steele moved

That House Bill No. 242 be placed at the head of general orders.

Which motion prevailed.

The speaker called Mr. Traynor to the chair.

THIRD READING OF HOUSE BILLS.

House Bill No. 291,

A bill for an act to amend section 2247 of the revised codes of North Dakota for 1905, relating to bonds of public warehouses.

Was read the third time.

Mr. Hendrickson moved

That the further consideration of the bill be indefinitely postponed.

Which motion was lost.

The question being on the final passage of the bill.

The roll was called and there were ayes 51, nays 26, absent and not voting 18.

Those who voted in the affirmative were:

| Messrs.— | Messrs.— | Messrs.— |
|------------|-------------------|----------|
| Akesson | Hanley | Schull |
| Anderson | Hill | Senour |
| Bjorn Dahl | Homes | Shells |
| Brynjulson | Jewett | Skinner |
| Burnett | Johnson of McLean | Skulason |

| | | |
|-------------------|------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Chatfield | Knox | Sorlie |
| Christenson | Linde | Steen |
| Collins of Cass | McCrea | Thompson, Gd. Forks |
| Cunningham | McLear | Thompson of McLean |
| Davidson | Moen of Benson | Traynor |
| Doyle of Foster | Moen of Cavalier | Ward |
| Doyle of McIntosh | Narum | Welford |
| Duncan | Nyhus | White |
| Garden | Paulson | Wisner |
| Gibbens | Pearl | Wolbert |
| Goldammer | Pound | Young |
| Hale | Putnam | Mr. Speaker |

Those who voted in the negative were:

| | | |
|----------------------|----------------------|-------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Honey | Martin |
| Baker of Stark | Hughes | Nelson of McHenry |
| Brusletten | Johnson of Bottineau | Olson |
| Collins of Gd. Forks | Johnson of Rolette | Pendray |
| Crawford | Kneeland | Plath |
| Ganssle | Kremer | Ployhar |
| Grant | Law | Sgutt |
| Hemmingson | Laithwaite | Sinclair |
| Hendrickson | Lucke | |

Absent and not voting:

| | | |
|-----------------|--------------------|-----------------|
| Messrs.— | Messrs.— | Messrs.— |
| Atwood | Freeman | Nelson of Walsh |
| Baker of Cass | Geidt | Poe |
| Burns | Kinney of McLean | Price |
| Dibley | Kinney of Richland | Storey |
| Evans | Lindvig | Streeter |
| Fraane | Nelson of Steele | Thoreson |

Mr. Dibley being excused.

Mr. Bjorndahl explained his vote.

Mr. Grant explained his vote.

So the bill passed and the title was agreed to.

Mr. Christenson moved

That the vote by which House Bill No. 291 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 272,

A bill for an act to amend section 2242 of the revised codes for 1905; relating to the handling, weighing and storing of grain, and providing for the revoking of warehouse licenses.

Was read the third time

The question being on the final passage of the bill.

The roll was called and there were ayes 77, nays 0, absent and not voting 18.

Those who voted in the affirmative were:

| | | |
|----------------------|----------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Hemmingson | Paulson |
| Akesson | Hendrickson | Peart |
| Anderson | Hill | Plath |
| Atwood | Homnes | Ployhar |
| Baker of Stark | Honey | Pound |
| Bjorndahl | Jewett | Putnam |
| Brusletten | Johnson of Bottineau | Schull |
| Brynjulson | Johnson of McLean | Senour |
| Burnett | Johnson of Rolette | Sgutt |
| Chatfield | Kneeland | Shells |
| Christenson | Knox | Sinclair |
| Collins of Cass | Kremer | Skinner |
| Collins of Gd. Forks | Law | Skulason |
| Crawford | Laithwaite | Sorlie |
| Cunningham | Linde | Steen |
| Davidson | Lucke | Thompson, Gd. Forks |
| Doyle of Foster | Martin | Thompson of McLean |
| Doyle of McIntosh | McCrea | Thoreson |
| Duncan | McLear | Traynor |
| Ganssle | Moen of Benson | Ward |
| Garden | Moen of Cavaller | Welford |
| Gibbens | Narum | White |
| Goldammer | Nelson of McHenry | Wisner |
| Grant | Nelson of Steele | Young |
| Hale | Nyhus | Mr. Speaker |
| Hanley | Olson | |

Absent and not voting:

| | | |
|---------------|--------------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Baker of Cass | Geidt | Pendray |
| Burns | Hughes | Poe |
| Dibley | Kinney of McLean | Price |
| Evans | Kinney of Richland | Storey |
| Fraime | Lindvig | Streeter |
| Freeman | Nelson of Walsh | Wolbert |

Mr. Dibley being excused.

So the bill passed and the title was agreed to.

Mr. Peart moved

That the vote by which House Bill No. 272 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

Mr. Collins of Cass moved

That the rules be suspended and the house proceed to place all senate bill on appropriations that have been reported on their third reading and final passage.

Which motion prevailed.

Senate Bill No. 48,

A bill for an act to provide an appropriation for the current and contingent expenses of the state hospital for the insane of North Dakota 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 77, nays 0, absent and not voting 18.

Those who voted in the affirmative were:

| | | |
|----------------------|----------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Hanley | Paulson |
| Akesson | Hemmingson | Peart |
| Anderson | Hendrickson | Plath |
| Atwood | Hill | Ployhar |
| Baker of Cass | Homnes | Pound |
| Baker of Stark | Honey | Putnam |
| Bjorndahl | Hughes | Schull |
| Brusletten | Jewett | Senour |
| Brynjulson | Johnson of Bottineau | Sgutt |
| Burnett | Johnson of McLean | Shells |
| Chatfield | Johnson of Rolette | Sinclair |
| Christenson | Kneeland | Skinner |
| Collins of Cass | Kremer | Skulason |
| Collins of Gd. Forks | Law | Sorlie |
| Crawford | Laithwaite | Steen |
| Cunningham | Linde | Thompson, Gd. Forks |
| Davidson | Lucke | Thompson of McLean |
| Doyle of Foster | McCrea | Thoreson |
| Duncan | McLear | Traynor |
| Fraine | Moen of Benson | Ward |
| Ganssle | Moen of Cavalier | Welford |
| Garden | Narum | Wisner |
| Gibbens | Nelson of McHenry | Wolbert |
| Goldammer | Nelson of Steele | Young |
| Grant | Nyhus | Mr. Speaker |
| Hale | Olson | |

Absent and not voting:

| | | |
|-------------------|--------------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Burns | Kinney of McLean | Pendray |
| Dibley | Kinney of Richland | Poe |
| Doyle of McIntosh | Knox | Price |
| Evans | Lindvig | Storey |
| Freeman | Martin | Streeter |
| Geldt | Nelson of Walsh | White |

Mr. Dibley being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 159,

A bill for an act providing for the management and control of, for making annual reports by the respective super-

intendents and appropriating money annually for the support and maintenance of the agricultural sub-experiment stations, located at Dickinson, Williston and Langdon.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 55, nays 4, absent and not voting 36.

Those who voted in the affirmative were:

| | | |
|-----------------|-------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Grant | Pound |
| Akesson | Hemmingson | Putnam |
| Anderson | Hill | Senour |
| Atwood | Homnes | Sgutt |
| Baker of Stark | Honey | Shells |
| Bjorndahl | Jewett | Sinclair |
| Brusletten | Johnson of McLean | Skinner |
| Brynjulson | Kremer | Sorlie |
| Chatfield | Law | Thompson, Gd. Forks |
| Christenson | Linde | Thompson of McLean |
| Crawford | Lucke | Thoreson |
| Cunningham | McCrea | Traynor |
| Davidson | McLear | Ward |
| Doyle of Foster | Moen of Benson | Welford |
| Duncan | Narum | Wisner |
| Ganssle | Olson | Wolbert |
| Garden | Peart | Young |
| Gibbens | Plath | Mr. Speaker |
| Goldammer | | |

Those who voted in the negative were:

| | | |
|----------|--------------------|------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Burnett | Johnson of Rolette | Nelson of Steele |
| Hanley | | |

Absent and not voting:

| | | |
|----------------------|----------------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Baker of Cass | Hughes | Nyhus |
| Burns | Johnson of Bottineau | Paulson |
| Collins of Cass | Kinney of McLean | Pendray |
| Collins of Gd. Forks | Kinney of Richland | Ployhar |
| Dibley | Kneeland | Poe |
| Doyle of McIntosh | Knox | Price |
| Evans | Laithwaite | Schull |
| Frairie | Lindvig | Skulason |
| Freeman | Martin | Steen |
| Hale | Moen of Cavaller | Storey |
| Hendrickson | Nelson of McHenry | Streeter |
| Goldt | Nelson of Walsh | White |

Mr. Dibley being excused.

So the bill passed and the title was agreed to.

Mr. Senour moved

That the vote by which Senate Bill No. 159 passed be reconsidered.

Which motion prevailed.

Senate Bill No. 159,

A bill for an act providing for the management and control of, for making annual reports by the respective superintendents and appropriating money annually for the support and maintenance of the agricultural sub-experiment stations, located at Dickinson, Williston and Langdon.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 75, nays 3, absent and not voting 17.

Those who voted in the affirmative were:

| | | |
|----------------------|----------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Akesson | Hemmingson | Peart |
| Anderson | Hill | Plath |
| Atwood | Homnes | Ployhar |
| Baker of Stark | Honey | Pound |
| Bjorndahl | Hughes | Price |
| Brusletten | Jewett | Putnam |
| Brynjolfson | Johnson of Bottineau | Schull |
| Burnett | Johnson of McLean | Senour |
| Chatfield | Johnson of Rolette | Sgutt |
| Christenson | Kneeland | Shells |
| Collins of Cass | Kremer | Sinclair |
| Collins of Gd. Forks | Law | Skinner |
| Crawford | Laithwaite | Skulason |
| Cunningham | Linde | Sorlie |
| Davidson | Lucke | Streeter |
| Doyle of Foster | Martin | Thompson, Gd. Forks |
| Doyle of McIntosh | McCrea | Thompson of McLean |
| Duncan | McLear | Thoreson |
| Fraine | Moen of Benson | Traynor |
| Ganssle | Moen of Cavalier | Ward |
| Garden | Narum | Welford |
| Goldammer | Nelson of McHenry | White |
| Grant | Nelson of Steele | Wisner |
| Hale | Olson | Wolbert |
| Hanley | Paulson | Young |

Those who voted in the negative were:

| | | |
|----------|----------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Nyhus | Steen |

Absent and not voting:

Messrs.—

Baker of Cass
Burns
Dibley
Evans
Freeman
Geidt

Messrs.—

Gibbins
Hendrickson
Kinney of McLean
Kinney of Richland
Knox
Lindvig

Messrs.—

Nelson of Walsh
Pendray
Poe
Storey
Mr. Speaker

Mr. Dibley being excused.

So the bill passed and the title was agreed to.

Mr. Senour moved

That the vote by which Senate Bill No. 159 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

The speaker in the chair.

Senate Bill No. 148,

A bill for an act to provide for making needed permanent improvements for the North Dakota blind asylum at Bathgate, 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 71, nays 4, absent and not voting 20.

Those who voted in the affirmative were:

Messrs.—

Aasheim
Akesson
Anderson
Atwood
Baker of Stark
Brusletten
Brynjulson
Burnett
Chatfield
Christenson
Collins of Cass
Collins of Gd. Forks
Crawford
Cunningham
Davidson
Doyle of Foster
Duncan
Fraine
Ganssle
Garden
Goldammer
Hale
Hanley
Hemmingson

Messrs.—

Hill
Homnes
Honey
Hughes
Jewett
Johnson of Bottineau
Johnson of McLean
Johnson of Rolette
Kneeland
Kremer
Law
Linde
Lucke
Martin
McCrea
McLear
Moen of Benson
Moen of Cavalier
Narum
Nelson of McHenry
Nelson of Steele
Nyhus
Olson
Paulson

Messrs.—

Pearl
Plath
Ployhar
Pound
Price
Putnam
Schull
Senour
Sgutt
Shells
Skinner
Skulason
Sorlie
Steen
Thompson of McLean
Thoreson
Traynor
Ward
Welford
White
Wisner
Young
Mr. Speaker

Those who voted in the negative were:

| | | |
|-------------------|----------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Bjorndahl | Gibbens | Grant |
| Doyle of McIntosh | | |

Absent and not voting:

| | | |
|---------------|--------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Baker of Cass | Kinney of McLean | Poe |
| Burns | Kinney of Richland | Sinclair |
| Dibley | Knox | Storey |
| Evans | Laithwaite | Streeter |
| Freeman | Lindvig | Thompson, Gd. Forks |
| Geidt | Nelson of Walsh | Wolbert |
| Hendrickson | Pendray | |

Mr. Dibley being excused.

So the bill passed and the title was agreed to

Mr. McCrea moved

That the vote by which Senate Bill No. 148 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed

Senate Bill No. 166,

A bill for an act making an appropriation for the Williston experiment station, located at the city of Williston, Williams county.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 71, nays 1, absent and not voting 23.

Those who voted in the affirmative were:

| | | |
|----------------------|----------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Hemmingson | Peart |
| Akesson | Hill | Plath |
| Anderson | Homnes | Ployhar |
| Atwood | Honey | Pound |
| Baker of Stark | Hughes | Price |
| Bjorndahl | Jewett | Putnam |
| Brusletten | Johnson of Bottineau | Schull |
| Brynjulson | Johnson of McLean | Shells |
| Burnett | Johnson of Rolette | Sinclair |
| Chatfield | Kneeland | Skinner |
| Collins of Cass | Knox | Skulason |
| Collins of Gd. Forks | Kremer | Sorlie |
| Crawford | Law | Steen |
| Cunningham | Laithwaite | Thompson, Gd. Forks |
| Davidson | Linde | Thoreson |
| Doyle of Foster | McCrea | Traynor |
| Duncan | McLear | Ward |

| | | |
|-----------|-------------------|-------------|
| Messrs.— | Messrs.— | Messrs.— |
| Fraine | Moen of Benson | Welford |
| Ganssle | Narum | White |
| Garden | Nelson of McHenry | Wisner |
| Gibbens | Nelson of Steele | Wolbert |
| Goldammer | Nyhus | Young |
| Grant | Olson | Mr. Speaker |
| Hale | Paulson | |

Absent and not voting:

| | | |
|---------------|--------------------|--------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Baker of Cass | Hendrickson | Pendray |
| Burns | Kinney of McLean | Poe |
| Christenson | Kinney of Richland | Senour |
| Dibley | Lindrig | Stutt |
| Evans | Lucke | Storey |
| Freeman | Martin | Streeter |
| Geldt | Moen of Cavalier | Thompson of McLean |
| Hanley | Nelson of Walsh | |

Mr. Doyle of McIntosh voted in the negative.

Mr. Dibley being excused.

So the bill passed and the title was agreed to.

Mr. Davidson moved

That the vote by which Senate Bill No. 166 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

Senate Bill No. 56,

A bill for an act to provide an appropriation for the current and contingent expenses and for permanent improvements for the institution for the feeble minded, at Grafton.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 69, nays 0, absent and not voting 26.

Those who voted in the affirmative were:

| | | |
|----------------------|--------------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Hemmingson | Peart |
| Akesson | Homnes | Ployhar |
| Anderson | Honey | Pound |
| Atwood | Hughes | Price |
| Bjorndahl | Jewett | Putnam |
| Brusletten | Johnson of McLean | Schull |
| Brynjulson | Johnson of Rolette | Senour |
| Burnett | Kneeland | Sgutt |
| Christenson | Knox | Shells |
| Collins of Cass | Law | Sinclair |
| Collins of Gd. Forks | Laithwaite | Skinner |

| | | |
|-------------------|-------------------|-------------|
| Messrs.— | Messrs.— | Messrs.— |
| Cunningham | Linde | Skulason |
| Davidson | Lucke | Sorlie |
| Doyle of Foster | Martin | Steen |
| Doyle of McIntosh | McLear | Thoreson |
| Duncan | Moen of Benson | Traynor |
| Fraine | Moen of Cavaller | Ward |
| Ganssle | Narum | Welford |
| Gibbens | Nelson of McHenry | White |
| Goldammer | Nelson of Steele | Wisner |
| Grant | Nyhus | Wolbert |
| Hale | Olson | Young |
| Hanley | Paulson | Mr. Speaker |

Absent and not voting:

| | | |
|----------------|----------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Baker of Cass | Geidt | Nelson of Walsh |
| Baker of Stark | Hendrickson | Pendray |
| Burns | Hill | Plath |
| Chatfield | Johnson of Bottineau | Poe |
| Crawford | Kinney of McLean | Storey |
| Dibley | Kinney of Richland | Streeter |
| Evans | Kremer | Thompson, Gd. Forks |
| Freeman | Lindvig | Thompson of McLean |
| Garden | McCrea | |

Mr. Dibley being excused.

So the bill passed and the title was agreed to.

Mr. Fraine moved

That the vote by which Senate Bill No. 56 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

Senate Bill No. 104,

A bill for an act to provide for the maintenance of the stated normal-industrial school, located at Ellendale, and making necessary improvements, and providing appropriations therefor.

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 74, nays 0, absent and not voting 21.

Those who voted in the affirmative were:

| | | |
|----------|------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Hemmingson | Peart |
| Akesson | Hill | Plath |
| Anderson | Homes | Ployhar |
| Atwood | Honey | Pound |

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|----------------------|---------------------|
| Baker of Stark | Hughes | Price |
| Brusletten | Jewett | Putnam |
| Brynjulson | Johnson of Bottineau | Schull |
| Burnett | Johnson of McLean | Senour |
| Chatfield | Johnson of Rolette | Sgutt |
| Christenson | Kinney of Richland | Shells |
| Collins of Cass | Kneeland | Sinclair |
| Collins of Gd. Forks | Kremer | Skinner |
| Crawford | Law | Skulason |
| Cunningham | Laithwaite | Sorlie |
| Davidson | Linde | Thompson, Gd. Forks |
| Doyle of Foster | Lucke | Thoreson |
| Doyle of McIntosh | Martin | Traynor |
| Fraine | McCrea | Ward |
| Ganssle | McLear | Welford |
| Garden | Moen of Benson | White |
| Gibbens | Nelson of McHenry | Wisner |
| Goldammer | Nelson of Steele | Wolbert |
| Grant | Nyhus | Young |
| Hale | Olson | Mr. Speaker |
| Hanley | Paulson | |

Absent and not voting:

| Messrs.— | Messrs.— | Messrs.— |
|---------------|------------------|--------------------|
| Baker of Cass | Geidt | Nelson of Walsh |
| Bjorndahl | Hendrickson | Pendray |
| Burns | Kinney of McLean | Poe |
| Dibley | Knox | Steen |
| Duncan | Lindvig | Storey |
| Evans | Moen of Cavalier | Streeter |
| Freeman | Narum | Thompson of McLean |

Mr. Dibley being excused.

So the bill passed and the title was agreed to.

Mr. White moved

That House Bill No. 78 be recalled from the committee on rules and placed on the calendar for third reading of house bills.

Which motion was lost.

COURTESIES OF THE FLOOR.

The privileges of the floor were extended to Joseph Denoyer, Minot; Master Clark Hulls, Master Granville Grambs, Bismarck; Clinton Focht, Gladstone.

Mr. Baker of Stark moved

That the house do now adjourn.

Which motion prevailed, and

The house adjourned.

W. D. AUSTIN,
Chief Clerk.

FIFTY-SIXTH DAY

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
March 1, 1909.

The house assembled at 2 o'clock p. m., pursuant to adjournment.

The speaker presiding.

Prayer by the chaplain.

Roll call.

All members present except Messrs. Baker of Cass and Dibley, who were excused.

REFERENCE OF THE JOURNAL.

The committee on revision and correction of the journal made the following report:

Mr. Speaker:

Your committee on revision and correction of the journal have carefully examined the journal of the fifty-third day after recess and fifty-fourth day and recommend that the same be corrected as follows:

On page 22, line 35, after the word improvement, insert "betterment, conservation".

Also correct journal of fifty-third day as follows:

Page 14, 3rd line from bottom, strike out the word "House" and insert "Senate"; strike out last two lines page 14; also lines 1 and 2, page 15,

and insert Title of Senate Bill No. 119, on page 45, after next to last line from bottom of page, add the following:

Mr. Thompson of McLean asked unanimous consent to amend the bill.

There being no objections, Mr. Thompson of McLean offered the following amendment, and moved its adoption:

Page 2 of printed bill, subsection 5, line 4, after the word "October" insert the following, "(6) In any county which may hereafter be organized within the territorial limits of the judicial district, as hereinafter provided, at least two regular terms of the district court shall be held at the county seat thereof each year, at such time as the judge of the district may direct."

Which motion prevailed, and

The amendment was adopted.

At the end of last line, page 45, add the following: "as amended."

On page 46, in line 40, after the word "Passed," insert the words "as amended"

On page 47 strike out lines 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 and 16.

On line 17, strike out the words "as amended".

Page 48, line 11, strike out words "as amended".

We also recommend the following additional correction in the journal of the fiftieth day:

Page 19, 8th line from the bottom, omit word "strike".

In 7th line from bottom, omit words "12, of the printed bill, after the word 'Sec.'"

Page 35, line 8, should read: "Those who voted in the negative were:"

Page 33, line 4, change word "incorporated" to "unincorporated."

Page 35, line 17, after word "Sec." insert the words "of the printed bill"; line 18, strike out the words "12, of the printed bill, after the word 'Sec.' strike."

And when so corrected recommend that the same be approved.

S. J. DOYLE,
Chairman.

Mr. Doyle moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
March 1, 1909.

Mr. Speaker:

I have the honor to transmit herewith
Senate Bill No. 273,

A bill for an act, entitled an act authorizing the district judge of each judicial district within the state of North Da-

kota to appoint a board of visitors for any county in his judicial district wherein a poor farm, county asylum or county jail is located, and to provide for reports thereon.

Also,

Senate Bill No. 276,

A bill for an act to establish a legislative drafting bureau in connection with the legislative reference department of the state library commission.

Also,

Senate Bill No. 284,

A bill for an act, entitled an act to regulate the sale and offering for sale of mining stocks or shares within the state of North Dakota, and to provide penalties for the violation thereof.

Also,

Senate Bill No. 298,

A bill for an act to amend and re-enact section 9015 of the revised codes of North Dakota for 1905, validating marriages performed without authority or where licenses have been issued by a clerk of the county court.

Also,

Senate Bill No. 161,

A bill for an act providing for the appointment of county superintendents of highways and township road inspector, and abolishing the office of township road overseer."

Which the senate has passed and your favorable consideration is respectfully requested.

Also,

Mr. Speaker.

I have the honor to return herewith

House Bill No. 255,

A bill for an act to provide for an examination of the sight and hearing of pupils in public schools, and making an appropriation therefor.

Which the senate has indefinitely postponed.

Very respectfully,
J. W. FOLEY,
Secretary.

REPORTS OF STANDING COMMITTEES.

The committee on enrollment made the following report:

Mr. Speaker:

Your committee on enrollment have examined
House Bill No. 12,

A bill for an act authorizing counties to issue bonds or warrants to procure seed grain for needy farmers resident therein.

And find the same correctly enrolled.

H. J. LINDE,
Chairman.

Mr. Linde moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The chief clerk announced that the speaker was about to sign

House Bill No. 12,

A bill for an act authorizing counties to issue bonds or warrants to procure seed grain for needy farmers resident therein.

And the speaker signed the same in the presence of the house.

The committee on engrossment made the following report:

Mr. Speaker:

Your committee on engrossment have examined
House Bill No. 143,

A bill for an act entitled an act to redistrict the state of North Dakota into senatorial districts and apportion the senators and representatives therein.

Also,

House Bill No. 307,

A bill for an act to create a bureau of the department of agriculture and labor, to be known as the dairy department; to provide for the appointment of a dairy commissioner and an assistant dairy commissioner; fixing their

compensation; defining their powers and duties; prescribing rules for the regulation of the manufacture and sale of dairy products; prescribing penalties for violations; providing a license for creameries, manufacturers of butter and cheese, stations and cream buyers throughout the state, and making an appropriation for the purposes of this act.

Also,

House Bill No. 345,

A bill for an act providing that all state banks shall be known and designated by an official number.

Also,

House Bill No. 351,

A bill for an act to provide a military code of the state of North Dakota.

Also,

House Bill No. 361,

A bill for an act to amend sections 4637 and 4641 of the revised codes of the state of North Dakota for the year 1905, relating to banking corporations.

Also,

House Bill No. 367,

A bill for an act to amend section 4464 of the revised codes of North Dakota for 1905.

Also,

House Bill No. 382,

A bill for an act to prohibit discrimination and rebating by fire insurance companies, their agents or representatives, and providing penalties therefor.

Also,

House Bill No. 113,

A bill for an act to prohibit discrimination between different sections, communities or localities, and to prohibit unfair competition, and providing penalties for the violation thereof.

Also,

House Bill No. 226,

A bill for an act providing for the appointment of a commission to compile, revise and codify the laws of the state of North Dakota, relating to matters of substantive law and procedure concerning probate and testamentary matters and matters of administration and guardianship, and to report the same to the twelfth legislative assembly for adoption or rejection, and to provide for the compensation of the members thereof.

Also,

House Bill No. 229,

A bill for an act to amend section 126 of the revised codes of 1905, providing for the appointment of assistant attorneys general, and fixing their salary, and appropriating money to pay the same.

And find the same correctly re-engrossed.

C. C. CRAWFORD,
Chairman.

Mr. Crawford moved.

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

REPORTS OF STANDING COMMITTEES.

The committee on agriculture made the following report:

Mr. Speaker:

Your committee on agriculture to whom was referred
House Bill No. 322,

A bill for an act providing for the establishment of county agricultural and training schools, and providing for their joint maintenance by the state and the county wherein located, and providing for a levy of state tax for the raising of funds to meet the state share of said cost of maintenance.

Have had the same under consideration and recommend that the same be amended as follows:

Line 3, section 1 of the printed bill, strike out the word "agricultural" and insert "agriculture" in lieu thereof.

Line 5 of the printed bill, section 1, change the word "school" to read "schools".

In section 1, line 6, strike out the words "three hundred" and insert in lieu thereof the words "one hundred"; in same line, after the word "free holders," insert the following: "in each of at least three commissioner districts in the county".

In line 8, section 1, after the word "shall," strike out the balance of the line; strike out all of line 9; in line 10, section 1, strike out all before the word "board" and insert in lieu thereof the following: "submit to the qualified electors of the county to be voted on at the next general election the question of establishing in such county the county agricultural and training school provided for in this act; and if a majority of the votes cast on the proposition at such election is in favor of establishing the same then the".

In section 2, line 1, strike out the word "that" and insert "the" in lieu thereof.

In section 2, line 5, change the word "school's" to "schools" and insert "the" after the same; in the same line, insert "of which shall" after the word "maintenance".

In section 4, line 6, after the word "commissioners," insert the word "two".

In line 17, section 4, strike out the word "excepting" and insert "except" in lieu thereof. In the same line strike out the word "also" after "shall".

In section 5, line 14, insert the word "be" after the words "time to".

In section 5, line 16, change the word "changed" to "change".

In section 6, line 4, after the words "shall be," insert the words "appointed by".

In section 6, line 15, after "president," insert the word "may".

In section 6, line 18, change "agricultural" to read "agriculture".

In section 6, line 31, change "agricultural" to read "agriculture".

In section 7, line 4, strike out "and" and insert "of"; in the same line, after the word "location," insert the words "and donation".

In section 8, line 3, strike out the word "but" and insert "and" in lieu thereof.

In section 8, strike out the misprinted line 2 between 7 and 8.

In section 9, line 16, after the word "county," insert the words "or counties".

In section 11, line 6, strike out "at" and insert "that" in lieu thereof.

In section 11, line 6, strike out the repetition "named herein" and in the same line change the word "satisfactory" to read "satisfactorily".

In section 11, line 26, strike out the word "and" after the word county".

In section 11, line 31, strike out the word "acceptable" and insert the word "accepted".

In section 12, line 2, strike out "a" after "maintaining" and insert "an agricultural and".

In section 12, lines 2 and 3, strike out "for teachers" after the word "school".

In section 14, line 2, after the words "of the," insert "agricultural and".

In section 15, line 2, insert the word "of" at the beginning of the line.

In section 16, line 7, after the words "payment of," strike out the words "the state" and after "claims" insert "against the state as".

And when so amended recommend the same do pass.

**JAMES DUNCAN,
Chairman.**

Mr. Gibbens moved

That the rules be suspended and the report of the committee be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on municipal corporations made the following report:

Mr. Speaker:

Your committee on municipal corporations to whom was referred

House Bill No. 376,

A bill for an act to authorize the city council of cities not organized under the general laws, to open, improve and beautify any of its streets, alleys, lanes, highways or other public grounds within the city limits, and to make other public improvements, and to levy special assessments to defray costs thereof.

Have had the same under consideration and recommend that the same do pass.

F. G. KNEELAND,
Chairman.

Mr. Kneeland moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on municipal corporations to whom was referred

House Bill No. 376,

A bill for an act to authorize the city council of cities not organized under the general law, to open, improve and beautify any of its streets, alleys, lanes, highways or other public grounds within the city limits, and to make other public improvements, and to levy special assessments to defray costs thereof.

Have had the same under consideration and recommend that the same do pass.

F. G. KNEELAND,
Chairman.

Mr. Kneeland moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on municipal corporations to whom was referred

House Bill No. 368,

A bill for an act to amend chapter 179 of the session laws of North Dakota, approved March 2, 1907, entitled 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; such amendments to provide for a levy of not to exceed 3 mills on the dollar in any one year, and by limiting the right to issue bonds to cases where authorized by a vote of the electors, and by adding a new section giving the park board power to plant and protect trees in public streets and highways.

Have had the same under consideration and recommend that the same be amended as follows:

In line 12 of section 1, page 2 of the printed bill, strike out the word "electors" and insert in place thereof "voters."

And when so amended recommend the same do pass.

F. G. KNEELAND,
Chairman.

Mr. Kneeland moved

That the rules be suspended and the report of the committee be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on municipal corporations to whom was referred

House Bill No. 380,

A bill for an act to amend, repeal and re-enact section 15, chapter 45 of the laws of 1907, relating to commission system for government of cities.

Have had the same under consideration and recommend that the same be amended as follows:

Strike out the word "repeal" in the title.

Also strike out all of section 2, and in section 3 change the figure "3" after "section" to the figure "2."

And when so amended recommend the same do pass.

F. G. KNEELAND,
Chairman.

Mr. Kneeland moved

That the rules be suspended and the report of the committee be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on municipal corporations to whom was referred

House Bill No. 347,

A bill for an act to amend section 1 of chapter 46 of the session laws of North Dakota for the year 1907, relating to cities.

Have had the same under consideration and recommend that the same be indefinitely postponed.

F. G. KNEELAND,
Chairman.

Mr. Kneeland moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

The committee on taxation and tax laws made the following report:

Mr. Speaker:

Your committee on taxation and tax laws to whom was referred

House Bill No. 353,

A bill for an act to require counties to build and maintain bridges over public drains intersecting public highways, and to reimburse townships for bridges already built over such drains.

Have had the same under consideration and recommend that the same be indefinitely postponed.

JOHN STEEN,
Chairman.

Mr. Kneeland moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

The committee on corporations other than municipal made the following report:

Mr. Speaker:

Your committee on corporations other than municipal to whom was referred

Senate Bill No. 41,

A bill for an act to amend section 4171 of the revised codes of 1905 of the state of North Dakota, relating to religious and charitable corporations.

Have had the same under consideration and recommend that the same do pass.

MARK M. CHATFIELD,
Chairman.

Mr. Chatfield 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. Speaker:

Your committee on appropriations to whom was referred Senate Bill No. 261,

A bill for an act to amend and re-enact section 76 of the revised codes of 1905, as amended by chapter 186 of the laws of 1907, prescribing the duties and authority of the commissioners of public printing, and making an appropriation for public printing and binding.

Have had the same under consideration and recommend that the same do pass.

S. N. PUTNAM,
Chairman.

Mr. Putnam moved

**That the report be adopted
Which motion prevailed, and
The report of the committee was adopted.**

The committee on election and privileges made the following report:

Mr. Speaker:

Your committee on elections and privileges to whom was referred

House Bill No. 370,

A bill for an act to amend section 9 of an act, entitled 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 same being chapter 109 of the session laws of 1907.

Have had the same under consideration and recommend that the same be amended as follows:

Strike out all of the title after the word "to" in the first line thereof, and insert in place thereof the following, "provide for the nomination and election of judges of the supreme and district courts."

Also strike out all of said bill after the enacting clause and insert in place thereof the following:

Section 1. In all petitions and affidavits to be filed by or in behalf of candidates for nomination at the primary election to the office of judge of the supreme or district court, no reference shall be made to a party ballot or to the party affiliation of such candidate.

Section 2. All primary elections at which candidates for judge of the supreme or district court are to be nominated, there shall be separate ballots upon which shall be placed the names of the candidate for such offices, which ballot shall be entitled the "judiciary ballot," and the names of such candidates shall be placed thereon without party designation, and there shall be designated thereon the number of judges each elector is entitled to vote for. This ballot shall be delivered to each elector by the proper election officer, and the candidate on such "judiciary ballot" receiving the highest number of votes to the extent of double the number of those to be elected, provided there are that many or more candidates running for such office or offices, shall be duly nominated.

Section 3. At the general election there shall be a separate ballot, upon which shall be placed the names of the candidates for judge of the supreme court and judge of the district court, who have been nominated as herein provided, which ballot shall be entitled the "judiciary ballot," and the names of all candidates shall be placed thereon without party designation, and there shall be designated thereon the number of judges each elector is entitled to vote for. This ballot shall be delivered to each elector, and the candidates on such "judiciary ballot" receiving the highest number of votes to the number of those to be elected, shall be duly elected.

Section 4. All acts and parts of acts in so far as they conflict herewith are hereby repealed.

And when so amended recommend the same do pass.

MATT JOHNSON,
Chairman.

Mr. Doyle of Foster moved

That the rules be suspended and the report of the committee be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on elections and privileges to whom was referred

House Bill No. 354,

A bill for an act amending section 616 of the political codes of 1905, relating to the preparation and marking of ballots.

Have had the same under consideration and recommend that the same do pass.

MATT JOHNSON,
Chairman.

Mr. Johnson moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on elections and privileges to whom was referred

House Bill No. 332,

A bill for an act, entitled an act requiring legislative counsel and legislative agents retained or employed for compensation by any person, firm, corporation or association, to promote or oppose the passage of bills or resolutions, or the approval of the same, to file with the secretary of state a statement in writing subscribed by such counsel or agent stating the name of the person, firm, corporation or association by whom or in whose behalf he is retained or employed, together with a brief description of the legislation in reference to which such service is to be rendered, requiring itemized statement of expenditures to be filed, prohibiting legislative counsels or agents from going upon the floor of the legislature, providing penalties for the violation of this act, with an emergency clause.

Have had the same under consideration and recommend that the same be indefinitely postponed.

MATT JOHNSON,
Chairman.

Mr. Johnson moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Also,

Your committee on elections and privileges to whom was referred

House Bill No. 79,

A bill for an act to amend sections 615 and 616 of the revised codes of 1905, relating to ballots to be used at general elections.

Have had the same under consideration and recommend that the same be indefinitely postponed.

MATT JOHNSON,
Chairman.

Mr. Johnson moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Also,

Your committee on elections and privileges to whom was referred

House Bill No. 333,

A concurrent resolution amending the constitution of the state of North Dakota, relating to the elective franchise, defining who are qualified electors.

Have had the same under consideration and recommend that the same be indefinitely postponed.

MATT JOHNSON,
Chairman.

Mr. Johnson moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Also,

Your committee on elections and privileges to whom was referred

House Bill No. 360,

A bill for an act to amend section 12 of an act, entitled an act providing for the selection of candidates for election by popular vote, and relating to their nomination and perpetuation of political parties, the same being chapter 109 of the session laws of 1907.

Have had the same under consideration and recommend that the same be amended as follows:

Strike out all of the title after the words "a bill" and insert the following in lieu thereof: "For an act to amend sections 3, 4, 12, 13 and 34 of chapter 109 of the session laws of 1907, providing for the selection of candidates for election by popular vote, and relating to their nomination and the perpetuation of political parties."

At the beginning of line 1 of the printed bill insert the words "section 1."

In lines 6 and 9 of the printed bill strike out the figures "15" and insert the figures "20."

After line 15 of the printed bill add the following:

Section 2. That section 3 of chapter 109 of the session laws of 1907 be amended to read as follows:

"Section 3. Petition Required. Affidavit of Candidates.) Every candidate for United States senator, member of congress, state officers, judge of the supreme and district courts, shall, not more than sixty days nor less than thirty days prior to said primary election, present to the secretary of state a petition giving his name, postoffice address, the title of the office to which he aspires and the party which he represents, containing the names of 3 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 legal voter and be subscribed under a certified party heading.

"Upon receipt by the secretary of state of such petition, accompanied by the following affidavit, he shall place the applicant's name upon the primary election ballot in the columns 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 the 19.. and I do hereby request that my name be printed upon 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..

Notary Public, North Dakota.

Section 3. That section 4 of chapter 109 of the session laws of 1907 be amended to read as follows:

"Section 4. County and Legislative Candidates, Petition.) Every candidate for a county or legislative district

office shall not more than forty nor less than thirty days and before 4 o'clock p. m. of the 30th day prior to any primary election, present to the county auditor a petition, giving his name, postoffice 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 there be more than two hundred names.

"Each name on the petition shall be that of a qualified elector within the county or district, and shall be subscribed under a party heading. Each signer of the nomination paper shall sign but one such paper for the same office; he shall add his residence with street number, if any, and the date of signing shall not be more than ninety days prior to the filing thereof. Upon receipt of such petition by the county auditor, 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 in the column of his party as hereinafter provided.

"When a legislative district is composed of more than one county, the petition herein provided for shall be filed with the county auditor of the county where the candidate resides, and such county auditor shall certify to the county auditor of the other counties composing such legislative district the names of all candidates filing such petitions."

Section 4. That section 13 of chapter 109 of the session laws of 1907 be amended to read as follows:

"Section 13. Nominations for United States Senator.) Party candidates for the office of United States senator shall be nominated in the manner provided for the nomination of candidates for state offices. The candidate receiving the highest number of votes at such primary election shall be the nominee of his party for the office of United States senator at the succeeding session of the legislative assembly which is to elect a United States senator, and it is hereby made the duty of the secretary of state to certify to the next session of the legislative assembly the name of the candidate of each party who receives the highest number of votes for the office of United States senator."

Section 5. That section 34 of chapter 109 of the session laws of 1907 be amended to read as follows:

“Section 34. Not Repealed.) Nothing herein contained shall be construed as repealing or being in conflict with section 501 of the revised codes of 1899.”

And when so amended recommend the same do pass.

MATT JOHNSON,
Chairman.

Mr. Wolbert moved

That the rules be suspended and the report of the committee be adopted.

Which motion was lost.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
March 1, 1909.

Mr. Speaker:

I have the honor to return herewith
House Bill No. 156,

A bill for an act for the protection of game, fish, wild birds and fur bearing wild animals, and creating the offices of state district game and fish wardens, deputies, board of control, state fish commissioner, and defining their duties and jurisdiction.

Which the senate has amended as follows, and passed as amended:

Strike out all after the enacting clause and insert in lieu thereof the following:

Section 1. Game and Fish Commission—Appointment—Terms.) A state game and fish commission is hereby created, consisting of five members to be appointed by the governor. Three members of such commission shall be appointed for a term of two years, commencing on the first day of April of the year 1909, and two members of such commission shall be appointed for a term of four years, commencing on the first day of April, 1909, and thereafter such appointment shall be made for a term of four years commencing at the expiration of such term. Vacancies arising from any cause shall be filled by the governor. Said commission shall hold its first meeting at Bismarck, N. D., on the second Tuesday of the month succeeding its appointment and organize by electing one of said commission as president, and one of said commission as vice president, and one of said commission as secretary.

A quorum of said commission shall consist of not less than three members.

Meetings, Compensations.) The state game and fish commission after its organization may hold its meetings at any point in the state at such

time and place as the president may designate, but there shall not be to exceed four regular meetings each year; provided, that the president of the commission shall have power to call special meetings whenever in his judgment it becomes necessary.

The members of said commission shall receive as compensation for their services the sum of \$3.00 per day for each day in attending such meeting, and all expenses actually and necessarily incurred in traveling to and from such meeting, which sum shall be paid by the state treasurer out of the game and fish fund upon vouchers of the commissioner duly certified by the president and secretary thereof.

Rules and Regulations.) The state game and fish commission shall establish rules and regulations and employ the most efficient and practical means to carry out the provisions of this act. They shall require of the executive agent a monthly report in full, a copy of which shall be mailed to each member of said commission, stating the names and numbers of employes, territory assigned (by counties), compensation paid, number of arrests, convictions and fines.

Members shall serve without compensation except for necessary expenses to be paid upon an itemized statement thereof duly audited by said commission.

Sec. 2. Office.) Said commission shall have an office in the capitol and be supplied with suitable stationery, a seal and blanks necessary for the transaction of its business.

Sec. 3. General Powers—Duties.) Said commission shall enforce the laws of this state involving the protection and propagation of all game animals, game birds, fish and harmless birds and animals.

1. The propagation and preservation of such variety of game and fish as it shall deem to be of public value.

2. The collection and diffusion of such statistics and information as shall be germane to the purpose of this act.

3. The construction, control and management of all state fish hatcheries, including the control of ground owned or leased for such purposes.

4. The receiving from the United States commissioner of fisheries or other persons, and the gathering, purchase and distribution to the waters of this state of all fish spawn or fry.

5. The taking of fish from the public waters of the state for the propagation and stocking of other waters therein.

6. The seizure and disposition of all wild birds, wild animals and fish, either taken, killed, transported or possessed contrary to law, of all dogs, guns, seines, nets, boats, lights or other instrumentalities unlawfully used or held with intent to use, in pursuing, taking or attempting to take, concealing or disposing of the same, and for these purposes it is hereby authorized and empowered to make all such rules and regulations for the conduct of the business of said commission as it may deem expedient.

Sec. 4. Reports and Records.) Said commission shall, on or before December 1st of each even numbered year, submit to the governor a detailed report of its actions, including the amount of money received from all sources, and inventory of all birds, game fish, guns, dogs, seines, nets and other property seized and sold, with the names of the purchasers, and the amount received, and an itemized statement of its disbursements. The books and vouchers of said commission shall be subject to examination by the public examiner at all times.

Sec. 5. Executive Agent.) The commission shall appoint an executive agent who shall devote all his time to the discharge of his duties, and shall receive compensation therefor to be fixed by said commission at a rate not exceeding two thousand dollars per year, and actual expenses necessarily incurred in the discharge of his official duties. He shall act as such executive agent during the pleasure of the commission, and be subject to its direction. When the commission is not in session, he is hereby authorized to exercise in its name all the rights, powers and authority vested in said

commission. Before entering upon the discharge of his duties he shall give a bond to the state of North Dakota, with sureties or security, to be approved by the commission, in the penal sum of five thousand (5,000) dollars conditioned for the faithful performance of his duties and the accounting of all state property coming into his hands.

Sec. 5½. Fish Commissioner.) The commission shall appoint a state fish commissioner who shall devote all his time to the discharge of his duties, and shall receive compensation therefor to be fixed by said commission, but such compensation shall not exceed twelve hundred dollars per annum and actual expenses necessarily incurred in the discharge of his duties. He shall act as such fish commissioner, and when the commission is not in session he is hereby authorized to exercise in its name all the rights, powers and authority vested in said commission relating to and pertaining to the propagation and distribution of fish.

Sec. 6. Employes.) The commission may appoint and remove at pleasure a sufficient number of game wardens, other person and office assistants as may be necessary to carry out the purposes of this chapter, and fix their periods of service and compensation to be paid from the game and fish commission fund.

Sec. 7. Other Officials—Attorney.) The attorney general, state's attorneys, sheriffs, constables and other peace officers, are hereby required, and it is made their duty, to enforce the provisions of this chapter. Such attorneys shall appear for said commission in all civil actions in which it or its wardens may be interested officially, and shall appear in the prosecution of criminal actions arising under this chapter.

Sec. 8. Execution of Writ.) The executive agent of said commission, state fish commissioner, all members and all wardens appointed by such commission, shall have full power and authority to serve and execute all warrants and processes of law issued by the court in enforcing the provisions of this act, or any other law of this state relating to the preservation and propagation of game and fish, in the same manner as any constable or sheriff may serve and execute the same, and for the purpose of enforcing the provisions of this chapter they may call to their aid any sheriff, deputy sheriff, constable or police officer or any other person, and it shall be the duty of all sheriffs, deputy sheriffs, constables or police officers and other persons, when called upon to enforce and aid in enforcing the provisions of this chapter. The executive agent, members of the commission, state fish commissioner, and all deputies shall have the power to arrest without warrant any person or persons found in the act of violating any law enacted for the purpose of protecting or propagating game and fish.

Sec. 9. Bonds.) Each game warden shall give bonds to be approved by the commission and filed with the secretary of state, conditioned for the faithful discharge of their respective duties, to the amount of five hundred (500) dollars. Special deputy game warden and other persons employed by the commission, shall give bonds when required.

Sec. 10. Terms Defined. Agency no Excuse.) The words "sell" and "sale" as used in this chapter shall be construed as meaning any sale of (or) offer to sell, or having in possession with intent to sell, use or dispose of the same contrary to law. The word "person" shall be deemed to include partnerships, associations and corporations and no violation of any provision of this chapter shall be excused for the reason that the prohibited act was done as the agent or employe of another, nor that it was committed by or through an agent or employe of the person so charged. The word "possession" shall be deemed to include both actual and constructive possession as well as the control of the article referred to. The terms "waters of this state" shall be held to include all the boundary waters of the state, and the provisions of this chapter shall be deemed to extend and be in force and effect over, upon and in all thereof. The terms "any part thereof" or "the parts thereof" whenever used in this chapter shall be deemed to include the hides, horns and hoofs of any animal so referred

to, and the plumage and skin and every other part of any bird so referred to.

Sec. 11. Inspection of Hotels, etc.) The game and fish commission, state fish commissioner and all game wardens shall inspect from time to time hotels, restaurants, cold storage houses or plants and ice houses commonly used in storing meats, game or fish for private parties, including all buildings used for like purpose, for the purpose of determining whether game or fish are kept therein in violation of the provisions of this chapter. Any person in possession or control, or in charge of any hotel, restaurant, storage plant or building referred to, or any part thereof, who refuses or fails to permit any member of the game and fish commission to enter any such building, or any part thereof, or any receptacle therein, for the purpose of making such inspection, is guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than twenty-five (25) dollars or over fifty (50) dollars and costs of prosecution, or imprisonment in the county jail for a term of not less than ten (10) days or over twenty (20) days for the first offense, and upon conviction for a second offense, shall be punished by imprisonment in the county jail for a period of not less than twenty (20) or over thirty (30) days.

Sec. 12. Contraband Game, Seizure and Search.) Any bird, animal, fish or any part thereof, caught, killed, shipped or had in possession or under control contrary to any of the provisions of this chapter is hereby declared to be contraband.

The game and fish commission, state fish commissioner, all game wardens, sheriffs and their deputies, constables and police officers, shall seize and take possession of any and all birds, animals, or fish, or any part thereof which have been caught, taken, killed or had in possession or under control, or shipped contrary to any provision of this chapter. Any court having jurisdiction may upon complaint showing probable cause for believing that any bird, animal, fish or any part thereof caught, taken, killed or had in possession or under control by any person or shipped or transported contrary to the provisions of this chapter, is concealed or illegally kept in any building, car or receptacle, shall issue a search warrant and cause a search to be made in any such place for any such birds, animals, fish or any parts thereof, and may cause any building, enclosure or car to be entered, and any apartment, chest, box, locker, crate, basket, package or any other receptacle whatever, to be broken, opened and the contents thereof examined. All such officers taking or seizing such birds, animals or fish, or any part thereof, shall at once report all the facts attending the same to the commission.

Sec. 13. Contraband Devices.) All nets, seines, lanterns, snares, devices, contrivances and materials while in use, kept or had or maintained for the purpose of catching, taking, killing, attracting or deceiving any bird, animal or fish contrary to any provision of this chapter within this state, or upon or in the boundary waters thereof, including fish houses, enclosures, or other shelter structures or appliances erected or maintained upon the ice or in any waters, or on the shore of any lake, pond or stream, is hereby declared to be and is a public nuisance. The executive agent and all members of the commission, state fish commissioner, all game wardens, sheriffs and their deputies, constables and police officers shall, without warrant or process, take, seize, abate and destroy any and all of the same while being used, had or maintained for such purpose, and no liability shall be incurred therefor to any person.

Sec. 14. Witnesses.) In any prosecution under the provisions of this chapter, the participant in the violation thereof may testify as a witness against any other person violating the same, without incriminating himself in so doing. The evidence so given shall not be used in any criminal proceedings for such violation.

Sec. 15. Limitations.) All prosecutions under this chapter shall be commenced within two (2) years from the time the offense is committed.

Sec. 16. Exchange Specimens.) The commission may secure, by purchase or otherwise, and exchange specimens of game birds, game animals or fish with the game commission or state game warden of other states for breeding purposes, and not otherwise, and may also grant permission under the seal of said commission, to any accredited representative of any incorporated society of natural history, to collect for scientific purposes only, under such restrictions as the commission may impose, nests, eggs, birds, animals or fish protected by this chapter.

Such specimens shall not be sold or transferred nor removed from the state until inspected by the commission.

Sec. 17. Fish Ways.) Any person owning, erecting, managing or controlling any dam or other obstruction across any river, creek or stream, within or forming the boundary line of this state, shall construct in connection with such dam, a durable and efficient fishway in such manner and of such shape and size as the commission may direct. Such fishway shall be kept in good repair by the person so owning, controlling, managing, operating or using such dam or obstruction.

If any person fails to construct or keep in good repair durable and efficient fishways as herein provided, for the space of ten (10) days after notice, the commission may construct or repair the same and the cost thereof may be recovered from the owner or any person managing, or being in control thereof, in a civil action brought in the name of the state of North Dakota. Any money so recovered shall be credited to the game and fish commission fund.

All fishways heretofore or hereafter erected in any dam or obstruction across any of the streams in this state, shall at all times be under the supervision and control of the commission.

Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor.

Sec. 18. Sawdust Deposits.) Any person who deposits any sawdust or other refuse in any streams or water wherein the commission has deposited fish fry, or may deposit any such fry, or where any brook trout naturally abound, shall be deemed guilty of a misdemeanor.

Sec. 19. Disposition of Fines.) All fines collected under any of the provisions of this chapter shall be paid into the county treasurer of the proper county to be added to the state school fund.

Sec. 20. Disposition of Other Moneys.) All moneys collected by the commission upon licenses issued by it, by the sale of game seized and sold, and from all other sources except fines, shall be paid into the general fund of the state of North Dakota, to be credited to the game and fish commission fund, to be used for the purpose of enforcing the provisions of this act, provided; that any surplus money accumulating to the credit of the game and fish commission fund may be used for the propagation of fish and game birds, and maintenance of fish hatcheries.

Sec. 21. Rewards.) The following rewards may be paid by the game and fish commission out of any fund subject to its order, to any person or persons making complaint thereof for the arrest and conviction of any person violating any of the provisions of this chapter, or other enactments involving: deer or antelope the sum of twenty-five (25) dollars; any game bird or fish, ten (10) dollars; provided; however; that this section shall not apply to any game warden regularly employed and receiving salary from the said commission.

Sec. 22. Domesticated Game.) The commission may issue permits to breed or domesticate any of the game birds or animals mentioned in this chapter. Application for such permits shall be made in writing to the commission and shall contain the name and address of the applicant, description of the premises on which such birds or animals will be kept, number and kind of such birds and animals in possession at time of making such application. The commission thereupon may issue permits to the applicant to

keep such birds or animals; any person holding such permit shall before the fifteenth (15) day of December of each year report the increase or decrease to the commission from the number at the time of making application for the permit. Any such animals or birds may be sold or shipped within or without the state upon receipt of written permission to do so from the commission.

Sec. 23. Ownership in the State.) No person shall at any time or in any manner acquire any property in, or subject to his dominion or control, any of the birds, animals or fish, or any part thereof of the kinds herein mentioned, but they shall always and under all circumstances be and remain the property of this state; except, that by killing, catching, taking or keeping the same in the manner and for the periods when their killing is not herein prohibited, the same may be used by any person at the time in the manner and for the purpose expressly authorized in this act, and whenever any person kills, catches, takes, ships or has in possession or under control, any of the birds, animals, or fish, or any part thereof mentioned in this chapter, at a time or in a manner prohibited by this chapter, such person shall thereby forfeit and lose all his right to the use and possession of such bird, animal or fish, or any part thereof, and the state shall be entitled to the sole possession thereof.

Sec. 24. Nests and Eggs.) No person shall at any time take or have in possession or under control, or needlessly break up or destroy, or in any manner interfere with any nests, or the eggs of any of the kinds of birds, the killing of which is at any or all times prohibited.

Sec. 25. Manner of Taking.) No person shall at any time catch, take or kill any of the birds or animals mentioned in this chapter in any other manner than by shooting them with a gun held to the shoulder of the person discharging the same, except as herein otherwise specifically provided.

Sec. 26. Traps, Snares, Lights, Etc.) No person shall at any time set, lay, prepare or have in possession any trap, snare, artificial light, net, bird lime, swivel gun or set gun or any contrivance whatever, for the purpose of catching, taking or killing any of the birds or game animals in this chapter mentioned, except that decoys and stationary blinds may be used in hunting wild geese, brant and ducks, and no person or combination of persons shall, either alone or in combination with or by arrangement or agreement with any other person or persons, use or cause to be used any floating battery, electric, steam, gasoline or other boat or floating vessel for the purpose of raising or driving any game birds from their resting or feeding places in any waters of this state.

Sec. 27. Shooting After Dark.) No person shall hunt, pursue, catch, shoot at, or in any way molest any of the game birds or animals mentioned in this chapter within the borders of the state, during the time elapsing between one-half hour after sunset and one-half hour before sunrise. For the purpose of enforcing this provision, it shall be understood that the time of sunrise and sunset shall be designated by the calendar.

Sec. 28. Use of Dogs.) No person shall hunt, pursue, catch, take or kill deer or antelope with any doe or dogs. No person shall train or run any dog or dogs, owned or controlled by them, known as "bird dogs," including pointers, setters, droppers, or spaniels, or allow same to run loose in fields, or upon lands in which game birds may be found, or apt to be frequented by game birds, between the 1st day of April and the 15th day of August (both inclusive), following of each year.

Sec. 29. Entering Growing Grain.) No person shall at any time enter into any growing or standing grain not his own with intent to take or kill any bird or animal, nor permit any dog with which he shall be hunting to do so for such purpose, without permission from the owner or person in charge thereof.

Sec. 30. Game Killed in Another State.) No person shall at any time have in his possession or under his control within this state, any bird,

animal or fish, or any part thereof, which has been caught, taken or killed outside of this state at a time when it is unlawful to have in possession or under control such bird, animals or fish, or parts thereof, if caught, taken or killed in this state, or which have been unlawfully taken or killed outside this state or unlawfully shipped therefrom into this state.

Sec. 31. Possession of Game and Fish Presumption.) The possession or having under control by any person of any bird, animal or fish or any part thereof, the killing of which is at any time herein prohibited, shall be prima facie evidence that it was the property of this state at the time it was caught, taken or killed, in this state, also that such possession or having under control at any time, when the killing, taking or possession thereof is by this chapter declared to be unlawful, shall be prima facie evidence that such taking and killing occurred during the closed season, to disprove which it shall be necessary for the party in possession thereof to show that at the time it was caught, taken or killed outside, or within this state, that it was lawfully caught, taken or killed outside, or within this state, and that he was lawfully in possession thereof.

Sec. 31½. Nothing in this chapter shall be construed as prohibiting the buying, shipping or having in possession at any time the skins of fur bearing animals killed within or without the state, or hides of moose, deer, caribou, or antelope killed within or without the state upon proof that the hide was taken at a time when such taking and killing was lawful.

Sec. 32. Game Birds—Seasons for Killing.) No person shall hunt, take, kill, ship, convey or cause to be shipped or transported by common or private carrier, to any person either within or without the state, expose for sale, sell to any one, have in possession with intent to sell or have in possession or under control at any time, any turtle dove, snipe, prairie chicken, pinnated, white breasted or sharp tailed grouse, quail, partridge, ruffed grouse, Chinese ringneck or English pheasant, Hungarian partridge, wild duck of any variety, wild goose of any variety, brant or any variety of aquatic fowl whatever, or any part thereof, except: 1st. That any turtle dove, snipe, prairie chicken, pinnated grouse, ruffed grouse, white breasted or sharp tailed grouse, woodcock, upland plover or golden plover may be killed and had in possession between the 7th day of September and the 1st day of November (both inclusive) following. 2nd. That wild duck of any variety, wild goose of any variety, brant, or crane and swan may be killed and had in possession between the 7th day of September and the 15th day of December, (both inclusive) following.

Any person violating any provision of this section shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than ten (10) dollars for each bird or more than twenty-five (25) dollars and cost of prosecution, or by imprisonment in the county jail for not less than twenty (20) days, or more than thirty (30) days, or by both fine and imprisonment in the discretion of the court, for each and every bird killed or destroyed contrary to the provisions of this section.

Sec. 33. Deer Season for Killing.) No person shall hunt, catch, take, kill, ship, convey or cause to be shipped or transported by common carrier to any person, either within or without the state, or purchase, expose for sale, have in possession with intent to sell to any person or have in possession, or under control at any time any deer, or any part thereof, including the hides and horns, except as herein provided. Provided, that two deer may be killed between November 10th and November 30th (both inclusive) of the same year by any one person, "Provided, further, that it shall be unlawful to hunt or kill any deer in the manner commonly known as driving in parties consisting of more than four persons." But no person shall kill or have in possession during said time, more than two such deer or parts thereof, and provided further, that any person who is lawfully in possession of such deer, or any part thereof may ship or cause the same to be shipped in the manner provided for by this chapter, but not otherwise.

Any person violating any provision of this section shall be guilty of a

misdeemeanor, and upon conviction thereof shall be punished by a fine of not less than twenty-five (25) dollars nor more than fifty (50) dollars for each deer, and cost of prosecution, or by imprisonment in the county jail for not less than twenty (20) days or more than thirty (30) days, or by both such fine and imprisonment in the discretion of the court for each and every deer killed or destroyed contrary to the provisions of this section.

Sec. 34. Residence Hunting License—Shipment of Game.) Every resident of this state is prohibited from hunting, taking or killing any game bird or game animal, unless he shall have first procured and have on his person a license therefor from the county auditor in the county in which he resides, which said license shall not be transferable; provided, however, that this does not apply to any resident of this state from hunting on lands owned or cultivated by him, or any member of his family residing permanently with him, during the open season as provided for in this chapter. County auditors shall issue such hunting license upon payment of a license fee of one (1) dollar, and the application for such license shall be made in writing upon application blanks furnished by the game and fish commission, said application must state full name and address of applicant, age, weight, height, color of hair and eyes, and the following statement be signed by applicant and witnessed by a resident freeholder of the county in which license is to be issued.

I am a bona fide resident of County, North Dakota, and have been during the past six months.

Witnessed Signed

All applications received shall be kept on file by the county auditor, subject to inspection by the commission and its deputies, at any time prior to December 15th of each year, at which time they shall be forwarded to the commission, together with all unused licenses.

Said license, when issued, shall describe the licensee, designate his place of residence and have printed on it in large black figures the year for which issued and the words "not transferable," such license shall expire on the 15th day of December following its issuance. Ten cents of the amount received for the issuance of the said license shall be retained by the county auditor as his fee and the balance remitted to the state treasurer who shall credit the same to the game and fish commission fund, to be used in enforcing the provisions of this chapter. Any resident having procured a resident hunting license as required, and being lawfully in possession of any of the game birds or game animals mentioned in this chapter, may ship by common carrier to his address in the county where he resides not to exceed two days' bag limit of any of the game birds as herein provided for in this chapter, nor more than two deer or parts thereof, and any common carrier is hereby permitted to receive for shipment any such game birds or deer, when same is plainly marked with a suitable tag bearing name and address of licensee, and number of his hunting license, and when the same is not enclosed in any box, trunk, can, bag, or any receptacle that prevents easy inspection of contents.

Sec. 35. Non Resident License—Shipment of Game.) Every person not a resident of this state is prohibited from hunting, taking or killing any game bird or game animal, unless he shall have first procured a license therefor from the game and fish commission, which said license shall not be transferrable.

Said commission shall issue to any non-resident a license to hunt game birds and game animals during the open season subject to the limitations provided for in this chapter upon the payment of twenty-five (25) dollars, which license shall expire on the fifteenth (15th) day of December following its issuance. Said license shall describe the licensee, designate his place of residence, and have printed on it in large black letters the year for which issued, and the words "non-resident license," "not transferable."

Any non-resident having procured such license may carry with him on leaving this state not to exceed twenty (20) either prairie chicken, turtle

doves, crane, swan, grouse, of any variety, or twenty (20) of the same combined, and fifty (50) either, snipe, plover, wild duck, goose or brant, or fifty (50) of the same combined, nor more than two deer or parts thereof, and any common carrier is hereby permitted to carry any such game birds or deer, or parts thereof, when same is accompanied and carried on same train or conveyance by the person who is legally in possession of the same; provided, that the same is plainly marked with a suitable tag, bearing name and address of licensee and number of his non-resident license, and that it is not concealed in any box, trunk, bag, can, or any receptacle that prevents easy inspection of contents.

Sec. 36. Hunting without license.) Any person, either a resident or non-resident of this state, who shall hunt, take or kill any of the game birds or animals in this state, without having first procured a license therefor as provided in this chapter, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than twenty-five (25) nor more than one hundred (100) dollars and costs of prosecution, or by imprisonment in the county jail for not less than ten (10) days nor more than thirty (30) days for each and every offense.

Sec. 37. Retaining Game-Permission. Any resident of this state who is lawfully in possession of any of the game birds or deer which have been killed at a time and in a manner permitted by the provisions of this chapter, and who is desirous of retaining possession of the same for his own use for a longer period than five (5) days after the close of the open season, shall before the end of the first five days after the close of the open season, apply to the game and fish commission, for permission to do so, such application shall state number of such birds or deer and designate the place in which they are to be kept. The commission shall grant such permission, if satisfied that applicant is retaining same for his own use and not for any purpose contrary to the provisions of this chapter.

Sec. 38. Mink — Muskrat.) No person shall take, catch or kill any mink or muskrat between the 15th day of April and the 15th day of November (both inclusive) following. Provided, that when any of the animals mentioned in this section are doing damage to, or destroying property, the person whose property is being damaged or destroyed may kill them at any time.

Sec. 39. Harmless Birds — Game Birds Defined.) No person shall catch, take, ship, or cause to be shipped to any person within or without the state, purchase, offer or expose for sale, sell to any one, have in possession with intent to sell, or have in possession or under control at any time, living or dead, any wild bird other than a game bird, nor any part thereof, irrespective of whether said wild bird was captured or killed within or without the state, and for the purposes of this chapter the following only shall be considered game birds: The Anatidae, commonly known as swan, geese, brant, river and sea ducks, the Limicolae, commonly known as plover, snipe, woodcock; the Gallinae, commonly known as grouse, prairie chickens, pheasants, partridges and quail; provided, that blackbirds, crows, English sparrows, sharp-shinned hawks, Cooper hawks and great-horned owls may be killed and had in possession at any time. But nothing herein contained shall be construed to prevent the keeping and sale of imported song birds as domestic pets.

Sec. 40. Attempted Violation.) Any person traveling in any manner in any part of this state off the public highway, outside of the immediate bounds of the inhabited parts of any village, town or city in possession of any kind of a shotgun, with or without a dog or dogs commonly used or kept for the purpose of use in hunting any game birds mentioned in this chapter, from the first day of July to the sixth day of September (both inclusive) each year, shall be presumed to have violated or attempted to so violate the provision of this chapter as to unlawful hunting, shooting or taking of game birds as mentioned in this chapter, the hunting, taking or shooting of which is prohibited during said time and proof of the possession

of said shotgun, with or without dog or dogs, during said time and in such place shall be prima facie evidence of guilt of such person to so violate or attempt to violate the provisions of this chapter as to hunting, shooting or taking such game birds. The use of traps, snares and all other devices used to take game birds as defined in this chapter is hereby prohibited and subjects the person using the same to all penalties prescribed in this section for hunting, shooting, snaring, trapping or taking any of the game birds, and the fact that any traps, snares or other devices used for the purpose of trapping, snaring or taking game birds, are found in the possession of, or upon the premises of any person, shall be prima facie evidence of the guilt, violation or attempted violation by such person of the provisions of this chapter. Any person convicted of violation or attempted violation of any provision of this section shall be punished not only by the fine herein prescribed, but also by forfeiture of any gun or guns, dog or dogs, in his possession while so offending, and any court having jurisdiction may, upon due proof, adjudge the same forfeited, and may order any dog or dogs, gun or guns so used to be sold by the game and fish commission and the proceeds of such sale shall be placed to the credit of the game and commission fund.

Any person convicted of the violation of any of the provisions of this section shall be fined not less than ten (10) dollars nor more than fifty (50) dollars or by imprisonment in the county jail for not less than ten (10) days nor more than thirty (30) days, or both fine and imprisonment at the discretion of the court.

Sec. 41. Fish May Be Taken—When.) No person shall catch, take, kill or have in possession or under control for any purpose whatever any of the fish hereinafter mentioned, within the periods herein limited, to-wit:

Any variety of trout or land-locked salmon between the first day of October and the first day of May (both inclusive) following.

Any black, gray or Oswego bass between the fifteenth day of October and the first day of June (both inclusive) following; any variety of pike, crappies or perch between the fifteenth day of October and the first day of May (both inclusive) following.

Sec. 41½. Powers and Duties.) The state fish commissioner shall have charge of all state fish hatcheries and appurtenances.

He shall examine all state waters, and whenever suitable waters are found arrange to plant, stock or deposit such fish as are available.

He shall co-operate with the United States commissioners of fisheries, make application, receive, apportion and deposit such fish spawn or fry received, throughout the public waters of this state.

He shall co-operate with and assist clubs and individuals in the stocking of the lakes and streams of this state with fish.

He shall, with the consent of the game and fish commission remove or take by any means from any of the public waters of this state containing a surplus of fish any reasonable quantity for the stocking of other public waters of this state, or to be used for hatching or propagating purposes, or for exchange with other states for equal numbers of other species, but in no case shall the numbers so taken be so great as to perceptibly deplete such lakes or streams.

The state game and fish commission shall have no power to authorize any individual, club, society or person to remove or take from any of the public waters of this state for exchange, propagation or scientific purposes any fish excepting only under the personal supervision of the state fish commissioner or some one appointed by him.

The state fish commissioner may take or cause to be taken at any time by any means from any of the lakes in this state any suckers, red horse or carp.

Sec. 42. Manner of Taking.) No person shall catch, kill or destroy in any manner than by angling for them with a hook and line held in the hand or attached to a rod so held, nor with more than one line, nor with more

than one hook; or artificial lure attached thereto; and no person shall have in his possession any of the above mentioned fish caught, taken or killed in any waters of this state except as provided in this chapter. Provided, that pickerel, suckers, red horse, carp and bullheads may be taken with a spear without limit at any time, but no artificial light shall be used in the taking of said fish at any time, and that the use of set lines is permitted in the Missouri, Mouse and Red Rivers, provided further, that in the Missouri, and Mouse rivers pound nets, seines, or dip nets may be used except that it shall be unlawful to use any such net within a distance of one thousand (1,000) feet from the mouth of any stream emptying into the Missouri river.

Sec. 43. Fishing Near Fishways.) No person shall catch, take or kill any fish in any lake or stream within four hundred (400) feet of any fishway, or have in his possession or under his control any fish so caught, taken or killed.

Sec. 44. Use of Drugs, Dynamite, Traps, etc.) No person shall have in possession, lay, set, use or prepare any drug, poison, lime, medicated bait, fish berries, dynamite or other explosive or any other deleterious substance whatever, or lay, stretch, or place any tip-up snare, fish trap, set or trot line or any net, wire, string, rope, or cable of any sort in any of the waters of this state with intent thereby or therewith to catch, take or kill any fish.

Provided, that a minnow seine not exceeding twenty (20) feet in length may be used for taking minnows for bait from the first day of May to the fifteenth of October, following, and that a net may be used in the Missouri and Mouse rivers as provided for in section 42.

Sec. 45. Fish Houses.) No person shall erect, have or maintain on the ice in any waters of this state except Missouri, Mouse and Red Rivers, any fish house, structure, enclosure or shelter whatever to protect the person of the occupant while engaged in fishing through the ice.

Sec. 46. Sale of Fish.) No person shall have in possession for sale or with intent to sell, expose or offer for sale, or sell to any person, at any time, any variety of trout or black, grey or Oswego bass, or any variety of pike, crappies, perch or land-locked salmon which have been caught within the borders of the state.

Sec. 47. Size of Fish to Be Taken.) No person shall at any time catch, take or kill, or have in possession, or under control any black, grey or Oswego bass, trout of any variety, land-locked salmon or pike that are less than eight (8) inches in length, measurement in each case to be made from the tip of snout to the fork of the tail. Any person catching such fish shall at once return same to the water from which they are taken with as little injury as possible.

Sec. 48. Number of Fish to Be Taken.) No person shall in any one day catch, take, kill or destroy to exceed fifteen (15) each black, grey or Oswego bass, trout of any variety, land-locked salmon, pike, perch or crappies, or fifteen (15) of the same combined, or have in possession at any time to exceed fifty (50) each or all of the same combined.

Any person violating any provision of this section shall upon conviction be punished by a fine of not less than ten (10) dollars nor more than twenty-five (25) dollars for each and every offense and cost of prosecution, or by imprisonment in the county jail for not less than ten (10) nor more than thirty (30) days, or by both such fine and imprisonment in the discretion of the court, for each and every fish so killed or destroyed, contrary to the provisions of this section.

Sec. 49. Planted Fish Protected.) All planted fish or fish eggs placed in the public waters of this state for the purpose of propagating, breeding or growth shall be, and are hereby protected for a period of five years from the time of such planting.

Sec. 50. Fish Screens.) The game and fish commission may be caused to be placed in lakes having an outlet into the waters outside the borders of

this state a fish screen of such size and construction as to prevent the escape of fish into the waters outside the border of this state; provided, that such screen shall in no way obstruct or interfere with the natural flow of water in such outlet.

Sec. 51. Bag Limit—Game Birds.) No person shall in any one day take, catch, kill or destroy to exceed ten each prairie chicken or grouse of any variety, turtle dove, crane or swan, or ten of the same combined, or have in possession at any time to exceed twenty (20) each or all of the same combined; nor more than twenty-five (25) each wild duck of any variety, wild goose or brant of any variety, woodcock, snipe or plover of any variety, or twenty-five (25) of the same combined; or have in possession at any time to exceed fifty (50) each, or all of the same combined. Any person violating any provision of this section shall, upon conviction, be punished by a fine of not less than ten (\$10) dollars, nor more than twenty-five (\$25) dollars for each and every bird, and cost of prosecution, or by imprisonment in the county jail for not less than twenty (20) days nor more than thirty (30) days, or by both such fine and imprisonment in the discretion of the court for each and every bird so killed or destroyed or had in possession contrary to the provisions of this section.

Sec. 52. Antelope, Beaver and Otter Protected.) No person shall hunt, shoot at, catch, kill, trap or in any way destroy any antelope, beaver or otter within the boundary limits of the state of North Dakota before January 1st, 1920. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine of not less than one hundred (\$100) dollars, nor more than five hundred (\$500) dollars and cost of prosecution, or by imprisonment in the county jail for not less than three (3) months nor more than six (6) months, or by both fine and imprisonment in the discretion of the court.

Sec. 53. Sale of Game by Commission.) The game and fish commission is hereby authorized to sell to residents of this state, at the highest market price obtainable therefor all furs, fish, game animals or game birds now or which may hereafter come into its possession. The proceeds thereof shall be turned into the state treasury and credited to the game and fish commission fund. A record of such sales, including the name of the purchaser, and the price paid, shall be kept by the commission; said commission shall before selling tag the same in a manner to be determined by it.

Sec. 54. Resisting Commission or Its Wardens.) Whoever shall resist or obstruct the executive agent of said commission or any member thereof, state fish commissioner or any warden or other officer of this state in the discharge of his duties under this chapter, shall be guilty of a misdemeanor, and upon conviction thereof, be punished by a fine of not less than fifty (50) nor more than one hundred (100) dollars and cost of prosecution or by imprisonment in the county jail for not less than twenty (20) nor more than thirty (30) days for each and every offense.

Sec. 55. General Penalty.) Any person who violates any provision of this chapter for which penalty has not been heretofore specifically provided, shall be guilty of a misdemeanor and upon conviction be punished by a fine of not less than ten (10) dollars nor more than fifty (50) dollars and cost of prosecution, or by imprisonment in the county jail for not less than twenty (20) nor more than thirty (30) days.

Sec. 56. Chapter 75 of the revised codes of 1905, relating to game and fish, and all laws in conflict herewith, are hereby repealed.

Sec. 57. Emergency.) Whereas an emergency exists, in this, that the game and fish commission herein created must be appointed prior to July the 1st, 1909, therefore, this act shall take effect and be in force from and after its passage and approval.

And when so amended recommend the same do pass.

Very respectfully,

J. W. FOLEY,
Secretary.

REPORTS OF STANDING COMMITTEES.

The committee on election and privileges made the following report:

Mr. Speaker.

Your committee on elections and privileges to whom was referred

Senate Bill No. 125,

A bill for an act to amend section 645 of chapter 8 of the revised codes of 1905, relating to election booths, challenges and providing penalty for false swearing.

Have had the same under consideration and recommend that the same do pass.

MATT JOHNSON,
Chairman.

Mr. Johnson moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on elections and privileges to whom was referred

Senate Bill No. 200,

A bill for an act to amend section 1 of chapter 255 of the laws of 1907, entitled an act to amend sections 3063 and 3133 of the revised codes of the state of North Dakota of 1905, relating to the powers of electors and supervisors in organized townships.

Have had the same under consideration and recommend that the same do pass.

MATT JOHNSON,
Chairman.

Mr. Johnson 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. Speaker:

Your committee on public health to whom was referred House Bill No. 386,

A bill for an act to amend section 299 of the revised codes of 1905 of North Dakota, making it a misdemeanor for any person to practice medicine, surgery and obstetrics without a license, or for charging fees for mileage more than fifty cents per mile, in such practice, and providing a therefor.

Have had the same under consideration and recommend that the same be indefinitely postponed.

C. H. SHEILS,
Chairman.

Mr. Sheils moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Also,

Your committee on public health to whom was referred House Bill No. 378,

A bill for an act for the regulation of scientific experimentation upon human beings and animals in the state of North Dakota.

Have had the same under consideration and recommend that the same do pass.

C. H. SHEILS,
Chairman.

Mr. Sheils moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on public health to whom was referred House Bill No. 271,

A bill for an act to amend section 9079 of the revised codes of 1905, relating to the use and sale of cigarettes,

cigars or tobacco to minors; and providing a penalty therefor.

Have had the same under consideration and recommend that the same do pass.

C. H. SHEILS,
Chairman.

Mr. Sheils moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on public health to whom was referred House Bill No. 362,

A bill for an act to amend article 18, chapter 4 of the political code of the revised code of North Dakota for 1905, providing for the inspection of barber shops and the registration of barbers, the appointment of an inspector and examiner and compensation for duties performed.

Have had the same under consideration and recommend that the same do pass.

C. H. SHEILS,
Chairman.

Mr. Sheils 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. Speaker:

Your committee on education to whom was referred

Senate Bill No. 55,

A bill for an act providing for the granting the right to teach to certain graduates of the North Dakota agricultural college and of the state normal-industrial school, located at Ellendale, N. D.

Have had the same under consideration and recommend that the same be indefinitely postponed.

FRANK E. PLOYHAR,
Chairman.

Mr. Ployhar moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Also,

Your committee on education to whom was referred

Senate Bill No. 223,

An act to amend section 872 of chapter 9 of the revised codes of North Dakota, 1905, relating to fee for certificate. Certificate, how revoked.

Have had the same under consideration and recommend that the same be indefinitely postponed.

FRANK E. PLOYHAR,
Chairman.

Mr. Ployhar moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Also,

Your committee on education to whom was referred

Senate Bill No. 224,

A bill for an act to amend section 876, chapter 9 of the revised codes of North Dakota for 1905, relating to fees for teacher's certificates.

Have had the same under consideration and recommend that the same be indefinitely postponed.

FRANK E. PLOYHAR,
Chairman.

Mr. Ployhar moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Also,

Your committee on education to whom was referred
Senate Bill No. 112,

A bill for a concurrent resolution amending the constitution of the state of North Dakota.

Have had the same under consideration and recommend that the same be indefinitely postponed.

FRANK E. PLOYHAR,
Chairman.

Mr. Ployhar moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Also,

Your committee on education to whom was referred
House Bill No. 349,

A bill for an act to amend section 889 of the revised codes of 1905.

Have had the same under consideration and recommend that the same do pass.

FRANK E. PLOYHAR,
Chairman.

Mr. Ployhar moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on education to whom was referred
Senate Bill No. 157,

A bill for an act to amend and re-enact section 822 of the revised codes of North Dakota for the year 1905.

Have had the same under consideration and recommend that the same do pass.

FRANK E. PLOYHAR,
Chairman.

Mr. Ployhar moved

That the report be adopted.
Which motion prevailed, and
The report of the committee was adopted.

Also,

Your committee on education to whom was referred
House Bill No. 334,

A bill for an act to amend section 909 of the revised
codes of North Dakota for 1905, relating to contracts in-
volving the expenditure of school funds.

Have had the same under consideration and recommend
that the same do pass.

FRANK E. PLOYHAR,
Chairman.

Mr. Ployhar moved

That the report be adopted.
Which motion prevailed, and
The report of the committee was adopted.

Also,

Your committee on education to whom was referred
Senate Bill No. 46,

A bill for an act to empower the school board of any dis-
trict to establish and maintain free kindergartens for the
instruction of children between four and six years of age.

Have had the same under consideration and recommend
that the same do pass.

FRANK E. PLOYHAR,
Chairman.

Mr. Ployhar moved

That the report be adopted.
Which motion prevailed, and
The report of the committee was adopted.

Also,

Your committee on education to whom was referred
House Bill No. 365,

A bill for an act to prescribe the manner in which money
shall be paid out of the interest and income fund or each
separate institution, and out of the one mill tax fund (ed-
ucational) of each separate institution.

Have had the same under consideration and recommend that the same do pass.

FRANK E. PLOYHAR,
Chairman.

Mr. Ployhar moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on education to whom was referred

Senate Bill No. 252,

A bill for an act to amend section 6 of chapter 95 of the session laws of 1907, being section 847 of the revised codes of North Dakota for 1905, relating to the tuition fund and enumeration.

Have had the same under consideration and recommend that the same do pass.

FRANK E. PLOYHAR,
Chairman.

Mr. Ployhar moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on education to whom was referred

Senate Bill No. 235,

A bill for an act to encourage professional spirit among teachers in this state.

Have had the same under consideration and recommend that the same do pass.

FRANK E. PLOYHAR,
Chairman.

Mr. Ployhar moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on education to whom was referred

Senate Bill No. 232,

A bill for an act to amend sections 894 and 895 of the revised codes of 1905.

Have had the same under consideration and recommend that the same do pass.

FRANK E. PLOYHAR,
Chairman.

Mr. Ployhar moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on education to whom was referred

Senate Bill No. 237,

A bill for an act to amend section 777 of the revised codes of 1905, as amended by chapter 205 of the session laws of North Dakota for 1907.

Have had the same under consideration and recommend that the same do pass.

FRANK E. PLOYHAR,
Chairman.

Mr. Ployhar moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on education to whom was referred

Senate Bill No. 234,

A bill for an act to amend sections 811, 822, 829, 832, 882, 883, of the revised code of 1905, pertaining to education.

Have had the same under consideration and recommend that the same do pass.

FRANK E. PLOYHAR,
Chairman.

Mr. Ployhar 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. Speaker:

Your committee on appropriations to whom was referred House Bill No. 374,

A bill for an act to provide for the completing of the audit and examination of the books and records in the state penitentiary and twine plant, and for the perpetuation of the record of such audit and examination and for installing and completeing an adequate system of books and records for said institutions.

Have had the same under consideration and recommend that the same be amended as follows:

Referring to the original bill:

Strike out all of section 1, beginning with "whereas."

Strike out all of section 2, beginning with "whereas."

Strike out all of section 3, beginning with "therefore."

On line 29 strike out the word "such" at beginning of line and insert in lieu thereof the words "the state."

And when so amended recommend the same do pass.

S. N. PUTNAM,
Chairman.

Mr. Putnam moved

That the rules be suspended and the report of the committee be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on public health made the following report:

Mr. Speaker.

Your committee on public health to whom was referred Senate concurrent resolution relative to deportation of certain citizens.

Have had the same under consideration and recommend that said resolution be concurred in.

C. H. SHEILS,
Chairman.

Mr. Sheils moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

REPORT OF SPECIAL COMMITTEE.

Mr. Speaker.

Your special committee which was appointed to visit the terminal grain markets beg leave to submit the following supplementary report:

The matter of North Dakota representation upon the boards of appeal at Minneapolis and Duluth, which was agreed to by the joint committee of the Minnesota legislature and by the railroad and warehouse commission of Minnesota, was referred to the attorney general of Minnesota, who decided in effect that such representation was not possible under the laws of Minnesota, and that no persons from outside the state of Minnesota could sit as actual members of the board of appeals. It was suggested, however, that two accredited representatives from North Dakota could sit with these members, have access to the books and records and make themselves fully informed as to the actions of the Minnesota boards. Your committee believes that some advantage would accrue to the farmers and producers of this state if some such representation could be arranged. The salaries of representatives, if such were named, would have to be paid by this state, and your committee is of the opinion that such representatives could meet with the boards of appeal during four months from the first of September each year and for a month at the opening of the system of water navigation from the head of the lakes, with advantage to the state.

Your committee recommends, therefore, that this matter be referred to the committee on appropriations, which would of necessity have to draft a resolution covering this matter and provide for the expense.

The matter is, therefore, respectfully submitted to the legislature with the accompanying papers, which embody the correspondence had with your committee.

(Signed) F. S. TALCOTT,
G. S. TRIMBLE,
H. J. BESSESEN,
J. H. FRANE,
S. J. DOYLE,
JAMES HILL.

JAMES W. FOLEY, Secretary.

St. Paul, Minn., Feb. 9, 1909.

Hon. Frank Talcott (Senator),
Bismarck, North Dakota.

Dear Sir: Immediately after the departure of the North Dakota delegation, the chairmen of the house and senate committees on grain addressed a letter to the attorney general of this state, enclosing a copy of the motion or resolution passed by the joint committees, and making inquiry whether there was any constitutional objection to this state granting the request made by the delegation from North Dakota; and at the same time we also addressed letters to the railroad and warehouse commission, to the president of the chamber of commerce of Minneapolis and to the president of the board of trade of Duluth, enclosing a copy of the letter which we addressed to the attorney general of this state, and requesting their view upon the matter.

The committee has not been honored as yet with an opinion from the attorney general's office, but we take pleasure in herewith enclosing you copies of the letters received from the railroad and warehouse commission, from the president of the chamber of commerce of Minneapolis and of the board of trade of Duluth.

We think it is due to you that you should know what the feeling is in this state toward the people of North Dakota and as soon as we receive the opinion of the attorney general we will forward to you a copy of his opinion.

Yours very truly,

BENGT. E. SUNDBERG,
Chairman of Senate Committee.

ANDREW DAVIS,
Chairman of House Committee.

St. Paul, Minn., Feb. 6, 1909.

Hon. B. E. Sundberg,

Chairman Senate Committee, Capitol.

Dear Sir: Replying to your valued favor of the 4th in reference to suggestion that provision be made by law for the appointment on the board of grain appeals of one or more members from some state other than Minnesota:

I will say the delegation from the legislature of N. D. met with this commission and devoted considerable time to the discussion of the question. Naturally the duties of this Dept. make it necessary that we be thoroughly conversant with the subject. It has been necessary in the past for us to refute many charges brought against the Minnesota service by certain persons from without the state, made in most cases without any foundation or real knowledge of the conditions which exist.

There are at the present time—have been for years past, and always will be certain individual complaints which have more or less justification. As long as the question of inspecting grain is dependent upon the personal judgment of man, mistakes will be made; also in the weighing "in" and "out" of approximately 400,000,000 bushels of grain annually as we do in our Dept.; there will be an occasional mistake made by the weigher, but we wish to say emphatically, that there is absolutely no discrimination made in the matter of inspection or weighing of the grain as between that grown in Minnesota and that grown in any other state. In fact the inspector and weigher as a rule has no knowledge where the grain comes from.

A remarkable fact in reference to the matter of complaint is that this general complaint against the inspection and weighing service in Minnesota is confined entirely to the state of North Dakota. We believe, however, that considering the fact that the state of North Dakota sends into our terminals for inspection and weighing approximately 100,000,000 bushels of grain annually, it might be good policy to permit the appointment of two members out of the six members on the boards of appeal from outside the state of Minnesota; this would enable the selection of two men from the state of North Dakota, if that would seem to be the most proper and reasonable thing to do by the appointing power. By the placing of two men from outside the state on the board of appeals, an opportunity is given for exercising a voice in the matter of making rules, the establishment of grades and the overseeing of the manner in which the work of weighing and inspection is done, and would enable the people from the outside to secure information which they would be willing to accept as reliable and by this means in our judgment the cause for complaint would soon fade away.

If the constitution will permit legislation of this character, our commission can see no objection whatever to the plan.

Very respectfully yours,

C. F. STAPLES, Commissioner,
Railroad and Warehouse Commission.

Minneapolis, Minn., Feb. 5, 1909.

Mr. Bengt. E. Sundberg,
Chairman Senate Committee,

Mr. Andrew Davis,
Chairman House Committee,
St. Paul.

Gentlemen: I am in receipt of your favor of February 4, with copy of letter addressed by you to the attorney general.

In answer to your inquiry as to the views of the chamber of commerce on the question of the state of North Dakota having a representative on the Minneapolis and Duluth board of appeals, I would say that I believe it to be the unanimous opinion of our association that there are not only no practical difficulties in the way of granting to the state of North Dakota such a representative, but that it is something very much to be desired. The quantity of grain coming from North Dakota, subject to Minnesota state inspection, is so large that the request from that state for representation on the board of appeals does not seem unreasonable and, if granted, I am sure would remove much, if not all, of the adverse and unjust criticism which for several years the Minnesota state inspection department has been subjected to.

Yours truly,

H. F. DOUGLAS, President,
Chamber of Commerce of Minneapolis.

Duluth, Minn., Feb. 8, 1909.

Hon. B. E. Sundberg,
Chairman Senate Committee,
St. Paul, Minn.

Dear Sir: I beg to acknowledge receipt of yours of the 4th inst., requesting the views of the Duluth board of trade upon the subject of the appointment of a member of the board of grain appeals at Duluth and one at Minneapolis.

In reply, I will say that if the legislature of Minnesota can see its way clear to make provision for this, your action will meet with the hearty endorsement of this board of trade. This board has always been of the opinion that North Dakota was justly entitled to representation on the board of grain appeals, although it was fully aware that legal obstacles were in the way of that. The larger part of the grain handled through the city of Duluth comes from the state of North Dakota and it seems but justice that the growers of that state should have a voice in the fixing of grades. This board believes that if it is possible to bring this about, it will do much to allay the spirit of antagonism that has been growing in the state of North Dakota. We think that this antagonism has not been for cause, but has sprung largely from the feeling that they had no voice in the inspection of their grain. We can see nothing in the way of the practicability of this plan. It should work out just as smoothly and easily as does the present plan of having all the members from Minnesota.

Yours very truly,

STEPHEN H. JONES, Pres.,
Duluth Board of Trade.

St. Paul, Minn., Feb. 24, 1909.

Hon. Frank Talcott, Senate Chamber,
Bismarck, N. D.

Dear Sir: Some days ago the undersigned received an opinion from the attorney general, a copy of which is herewith enclosed; upon its receipt it was sent to the railroad and warehouse commission, and we are just in receipt of a letter from the commission re-enclosing to us the opinion of the attorney general.

Much as we regret that your request cannot be constitutionally granted, we take pleasure in indorsing the compromise proposition contained in the letter of the commission, a copy of which we herewith enclose.

Yours very truly,

BENGT. E. SUNDBERG,
Chairman Senate Grain & Warehouse Com.
ANDREW DAVIS,
Chairman House Grain & Warehouse Com.

St. Paul, Minn., Feb. 24, 1909.

Messrs. B. E. Sundberg, Chairman,
Senate Committee on Grain & Warehouse,
Andrew Davis, Chairman,
House Committee on Grain & Warehouse,
Minnesota State Legislature, Capitol.

Gentlemen: Acknowledging receipt of your communication of the 23rd, referring to us an opinion from the attorney general advising you that representation from North Dakota upon the boards of grain appeal of Minnesota would be unconstitutional, we beg to express regret that the ruling of the attorney general is against the constitutionality of such appointments.

This communication disposes of the proposition as a feasible legal arrangement.

In view of this disposal of the proposition from the joint committee from the legislature of North Dakota we have carefully considered this matter with the chief inspector of grain and the members of the boards of grain appeal and would make this proposition to your committee to be submitted to the legislature of the state of North Dakota: We will receive at each of our grain terminals, Minneapolis and Duluth, one properly appointed and accredited grain expert from North Dakota who shall have at all times free access to the meetings of the boards of grain appeal; full access to the offices and inspection rooms of the inspection and weighing departments; and who in addition will be given every opportunity to fully inform themselves as to the methods in vogue of grading, docking, inspecting and weighing grain as far as the same comes legally under the supervision of the board of railroad and warehouse commissioners and the boards of grain appeal of this state. The said appointed experts to serve without emoluments on the part of this state and under the law to have no vote in the determination of questions voted on by those in authority.

By Direction of the
Railroad & Warehouse Commission.

(Signed) A. C. CLAUSEN,
Secretary.

St. Paul, Minn., Feb. 17, 1909.

Messrs. Bengt. E. Sundberg,
Chairman Senate Committee,
Andrew Davis,
Chairman House Committee.

Gentlemen: In your favor of recent date you ask whether in my opinion, "under the constitution of this state the request of the delegation of

the senate and house of the North Dakota legislature that the laws of the state of Minnesota be so changed as to allow the state of North Dakota a representative upon the board of grain appeals for this state," may be lawfully granted.

Replying thereto, I beg to advise that in my opinion your inquiry is to be answered in the negative.

Stating the matter in another way, the state of North Dakota, in effect, asks the law-making power of Minnesota to so change the laws of this state that a citizen of North Dakota may be appointed by the governor of this state to and hold an office created by and under the laws of this state. This may not lawfully be done. It is one of the fundamentals in a republican form of government that the government is by the people, which means so far as here material, in my judgment, that it may not be a non-resident.

However, appreciating how desirable in the present instance such an arrangement would seem to be, I beg to suggest that if the state of North Dakota should appoint some person of that state, to be paid by it, to sit with, but not as a part of, the board of grain appeals of this state, and if the legislature should authorize the same so far as concerns this state, giving such person full access to all books and records of such board of grain appeals, all the practical advantages of the plan asked for would be effectuated, and no legal objection could be successfully urged thereto.

Yours truly,
(Signed) GEORGE T. SIMPSON,
Attorney General.

MOTIONS AND RESOLUTIONS.

Mr. Skulason offered the following resolution and moved its adoption:

WHEREAS, It is a matter of common knowledge that serious defects exist in the primary law now upon the statute books of our state, many of such defects having been pointed out by the courts of last resort, and several important features of said law having been declared unconstitutional, and

WHEREAS, The people of this state have a right to expect, and do in fact demand, at the hands of this Legislative Assembly, such legislation as will, by proper amendments of the present law, cure such defects, while the vital principles of the direct nomination system are preserved and strengthened, and

WHEREAS, The present session is rapidly drawing to a close, and nothing definite has been accomplished, and the probabilities are that unless extraordinary measures are taken, nothing will be accomplished by this assembly regarding this important subject; therefore, be it

Resolved, That the Speaker appoint forthwith a select committee of five members of this House to consider and report on all primary bills now before the House, and that the standing committee or committees having such primary bills in charge, be directed to surrender the same at once to such select committee; and be it further

Resolved, That such select committee make a report to the House at the earliest possible date, and that the members thereof be, if necessary, relieved from attendance upon the sessions of the House, and excused from committee work until after they shall have made such report.

Mr. Skulason moved
That the resolution be adopted.

Mr. White moved

That the resolution be laid on the table.
Which motion prevailed.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
March 1, 1909.

Mr. Speaker:

I have the honor to transmit herewith

Senate Bill No. 339,

A bill for an act to provide for making the state treasurer, and his successors, the treasurer of the state penitentiary and twine plant, and defining his duties in relation thereto, and relating to the duties and powers of the state emergency board in connection therewith.

Which the senate has passed and your favorable consideration is respectfully requested.

Very respectfully,

J. W. FOLEY.

Secretary.

MOTIONS AND RESOLUTIONS.

Mr. Hale moved

That the house do not concur in the senate amendments to House Bill No. 156.

Which motion prevailed, and

The amendments were not concurred in.

The chief clerk announced that the speaker was about to sign

Senate Bill No. 255,

A bill for an act making an appropriation for the Edgeley experiment station, located at the city of Edgeley in LaMoure county.

Also,

Senate Bill No. 108,

A bill for an act making appropriation in aid of the department of the "Grand Army of the Republic" of the state of North Dakota, for the purpose of enabling it to prepare, issue and distribute its general orders and the proceedings of the department, and providing for keeping copies of the same on file in the state library, at Bismarck, North Dakota, and for expenses incurred at state and national encampments.

Also,

Senate Bill No. 14,

A bill for an act creating and establishing a mining experiment sub-station under the direction of the state school of mines at the state university, and providing for its management.

Also,

Senate Bill No. 43,

A bill for an act appropriating an annual sum of money for the use of the government experiment station at Fargo for conducting demonstration farms and for otherwise cooperating with farmers, for making experiments in the manufacture of denatured alcohol, for publishing reports and bulletins, for analysis of fertilizers and stock foods, for complying with the provisions of the pure paint, paris green and formaldehyde laws and for making other experiments.

Also,

Senate Bill No. 265,

A bill for an act making an annual appropriation to assist in the maintenance of the Florence Crittenden Home, located at Fargo, one of the charitable institutions of the state.

Also,

Senate Bill No. 322,

A bill for an act amending section 1 of chapter 166 of laws of 1889, it being section 1296 of revised codes of 1905, providing for purchase of books for state library.

Also,

Senate Bill No. 146,

A bill for an act appropriating money to compensate T. R. Shaw for balance of salary due as secretary of the North Dakota state capitol commission, and for sundry items of expense incurred by said T. R. Shaw, while acting as such secretary, during the months of August, September, October and November, in the year 1905.

Also,

Senate Bill No. 207,

A bill for an act to appropriate money for repairing and wiring at the state penitentiary.

Also,

Senate Bill No. 198,

A bill for an act appropriating money to compensate A. G. Burr for salary due and sundry items of expense incurred by said A. G. Burr while acting as district judge of the Ninth judicial district, for a period of four months.

Also,

Senate Bill No. 69,

A bill for an act to appropriate \$155.26 to reimburse citizens of North Dakota who advanced money to help defray expense incurred in making the state exhibit at the St. Louis exposition.

Also,

Senate Bill No. 145,

A bill for an act appropriating money to compensate George Murray for salary due and sundry items of expense incurred by said George Murray while acting as temperance commissioner during the months of April and May in the year 1907.

Also,

Senate Bill No. 147,

A bill for an act to amend section 393 of the revised codes of 1905, as amended by chapter 10, laws of 1907, 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, and providing a new appropriation therefor.

Also,

Senate Bill No. 47,

A bill for an act to provide an appropriation for the erection of new buildings and other improvements at the state hospital for the insane of North Dakota at Jamestown.

Also,

Senate Bill No. 90,

A bill for an act making an appropriation for the Dickinson experiment station, located at the city of Dickinson,

Also,

Senate Bill No. 254,

A bill for an act making an appropriation which will permit the State Historical society of North Dakota to acquire title to certain school lands within this state, having a historical value.

Also,

Senate Bill No. 99,

A bill for an act to provide for the location and temporary organization and management of a state sanitarium for persons afflicted with tuberculosis, and making an appropriation for the purchase of land for said sanitarium, and authorizing improvements on said grounds.

Also,

Senate Bill No. 113,

A bill for an act to provide an appropriation for the current and contingent expenses and for permanent improvements for the state school of science at Wahpeton.

Also,

Senate Bill No. 29,

A bill for an act making appropriations for permanent improvements at the state university and school of mines of North Dakota, and for maintenance of a mining experiment sub-station in connection with such state school of mines.

Also,

Senate Bill No. 91,

A bill for an act creating and establishing an agricultural experiment station, to be located at or near the village of Hettinger, in Adams county, in connection with the North Dakota agricultural college at Fargo, and under the direction of the board of directors of said college, and making an appropriation therefor.

Also,

Senate Bill No. 102,

A bill for an act to amend and re-enact chapter 243 of the laws of 1907, being an act to create a state library commission, defining its duties and making an appropriation for its maintenance.

And the speaker signed the same in the presence of the house.

GENERAL ORDERS.

Mr. Sorlie moved

That the house resolve itself into a committee of the whole for the consideration of Senate Bill No. 19.

Which motion prevailed, and

The house resolved itself into a committee of the whole.

The speaker called Mr. Streeter to the chair.

When the committee arose it submitted the following report:

Mr. Speaker:

The committee of the whole have had under consideration

Senate Bill No. 19,

An act to amend section 6237 of the revised codes of 1905, relating to the filing of mechanic's liens, the giving of notice of furnishing materials to contractors and sub-contractors.

And recommend that the same do pass.

D. R. STREETER,
Chairman.

Mr. Sorlie moved

That the report of the committee of the whole be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Mr. Sorlie moved

That the rules be suspended and Senate Bill No. 19 be placed upon its third reading and final passage.

Which motion prevailed.

Senate Bill No. 19,

An act to amend section 6237 of the revised codes of 1905, relating to the filing of mechanic's liens, the giving of notice of furnishing materials to contractors and sub-contractors.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 79, nays 5, absent and not voting 11.

Those who voted in the affirmative were:

| | | |
|----------------------|--------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Homnes | Ployhar |
| Akesson | Honey | Poe |
| Anderson | Hughes | Pound |
| Atwood | Johnson of McLean | Price |
| Bjorndahl | Johnson of Rolette | Putnam |
| Brusletten | Kinney of McLean | Senour |
| Brynjolfson | Kinney of Richland | Sgutt |
| Burnett | Kneeland | Shells |
| Chatfield | Knox | Sinclair |
| Christenson | Law | Skinner |
| Collins of Cass | Lindvig | Skulason |
| Collins of Gd. Forks | Lucke | Sorlie |
| Crawford | McCrea | Steen |
| Cunningham | McLear | Storey |
| Davidson | Moen of Benson | Streeter |
| Doyle of Foster | Moen of Cavalier | Thompson, Gd. Forks |
| Doyle of McIntosh | Narum | Thompson of McLean |
| Evans | Nelson of McHenry | Thoreson |
| Freeman | Nelson of Steele | Traynor |
| Ganssle | Nelson of Walsh | Ward |
| Geidt | Nyhus | Welford |
| Gibblus | Olson | White |
| Goldammer | Paulson | Wisner |
| Grant | Peart | Wolbert |
| Hemmingson | Pendray | Young |
| Hendrickson | Plath | Mr. Speaker |
| Hill | | |

Those who voted in the negative were:

| | | |
|----------|----------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Burns | Kremer | Schull |
| Fraine | Martin | |

Absent and not voting:

Messrs.—

Baker of Cass
Baker of Stark
Dibley
Duncan

Messrs.—

Garden
Hale
Hanley
Jewett

Messrs.—

Johnson of Bottineau
Laithwaite
Linde

Messrs. Baker of Cass, Dibley and Laithwaite being excused.

So the bill passed and the title was agreed to.

Mr. Sorlie moved

That the vote by which Senate Bill No. 19 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

MOTIONS AND RESOLUTIONS.

Mr. Price moved

That the house do now concur in the senate concurrent resolution relating to Carnegie fund.

Which motion prevailed, and

The resolution was concurred in.

MESSAGE FROM THE GOVERNOR.

The following message was received from the governor:

GOVERNOR'S OFFICE,
BISMARCK, NORTH DAKOTA,
February 26, 1909.

To the House of Representatives, Eleventh Legislative Assembly:

I have the honor to inform you that I have approved and filed in the office of the secretary of state

House Bill No. 48,

A bill for an act to authorize the board of trustees or directors of the state university and school of mines, the state agricultural college, the state school of forestry, the North Dakota academy of science, the state industrial school and the various state normal schools of the state of North Dakota to lease portions of the compuses of said institutions to societies and organizations of students and

graduates thereof; and legalizing such leases heretofore made.

Also,

House Bill No. 63,

For an act to amend sections 1, 2, 3, 4, 6, and 14 of chapter 135 of the laws of 1907.

Very respectfully,

JOHN BURKE,
Governor.

GENERAL ORDERS.

Mr. McCrea moved

That the house resolve itself into a committee of the whole for the consideration of general orders.

Which motion prevailed, and

The house resolved itself into a committee of the whole.

The speaker called Mr. Crawford to the chair.

When the committee arose it submitted the following report:

Mr. Speaker:

The committee of the whole have had under consideration

House Bill No. 242,

A bill for an act to amend section 131 of the revised codes of North Dakota of 1905, relating to an appropriation to promote immigration, and creating a board of immigration, prescribing its powers and duties, and making an appropriation therefor.

And recommend that the same be indefinitely postponed.

C. C. CRAWFORD,
Chairman.

Mr. Hale moved

That the report of the committee of the whole be adopted.

Which motion prevailed, and

The report of the committee was adopted.

MOTIONS AND RESOLUTIONS.

Mr. Hale moved

That a conference committee of three members be named by the speaker on House Bill No. 156.

Which motion prevailed, and

The speaker appointed on such committee Messrs. Fraine, Honey and Duncan.

GENERAL ORDERS.

Mr. McCrea moved

That the house resolve itself into a committee of the whole for the consideration of general orders.

Which motion prevailed and,

The house resolved itself into a committee of the whole. The speaker called Mr. Schull to the chair.

When the committee arose it submitted the following report:

Mr. Speaker:

Your committee of the whole have had under consideration

House Bill No. 168,

A bill for an act to legalize certain floating indebtedness incurred by cities of this state under certain circumstances and bonds issued or that may be issued, to fund the same.

And recommend that the same be indefinitely postponed.

Also,

House Bill No. 195,

A bill for an act creating a state highway commission, defining its powers and duties, creating a state highway fund, providing for the expenditure thereof, and providing for the appointment of county superintendents of highways and town road inspectors, and abolishing the office of township road overseer.

And recommend that the same be indefinitely postponed.

Also,

House Bill No. 337,

A bill for an act to amend section 37 of the revised codes of 1905, so as to provide for an increase in the number of ex-officio commissioners of public printing.

And recommend that the same do pass.

Also,

House Bill No. 112,

A bill for an act to regulate dealers in nursery stock and their agents and salesmen in the state of North Dakota, and to provide a nursery inspector.

And recommend that the same be amended as follows:

Amend title by inserting after the words "North Dakota" "and to provide a nursery inspector."

Also strike out all of that portion of the bill after the enacting clause, and insert section 1 to 12 as per attached.

Section 1. The director of the North Dakota experiment station is hereby authorized to inspect through his agent any nursery or any fruit or garden plantation or any unplanted nursery stock in this state that he has reason to suspect is infected with any injurious or fungus diseases, and for this purpose his agent shall have free access to the premises when the duties of carrying out this act shall call him, and any person attempting to hinder such inspection by misrepresentation or otherwise shall be liable to the payment of a penalty as hereinafter provided.

Section 2. In case the agent of the said director shall find in any nursery premises injurious insects or fungus diseases, he shall notify the owner in writing to that effect and prescribe the treatment in his judgment necessary to destroy the insects or fungus. Any one shipping out stock after receiving said notice, or failing to comply with the requirements of the said agent shall be subject to the payment of a penalty as hereinafter provided.

Section 3. Whenever any trees, shrubs, plants or vines are shipped into this state from any outside point there shall be plainly labeled or fixed on the outside of the package a certificate showing that the contents have been inspected by duly appointed state or government officer, and that they are free from injurious insects and fungus diseases. Any package not so labeled shall be promptly reported to the said director by the railway or express company or oth-

er persons carrying the same with a statement of the source whence such articles came and the party to whom they are addressed. Any person or company who shall receive or offer for sale any plants, trees or shrubs not labeled as provided in this section shall be subjected to payment of a penalty as hereinafter provided.

Section 4. Any person growing or offering for sale in this state any nursery stock found to be infected with injurious insects or fungus diseases, shall upon demand of said director furnish a list of all persons, as far as to him known, to whom he has sold or delivered any such stock, together with the postoffice address of each of such persons, so far as to him known. Such information shall be preserved and be for the sole use of said director and his agent in carrying out the provisions of this act. Any person violating the provisions of this section shall be liable to a payment of a penalty as hereinafter provided.

Section 5. The said director shall cause to be issued to the owner of any nursery in this state after the nursery stock therein has been properly inspected and found to be apparently free from injurious insects and fungus diseases, an official certificate to that effect, good for a period not to exceed one year. Any such owner may apply to said director for inspection of his premises for the purpose of securing such certificate, and the said director shall cause such inspection to be made within three months after sealing the application. Any person requesting inspection after September 15th shall pay a fee of five dollars (\$5.00) for each ten acres of land that is wholly or in part devoted to growing nursery stock for selling purposes.

Section 6. No person or corporation shall deliver or ship out of his nursery or place of business for delivery within North Dakota, nursery stock of any kind which does not have attached to the package in which it is contained the authorized shipping tag certified by a facsimile signature of the agent.

Section 7. Every individual, firm or corporation who employs agents or traveling salesmen, or who solicits for the sale of nursery stock in this state, shall, before being authorized to do business, obtain a license from the said director, upon the payment of a sum of five dollars (\$5.00) and upon filing with said director a five hundred dollar (\$500) bond conditioned that the principal will faithfully

obey the provisions of this act, and said license shall entitle the individual, firm or corporation obtaining the same to do business in this state during the next twelve months following the issue thereof, and upon complying with all the provisions of this act.

Section 8. Every person, firm or corporation who shall by himself, his agent or salesmen, sell, grow, handle or deliver in this state any nursery stock which is sold, offered or exposed for sale for planting, shall give at the time of the delivery of the same to the purchaser, a certified and true statement of such sale, giving the correct English name or names of each variety sold, so far as possible, or in lieu thereof the name by which such stock is known to the nursery trade.

Section 9. Any person or persons, corporation, transportation companies, or company violating any of the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction be fined in the sum of not less than twenty dollars (\$20) nor more than two hundred dollars (\$200).

Section 10. The agent authorized by said director shall be granted a compensation not to exceed five dollars (\$5.00) per day and actual traveling expenses, and for such purpose there is hereby assigned such portion of the license fees received as is required for carrying out the provisions of this act.

Section 11. Said director shall furnish a report to the governor of all transactions carried out under this act, together with an account of all moneys received or expended; such report to be printed in the director's report for each biennial period.

Section 12. Emergency.) An emergency is hereby declared to exist in that there is no law regulating the nursery business in this state, and that this act shall take effect and be in force from and after the date of its passage and approval.

And when so amended recommend the same do pass.

Also,

House Bill No. 13,

An act to limit the expenses of candidates for nomination to public offices before the primary.

And recommend that the same be amended as follows:

On page 3, line 27 of the printed bill, after the words "paid advertisement" insert the words "or words meaning such in the language in which the newspaper is printed."

In line 24, page 2, section 1, after the word "newspaper" insert the words "except as hereinafter permitted by this act."

In lines 27, 28 and 29, section 2, strike out the following sentence: "But this section shall not be construed as permitting the payment for any publication prohibited by section one (1) of this act."

And when so amended recommend the same do pass.

Also,

House Bill No. 40,

A bill for an act to secure the purity of elections.

And recommend that the same be indefinitely postponed.

Also,

Senate Bill No. 82,

A concurrent resolution, amending the constitution of the state of North Dakota, relating to the legislative department, and providing for direct legislation and reference of laws.

And recommend that the same be indefinitely postponed.

Also,

House Bill No. 283,

A bill for an act to amend sections 9354, 9355, 9356, 9357, 9358, 9359, 9360, 9361, 9362, 9363, of the revised codes of 1905, and any acts amendatory thereof, and to re-enact sections 9364 and 9365 of said code, regulating the sale of intoxicating liquors by druggists who are registered pharmacists; and to provide a method of such sales, and of granting and revoking of permits.

And recommend the same be amended as follows:

Amend printed bill by adding line 11, section 1, "authorized in his discretion to grant a druggist permit for a period."

Line 21 strike out the words "and sixty" after the word "applicant."

Strike out all of lines 22, 23, 24, 25, and all of line 26, except the word "all."

Line 41, page 3, insert the following:

“Provided, that permits may be granted to any pharmacist possessing all the qualifications herein set forth who owns in his own right in any partnership, association or corporation, if in a city, an amount of interest or capital stock of at least two thousand dollars and if elsewhere of the value of at least fifteen hundred dollars and who is the manager and in actual personal charge of the business of such partnership or corporation at the place of its retail business, and who in addition to his responsibility as a partner or stockholder, shall become personally and individually responsible for all sales in the same manner and to the same extent that he would if he owned said business in person; and,

“Provided, that such applicant must have been engaged in business as a druggist at the place designated in said petition for a period of at least six months next preceding the making of the application for such permit; and,

“Provided, that only one permit shall be granted or issued to the same person.”

In line 22, section 2, page 4, after the word “satisfied” strike out the balance of line; also strike out lines 23 and 24, and all of line 25 up to and including the word “and.”

Section 4, line 11, page 7, after the word “dollars” strike out balance of line, and strike out all of lines 12, 13, 14 and 15, and all of line 16 up to and including the word “dollars.”

Section 5, page 8, line 8, after the word “therefore” insert the words “not exceeding one pint in quantity.”

Line 11, same page, strike out after the word “need” balance of line and all of line 12 up to and including the word “necessary,” and insert in lieu thereof the following, “and any physician giving such prescription shall insert therein the true date of its issue, and no such prescription shall be filled except on date given, or the following day, and shall not be refilled, and shall be retained on file for the period of two years by the druggist filling the same.”

In section 6, page 10, line 21, after the word “the” insert the following, “name of,” and in same line strike out the words “and number.”

Section 6, page 10, in line 23, strike out the word “quarter.”

Section 7, page 12, in line 18, after the word "the" insert the following words, "name of," and in same line strike out the words "and number."

On same page in line 20 strike out the word "quarter."

Section 8, page 13, strike out the following:

In line 7, beginning with the word "accepting" strike out all of said line, and lines 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, and to the word "but" in line 19.

Section 8, line 23, strike out all of said line after the word "herein" and on page 14, line 24, strike out the word "one gallon."

H. J. SCHULL,
Chairman.

Mr. Schull moved

That the report of the committee of the whole be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The chief clerk announced that the speaker was about to sign

Senate Bill No. 166,

A bill for an act making an appropriation for the Williston experiment station, located at the city of Williston Williams county.

Also,

Senate Bill No. 159,

A bill for an act providing for the management and control of, for making annual reports by the respective superintendents and appropriating money annually for the support and maintenance of the agricultural sub-experiment stations, located at Dickinson, Williston and Langdon.

Also,

Senate Bill No. 148,

A bill for an act to provide for making needed permanent improvements for the North Dakota blind asylum at Bathgate, and making an appropriation therefor.

Also,

Senate Bill No. 48,

A bill for an act to provide an appropriation for the current and contingent expenses of the state hospital for the insane of North Dakota at Jamestown.

Also,

Senate Bill No. 165,

A bill for an act making an appropriation of five hundred dollars for each of the years 1909, 1910, 1911, 1912, 1913, 1914, 1915, 1916, 1917 and 1918 for the Williston experiment station, located at the city of Williston, Williams county, to be used for payment of water charges for irrigation.

And the speaker signed the same in the presence of the house.

There being no objections, the house passed to the thirteenth order of business.

FIRST AND SECOND READING OF SENATE BILLS.

Senate Bill No. 220,

A bill for an act to amend sections 2825 and 2826 of the revised codes of the state of North Dakota for 1905, and chapter 47 of the session laws of the state of North Dakota for 1907, relating to the extension of corporate limits of cities, and to provide a method of procedure for the extension of corporate limits of cities.

Which was read the first and second times and

Referred to the committee on municipal corporations.

Senate Bill No. 225,

A bill for an act defining the tenth judicial district, and providing for terms of court therein.

Was read the first and second times and

Referred to the committee on judiciary.

Senate Bill No. 92,

A bill for an act for the betterment of the public highways in the state, to provide for the establishment of a uniform system of drainage of such highways and lands adjacent thereto, to provide for the necessary surveys therefore and the payment of the costs of construction and maintenance thereof, and empowering certain officers to establish and maintain such system, and for purposes connected therewith.

Was read the first and second times and

Referred to the committee on judiciary.

Senate Bill No. 288,

A bill for an act to amend chapter 218 of the session laws of North Dakota, 1907, relating to property exempt from taxation.

Was read the first and second times and
Referred to the committee on taxation and tax laws.

Senate Bill No. 133,

A bill for an act to amend section 2586 of the revised codes of North Dakota for 1905, relating to salaries of judges of the county court.

Was read the first and second times and
Referred to the committee on judiciary.

Senate Bill No. 268,

A bill for an act authorizing the trustees of the institution for feeble minded, to transport, at the expense of the state, inmates whose parents or guardian has removed from the state to the residence of such parent or guardian without the state, and providing an appropriation therefor.

Was read the first and second times and
Referred to the committee on state affairs.

Senate Bill No. 93,

A bill for an act authorizing the sale of a certain portion of the land granted by the United States government for a memorial park and burial ground of soldiers killed at the battle of White Stone Hill, and to provide how the moneys arising from such sale shall be expended.

Was read the first and second times and
Referred to the committee on military affairs.

Senate Bill No. 188,

A bill for an act authorizing the state engineer to grant permits for the appropriation of flood waters of draws, coulees or streams and water courses, which for the greater part of the year flow less than one-third of one cubic foot per second.

Was read the first and second times, and
Referred to the committee on state affairs.

Senate Bill No. 206,

A bill for an act regulating the closing of pool and billiard halls, bowling alleys and temperance saloons, and providing penalties for the violation thereof.

Was read the first and second times and
Referred to the committee on temperance.

Senate Bill No. 278,

A bill for an act, entitled an act to amend section 9758 of the state of North Dakota, relating to preliminary examinations.

Was read the first and second times and
Referred to the committee on judiciary.

Senate Bill No. 199,

A bill for an act to amend section 3054 of the revised codes of North Dakota for 1905, relating to the division of organized townships.

Was read the first and second times and
Referred to the committee on state affairs

Senate Bill No. 279,

A bill for an act, entitled an act to repeal section 2478 of the revised codes of the state of North Dakota, relating to partial payment of taxes.

Was read the first and second times and
Referred to the committee on taxation and tax laws.

Senate Bill No. 281,

A bill for an act, entitled an act to repeal chapter 180 of the session laws of 1907, enacted by the tenth legislative assembly of the state of North Dakota, relating to indeterminate sentences of persons convicted of crime.

Was read the first and second times and
Referred to the committee on Judiciary.

Senate Bill No. 128,

A bill for an act for the creation of a serum institute for the manufacture and distribution of such agents as may be useful and necessary in the eradication, prevention and control of tuberculosis, glanders, hog cholera, black-leg and other infectious and contagious diseases.

Was read the first and second times and
Referred to the committee on Public Health.

Senate Bill No. 212,

A bill for an act to establish regular sessions for the state board of railway commissioners, and fixing the time, manner and place where such sessions shall be held, and otherwise defining their powers and duties; also defining the duties of the attorney general in relation thereto.

Was read the first and second times and
Referred to the committee on railroads.

Senate Bill No. 117,

A bill for an act to provide for instruction in military science at the state normal-industrial school, located at Ellendale.

Was read the first and second times and
Referred to the committee on military affairs.

Senate Bill No. 73,

A bill for an act to provide for the making of improvements at the North Dakota school of forestry, to assist in the maintenance thereof and for other purposes and making appropriations therefor.

Was read the first and second times and
Referred to the committee on education.

Senate Bill No. 308.

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.

Was read the first and second times, and
Referred to the committee on judiciary.

Senate Bill No. 313.

A bill for an act to amend and re-enact chapter III, laws of 1907, of the state of North Dakota, relating to and to provide for owners and managers of elevators, and warehouses, track and independent grain buyers and station agents of railroads to make annual reports to the commissioner of agriculture and labor, and making it a misdemeanor for violation of the same.

Was read the first and second times, and
Referred to the committee on warehousing, grain and grain grading.

Senate Bill No. 30,

A bill for an act authorizing cities incorporated under the laws of this state to regulate and fix the rates to be charged by persons, firms or corporations furnishing water, light, or other public service or utility to such cities and the inhabitants thereof.

Was read the first and second times and

Referred to the committee on municipal corporations.

Senate Bill No. 211,

A bill for an act, entitled an act to safeguard the health of pupils in the public schools of this state, and provide for the payment of expenses in connection therewith.

Was read the first and second times and

Referred to the committee on education.

Senate Bill No. 71,

A bill for an act amending the constitution of the state of North Dakota, empowering the legislative assembly to provide by law for the erection, leasing, purchasing and operating terminal elevators, in the states of Minnesota and Wisconsin or either.

Was read the first and second times and

Referred to the committee on warehousing, grain and grain grading.

Senate Bill No. 293

A bill for an act granting recognition to diplomas issued by first class high schools as teacher's diplomas.

Was read the first and second times, and

Referred to the committee on education.

Senate Bill No. 238,

A bill for an act to amend section 8478 of chapter 5 of the justice code of the revised codes of North Dakota for 1905, relating to change of venue and number of such changes, and granting a change of venue to state and defendant alike.

Was read the first and second times and

Referred to the committee on judiciary.

Senate Bill No. 205,

A bill for an act to amend section 8288 of the revised codes of 1905 of the state of North Dakota, relating to the

increased jurisdiction of the county courts, and providing for abolishing the same.

Was read the first and second times and
Referred to the committee on judiciary.

Senate Bill No. 250,

A bill for an act to amend section 2946 of the 1905 revised codes of North Dakota, relative to the restricting of the limits of cities, towns and villages and disconnecting and excluding portions thereof.

Was read the first and second times and
Referred to the committee on state affairs.

Senate Bill No. 184,

A bill for an act to prevent the setting of fires by threshing engines, engines in sawmills and all stationary engines that exhaust through the smoke stack.

Was read the first and second times and
Referred to the committee on State Affairs.

Senate Bill No. 247,

A bill for an act to authorize the insurance commissioner to accept the deposit of securities from domestic life insurance companies.

Was read the first and second times and
Referred to the committee on insurance.

Senate Bill No. 246,

A bill for an act to require domestic life insurance companies to make a deposit of securities with the insurance commissioner.

Was read the first and second times and
Referred to the committee on insurance.

Senate Bill No. 177,

A bill for an act to amend section 786 of the revised codes of 1905, relating to the organization of district school corporations.

Was read the first and second times and
Referred to the committee on education.

Senate Bill No. 339,

A bill for an act to provide for making the state treasurer, and his successors, the treasurer of the state penitentiary and twine plant, and defining his duties in relation

thereto, and relating to the duties and powers of the state emergency board in connection therewith.

Was read the first and second times and
Referred to the committee on state affairs.

Senate Bill No. 273,

A bill for an act, entitled an act authorizing the district judge of each judicial district within the state of North Dakota to appoint a board of visitors for any county in his judicial district wherein a poor farm, county asylum or county jail is located, and to provide for reports thereon.

Was read the first and second times and
Referred to the committee on Judiciary.

Senate Bill No. 276,

A bill for an act to establish a legislative drafting bureau in connection with the legislative reference department of the state library commission.

Was read the first and second times, and
Referred to the committee on judiciary.

Senate Bill No. 284,

A bill for an act, entitled an act to regulate the sale and offering for sale of mining stocks or shares within the state of North Dakota, and to provide penalties for the violation thereof.

Was read the first and second times and
Referred to the committee on state affairs

Senate Bill No. 298,

A bill for an act to amend and re-enact section 9015 of the revised codes of North Dakota for 1905, validating marriages performed without authority or where licenses have been issued by a clerk of the county court.

Was read the first and second times and
Referred to the committee on public health.

Senate Bill No. 161,

A bill for an act providing for the appointment of county superintendents of highways and township road inspector, and abolishing the office of township road overseer."

Was read the first and second times and
Referred to the committee on live stock.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
March 1, 1909.

Mr. Speaker:

I have the honor to transmit herewith
Senate Bill No. 127,

A bill for an act to divide the state of North Dakota into congressional districts, and defining the boundaries thereof.

Also,

Senate Bill No. 37,

A bill for an act for an appropriation for the improvement and maintenance of the experimental work, provided for in section 1118 of therevised codes of North Dakota, to determine the milling values of wheat, the baking properties produced therefrom, and the chemical composition thereof.

Also,

Senate Bill No. 8,

A bill for an act to regulate the sale of intoxicating liquors for medicinal, sacramental, scientific and mechanical purposes.

Also,

Senate Bill No. 296,

A bill for an act to amend section 460 of the revised codes of North Dakota for 1905, relating to the supreme court reports, how printed, and number.

Which the senate has passed and your favorable consideration is respectfully requested.

Also,

Mr. Speaker:

I have the honor to inform you that the president has named as senate conferees on House Bill No. 156, Messrs. Koffel, Talcott and Baker.

Very respectfully,
J. W. FOLEY,
Secretary.

COURTESIES OF THE FLOOR.

The privileges of the floor were extended to J. Cusator, Cleveland; Addison Leech, S. F. Knight, Fargo; A. L. Bretts, Linton; John Stiles, Winona.

Mr. Price moved

That the house take a recess until 7:30 p. m.

Which motion prevailed, and

The house took a recess until 7:30 p. m.

W. D. AUSTIN,
Chief Clerk.

AFTER RECESS.

The house assembled at 7:30 o'clock p. m., pursuant to recess taken.

The speaker in the chair.

REPORTS OF STANDING COMMITTEES.

The committee on engrossment made the following report:

Mr. Speaker:

Your committee on engrossment have examined

House Bill No. 245,

A bill for an act to appropriate money for the use of the board of university and school lands in the payment of assessments for benefits made for drainage purposes against unsold common school and institution lands within the state.

And find the same correctly re-engrossed.

C. C. CRAWFORD,
Chairman.

Mr. Crawford moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. Speaker:

Your committee on engrossment have examined

House Bill No. 294,

A bill for an act to amend section 150 of the revised codes of the state of North Dakota of 1905, relating to the appointment of deputies of the state examiner.

Also,

House Bill No. 305,

A bill for an act authorizing and requiring the board of railway commissioners to establish grades on grain and to appoint agents at terminal points of Duluth and Minneapolis for the benefit of shippers of grain in this state, and providing for their compensation, and appropriating funds for the purpose of carrying out the provisions of this act.

Also,

House Bill No. 327,

A bill for an act to create a state board of control, and to provide for the management and control of the soldiers' home, the charitable, reformatory and penal institutions of the state, and to provide for supervisory powers over the state educational institutions, and to make an appropriation therefor, and for the defining of certain offenses, and providing penalties therefor

And find the same correctly engrossed.

C. C. CRAWFORD,
Chairman.

Mr. Crawford moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The speaker recalled House Bill No. 73 from the committee on education, and re-referred the same to the committee on appropriations.

THIRD READING OF HOUSE BILLS.

House Bill No. 229,

A bill for an act to amend section 126 of the revised codes of 1905, providing for the appointment of assistant attorneys general, and fixing their salary, and appropriating money to pay 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 58, nays 26, absent and not voting 11.

Those who voted in the affirmative were:

| | | |
|-------------------|----------------------|--------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Anderson | Homes | Price |
| Baker of Stark | Honey | Putnam |
| Bjorn Dahl | Johnson of Bottineau | Senour |
| Burnett | Johnson of McLean | Sheils |
| Chatfield | Johnson of Rolette | Skinner |
| Collins of Cass | Kinney of McLean | Skulason |
| Crawford | Kinney of Richland | Sorlie |
| Cunningham | Kneeland | Storey |
| Davidson | Knox | Streeter |
| Doyle of Foster | Law | Thompson of McLean |
| Doyle of McIntosh | Laithwalte | Thoreson |
| Duncan | McCrea | Traynor |
| Ganssle | Moen of Benson | Ward |
| Garden | Moen of Cavalier | Welford |
| Geidt | Nelson of Steele | White |
| Gibbens | Nelson of Walsh | Wisner |
| Hale | Plath | Wolbert |
| Hemmingson | Ployhar | Young |
| Hendrickson | Pound | Mr. Speaker |
| Hill | | |

Those who voted in the negative were:

| | | |
|----------------------|-------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Grant | Nyhus |
| Akesson | Jewett | Olson |
| Brusletten | Linde | Paulson |
| Brynjulson | Lindvig | Pendray |
| Christenson | Lucke | Poe |
| Collins of Gd. Forks | Martin | Schull |
| Evans | McLear | Sinclair |
| Freeman | Narum | Thompson, Gd. Forks |
| Goldammer | Nelson of McHenry | |

Absent and not voting:

| | | |
|---------------|----------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Atwood | Frairie | Peart |
| Baker of Cass | Hanley | Sgutt |
| Burns | Hughes | Steen |
| Dibley | Kremer | |

Messrs. Baker of Cass and Dibley being excused.

So the bill passed and the title was agreed to.

Mr. Traynor moved

That the vote by which House Bill No. 229 passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 236,

A bill for an act to amend section 651 of the revised codes of the state of North Dakota for 1905.

Was read the third time.

Mr. White asked unanimous consent to amend the bill.

There being no objections, Mr. White offered the following amendment and moved its adoption:

By adding after the last word in the bill the following:

“It shall be the duty of the county auditor of each county, on receipt of the returns of any election, to make out his certificate, stating therein the compensation to which the judges and clerks of election may be entitled for their services, and lay the same before the board of county commissioners at their next session, and the said board shall order the compensation aforesaid to be paid out of the county treasury. And immediately after canvassing the returns and making the abstract of votes as provided in this section, the county auditor shall make a certified copy of each abstract and forward it to the secretary of state, and also cause to be published in the official newspapers of the county, in tabular form, the vote by precincts for each officer and proposition voted for at said election; such publication to be paid for at a rate not exceeding the rate paid for publishing county commissioners' proceedings. If the county auditor is a candidate for office, he shall take no part in the canvass, but shall act as clerk of such board of canvassers, and the two officers called to the assistance of the county auditor to make such canvass, shall call to their assistance a justice of the peace, and it shall thereupon be their duty at once to attend and canvass such returns as provided by law.”

Which motion prevailed, and

The amendment was adopted.

The question being on the final passage of the bill as amended.

The roll was called and there were ayes 82, nays 4, absent and not voting 9.

Those who voted in the affirmative were:

| | | |
|----------------------|----------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Aashelm | Hendrickson | Paulson |
| Akesson | Hill | Pendray |
| Anderson | Homnes | Plath |
| Baker of Stark | Honey | Ployhar |
| Bjorndahl | Jewett | Poe |
| Brusletten | Johnson of Bottineau | Pound |
| Brynjulson | Johnson of McLean | Price |
| Burnett | Johnson of Rolette | Putnam |
| Christenson | Kinney of McLean | Senour |
| Collins of Cass | Kinney of Richland | Sheils |
| Collins of Gd. Forks | Kneeland | Sinclair |
| Crawford | Knox | Skinner |
| Cunningham | Law | Skulason |
| Davidson | Laithwaite | Sorlie |
| Doyle of Foster | Lindvig | Storey |
| Doyle of McIntosh | Lucke | Streeter |
| Duncan | Martin | Thompson, Gd. Forks |
| Evans | McCrea | Thompson of McLean |
| Freeman | McLear | Thoreson |
| Gansslo | Moen of Benson | Traynor |
| Garden | Moen of Cavalier | Ward |
| Geidt | Narum | Welford |
| Gibbens | Nelson of McHenry | White |
| Goldammer | Nelson of Steele | Wisner |
| Grant | Nelson of Walsh | Wolbert |
| Hale | Nyhus | Young |
| Hanley | Oison | Mr. Speaker |
| Hemmingson | | |

Those who voted in the negative were:

| | | |
|-----------|----------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Burns | Linde | Schull |
| Chatfield | | |

Absent and not voting:

| | | |
|---------------|----------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Atwood | Fraine | Peart |
| Baker of Cass | Hughes | Sgutt |
| Dibley | Kremer | Steen |

Messrs. Baker of Cass and Dibley being excused.

So the bill passed as amended and the title was agreed to.

Mr. Storey moved

That the vote by which House Bill No. 236 passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 363,

A bill for an act making it unlawful to move, run, drive or transport any threshing machine outfit, or any part thereof, over any cultivated lands in this state without the consent of the owner of said lands, and providing a penalty therefor.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 66, nays 21, absent and not voting 8.

Those who voted in the affirmative were:

| | | |
|----------------------|----------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Aashelm | Gibbens | Nelson of Walsh |
| Akesson | Goldammer | Paulson |
| Anderson | Grant | Pound |
| Baker of Stark | Hale | Price |
| Bjorndahl | Hanley | Putnam |
| Brusletten | Hemmingson | Schull |
| Burnett | Hendrickson | Senour |
| Burns | Hill | Sheils |
| Chatfield | Honey | Skinner |
| Christenson | Jewett | Skulason |
| Collins of Cass | Johnson of Bottineau | Sorlie |
| Collins of Gd. Forks | Johnson of McLean | Storey |
| Cunningham | Kinney of McLean | Streeter |
| Davidson | Kinney of Richland | Thompson, Gd. Forks |
| Doyle of Foster | Laithwaite | Traynor |
| Doyle of McIntosh | Linde | Ward |
| Duncan | Martin | Welford |
| Evans | McCrea | White |
| Freeman | McLear | Wisner |
| Ganssle | Moen of Benson | Wolbert |
| Garden | Moen of Cavalier | Young |
| Geidt | Nelson of Steele | Mr. Speaker |

Those who voted in the negative were:

| | | |
|--------------------|-------------------|--------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Brynjulson | Law | Pendray |
| Crawford | Lindvig | Plath |
| Hommes | Lucke | Ployhar |
| Johnson of Rolette | Narum | Poe |
| Kneeland | Nelson of McHenry | Sinclair |
| Knox | Nyhus | Thompson of McLean |
| Kremer | Olson | Thoreson |

Absent and not voting:

| | | |
|---------------|----------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Atwood | Fraine | Stutt |
| Baker of Cass | Hughes | Steen |
| Dibley | Peart | |

Messrs. Baker of Cass and Dibley being excused.

So the bill passed and the title was agreed to.

Mr. Duncan moved

That the vote by which House Bill No. 363 passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 306,

A bill for an act creating and establishing an agricultural experiment station on the reform school grounds near Mandan, in Morton 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 58, nays 23, absent and not voting 14.

Those who voted in the affirmative were:

Messrs.—

Akesson
Anderson
Baker of Stark
Bjorndahl
Burns
Chatfield
Christenson
Collins of Cass
Collins of Gd. Forks
Crawford
Cunningham
Doyle of Foster
Doyle of McIntosh
Duncan
Evans
Ganssle
Garden
Geidt
Gibbens
Goldammer

Messrs.—

Hale
Hanley
Hendrickson
Hill
Homnes
Jewett
Johnson of Bottineau
Johnson of McLean
Johnson of Rolette
Kinney of McLean
Kneeland
Knox
Law
Linde
Lindvig
Martin
McCrea
McLear
Moen of Cavalier

Messrs.—

Plath
Ployhar.
Poe
Putnam
Schull
Sheils
Sinclair
Skinner
Skulason
Storey
Streeter
Thompson, Gd. Forks
Thompson of McLean
Traynor
White
Wisner
Wolbert
Young
Mr. Speaker

Those who voted in the negative were:

Messrs.—

Brusletten
Brynjulson
Burnett
Freeman
Grant
Hemmingson
Kinney of Richland
Kremer

Messrs.—

Laithwaite
Lucke
Moen of Benson
Narum
Nelson of McHenry
Nelson of Steele
Nelson of Walsh
Nyhus

Messrs.—

Olson
Paulson
Pendray
Pound
Senour
Thoreson
Welford

Absent and not voting:

| Messrs.— | Messrs.— | Messrs.— |
|---------------|----------|----------|
| Aasheim | Fraine | Scutt |
| Atwood | Honey | Sorlie |
| Baker of Cass | Hughes | Steen |
| Davidson | Peart | Ward |
| Dibley | Price | |

Messrs. Baker of Cass and Dibley being excused.
So the bill passed and the title was agreed to.

Mr. Hanley moved

That the vote by which House Bill No. 306 passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 258,

A bill for an act to amend section 9263 of the revised codes of the state of North Dakota for the year of 1905, relating to unlawfully branding and stealing of live stock and 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 84, nays 2, absent and not voting 9.

Those who voted in the affirmative were:

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|----------------------|---------------------|
| Aasheim | Hill | Paulson |
| Akesson | Homnes | Pendray |
| Anderson | Honey | Plath |
| Baker of Stark | Jewett | Ployhar |
| Bjorndahl | Johnson of Bottineau | Poe |
| Brusletten | Johnson of McLean | Pound |
| Brynjulson | Johnson of Rolette | Price |
| Burnett | Kinney of McLean | Putnam |
| Burns | Kinney of Richland | Schull |
| Christenson | Kneeland | Senour |
| Collins of Cass | Knox | Sheils |
| Collins of Gd. Forks | Kremer | Sinclair |
| Crawford | Law | Skinner |
| Cunningham | Laithwaite | Skulason |
| Doyle of Foster | Linde | Sorlie |
| Doyle of McIntosh | Lindvig | Storey |
| Duncan | Lucke | Streeter |
| Evans | Martin | Thompson, Gd. Forks |
| Ganssle | McCrea | Thompson of McLean |
| Garden | McLear | Thoreson |
| Geidt | Moen of Benson | Traynor |
| Gibbens | Moen of Cavalier | Ward |
| Goldammer | Narum | Welford |
| Grant | Nelson of McHenry | White |

| | | |
|-------------|------------------|-------------|
| Messrs.— | Messrs.— | Messrs.— |
| Hale | Nelson of Steele | Wisner |
| Hanley | Nelson of Walsh | Wolbert |
| Hemmingson | Nyhus | Young |
| Hendrickson | Olson | Mr. Speaker |
| Messrs.— | Messrs.— | Messrs.— |

Absent and not voting:

| | | |
|---------------|---------|-------|
| Atwood | Frairie | Peart |
| Baker of Cass | Freeman | Sgutt |
| Dibley | Hughes | Steen |

Messrs. Chatfield and Davidson voting in the negative.
 Messrs. Baker of Cass and Dibley being excused.
 So the bill passed and the title was agreed to.

Mr. Senour moved

That the vote by which House Bill No. 258 passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 219,

A bill for an act to amend article 4 of chapter 32 of the political code of North Dakota, as found in the revised codes of North Dakota for 1905, relating to changing limits of cities, towns and villages, and to repeal sections 2948 and 2949 of the revised codes for 1905.

Was read the third time.

The question being on the final passage of the bill;

The roll was called and there were ayes 43, nays 41, absent and not voting 11.

Those who voted in the affirmative were:

| | | |
|----------------------|----------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Anderson | Hendrickson | Olson |
| Brynjulson | Homnes | Ployhar |
| Burnett | Honey | Schull |
| Christenson | Johnson of Bottineau | Skinner |
| Collins of Gd. Forks | Johnson of McLean | Skulason |
| Davidson | Knox | Sorlie |
| Doyle of McIntosh | Law | Storey |
| Duncan | Linde | Thompson, Gd. Forks |
| Freeman | Lindvig | Thoreson |
| Garden | Lucke | Traynor |
| Geidt | McCrea | Ward |
| Gibbens | Moen of Benson | Welford |
| Goldammer | Moen of Cavalier | Young |
| Hale | Narum | Mr. Speaker |
| Hanley | | |

Those who voted in the negative were:

| | | |
|-----------------|--------------------|--------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Hemmingson | Pendray |
| Akesson | Hill | Plath |
| Baker of Stark | Jewett | Poe |
| Brusletten | Johnson of Rolette | Pound |
| Burns | Kinney of McLean | Price |
| Chatfield | Kinney of Richland | Putnam |
| Collins of Cass | Kneeland | Senour |
| Crawford | Kremer | Sheils |
| Cunningham | Laithwaite | Sinclair |
| Doyle of Foster | McLear | Streeter |
| Evans | Nelson of McHenry | Thompson of McLean |
| Fraine | Nelson of Steele | White |
| Ganssle | Nelson of Walsh | Wolbert |
| Grant | Nyhus | |

Absent and not voting:

| | | |
|---------------|----------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Atwood | Hughes | Sgutt |
| Baker of Cass | Martin | Steen |
| Bjorndahl | Paulson | Wisner |
| Dibley | Peart | |

Mr. Putnam explained his vote.

Messrs. Baker of Cass and Dibley being excused.

So the bill was lost.

Mr. Traynor moved

That the vote by which House Bill No. 219 was lost be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 294,

A bill for an act to amend section 150 of the revised codes of the state of North Dakota of 1905, relating to the appointment of deputies of the state examiner.

Was read the third time

The question being on the final passage of the bill.

The roll was called and there were ayes 69, nays 11, absent and not voting 15.

Those who voted in the affirmative were:

| | | |
|----------------------|----------------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Akesson | Hale | Plath |
| Anderson | Hanley | Ployhar |
| Baker of Stark | Hemmingson | Poe |
| Brusletten | Hendrickson | Pound |
| Burnett | Hill | Price |
| Chatfield | Homes | Putnam |
| Christenson | Honey | Schull |
| Collins of Cass | Jewett | Senour |
| Collins of Gd. Forks | Johnson of Bottineau | Shells |

| | | |
|-------------------|--------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Crawford | Johnson of McLean | Skulason |
| Cunningham | Johnson of Rolette | Storey |
| Davidson | Kinney of Richland | Streeter |
| Doyle of Foster | Kinney of McLean | Thompson, Gd. Forks |
| Doyle of McIntosh | Kneeland | Thompson of McLean |
| Duncan | Linde | Thoreson |
| Evans | Lindvig | Traynor |
| Freeman | Lucke | Ward |
| Ganssle | Martin | Welford |
| Garden | Moen of Benson | White |
| Geidt | Narum | Wisner |
| Gibbens | Nelson of McHenry | Wolbert |
| Goldammer | Nelson of Steele | Young |
| Grant | Olson | Mr. Speaker |

Those who voted in the negative were:

| | | |
|-----------------|-----------------|-----------------|
| Messrs.— | Messrs.— | Messrs.— |
| Brynjulson | Laithwaite | Pendray |
| Knox | McLear | Skinner |
| Kremer | Nelson of Walsh | Sortie |
| Law | Nyhus | |

Absent and not voting:

| | | |
|-----------------|------------------|-----------------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Dibley | Paulson |
| Atwood | Fraine | Peart |
| Baker of Cass | Hughes | Sgutt |
| Bjorndahl | McCrea | Sinclair |
| Burns | Moen of Cavalier | Steen |

Mr. Burnett explained his vote.

Messrs. Baker of Cass and Dibley being excused.

So the bill passed and the title was agreed to.

Mr. Wolbert moved

That the vote by which House Bill No. 294 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 367,

A bill for an act to amend section 4464 of the revised codes of North Dakota for 1905.

Was read the third time

The question being on the final passage of the bill.

The roll was called and there were ayes 83, nays 0, absent and not voting 12.

Those who voted in the affirmative were:

| | | |
|-----------------|-----------------|-----------------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Hemmingson | Nyhus |
| Akesson | Hendrickson | Olson |

| | | |
|----------------------|----------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Anderson | Hill | Pendray |
| Baker of Stark | Hommes | Plath |
| Brusletten | Honey | Ployhar |
| Brynjulson | Jewett | Poe |
| Burnett | Johnson of Bottineau | Pound |
| Chatfield | Johnson of McLean | Price |
| Christenson | Johnson of Rolette | Putnam |
| Collins of Cass | Kinney of McLean | Schull |
| Collins of Gd. Forks | Kinney of Richland | Senour |
| Crawford | Kneeland | Sheils |
| Cunningham | Knox | Skinner |
| Davidson | Kremer | Skulason |
| Doyle of Foster | Law | Sorlie |
| Doyle of McIntosh | Laithwaite | Storey |
| Duncan | Linde | Streeter |
| Evans | Lindvig | Thompson, Gd. Forks |
| Fraine | Lucke | Thompson of McLean |
| Freeman | Martin | Thoreson |
| Ganssie | McCrea | Traynor |
| Garden | McLear | Ward |
| Geidt | Moen of Benson | Welford |
| Gibbens | Moen of Cavalier | White |
| Goldammer | Narum | Wolbert |
| Grant | Nelson of McHenry | Young |
| Hale | Nelson of Steele | Mr. Speaker |
| Hanley | Nelson of Walsh | |

Absent and not voting:

| | | |
|---------------|----------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Atwood | Dibley | Sgutt |
| Baker of Cass | Hughes | Sinclair |
| Bjorndahl | Paulson | Steen |
| Burns | Peart | Wisner |

Messrs. Baker of Cass and Dibley being excused.
So the bill passed and the title was agreed to.

House Bill No. 382,

A bill for an act to prohibit discrimination and rebating by fire insurance companies, their agents or representatives, and providing penalties therefor.

Was read the third time.

Mr. Chatfield moved the previous question.

Which motion prevailed.

The question being on the final passage of the bill.

The roll was called and there were ayes 23, nays 54, absent and not voting 18.

Those who voted in the affirmative were:

| | | |
|----------|----------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Fraine | Kneeland |
| Akesson | Geidt | Law |

| | | |
|----------------------|--------------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Baker of Stark | Grant | Narum |
| Brusletten | Hale | Olson |
| Collins of Gd. Forks | Hendrickson | Price |
| Crawford | Hornes | Schull |
| Duncan | Honey | Wolbert |
| Evans | Kinney of Richland | |

Those who voted in the negative were:

| | | |
|----------------------|--------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Anderson | Johnson of McLean | Ployhar |
| Burnett | Johnson of Rolette | Poe |
| Chatfield | Kinney of McLean | Pound |
| Christenson | Knox | Putnam |
| Collins of Cass | Kremer | Senour |
| Cunningham | Laithwaite | Sheils |
| Davidson | Linde | Skinner |
| Doyle of McIntosh | Locke | Skulason |
| Freeman | Martin | Sorlie |
| Ganssle | McLear | Storey |
| Garden | Moen of Benson | Streeter |
| Gibbens | Moen of Cavaller | Thompson, Gd. Forks |
| Goldammer | Nelson of McHenry | Thompson of McLean |
| Hanley | Nelson of Steele | Thoreson |
| Hemmingson | Nelson of Walsh | Ward |
| Hill | Nyhus | Welford |
| Jewett | Pendray | Young |
| Johnson of Bottineau | Plath | Mr. Speaker |

Absent and not voting:

| | | |
|---------------|-----------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Atwood | Doyle of Foster | Sgutt |
| Baker of Cass | Hughes | Sinclair |
| Bjorn Dahl | Lindvig | Steen |
| Brynjulson | McCrea | Traynor |
| Burns | Paulson | White |
| Dibley | Peart | Wisner |

Mr. Garden explained his vote.

The speaker explained his vote.

Messrs. Baker of Cass and Dibley being excused.

So the bill was lost.

Mr. Gibbens moved

That the vote by which House Bill No. 382 was lost be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 361,

A bill for an act to amend sections 4637 and 4641 of the revised codes of the state of North Dakota for the year 1905, relating to banking corporations.

Was read the third time.

Mr. Skulason moved

That the further consideration of the bill be indefinitely postponed.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

House Bill No. 345,

A bill for an act providing that all state banks shall be known and designated by an official number.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 77, nays 1, absent and not voting 17.

Those who voted in the affirmative were:

| | | |
|----------------------|----------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Hanley | Olson |
| Akesson | Hemmingson | Pendray |
| Anderson | Hendrickson | Plath |
| Brusletten | Hill | Ployhar |
| Brynjulson | Hommes | Poe |
| Burnett | Honey | Pound |
| Chatfield | Jewett | Price |
| Christenson | Johnson of Bottineau | Putnam |
| Collins of Cass | Johnson of McLean | Schull |
| Collins of Gd. Forks | Johnson of Rolette | Senour |
| Crawford | Kinney of McLean | Sheils |
| Cunningham | Kinney of Richland | Skinner |
| Davidson | Kneeland | Skulason |
| Doyle of Foster | Knox | Sorlie |
| Doyle of McIntosh | Kremer | Storey |
| Duncan | Law | Streeter |
| Evans | Laithwaite | Thompson, Gd. Forks |
| Fraine | Linde | Thompson of McLean |
| Freeman | Lucke | Thoreson |
| Ganssie | McLear | Ward |
| Garden | Moen of Benson | Welford |
| Geidt | Moen of Cavalier | White |
| Gibbens | Narum | Wolbert |
| Goldammer | Nelson of McHenry | Young |
| Grant | Nelson of Steele | Mr. Speaker |
| Hale | Nelson of Walsh | |

Absent and not voting:

| | | |
|----------------|----------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Atwood | Hughes | Sgutt |
| Baker of Cass | Lindvig | Sinclair |
| Baker of Stark | McCrea | Steen |
| Bjorndahl | Nyhus | Traynor |
| Burns | Paulson | Wisner |
| Dibley | Peart | |

Mr. Martin voted in the negative.

Messrs. Baker of Cass and Dibley being excused.

So the bill passed and the title was agreed to.

House Bill No. 317,

A bill for an act to amend section 2 of chapter 174 of the session laws of North Dakota for 1907, entitled an act making an appropriation towards paying deficiency or debts on armories already constructed, or towards the construction of armories for the various military companies of the state of North Dakota, and for the creating of a board of armory supervisors, and defining its duties, for the transfer of armories upon the mustering out of any military organization enumerated, and defining the duties of the state treasurer in carrying out the provisions of this act.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 75, nays 1, absent and not voting 19.

Those who voted in the affirmative were:

| | | |
|----------------------|----------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Grant | Olson |
| Akesson | Hale | Pendray |
| Anderson | Hanley | Plath |
| Baker of Stark | Hemmingson | Ployhar |
| Brusletten | Hendrickson | Poe |
| Brynjulson | Hill | Pound |
| Burnett | Homnes | Price |
| Chatfield | Honey | Putnam |
| Christenson | Jewett | Schull |
| Collins of Cass | Johnson of Bottineau | Senour |
| Collins of Gd. Forks | Johnson of McLean | Sheils |
| Crawford | Johnson of Rolette | Skinner |
| Cunningham | Kinney of McLean | Skulason |
| Davidson | Kinney of Richland | Sorlie |
| Doyle of Foster | Kneeland | Storey |
| Doyle of McIntosh | Knox | Streeter |
| Duncan | Law | Thompson, Gd. Forks |
| Evans | Lucke | Thompson of McLean |
| Fraine | McLear | Thoreson |
| Freeman | Moen of Cavalier | Ward |
| Ganssle | Narum | Welford |
| Garden | Nelson of McHenry | White |
| Geidt | Nelson of Steele | Wolbert |
| Gibbens | Nelson of Walsh | Young |
| Goldammer | Nyhus | Mr. Speaker |

Absent and not voting:

| | | |
|---------------|------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Atwood | Laithwaite | Peart |
| Baker of Cass | Linde | Sgutt |

Messrs.—

Bjorndahl
Burns
Dibley
Hughes
Kremer

Messrs.—

Lindvig
Martin
McCrea
Paulson

Messrs.—

Sinclair
Steen
Traynor
Wisner

Mr. Moen of Benson voted in the negative.

Messrs. Baker of Cass and Dibley being excused.

So the bill passed and the title was agreed to.

Mr. Hanley moved

That the vote by which House Bill No. 317 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

There being no objections, the house returned to the seventh order of business.

MOTIONS AND RESOLUTIONS.

Mr. Fraine moved

That the printed House Bill No. 78 be substituted for the original bill, and the same be placed on the calendar.

Which motion prevailed.

Mr. Hale moved

That the rules be suspended and House Bill No. 379 be considered engrossed and placed upon its third reading and final passage.

Which motion was lost.

There being no objections, the house passed to the fourteenth order of business.

THIRD READING OF SENATE BILLS.

The speaker called Mr. Hanley to the chair.

Senate Bill No. 119,

A bill for an act to regulate the selling, offering or exposure of seeds for sale, 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 81, nays 0, absent and not voting 14.

Those who voted in the affirmative were:

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|----------------------|---------------------|
| Aasheim | Hale | Olson |
| Akesson | Hanley | Paulson |
| Anderson | Hemmingson | Pendray |
| Baker of Stark | Hendrickson | Plath |
| Bjorndahl | Hill | Ployhar |
| Brusletten | Homnes | Poe |
| Brynjulson | Honey | Pound |
| Burnett | Jewett | Price |
| Chatfield | Johnson of Bottineau | Putnam |
| Christenson | Johnson of McLean | Schull |
| Collins of Cass | Kinney of McLean | Senour |
| Collins of Gd. Forks | Kinney of Richland | Sheils |
| Crawford | Kneeland | Skinner |
| Cunningham | Knox | Skulason |
| Davidson | Kremer | Sorlie |
| Doyle of Foster | Law | Storey |
| Doyle of McIntosh | Laithwaite | Streeter |
| Duncan | Linde | Thompson, Gd. Forks |
| Evans | Lucke | Thompson of McLean |
| Fraine | McCrea | Thoreson |
| Freeman | Moen of Benson | Ward |
| Ganssle | Moen of Cavalier | Welford |
| Garden | Narum | White |
| Geidt | Nelson of McHenry | Wisner |
| Gibbens | Nelson of Steele | Wolbert |
| Goldammer | Nelson of Walsh | Young |
| Grant | Nyhus | Mr. Speaker |

Absent and not voting:

| Messrs.— | Messrs.— | Messrs.— |
|---------------|--------------------|----------|
| Atwood | Johnson of Rolette | Sgutt |
| Baker of Cass | Lindvig | Sinclair |
| Burns | Martin | Steen |
| Dibley | McLear | Traynor |
| Hughes | Peart | |

Mr. Kinney of McLean explained his vote.

Messrs. Baker of Cass and Dibley being excused.

So the bill passed and the title was agreed to.

Mr. Akesson moved

That the vote by which Senate Bill No. 119 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

Senate Bill No. 20,

A bill for an act to amend section 7083 and 7085 of the revised codes of the state of North Dakota for the year 1905, relating to the method of renewing liens and judgments and providing for renewing the same without suit for an addi-

tional term of ten years and allowing execution thereon after renewal.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 69, nays 0, absent and not voting 26.

Those who voted in the affirmative were:

| | | |
|-----------------|----------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Aashelm | Grant | Nelson of Steele |
| Akesson | Hanley | Nelson of Walsh |
| Anderson | Hemmingson | Nyhus |
| Baker of Stark | Hendrickson | Olson |
| Bjorn Dahl | Hill | Paulson |
| Brusletten | Homnes | Pendray |
| Brynjulson | Honey | Poe |
| Burnett | Johnson of Bottineau | Pound |
| Chatfield | Johnson of McLean | Price |
| Christenson | Johnson of Rolette | Putnam |
| Collins of Cass | Kinney of McLean | Schull |
| Crawford | Kinney of Richland | Senour |
| Cunningham | Kneeland | Sheils |
| Davidson | Knox | Skinner |
| Doyle of Foster | Kremer | Skulason |
| Evans | Law | Storey |
| Fraine | Laithwaite | Streeter |
| Freeman | Linde | Thompson, Gd. Forks |
| Ganssle | Lucke | Thoreson |
| Garden | Moen of Benson | Welford |
| Geidt | Moen of Cavalier | White |
| Gibbens | Narum | Wolbert |
| Goldammer | Nelson of McHenry | Young |

Absent and not voting:

| | | |
|----------------------|----------|--------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Atwood | Jewett | Sinclair |
| Baker of Cass | Lindvig | Sorlie |
| Burns | Martin | Steen |
| Collins of Gd. Forks | McCrea | Thompson of McLean |
| Dibley | McLear | Traynor |
| Doyle of McIntosh | Pearl | Ward |
| Duncan | Plath | Wisner |
| Hale | Ployhar | Mr. Speaker |
| Hughes | Sgutt | |

Messrs. Baker of Cass and Dibley being excused.

So the bill passed and the title was agreed to.

Mr. Davidson moved

That the vote by which Senate Bill No. 20 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

Senate Bill No. 40,

A joint resolution for the making of inquiry relating to the carrying charges upon grain in bulk from points in the state of North Dakota to terminal markets in Minnesota and Wisconsin, and for the bringing about of such reforms or reductions in such carrying charges as the circumstances shall warrant.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 72, nays 1, absent and not voting 22.

Those who voted in the affirmative were:

| Messrs.— | Messrs.— | Messrs.— |
|-----------------|----------------------|---------------------|
| Aasheim | Hanley | Nyhus |
| Akesson | Hemmingson | Paulson |
| Anderson | Hendrickson | Pendray |
| Baker of Stark | Hill | Plath |
| Bjorndahl | Homnes | Ployhar |
| Brusletten | Honey | Poe |
| Brynjulson | Jewett | Pound |
| Burnett | Johnson of Bottineau | Price |
| Chatfield | Johnson of McLean | Putnam |
| Christenson | Johnson of Rolette | Schull |
| Crawford | Kinney of McLean | Senour |
| Cunningham | Kinney of Richland | Sheils |
| Davidson | Kneeland | Skinner |
| Doyle of Foster | Kremer | Skulason |
| Duncan | Law | Sorlie |
| Evans | Laithwaite | Storey |
| Fraine | Linde | Streeter |
| Freeman | Lucke | Thompson, Gd. Forks |
| Ganssle | Moen of Benson | Thoreson |
| Garden | Moen of Cavalier | Ward |
| Geidt | Narum | White |
| Gibbens | Nelson of McHenry | Wolbert |
| Goldammer | Nelson of Steele | Young |
| Grant | Nelson of Walsh | Mr. Speaker |

Absent and not voting:

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|----------|--------------------|
| Atwood | Hughes | Peart |
| Baker of Cass | Knox | Sgutt |
| Burns | Lindvig | Sinclair |
| Collins of Cass | Martin | Steen |
| Collins of Gd. Forks | McCrea | Thompson of McLean |
| Dibley | McLear | Traynor |
| Doyle of McIntosh | Olson | Wisner |
| Hale | | |

Mr. Welford voted in the negative.

Messrs. Baker of Cass and Dibley being excused.

So the bill passed and the title was agreed to.

Mr. Collins of Cass moved

That the vote by which Senate Bill No. 40 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

Senate Bill No. 105,

A bill for an act to amend section 475 of the revised codes of 1905, being the section relative to the boundaries and terms of court in the Seventh judicial district 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 76, nays 0, absent and not voting 19.

Those who voted in the affirmative were:

| | | |
|----------------------|----------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Hanley | Pendray |
| Akesson | Hemmingson | Plath |
| Anderson | Hendrickson | Ployhar |
| Baker of Stark | Hill | Poe |
| Bjorndahl | Homnes | Pound |
| Brusletten | Honey | Price |
| Brynjilson | Jewett | Putnam |
| Burnett | Johnson of Bottineau | Schull |
| Chatfield | Johnson of McLean | Senour |
| Christenson | Johnson of Rolette | Sheils |
| Collins of Cass | Kinney of Richland | Skinner |
| Collins of Gd. Forks | Kneeland | Skulason |
| Crawford | Knox | Sorlie |
| Cunningham | Law | Storey |
| Davidson | Laithwaite | Streeter |
| Doyle of Foster | Linde | Thompson, Gd. Forks |
| Evans | Moen of Benson | Thompson of McLean |
| Fraine | Moen of Cavalier | Thoreson |
| Freeman | Narum | Ward |
| Ganssle | Nelson of McHenry | Welford |
| Garden | Nelson of Steele | White |
| Geidt | Nelson of Walsh | Wisner |
| Gibbens | Nyhus | Wolbert |
| Goldammer | Olson | Young |
| Grant | Paulson | Mr. Speaker |
| Hale | | |

Absent and not voting:

| | | |
|-------------------|------------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Atwood | Kinney of McLean | McLear |
| Baker of Cass | Kremer | Pearl |
| Burns | Lindvig | Sgutt |
| Dibley | Lucke | Sinclair |
| Doyle of McIntosh | Martin | Steen |
| Duncan | McCrea | Traynor |
| Hughes | | |

Messrs. Baker of Cass and Dibley being excused.
So the bill passed and the title was agreed to.

Mr. Davidson moved

That the vote by which Senate Bill No. 105 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

Senate Bill No. 110,

A bill for an act to amend section 7508 of the revised codes of the state of North Dakota for the year 1905, relating to places of sale upon foreclosure of personal property.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 76, nays 0, absent and not voting 19.

Those who voted in the affirmative were:

| | | |
|----------------------|----------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Hanley | Paulson |
| Akesson | Hemmingson | Plath |
| Anderson | Hendrickson | Ployhar |
| Baker of Stark | Hill | Poe |
| Bjorndahl | Homnes | Pound |
| Brusletten | Honey | Price |
| Brynjulson | Jewett | Putnam |
| Burnett | Johnson of Bottineau | Schull |
| Chatfield | Johnson of McLean | Senour |
| Collins of Cass | Johnson of Rolette | Sheils |
| Collins of Gd. Forks | Kinney of Richland | Skinner |
| Crawford | Kneeland | Skulason |
| Cunningham | Knox | Sorlie |
| Davidson | Law | Storey |
| Doyle of Foster | Laithwaite | Streeter |
| Doyle of McIntosh | Linde | Thompson, Gd. Forks |
| Duncan | McCrea | Thompson of McLean |
| Evans | Moen of Benson | Thoreson |
| Fraine | Moen of Cavalier | Ward |
| Freeman | Narum | Welford |
| Ganssle | Nelson of McHenry | White |
| Garden | Nelson of Steele | Wisner |
| Geidt | Nelson of Walsh | Wolbert |
| Gibbens | Nyhus | Young |
| Goldammer | Olson | Mr. Speaker |
| Grant | | |

Absent and not voting:

| | | |
|---------------|------------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Atwood | Kinney of McLean | Peart |
| Baker of Cass | Kremer | Pendray |

Messrs.—

Burns
Christenson
Dibley
Hale
Hughes

Messrs.—

Lindvig
Lucke
Martin
McLear

Messrs.—

Sgutt
Sinclair
Steen
Traynor

Messrs. Baker of Cass and Dibley being excused.
So the bill passed and the title was agreed to.

Mr. Chatfield moved

That the vote by which Senate Bill No. 110 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

There being no objections, the house returned to the fifth order of business.

REPORTS OF STANDING COMMITTEES.

The speaker in the chair.

The committee on agriculture made the following report:

Mr. Speaker:

Your committee on agriculture to whom was referred House Bill No. 241,

A bill for an act creating and establishing an agricultural experiment station, to be located at or near the village of Hettinger, in Adams county, in connection with the North Dakota agricultural college at Fargo, and under the direction of the board of directors of said college, and making an appropriation therefor.

Have had the same under consideration and recommend that the same be indefinitely postponed.

JAMES DUNCAN,
Chairman.

Mr. Duncan moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

The committee on school and public lands made the following report:

Mr. Speaker:

Your committee on school and public lands to whom was referred

Senate Bill No. 191,

A bill for an act authorizing state institutions to contract for the purchase of school, state institution or other public lands, in accordance with the terms as now provided by law.

Have had the same under consideration and recommend that the same do pass.

A. S. GIBBENS,
Chairman.

Mr. Gibbens 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. Speaker:

Your committee on appropriations to whom was referred Senate Bill No. 83,

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 do pass.

S. N. PUTNAM,
Chairman.

Mr. Putnam moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on live stock made the following report:

Mr. Speaker:

Your committee on live stock to whom was referred

Senate Bill No. 161,

A bill for an act providing for the appointment of county superintendents of highways and township road inspector, and abolishing the office of township road overseer."

Have had the same under consideration and recommend that the same be indefinitely postponed.

A. W. CUNNINGHAM,
Chairman.

Mr. Cunningham moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Also,

Your committee on live stock to whom was referred
House Bill No. 387,

A bill for an act to amend section 4037 of the revised codes of North Dakota for 1905, relating to issuing of marriage licenses.

Have had the same under consideration and recommend that the same do pass.

A. W. CUNNINGHAM,
Chairman.

Mr. Cunningham 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. Speaker:

Your committee on judiciary to whom was referred
Senate Bill No. 24,

An act to amend section 1582 of the revised codes of North Dakota for the year 1905, relating to the redemption of real estate.

Have had the same under consideration and recommend that the same do pass.

B. G. SKULASON,
Chairman.

Mr. Skulason 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. Speaker:

Your committee on railroads to whom was referred

House Bill No. 377,

A bill for an act, entitled an act requiring railways doing business in this state to furnish all stations in this state where a business of \$15,000 a year or more is done, suitable loading and unloading facilities for traction engines and other heavy machinery, and prescribing for violation thereof.

Have had the same under consideration and recommend that the same be amended as follows:

Strike out the figures "\$15,000" in the title and insert in lieu thereof "\$30,000."

Strike out the word "for" in last line of title and insert "a penalty for the."

Strike out the figures "\$15,000" wherever they occur in the body of the bill and insert in lieu thereof the figures "\$30,000."

All of section 3 be stricken out.

And when so amended recommend the same do pass.

G. A. WHITE,
Chairman.

Mr. White moved

That the rules be suspended and the report of the committee be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on railroads to whom was referred:

House Bill No. 359,

A bill for an act to prevent discrimination by surety companies.

Have had the same under consideration and recommend that the same be amended as follows:

Strike out everything after the words "a bill" and that the following be inserted:

"For an act regulating surety and fidelity insurance companies."

Be It Enacted by the Legislative Assembly of the State of North Dakota:

Section 1. No surety or fidelity insurance company, organized under the laws of North Dakota, or doing business therein, which enter into contracts of insurance to guarantee the fidelity of persons holding positions of trust in private or public employment or responsibility in this state, shall discharge the principal or cancel the surety contract, without giving the principal in writing specific reasons for such discharge or cancellation, and no stipulation in the surety contract shall relieve the surety of any liability imposed by this act.

Section 2. Penalty.) Any surety or fidelity insurance company which violates any provision of this act shall be deemed guilty of a misdemeanor, and be fined not less than two hundred dollars (\$200) nor more than one thousand dollars (\$1,000) for each offense.

And when so amended recommend the same do pass.

G. A. WHITE,
Chairman.

Mr. White moved

That the rules be suspended and the report of the committee be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on state affairs made the following report:

Mr. Speaker:

Your committee on state affairs to whom was referred

House Bill No. 324,

A bill for an act prescribing the powers and duties of village marshals.

Have had the same under consideration and recommend that the same be amended as follows:

In line 9 of the printed bill, after the word "process" insert the words "and only such process."

And when so amended recommend the same do pass.

W. J. PRICE,
Chairman.

Mr. Price moved

That the rules be suspended and the report of the committee be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on state affairs to whom was referred House Bill No. 372,

A bill for an act, entitled an act prohibiting the use, sale or purchase of any device known as a silencer to be used on any fire arm.

Have had the same under consideration and recommend that the same do pass.

W. J. PRICE,
Chairman.

Mr. Price moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on state affairs to whom was referred House Bill No. 328,

A bill for an act to amend section 238 of the revised codes of North Dakota, so as to provide for additional membership on the board of trustees of public property.

Have had the same under consideration and recommend that the same be indefinitely postponed.

W. J. PRICE,
Chairman.

Mr. Price moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Also,

Your committee on state affairs to whom was referred House Bill No. 364,

A bill for an act to amend section 2596 of the revised codes of 1905, as amended by chapter 69 of the session laws

of 1907, providing the clerk hire for the register of deeds in the various counties in the state.

Have had the same under consideration and recommend that the same be amended as follows:

In line 21 of the printed bill, after the word "thousand" strike out the word "dollars."

And when so amended recommend the same do pass.

W. J. PRICE,
Chairman.

Mr. Price moved

That the rules be suspended and the report of the committee be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on state affairs to whom was referred

The concurrent resolution of the senate relating to the present tariff system, etc.

Have had the same under consideration and recommend that the same be concurred in.

W. J. PRICE,
Chairman.

Mr. Price moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on state affairs to whom was referred

The concurrent resolution of senate relating to North Dakota conservation commission.

Have had the same under consideration and recommend that the same be concurred in.

W. J. PRICE,
Chairman.

Mr. Price moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on state affairs to whom was referred
Senate Bill No. 339,

A bill for an act to provide for making the state treasurer, and his successors, the treasurer of the state penitentiary and twine plant, and defining his duties in relation thereto, and relating to the duties and powers of the state emergency board in connection therewith.

Have had the same under consideration and recommend that the same be amended as follows:

In section 2, line 7 of the printed bill, strike out the word "daily" and insert in lieu thereof the words "three times each week."

And when so amended recommend the same do pass.

W. J. PRICE,
Chairman.

Mr. Price moved

That the rules be suspended and the report of the committee 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. Speaker:

Your committee on corporations other than municipal to whom was referred

House Bill No. 383,

A bill for an act to amend section 4210 of the revised codes of North Dakota for 1905, relating to dividends and limitations of indebtedness of corporations.

Have had the same under consideration and recommend that the same do pass.

M. M. CHATFIELD,
Chairman.

Mr. Chatfield 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. Speaker:

Your committee on judiciary to whom was referred
Senate Bill No. 281,

A bill for an act, entitled an act to repeal chapter 180 of the session laws of 1907, enacted by the tenth legislative assembly of the state of North Dakota, relating to indeterminate sentences of persons convicted of crime.

Have had the same under consideration and recommend that the same be indefinitely postponed.

B. G. SKULASON,
Chairman.

Mr. Skulason moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Also,

Your committee on judiciary to whom was referred
Senate Bill No. 308.

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.

Have had the same under consideration and recommend that the same do pass.

B. G. SKULASON,
Chairman.

Mr. Skulason moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

A majority of your committee on judiciary to whom was referred

Senate Bill No. 273,

A bill for an act, entitled an act authorizing the district judge of each judicial district within the state of North Da-

kota to appoint a board of visitors for any county in his judicial district wherein a poor farm, county asylum or county jail is located, and to provide for reports thereon.

Have had the same under consideration and recommend that the same be indefinitely postponed.

B. G. SKULASON,
Chairman.

Also,

Mr. Speaker.

The undersigned, members of your committee on judiciary, to whom was referred

Senate Bill No. 273,

A bill for an act, entitled an act authorizing the district judge of each judicial district within the state of North Dakota to appoint a board of visitors for any county in his judicial district wherein a poor farm, county asylum or county jail is located, and to provide for reports thereon.

And which has been recommended to be indefinitely postponed, beg leave to dissent from the opinion of the majority, and recommend that the same do pass.

B. G. SKULASON,

Mr. Wolbert moved .

That the majority report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Also,

Your committee on judiciary to whom was referred

Senate Bill No. 276,

A bill for an act to establish a legislative drafting bureau in connection with the legislative reference department of the state library commission.

Have had the same under consideration and recommend that the same do pass.

B. G. SKULASON,
Chairman.

Mr. Chatfield moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on judiciary to whom was referred

Senate Bill No. 278,

A bill for an act, entitled an act to amend section 9758 of the state of North Dakota, relating to preliminary examinations.

Have had the same under consideration and recommend that the same do pass.

B. G. SKULASON,
Chairman.

Mr. Skulason moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on judiciary to whom was referred

Senate Bill No. 133,

A bill for an act to amend section 2586 of the revised codes of North Dakota for 1905, relating to salaries of judges of the county court.

Have had the same under consideration and recommend that the same be indefinitely postponed.

B. G. SKULASON,
Chairman.

Mr. Skulason moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Also,

Your committee on judiciary to whom was referred
Senate Bill No. 18,

A bill for an act entitled "An act for the division of certain school districts, for the changing of the boundaries thereof, for the adjustment of indebtedness and property of the different parts thereof and prescribing the mode of procedure to procure such division."

Have had the same under consideration and recommend that the same be indefinitely postponed.

B. G. SKULASON,
Chairman.

Mr. Skulason moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Also,

Your committee on judiciary to whom was referred
Senate Bill No. 225,

A bill for an act defining the tenth judicial district, and providing for terms of court therein.

Have had the same under consideration and recommend that the same do pass.

B. G. SKULASON,
Chairman.

Mr. Skulason moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on judiciary to whom was referred
Senate Bill No. 205,

A bill for an act to amend section 8288 of the revised codes of 1905 of the state of North Dakota, relating to the

increased jurisdiction of the county courts, and providing for abolishing the same.

Have had the same under consideration and recommend that the same be amended as follows:

After the last word "same" in section 1 insert the words "and provided, further, that an election for the purpose of abolishing such increased jurisdiction of the county court shall not be held oftener than once in six years."

And when so amended recommend the same do pass.

B. G. SKULASON,
Chairman.

Mr. Skulason moved

That the rules be suspended and the report of the committee be adopted.

Which motion prevailed, and
The report of the committee was adopted.

Also,

Your committee on judiciary to whom was referred

Senate Bill No. 238,

A bill for an act to amend section 8478 of chapter 5 of the justice code of the revised codes of North Dakota for 1905, relating to change of venue and number of such changes, and granting a change of venue to state and defendant alike.

Have had the same under consideration and recommend that the same do pass.

B. G. SKULASON,
Chairman.

Mr. Skulason moved

That the report be adopted.

Which motion prevailed, and
The report of the committee was adopted.

Also,

Your committee on judiciary to whom was referred
Senate Bill No. 92,

A bill for an act for the betterment of the public highways in the state, to provide for the establishment of a uniform system of drainage of such highways and lands adjacent thereto, to provide for the necessary surveys therefore and the payment of the costs of construction and maintenance thereof, and empowering certain officers to establish and maintain such system, and for purposes connected therewith.

Have had the same under consideration and recommend that the same be indefinitely postponed.

B. G. SKULASON,
Chairman.

Mr. Skulason moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Also,

Your committee on judiciary to whom was referred

House Bill No. 357,

A bill for an act to amend section 521 of the revised codes of 1905, relating to the furnishing of a list of jurors to the clerk of the district court.

Have had the same under consideration and recommend that the same do pass.

B. G. SKULASON,
Chairman.

Mr. Skulason moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on judiciary to whom was referred
House Bill No. 276,

A bill for an act creating the eleventh judicial district of North Dakota, changing the boundaries of the third and fifth and sixth judicial districts and providing for terms of court in each of said districts.

Have had the same under consideration and recommend that the same be amended as follows:

On the second line of the title of the printed bill, strike out the words "third and," and on the same line, after the word "fifth," strike out the words "and sixth."

In the third line of the title strike out the letter "s" in the word "districts."

Strike out all of section 1.

Change the number of section 2 to section 1.

In the same section strike out the last two words and insert in place thereof the words "LaMoure and Logan."

Strike out all of section 3.

Change the numbering of section 4 to section 2, and in the second line of said section strike out the words "Kidder and LaMoure."

Change the number of section 5 to section 3.

In the second line of said section strike out the word "county" and insert in lieu thereof the word "counties."

In the same line after the word "county" strike out the word "Logan" and insert in lieu thereof the words "Eddy, Stutsman, Foster and Wells."

In line 3 of the same section, strike out the word "Sixth" and insert in lieu thereof the word "Eleventh."

In the fourth line of said section strike out the last three words.

Change the numbering of section 6 to section 4.

On page 2 of the printed bill, also strike out lines 8 and 9 and insert in lieu thereof the following: "In LaMoure county on the second Monday of January and May in each year. In Logan county on the second Monday of January and the third Tuesday in June in each year."

Strike out lines 10 to 13 inclusive.

In line 21 add the letter "s" to the word "Well."

On page 3 strike out lines 23, 24, 27 and 28.

In line 29 strike out the word "judges" and insert the word "judge."

In line 30 strike out the word "third" and the words "and sixth."

In line 1, section 7, strike out the figure "7" and insert the figure "5."

In line 4 strike out all after the word "district," and in line 5 strike out all before the word "shall."

In line 6 insert the word "fifth" before the word "judicial," and strike out all after the word "district," including line 7. In section 8, line 1, strike out the figure "8" and insert the figure "6."

In section 9, line 1, strike out the figure "9" and insert the figure "7."

Line 2 strike out the words "and third."

In line 3 strike out the word "districts" and insert the word "district," and strike out the word "judges" and insert the word "judge," and in line 4 strike out the word "districts" and insert the word "district."

And when so amended recommend the same do pass.

B. G. SKULASON,
Chairman.

Mr. Hanley moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on judiciary to whom was referred

House Bill No. 355,

A bill for an act to amend section 8405 of the revised codes of 1905, relating to garnishment proceedings in justice courts.

Have had the same under consideration and recommend that the same do pass.

B. G. SKULASON,
Chairman.

Mr. Skulason moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Mr. Sheils moved

That all bills remaining in the hands of the committees tomorrow morning at 10 o'clock be referred to the whole house.

Which motion prevailed.

COURTESIES OF THE FLOOR.

The privileges of the floor were extended to Fred H. Larson, Kulm.

Mr. Chatfield moved

That the house take a recess until 10 o'clock tomorrow.

Which motion prevailed, and

The house took a recess until 10 o'clock tomorrow.

W. D. AUSTIN,
Chief Clerk.

FIFTY-SIXTH DAY AFTER RECESS

AND

FIFTY-SEVENTH DAY

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
March 2, 1909.

The house assembled at 10 o'clock a. m., pursuant to recess taken.

The speaker presiding.

There being no objections, the house returned to the thirteenth order of business.

FIRST AND SECOND READING OF SENATE BILLS.

Senate Bill No. 127,

A bill for an act to divide the state of North Dakota into congressional districts, and defining the boundaries thereof.

Was read the first and second times and

Referred to the committee on judiciary.

Senate Bill No. 8,

A bill for an act to regulate the sale of intoxicating liquors for medicinal, sacramental, scientific and mechanical purposes.

Was read the first and second times, and

Referred to the committee on temperance.

Senate Bill No. 37,

A bill for an act for an appropriation for the improvement and maintenance of the experimental work, provided for in section 1118 of the revised codes of North Dakota, to determine the milling values of wheat, the baking properties produced therefrom, and the chemical composition thereof.

Was read the first and second times and
Referred to the committee on appropriations.

Senate Bill No. 296,

A bill for an act to amend section 460 of the revised codes of North Dakota for 1905, relating to the supreme court reports, how printed, and number.

Was read the first and second times and
Referred to the committee on judiciary.

THIRD READING OF SENATE BILLS.

Senate Bill No. 101,

A bill for an act to amend and re-enact section 496 of the revised codes of North Dakota of 1905, relating to qualifications of applicants for admission to the bar 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 70, nays 3, absent and not voting 22.

Those who voted in the affirmative were:

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|----------------------|---------------------|
| Aasheim | Hanley | Olson |
| Akesson | Hemmingson | Paulson |
| Anderson | Hendrickson | Pendray |
| Baker of Stark | Hill | Plath |
| Bjorndahl | Hughes | Ployhar |
| Brynjolfson | Johnson of Bottineau | Poe |
| Burnett | Kinney of Richland | Pound |
| Burns | Kneeland | Price |
| Christenson | Kremer | Putnam |
| Collins of Cass | Law | Schull |
| Collins of Gd. Forks | Lathwaite | Shells |
| Crawford | Linde | Sinclair |
| Cunningham | Lindvig | Skinner |
| Doyle of Foster | Lucke | Skulason |
| Duncan | Martin | Sorlie |
| Evans | McCrea | Storey |
| Fraine | Moen of Benson | Thompson, Gd. Forks |

| | | |
|-----------|-------------------|-------------|
| Messrs.— | Messrs.— | Messrs.— |
| Freeman | Moen of Cavalier | Thoreson |
| Ganssle | Narum | Ward |
| Garden | Nelson of McHenry | Welford |
| Geidt | Nelson of Steele | Wolbert |
| Goldammer | Nelson of Walsh | Young |
| Grant | Nyhus | Mr. Speaker |
| Hale | | |

Those who voted in the negative were:

| | | |
|-----------|-------------------|------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Chatfield | Johnson of McLean | Kinney of McLean |

Absent and not voting:

| | | |
|-------------------|--------------------|--------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Atwood | Honey | Sgutt |
| Baker of Cass | Jewett | Steen |
| Brusletten | Johnson of Rolette | Streeter |
| Davidson | Knox | Thompson of McLean |
| Dibley | McLear | Traynor |
| Doyle of McIntosh | Pearl | White |
| Gibbins | Senour | Wisner |
| Homnes | | |

Messrs. Baker of Cass and Dibley being excused.
So the bill passed and the title was agreed to.

Senate Bill No. 155,

A bill for an act to amend section 192 of the revised codes of the state of North Dakota of 1905, relating to the collection by county treasurers of moneys due on school lands held under contract or lease from the state, and providing the manner of reporting such collections to the state auditor and the commissioner of university and school lands, and prescribing the duties of the county treasurers, state auditor and land commissioner in connection therewith.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 78, nays 0, absent and not voting 17.

Those who voted in the affirmative were:

| | | |
|----------------|----------------------|------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Grant | Nelson of Steele |
| Anderson | Hale | Nelson of Walsh |
| Baker of Cass | Hanley | Nyhus |
| Baker of Stark | Hemmingson | Olson |
| Bjorndahl | Hendrickson | Paulson |
| Brynjolfson | Hill | Pendray |
| Burnett | Homnes | Plath |
| Burns | Hughes | Ployhar |
| Chatfield | Jewett | Poe |
| Christenson | Johnson of Bottineau | Pound |

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|--------------------|---------------------|
| Collins of Cass | Johnson of McLean | Putnam |
| Collins of Gd. Forks | Kinney of McLean | Schull |
| Crawford | Kinney of Richland | Sheils |
| Cunningham | Kneeland | Sinclair |
| Davidson | Kremer | Skinner |
| Doyle of Foster | Law | Skulason |
| Doyle of McIntosh | Laithwaite | Sorlie |
| Duncan | Linde | Steen |
| Evans | Lindvig | Storey |
| Fraine | Lucke | Thompson, Gd. Forks |
| Freeman | Martin | Thoreson |
| Ganssle | McCrea | Ward |
| Garden | Moen of Benson | Welford |
| Geidt | Moen of Cavalier | Wolbert |
| Gibbins | Narum | Young |
| Goldammer | Nelson of McHenry | Mr. Speaker |

Absent and not voting:

| Messrs.— | Messrs.— | Messrs.— |
|--------------------|----------|--------------------|
| Akesson | Knox | Streeter |
| Atwood | McLear | Thompson of McLean |
| Brusletten | Peart | Traynor |
| Dibley | Price | White |
| Honey | Senour | Wisner |
| Johnson of Rolette | Sgutt | |

Mr. Dibley being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 42,

A bill for an act to amend section 6, chapter 140, laws of 1903, being section 2550 of the code of 1905, relating to public administrator.

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 39, absent and not voting 20.

Those who voted in the affirmative were:

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|------------------|---------------------|
| Aashelm | Geidt | Nelson of Walsh |
| Baker of Cass | Gibbins | Olson |
| Baker of Stark | Hale | Plath |
| Bjorndahl | Homnes | Poe |
| Brusletten | Honey | Skulason |
| Burnett | Hughes | Sorlie |
| Christenson | Kneeland | Steen |
| Collins of Gd. Forks | Kremer | Storey |
| Doyle of McIntosh | Law | Thompson, Gd. Forks |
| Evans | Laithwaite | Welford |
| Fraine | McCrea | Wolbert |
| Garden | Nelson of Steele | Mr. Speaker |

Those who voted in the negative were:

| | | |
|-----------------|----------------------|-------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Anderson | Hanley | Moen of Cavalier |
| Brynjolfson | Hemmingson | Narum |
| Burns | Hill | Nelson of McHenry |
| Chatfield | Johnson of Bottineau | Nyhus |
| Collins of Cass | Johnson of McLean | Paulson |
| Crawford | Johnson of Rolette | Pendray |
| Cunningham | Kinney of Richland | Pound |
| Davidson | Knox | Schull |
| Duncan | Linde | Sheils |
| Freeman | Lindvig | Sinclair |
| Ganssle | Lucke | Skinner |
| Goldammer | Martin | Ward |
| Grant | Moen of Benson | Young |

Absent and not voting:

| | | |
|------------------|----------|--------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Akesson | McLear | Streeter |
| Atwood | Peart | Thompson of McLean |
| Dibley | Ployhar | Thoreson |
| Doyle of Foster | Price | Traynor |
| Hendrickson | Putnam | White |
| Jewett | Senour | Wisner |
| Kinney of McLean | Sgutt | |

Mr. Dibley being excused.

So the bill was lost.

Mr. Schull moved

That the vote by which Senate Bill No. 42 was lost be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

Senate Bill No. 173,

A bill for an act to amend section 7329 of the revised codes of 1905, relating to cases when continued.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 60, nays 13, absent and not voting 22.

Those who voted in the affirmative were:

| | | |
|----------------|-------------------|-------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Grant | Nelson of McHenry |
| Baker of Cass | Hale | Nelson of Steele |
| Baker of Stark | Hemmingson | Nelson of Walsh |
| Bjorndahl | Hendrickson | Olson |
| Brusletten | Hill | Paulson |
| Burnett | Honey | Pendray |
| Chatfield | Johnson of McLean | Pound |

| | | |
|----------------------|--------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Christenson | Johnson of Rolette | Price |
| Collins of Cass | Kinney of Richland | Schull |
| Collins of Gd. Forks | Kneeland | Senour |
| Crawford | Knox | Shells |
| Cunningham | Kremer | Skulason |
| Duncan | Laithwaite | Sorlie |
| Evans | Linde | Storey |
| Fraine | Lindvig | Thompson, Gd. Forks |
| Freeman | Lucke | Thoreson |
| Ganssle | McCrea | Ward |
| Garden | Moen of Benson | Welford |
| Geldt | Moen of Cavalier | Wolbert |
| Goldammer | Narum | Mr. Speaker |

Those who voted in the negative were:

| | | |
|------------|------------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Anderson | Hommes | Poe |
| Brynjulson | Kinney of McLean | Skinner |
| Burns | Martin | Steen |
| Davidson | Nyhus | Young |
| Hanley | | |

Absent and not voting:

| | | |
|-------------------|----------------------|--------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Akesson | Johnson of Bottineau | Sgutt |
| Atwood | Law | Sinclair |
| Dibley | McLear | Streeter |
| Doyle of Foster | Peart | Thompson of McLean |
| Doyle of McIntosh | Plath | Traynor |
| Gibbens | Ployhar | White |
| Hughes | Put. am | Wisner |
| Jewett | | |

Mr. Dibley being excused.

So the bill passed and the title was agreed to.

Mr. Chatfield moved

That the vote by which Senate Bill No. 173 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

REPORTS OF STANDING COMMITTEES.

The committee on engrossment made the following report:

Mr. Speaker:

Your committee on engrossment have examined House Bill No. 334,

A bill for an act to amend section 909 of the revised codes of North Dakota for 1905, relating to contracts involving the expenditure of school funds.

Also,

House Bill No. 337,

A bill for an act to amend section 37 of the revised codes of 1905, so as to provide for an increase in the number of ex-officio commissioners of public printing.

Also,

House Bill No. 349,

A bill for an act to amend section 889 of the revised codes of 1905.

Also,

House Bill No. 354,

A bill for an act amending section 616 of the political codes of 1905, relating to the preparation and marking of ballots.

Also,

House Bill No. 362,

A bill for an act to amend article 18, chapter 4 of the political code of the revised code of North Dakota for 1905, providing for the inspection of barber shops and the registration of barbers, the appointment of an inspector and examiner and compensation for duties performed.

Also,

House Bill No. 365,

A bill for an act to prescribe the manner in which money shall be paid out of the interest and income fund or each separate institution, and out of the one mill tax fund (educational) of each separate institution.

Also,

House Bill No. 376,

A bill for an act to authorize the city council of cities not organized under the general laws, to open, improve and beautify any of its streets, alleys, lanes, highways or other public grounds within the city limits, and to make other public improvements, and to levy special assessments to defray costs thereof.

Also,

House Bill No. 378,

A bill for an act, entitled an act providing that any city shall be authorized to install upon any of its streets or avenues any special system of street lighting, and to assess the cost thereof or any part thereof against the property directly benefitted thereby.

Also,

House Bill No. 379,

A bill for an act, entitled an act providing that any city shall be authorized to install upon any of its streets or avenues any special system of street lighting, and to assess the cost thereof or any part thereof against the property directly benefitted thereby.

And find the same correctly engrossed.

C. C. CRAWFORD,
Chairman.

Mr. Crawford moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

There being no objections, the house returned to the eleventh order of business.

THIRD READING OF HOUSE BILLS.

House Bill No. 379,

A bill for an act, entitled an act providing that any city shall be authorized to install upon any of its streets or avenues any special system of street lighting, and to assess the cost thereof or any part thereof against the property directly benefitted thereby.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 74, nays 2, absent and not voting 19.

Those who voted in the affirmative were:

| | | |
|----------------------|--------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Hendrickson | Pendray |
| Anderson | Hill | Plath |
| Baker of Cass | Homnes | Ployhar |
| Baker of Stark | Honey | Pound |
| Bjorndahl | Hughes | Price |
| Brusletten | Johnson of McLean | Putnam |
| Brynjulson | Johnson of Rolette | Schull |
| Chatfield | Kinney of McLean | Senour |
| Christenson | Kinney of Richland | Sheils |
| Collins of Cass | Kneeland | Sinclair |
| Collins of Gd. Forks | Knox | Skinner |
| Crawford | Kremer | Skulason |
| Cunningham | Laithwaite | Sorlie |
| Doyle of McIntosh | Linde | Steen |
| Duncan | Lindvig | Storey |
| Evans | Lucke | Thompson, Gd. Forks |
| Fraine | Martin | Thompson of McLean |
| Freeman | McCrea | Thoreson |
| Ganssle | Moen of Benson | Ward |
| Garden | Narum | Welford |
| Geldt | Nelson of McHenry | Wisner |
| Goldammer | Nelson of Steele | Wolbert |
| Grant | Nelson of Walsh | Young |
| Hale | Olson | Mr. Speaker |
| Hemmingson | Paulson | |

Absent and not voting:

| | | |
|-----------------|----------------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Akesson | Jewett | Peart |
| Atwood | Johnson of Bottineau | Poe |
| Burnett | Law | Sgutt |
| Dibley | McLear | Streeter |
| Doyle of Foster | Moen of Cavalier | Traynor |
| Gibbens | Nyhus | White |
| Hanley | | |

Messrs. Burns and Davidson voting in the negative.

Mr. Dibley being excused.

So the bill passed and the title was agreed to.

Mr. Hale moved

That the vote by which Senate Bill No. 379 passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 378,

A bill for an act, entitled an act providing that any city shall be authorized to install upon any of its streets or avenues any special system of street lighting, and to assess

the cast thereof or any part thereof against the property directly benefitted thereby.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 70, nays 5, absent and not voting 20.

Those who voted in the affirmative were:

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|--------------------|------------------|
| Aasheim | Hale | Nelson of Steele |
| Anderson | Hill | Nelson of Walsh |
| Baker of Cass | Homnes | Nyhus |
| Bjorndahl | Honey | Olson |
| Brusletten | Hughes | Paulson |
| Brynjulson | Johnson of McLean | Pendray |
| Burnett | Johnson of Rolette | Plath |
| Chatfield | Kinney of McLean | Ployhar |
| Christenson | Kinney of Richland | Poe |
| Collins of Cass | Kneeland | Pound |
| Collins of Gd. Forks | Knox | Putnam |
| Crawford | Kremer | Schull |
| Cunningham | Law | Shells |
| Davidson | Laithwaite | Sinclair |
| Doyle of McIntosh | Linde | Skulason |
| Duncan | Lindvig | Sorlie |
| Evans | Lucke | Steen |
| Fraine | Martin | Storey |
| Freeman | McCrea | Thoreson |
| Ganssle | Moen of Benson | Ward |
| Garden | Moen of Cavalier | Wolbert |
| Gibbens | Narum | Young |
| Goldammer | Nelson of McHenry | Mr. Speaker |
| Grant | | |

Those who voted in the negative were:

| Messrs.— | Messrs.— | Messrs.— |
|----------|-------------|----------|
| Burns | Hendrickson | Welford |
| Hanley | Skinner | |

Absent and not voting:

| Messrs.— | Messrs.— | Messrs.— |
|-----------------|----------------------|---------------------|
| Akesson | Jewett | Streeter |
| Atwood | Johnson of Bottineau | Thompson, Gd. Forks |
| Baker of Stark | McLear | Thompson of McLean |
| Dibley | Pearl | Traynor |
| Doyle of Foster | Price | White |
| Geldt | Senour | Wisner |
| Hemmingson | Sgutt | |

Mr. Dibley being excused.

So the bill passed and the title was agreed to.

Mr. Sheils moved

That the vote by which House Bill No. 378 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 376,

A bill for an act to authorize the city council of cities not organized under the general laws, to open, improve and beautify any of its streets, alleys, lanes, highways or other public grounds within the city limits, and to make other public improvements, and to levy special assessments to defray costs thereof.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 73, nays 3, absent and not voting 19.

Those who voted in the affirmative were:

| | | |
|----------------------|--------------------|--------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Aashelm | Hale | Olson |
| Anderson | Hanley | Paulson |
| Baker of Cass | Hemmingson | Pendray |
| Baker of Stark | Hendrickson | Plath |
| Bjorndahl | Hill | Ployhar |
| Brusletten | Homnes | Poe |
| Brynjulson | Honey | Pound |
| Burns | Hughes | Price |
| Chatfield | Johnson of McLean | Putnam |
| Christenson | Johnson of Rolette | Schull |
| Collins of Cass | Kinney of McLean | Shells |
| Collins of Gd. Forks | Kinney of Richland | Sinclair |
| Crawford | Kneeland | Skulason |
| Cunningham | Law | Sorlie |
| Davidson | Laithwaite | Steen |
| Doyle of McIntosh | Linde | Storey |
| Duncan | Lucke | Thompson of McLean |
| Evans | Martin | Thoreson |
| Freeman | McCrea | Ward |
| Ganssle | Moen of Benson | Welford |
| Garden | Moen of Cavalier | White |
| Geidt | Narum | Wolbert |
| Gibbens | Nelson of McHenry | Young |
| Goldammer | Nelson of Steele | Mr. Speaker |
| Grant | | |

Those who voted in the negative were:

| | | |
|----------|----------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Burnett | Knox | Skinner |

Absent and not voting:

| | | |
|----------------------|-----------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Akesson | Kremer | Senour |
| Atwood | Lindvig | Stutt |
| Dibley | McLear | Streeter |
| Doyle of Foster | Nelson of Walsh | Thompson, Gd. Forks |
| Fraine | Nyhus | Traynor |
| Jewett | Peart | Wisner |
| Johnson of Bottineau | | |

Mr. Dibley being excused.

So the bill passed and the title was agreed to.

Mr. Schull moved

That the vote by which House Bill No. 376 passed be reconsidered, and the motion to reconsider be laid on the table. Which motion prevailed

House Bill No. 365,

A bill for an act to prescribe the manner in which money shall be paid out of the interest and income fund or each separate institution, and out of the one mill tax fund (educational) of each separate institution.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 69, nays 2, absent and not voting 24.

Those who voted in the affirmative were:

| | | |
|----------------------|----------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Hale | Nelson of Steele |
| Anderson | Hanley | Olson |
| Baker of Cass | Hemmingson | Paulson |
| Bjorndahl | Hill | Pendray |
| Brusletten | Homnes | Pound |
| Brynjulson | Honey | Price |
| Burnett | Hughes | Putnam |
| Chatfield | Johnson of Bottineau | Schull |
| Christenson | Johnson of McLean | Senour |
| Collins of Cass | Kneeland | Sheils |
| Collins of Gd. Forks | Knox | Sinclair |
| Crawford | Kremer | Skinner |
| Cunningham | Law | Skulason |
| Davidson | Laithwaite | Sorlie |
| Doyle of McIntosh | Linde | Steen |
| Duncan | Lindvig | Storey |
| Evans | Lucke | Thompson, Gd. Forks |
| Freeman | Martin | Thompson of McLean |
| Ganssle | McCrea | Ward |
| Geidt | Moen of Benson | Welford |
| Gibbens | Moen of Cavaller | Wolbert |
| Goldammer | Narum | Young |
| Grant | Nelson of McHenry | Mr. Speaker |

Absent and not voting:

| | | |
|-----------------|--------------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Akesson | Jewett | Ployhar |
| Atwood | Johnson of Rolette | Poe |
| Baker of Stark | Kinney of McLean | Sgutt |
| Dibley | McLear | Streeter |
| Doyle of Foster | Nelson of Walsh | Thoreson |
| Fraine | Nyhus | Traynor |
| Garden | Peart | White |
| Hendrickson | Plath | Wisner |

Messrs. Burns and Kinney of Richland voting in the negative.

Mr. Dibley being excused.

So the bill passed and the title was agreed to.

Mr. Welford moved

That the vote by which House Bill No. 365 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 362,

A bill for an act to amend article 18, chapter 4 of the political code of the revised code of North Dakota for 1905, providing for the inspection of barber shops and the registration of barbers, the appointment of an inspector and examiner and compensation for duties performed.

Was read the third time

The question being on the final passage of the bill.

The roll was called and there were ayes 52, nays 22, absent and not voting 21.

Those who voted in the affirmative were:

| | | |
|-------------------|--------------------|------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Ganssle | McCrea |
| Anderson | Garden | Moen of Benson |
| Baker of Cass | Geldt | Moen of Cavalier |
| Baker of Stark | Gibbins | Narum |
| Brusletten | Goldammer | Nelson of Steele |
| Burnett | Grant | Olson |
| Chatfield | Hale | Pendray |
| Christenson | Hemmingson | Pound |
| Collins of Cass | Hill | Price |
| Crawford | Homnes | Putnam |
| Cunningham | Honey | Sheils |
| Davidson | Johnson of McLean | Sinclair |
| Doyle of Foster | Kinney of Richland | Skulason |
| Doyle of McIntosh | Kneeland | Sorlie |
| Duncan | Law | Steen |
| Evans | Laithwaite | Storey |
| Fraine | Martin | Ward |
| Freeman | | |

Those who voted in the negative were:

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|-------------------|---------------------|
| Bjorndahl | Kpox | Skinner |
| Brynjolfson | Kremer | Thompson, Gd. Forks |
| Burns | Linde | Thompson of McLean |
| Hanley | Lucke | Thoreson |
| Hendrickson | Nelson of McHenry | Welford |
| Johnson of Bottineau | Paulson | Young |
| Johnson of Rolette | Schull | Mr. Speaker |
| Kinney of McLean | | |

Absent and not voting:

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|-----------------|----------|
| Akesson | McLear | Senour |
| Atwood | Nelson of Walsh | Sgutt |
| Collins of Gd. Forks | Nyhus | Streeter |
| Dibley | Peart | Traynor |
| Hughes | Plath | White |
| Jewett | Ployhar | Wisner |
| Lindvig | Poe | Wolbert |

Mr. Dibley being excused.

So the bill passed and the title was agreed to.

Mr. Putnam moved

That the vote by which House Bill No. 362 passed be reconsidered, and the motion to reconsider be laid on the table.
Which motion prevailed.

House Bill No. 354,

A bill for an act amending section 616 of the political codes of 1905, relating to the preparation and marking of ballots.

Was read the third time.

Mr. Ward moved

That the further consideration of the bill be indefinitely postponed.

Which motion was lost.

The question being on the final passage of the bill.

The roll was called and there were ayes 40, nays 43, absent and not voting 12.

Those who voted in the affirmative were:

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|----------------------|-------------------|
| Bjorndahl | Hendrickson | Nelson of McHenry |
| Chatfield | Hill | Nelson of Steele |
| Christenson | Homnes | Poe |
| Collins of Cass | Hughes | Price |
| Collins of Gd. Forks | Johnson of Bottineau | Putnam |
| Crawford | Johnson of McLean | Skinner |

| | | |
|-----------------|--------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Doyle of Foster | Kinney of Richland | Sorlie |
| Fraine | Kneeland | Streeter |
| Freeman | Knox | Thompson, Gd. Forks |
| Garden | Kremer | Welford |
| Gibbins | Lucke | White |
| Goldammer | Martin | Wisner |
| Grant | Moen of Cavalier | Young |
| Hale | | |

Those who voted in the negative were:

| | | |
|-------------------|--------------------|--------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Hemmingson | Plath |
| Anderson | Honey | Ployhar |
| Baker of Cass | Jewett | Pound |
| Baker of Stark | Johnson of Rolette | Schull |
| Brusletten | Kinney of McLean | Senour |
| Brynjolfson | Law | Sheils |
| Burnett | Laithwaite | Sinclair |
| Burns | Linde | Skulason |
| Cunningham | Lindvig | Steen |
| Davidson | Moen of Benson | Storey |
| Doyle of McIntosh | Narum | Thompson of McLean |
| Duncan | Nyhus | Thoreson |
| Ganssle | Paulson | Ward |
| Geidt | Pendray | Mr. Speaker |
| Hanley | | |

Absent and not voting:

| | | |
|----------|-----------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Akesson | McCrea | Peart |
| Atwood | McLear | Stutt |
| Dibley | Nelson of Walsh | Traynor |
| Evans | Olson | Wolbert |

Mr. Kinney of Richland explained his vote.

Mr. Dibley being excused.

So the bill was lost.

Mr. Skulason moved

That the vote by which House Bill No. 354 was lost be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 334,

A bill for an act to amend section 909 of the revised codes of North Dakota for 1905, relating to contracts involving the expenditure 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 71, nays 0, absent and not voting 14.

Those who voted in the affirmative were:

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|----------------------|---------------------|
| Aasheir | Hale | Nyhus |
| Anderson | Hanley | Olson |
| Baker of Cass | Hemmingson | Paulson |
| Bjorndahl | Hendrickson | Pendray |
| Brusletten | Homnes | Plath |
| Brynjolfson | Honey | Ployhar |
| Burnett | Jewett | Poe |
| Burns | Johnson of Bottineau | Pound |
| Chatfield | Johnson of McLean | Price |
| Christenson | Kinney of McLean | Putnam |
| Collins of Cass | Kinney of Richland | Schull |
| Collins of Gd. Forks | Kneeland | Senour |
| Crawford | Knox | Shells |
| Cunningham | Kremer | Sinclair |
| Davidson | Law | Skinner |
| Doyle of Foster | Laithwaite | Skulason |
| Doyle of McIntosh | Linde | Sorlie |
| Duncan | Lindvig | Steen |
| Evans | Lucke | Storey |
| Fraine | Martin | Streeter |
| Freeman | McCrea | Thompson, Gd. Forks |
| Ganssle | Moen of Benson | Thompson of McLean |
| Garden | Moen of Cavalier | Ward |
| Geidt | Narum | Welford |
| Gibbins | Nelson of McHenry | White |
| Goldammer | Nelson of Steele | Young |
| Grant | Nelson of Walsh | Mr. Speaker |

Absent and not voting:

| Messrs.— | Messrs.— | Messrs.— |
|----------------|--------------------|----------|
| Akesson | Hughes | Thoreson |
| Atwood | Johnson of Rolette | Traynor |
| Baker of Stark | McLear | Wisner |
| Dibley | Peart | Wolbert |
| Hill | Sgutt | |

Mr. Dibley being excused.

So the bill passed and the title was agreed to.

Mr. Price moved

That the vote by which House Bill No. 334 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 337,

A bill for an act to amend section 37 of the revised codes of 1905, so as to provide for an increase in the number of ex-officio commissioners of public printing.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 75, nays 2, absent and not voting 18.

Those who voted in the affirmative were:

| | | |
|----------------------|----------------------|-----------------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Goldammer | Nelson of Walsh |
| Anderson | Grant | Nyhus |
| Baker of Cass | Hale | Olson |
| Baker of Stark | Hanley | Paulson |
| Bjorndahl | Hemmingson | Pendray |
| Brusletten | Hendrickson | Plath |
| Brynjulson | Hill | Pound |
| Burnett | Homnes | Price |
| Burns | Honey | Putnam |
| Chatfield | Hughes | Schull |
| Christenson | Jewett | Senour |
| Collins of Cass | Johnson of Bottineau | Shells |
| Collins of Gd. Forks | Johnson of McLean | Sinclair |
| Crawford | Kinney of McLean | Skinner |
| Cunningham | Kinney of Richland | Skulason |
| Davidson | Kneeland | Sorlie |
| Doyle of McIntosh | Law | Steen |
| Duncan | Laithwaite | Storey |
| Evans | Linde | Thoreson |
| Fraine | Lindvig | Ward |
| Freeman | Lucke | Welford |
| Ganssle | Moen of Benson | White |
| Garden | Moen of Cavalier | Wisner |
| Geidt | Narum | Young |
| Gibbens | Nelson of Steele | Mr. Speaker |

Absent and not voting:

| | | |
|--------------------|----------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Akesson | Kremer | Poe |
| Atwood | Martin | Sgutt |
| Dibley | McCrea | Thompson, Gd. Forks |
| Doyle of Foster | McLear | Thompson of McLean |
| Johnson of Rolette | Peart | Traynor |
| Knox | Ployhar | Wolbert |

Messrs. Nelson of McHenry and Streeter voting in the negative.

Mr. Dibley being excused.

So the bill passed and the title was agreed to.

Mr. Thoreson moved

That the vote by which House Bill No. 337 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed

House Bill No. 349,

A bill for an act to amend section 889 of the revised codes of 1905.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 70, nays 6, absent and not voting 19.

Those who voted in the affirmative were:

| | | |
|----------------------|----------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Hanley | Nelson of Walsh |
| Anderson | Hemmingson | Nyhus |
| Baker of Cass | Hendrickson | Olson |
| Bjorndahl | Hill | Paulson |
| Brusletten | Homnes | Plath |
| Brynjulson | Honey | Poe |
| Burnett | Hughes | Price |
| Chatfield | Jewett | Putnam |
| Christenson | Johnson of Bottineau | Schull |
| Collins of Cass | Johnson of McLean | Senour |
| Collins of Gd. Forks | Johnson of Rolette | Shells |
| Cunningham | Kinney of McLean | Skinner |
| Davidson | Kinney of Richland | Skulason |
| Doyle of McIntosh | Kremer | Sorlie |
| Evans | Law | Storey |
| Fraine | Laithwaite | Streeter |
| Freeman | Linde | Thompson, Gd. Forks |
| Ganssle | Lindvig | Thoreson |
| Garden | Lucke | Ward |
| Geldt | Moen of Benson | Welford |
| Gibbens | Moen of Cavalier | White |
| Goldammer | Narum | Wisner |
| Grant | Nelson of McHenry | Mr. Speaker |
| Hale | | |

Those who voted in the negative were:

| | | |
|----------|------------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Kneeland | Nelson of Steele | Pound |
| Knox | Pendray | Sinclair |

Absent and not voting:

| | | |
|-----------------|----------|--------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Akesson | Duncan | Sgutt |
| Atwood | Martin | Steen |
| Baker of Stark | McCrea | Thompson of McLean |
| Burns | McLear | Traynor |
| Crawford | Peart | Wolbert |
| Dibley | Ployhar | Young |
| Doyle of Foster | | |

Mr. Dibley being excused.

So the bill passed and the title was agreed to.

Mr. Law moved

That the vote by which House Bill No. 349 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

There being no objections the house returned to the fifth order of business.

REPORTS OF STANDING COMMITTEES.

The committee on municipal corporations made the following report:

Mr. Speaker:

Your committee on municipal corporations to whom was referred

Senate Bill No. 220,

A bill for an act to amend sections 2825 and 2826 of the revised codes of the state of North Dakota for 1905, and chapter 47 of the session laws of the state of North Dakota for 1907, relating to the extension of corporate limits of cities, and to provide a method of procedure for the extension of corporate limits of cities.

Have had the same under consideration and recommend that the same be amended as follows:

By striking out all of line 15 of the engrossed bill and that portion of line 16 up to but not including the word "setting," being in section 1 of the engrossed bill.

By striking out all of that portion of line 30 of section 2 of the engrossed bill after the word "however," and also by striking out all of lines 31, 32, 33, 34 and 35 in section 2 of the engrossed bill, and inserting in lieu thereof the following: "If the greater portion of said territory proposed to be annexed consists of lands used for farming or pasturing purposes, then said territory shall not be annexed."

And by adding as section 3 the following:

"Section 3. Record to Be Kept.) Upon written demand filed with the city council at or prior to the hearing of any of the parties affected thereby or proceedings, and the testimony submitted shall be reduced to writing and shall be filed with the city auditor, and shall remain on file in the office of said city auditor."

Change words and figures "section 3," as same appears in engrossed bill, to "section 4."

Change words and figures "section 4," as same appears in engrossed bill, to "section 5."

And when so amended recommend the same do pass.

F. G. KNEELAND,
Chairman.

Mr. Kneeland moved

That the rules be suspended and the report of the committee be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on municipal corporations to whom was referred

House Bill No. 385,

A bill for an act to provide for paving, curbing, grading or improving the highways, streets or avenues in civil townships adjoining incorporated cities of not less than 6,00 inhabitants, and for the construction of a system of sewerage and water mains therein.

Have had the same under consideration and recommend that the same be indefinitely postponed.

F. G. KNEELAND,
Chairman.

Mr. Kneeland moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

The committee on ways and means made the following report:

Mr. Speaker:

Your committee on ways and means to whom was referred

House Bill No. 323,

A bill for an act authorizing and empowering and ordering the state auditing board to audit and approve and order

paid the bills contracted by the capitol commission under chapter 166 of the session laws of 1905, for printing bills, for salary of members and bills for expenses of members of the capitol commission organized under chapter 166 of the session laws of 1905.

Have had the same under consideration and recommend that the same be indefinitely postponed.

O. J. SORLIE,
Chairman.

Mr. Sorlie moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Also,

Your committee on ways and means to whom was referred

House Bill No. 375,

A bill for an act for an amendment to the constitution providing for compensation and mileage of members of the legislative assembly.

Have had the same under consideration and recommend that the same be indefinitely postponed.

O. J. SORLIE,
Chairman.

Mr. Sorlie moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

The committee on municipal corporations made the following report:

Mr. Speaker:

Your committee on municipal corporations to whom was referred

House Bill No. 186,

A bill for an act to amend section 1446 of the revised codes of North Dakota, of the revision of 1905, relating to the duties of officers in relation to highways in cities.

Have had the same under consideration and recommend that the same be indefinitely postponed.

F. G. KNEELAND,
Chairman.

Mr. Kneeland moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

The committee on judiciary made the following report:

Mr. Speaker:

Your committee on judiciary to whom was referred
House Bill No. 75,

A bill for an act entitled an act to amend chapter 31 of the code of civil procedure of the revised codes of 1905, relating to the determining of adverse claims to real estate and for quieting title thereto by action in the district court and for making unknown persons and the heirs at law and devisees and legatees, and creditors, and executors and administrator of deceased persons, parties defendants thereto.

Have had the same under consideration and recommend that the same do pass.

B. G. SKULASON,
Chairman.

Mr. Skulason moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

A majority of your committee on judiciary to whom was referred

House Bill No. 388,

A bill for an act to require telephone exchanges to contract with telephone toll lines, for the greater convenience of the public in transmitting telegraphic messages.

Have had the same under consideration and recommend that the same be amended as follows:

On the fourth line from the bottom of the original bill, after the figures "41" insert the words "of the code of civil procedure"; in the same section strike out the word "laws" and insert the words "codes of North Dakota for 1905."

And when so amended recommend the same do pass.

B. G. SKULASON,
Chairman.

Also,

The undersigned, members of your judiciary committee, to whom was referred

House Bill No. 388,

A bill for an act to require telephone exchanges to contract with telephone toll lines, for the greater convenience of the public in transmitting telegraphic messages.

And which has been recommended to pass, beg leave to dissent from the opinion of the majority of the committee, and recommend that the same be indefinitely postponed.

O. J. SORLIE.

Mr. Skulason moved

That the majority report of the committee be adopted.

Which motion prevailed, and

The majority report of the committee was adopted.

Also,

Your committee on judiciary to whom was referred Senate Bill No. 193,

A bill for an act to amend section 8089 of the revised codes of 1905 of North Dakota, relating to the exemption of personal property and the disposition thereof in the matter of estates pending in the county court.

Have had the same under consideration and recommend that the same do pass.

B. G. SKULASON,
Chairman.

Mr. Skulason moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on warehouses and grain grading made the following report:

Mr. Speaker:

Your committee on warehouse and grain grading to whom was referred

Senate Bill No. 313.

A bill for an act to amend and re-enact chapter III, laws of 1907, of the state of North Dakota, relating to and to provide for owners and managers of elevators, and warehouses, track and independent grain buyers and station agents of railroads to make annual reports to the commissioner of agriculture and labor, and making it a misdemeanor for violation of the same.

Have had the same under consideration and recommend that the same be indefinitely postponed.

C. E. KNOX,
Chairman.

Mr. Knox moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Also,

A majority of your committee on warehouses and grain grading to whom was referred

Senate Bill No. 71,

A bill for an act amending the constitution of the state of North Dakota, empowering the legislative assembly to provide by law for the erection, leasing, purchasing and operating terminal elevators, in the states of Minnesota and Wisconsin or either.

Have had the same under consideration and recommend that the same do pass.

C. E. KNOX,
Chairman.

Also,

A minority of your committee on warehouses and grain grading to whom was referred

Senate Bill No. 71,

A bill for an act amending the constitution of the state of North Dakota, empowering the legislative assembly to pro-

vide by law for the erection, leasing, purchasing and operating terminal elevators, in the states of Minnesota and Wisconsin or either.

Have had the same under consideration and recommend that the same be indefinitely postponed.

JOHN J. DOYLE,
E. D. SKINNER.

Mr. Knox moved

That the majority report be adopted.

Which motion prevailed, and

The majority report of the committee was adopted.

The committee on appropriations made the following report:

Mr. Speaker:

Your committee on appropriations to whom was referred Senate Bill No. 120,

A bill for an act to amend sections 1034, 1035 and 1036 of the revised codes of 1905, relating to education, as amended by chapter 99 of the session laws of 1907.

Have had the same under consideration and recommend that the same do pass.

S. N. PUTNAM,
Chairman.

Mr. Putnam moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on appropriations to whom was referred Senate Bill No. 243,

A bill for an act making an appropriation to pay P. O. Fossom, George Platzter, janitors; A. Glorvick, messenger; and C. J. Hutchinson, clerk, of the tenth legislative assembly for services rendered during that session.

Have had the same under consideration and recommend that the same do pass.

S. N. PUTNAM,
Chairman.

Mr. Putnam moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on rules made the following report:

Mr. Speaker:

Your committee on rules to whom was referred

House Bill No. 78,

A concurrent resolution amending the constitution of the state of North Dakota relating to the introduction and passage of bills in the legislative assembly.

Have had the same under consideration and recommend that the same be indefinitely postponed.

T. BAKER, JR.,
Chairman.

Mr. Baker of Cass moved

That the report be adopted.

Which motion prevailed, 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. 73,

A bill for an act to provide for the making of improvements at the North Dakota school of forestry, to assist in the maintenance thereof and for other purposes and making appropriations therefor.

Have had the same under consideration and recommend that the same do pass.

S. N. PUTNAM,
Chairman.

Mr. Putnam moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on election and privileges made the following report:

Mr. Speaker:

A majority of your committee on elections and privileges to whom was referred

House Bill No. 222,

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 be indefinitely postponed.

MATT JOHNSON,
Chairman.

Also,

A minority of your committee on elections and privileges to whom was referred

House Bill No. 222,

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 be amended as follows:

Strike out the word "July" and insert the word "June" in line 2 of section 2 of the printed bill.

In line 3, section 3, strike out the words "judges of the supreme and district court."

In line 7, section 3, strike out the words "judges of the supreme and district court."

In line 13, section 3, strike out the words "judges of the supreme and district court."

In lines 21 and 22, section 3, strike out the words "judges of the supreme and district court."

In line 21, section 3, after the word "for" insert the words "the state superintendent of public instruction and the county superintendent."

In line 16, section 9, strike out the words "judges of the supreme and district court," and in line 48, section 9, strike out the entire line.

In lines 57 and 58, strike out the entire lines in section 9.

In section 44 of the printed bill, line 2, insert the word "committee" after the word "precinct."

In line 4 of section 44, strike out the figures "20th" and insert the "1st," and in line 4 of section 44, strike out the word "September" and insert the word "August."

In line 14, section 44, strike out the word "tenth" and insert the word "fifteenth," and strike out the word "September" and insert the word "August."

In line 19, section 44, strike out the word "twentieth and thirtieth," and insert the words "the first day and the tenth."

And when so amended recommend the same do pass.

C. E. DAVIDSON,
C. I. CHRISTENSON,
A. S. GIBBENS.

Mr. Johnson moved

That the majority report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Also,

Your committee on elections and privileges to whom was referred

House Bill No. 326,

A bill for an act to amend chapter 109 of the laws of North Dakota for 1907, being an act providing for the selection of candidates for election by popular vote and relating to their nomination and the perpetuation of political parties, and repealing section 35 of said act.

Have had the same under consideration and recommend that the same be indefinitely postponed.

MATT JOHNSON,
Chairman.

Mr. Johnson moved

That the report be adopted

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Also,

Your committee on elections and privileges to whom was referred

House Bill No. 26,

A bill for an act providing for the nomination of candidates for office by popular vote at a primary election.

Have had the same under consideration and recommend that the same be indefinitely postponed.

MATT JOHNSON,
Chairman.

Mr. Johnson moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

The committee on temperance made the following report

Mr. Speaker:

Your committee on temperance to whom was referred

House Bill No. 101,

For an act prohibiting liquor dealers, breweries, and wholesale managing liquor houses from advertising or having agents in this state for the purpose of soliciting orders for intoxicating liquors.

Have had the same under consideration and recommend that the same be amended as follows:

Amend the title to read as follows:

“For an act prohibiting liquor dealers, breweries and wholesale liquor houses from advertising within the state.”

Strike out all of bill after enacting clause and insert the following:

“Section 1. It is hereby declared to be unlawful for any person, firm or corporation, to publish or circulate advertising matter, send out or have within this state, or by any means to advertise for the purchase or the sale of intoxicating liquors.

“Section 2. Any person, firm or corporation violating the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than twenty-five dollars (\$25.00) nor more than fifty dollars (\$50.00) or by imprisonment in the

county jail for not less than ten (10) days nor more than thirty (30) days."

And when so amended recommend the same do pass.

E. L. GARDEN,
Chairman.

Mr. McCrea moved

That the rules be suspended and the report of the committee be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on temperance to whom was referred Senate Bill No. 206,

A bill for an act regulating the closing of pool and billiard halls, bowling alleys and temperance saloons, and providing penalties for the violation thereof.

Have had the same under consideration and recommend that the same be amended as follows:

In section 1, line 5 of printed bill, strike out figures "10" and insert in lieu thereof the figures "11."

And when so amended recommend the same do pass.

E. L. GARDEN,
Chairman.

Mr. Garden moved

That the rules be suspended and the report of the committee be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on temperance to whom was referred Senate Bill No. 9,

A bill for an act to amend section 9366 of the revised codes of North Dakota 1905, defining what shall be considered and held to be intoxicating liquors.

Also,

Senate Bill No. 107,

A bill for an act to provide for the better enforcement of the laws against the manufacture and sale of intoxicat-

ing liquors, providing for inspection, testing and analysis of said beverages, prescribing a penalty for the violation and charging the North Dakota government agricultural experiment station with the enforcement thereof.

Also,

House Bill No. 21,

A bill for an act to repeal sections 9354, 9355, 9356, 9357, 9359, 9360, 9361, 9362, 9363, 9364 and 9365 of the 1905 revised codes of North Dakota, relating to druggists permits.

Also,

House Bill No. 27,

A bill for an act to amend chapter 191 of the session laws of the state of North Dakota for the year 1907 defining what shall be considered and held to be intoxicating liquors.

Also,

House Bill No. 29,

A bill for an act entitled an act prohibiting the printing, publication or circulation of advertisements for the purchase or sale of intoxicating liquors.

Also,

House Bill No. 271,

A bill for an act to amend section 9079 of the revised codes of 1905, relating to the use and sale of cigarettes, cigars or tobacco to minors; and providing a penalty therefor.

Have had the same under consideration and recommend that the same be indefinitely postponed.

E. L. GARDEN,
Chairman.

Mr. Garden moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

The committee on engrossment made the following report:

Mr. Speaker:

Your committee on engrossment have examined:

House Bill No. 236,

A bill for an act to amend section 651 of the revised codes of the state of North Dakota for 1905.

And find the same correctly re-engrossed.

C. C. CRAWFORD,
Chairman.

Mr. Crawford moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on engrossment to whom was referred

House Bill No. 359,

A bill for an act to prevent discrimination by surety companies.

Also,

House Bill No. 368,

A bill for an act to amend chapter 179 of the session laws of North Dakota, approved March 2, 1907, entitled 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; such amendments to provide for a levy of not to exceed 3 mills on the dollar in any one year, and by limiting the right to issue bonds to cases where authorized by a vote of the electors, and by adding a new section giving the park board power to plant and protect trees in public streets and highways.

Also,

House Bill No. 374,

A bill for an act to provide for the completing of the audit and examination of the books and records in the state penitentiary and twine plant, and for the perpetuation of the record of such audit and examination and for in-

stalling and completeing an adequate system of books and records for said institutions.

Also,

House Bill No. 383,

A bill for an act to amend section 4210 of the revised codes of North Dakota for 1905, relating to dividends and limitations of indebtedness of corporations.

And find the same correctly engrossed.

C. C. CRAWFORD,
Chairman.

Mr. Crawford moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

GENERAL ORDERS.

Mr. Chatfield moved

That the house resolve itself into a committee of the whole for the consideration of House Bills Nos. 360 and 381.

Which motion prevailed, and

The house resolved itself into a committee of the whole. The speaker called Mr. Laithwaite to the chair.

When the committee arose it submitted the following report.

Mr. Speaker:

The committee of the whole have had under consideration

House Bill No. 360,

A bill for an act to amend section 12 of an act, entitled an act providing for the selection of candidates for election by popular vote, and relating to their nomination and perpetuation of political parties, the same being chapter 109 of the session laws of 1907.

And recommend that the same be indefinitely postponed.

Also,

House Bill No. 381,

A bill for an act relating to public printing, and providing the manner of awarding contracts therefor.

And recommend that the same be indefinitely postponed.

G. C. LAITHWAITE,
Chairman.

Mr. Laithwaite moved

That the report of the committee of the whole be adopted.

Which motion prevailed, and

The report of the committee was adopted.

COURTESIES OF THE FLOOR.

The privileges of the floor were extended to S. F. Knight, H. B. Quick, Fargo; John F. Sullivan, Mandan.

Mr. Davidson moved

That the house do now adjourn.

Which motion prevailed, and

The house adjourned.

W. D. AUSTIN,
Chief Clerk.

FIFTY-SEVENTH DAY

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
March 2, 1909.

The house assembled at 2 o'clock p. m., pursuant to adjournment.

The speaker presiding.

Prayer by the chaplain.

Roll call.

All members present except Mr. Dibley, who was excused.

The committee on revision and correction of the journal made the following report:

Mr. Speaker:

Your committee on revision and correction of the journal have carefully examined the journal of the fifty-sixth day and find the same correct.

And recommend that the same be approved.

S. J. DOYLE,
Chairman

Mr. Doyle moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

MESSAGE FROM THE SENATE.

The following message was received from the senate.

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
March 2, 1909.

Mr. Speaker:

I have the honor to transmit herewith
Senate Bill No. 310.

A bill for an act to amend section 2249 of the revised codes of 1905, providing for storage receipts to be given by public warehouse men, establishing a standard form, and providing a penalty for its nonobservance.

Also,

Senate Bill No. 197,

A bill for an act to amend section 6 of chapter 76 of the laws of North Dakota, 1907, relating to contingent fund for state's attorney.

Also,

Senate Bill No. 264,

A bill for an act to prescribe a method of removal and discharge of persons admitted to the institution for feeble minded.

Also,

Senate Bill No. 186,

A bill for an act establishing a state hail insurance department and making the commissioner of agriculture and labor also the commissioner of state hail insurance; prescribing rules, regulations and duties of all officers and persons connected therewith; prescribing how premiums shall be paid and collected, and how expense and indemnity for losses by hail shall be paid.

Also,

Senate Bill No. 187,

A bill for an act to amend section 4429 of the revised codes of 1905, relating to the capital stock of insurance companies.

Which the senate has passed and your favorable consideration is respectfully requested.

Also,

Mr. Speaker:

I have the honor to transmit herewith the following concurrent resolution:

WHEREAS, Many inquiries with reference to North Dakota are made to the Commissioner of Agriculture and Labor, and

WHEREAS, Knowledge of the names of persons who might become immigrants to this state would be valuable if generally known; now, therefore, be it

Resolved, That the Commissioner of Agriculture and Labor be directed weekly to prepare and forward to each real estate agent and commercial club in this state, sending his address to the office of said Commissioner of Agriculture and Labor—a mimeograph copy of all letters of inquiry from residents of other states, and that the Commissioner of Agriculture and Labor be directed also to notify such real estate agents and commercial clubs sending their addresses, of the dates upon which he will make exhibits at the various state and county fairs.

Which the senate has adopted and your favorable consideration is respectfully requested.

Very respectfully,

J. W. FOLEY,

Secretary.

Mr. Skulason moved

That the house concur in the senate concurrent resolution relating to the commissioner of agriculture.

Mr. Hanley moved

That the senate concurrent resolution relating to the commissioner of agriculture be referred to the committee on state affairs.

Which motion prevailed.

REPORTS OF STANDING COMMITTEES.

The committee on highways, bridges and ferries made the following report:

Mr. Speaker.

Your committee on highways, bridges and ferries to whom was referred

House Bill No. 103,

A bill for an act for the betterment of the public highways in the state, to provide for the establishment of a

uniform system of drainage of such highways and lands adjacent thereto, to provide for the necessary surveys thereof and the payment of the costs of construction and maintenance thereof and empowering certain officers to establish and maintain such system, and for the purposes connected therewith.

Have had the same under consideration and recommend that the same be indefinitely postponed.

GEO. A. SENOUR,
Chairman.

Mr. Senour moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

The committee on judiciary made the following report:

Mr. Speaker:

Your committee on judiciary to whom was referred

Senate Bill No. 17,

A bill for an act to amend section 5187 of the revised codes of 1905 relating to order of succession.

Have had the same under consideration and recommend that the same be indefinitely postponed.

B. G. SKULASON,
Chairman.

Mr. Skulason moved

That the report be adopted

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Also,

Your committee on judiciary to whom was referred

Senate Bill No. 127,

A bill for an act to divide the state of North Dakota into congressional districts, and defining the boundaries thereof.

Have had the same under consideration and recommend that the same do pass.

B. G. SKULASON,
Chairman.

Mr. Skulason moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on judiciary to whom was referred Senate Bill No. 296,

A bill for an act to amend section 460 of the revised codes of North Dakota for 1905, relating to the supreme court reports, how printed, and number.

Have had the same under consideration and recommend that the same do pass.

B. G. SKULASON,
Chairman.

Mr. Skulason 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. Speaker:

Your committee on public health to whom was referred Senate Bill No. 298,

A bill for an act to amend and re-enact section 9015 of the revised codes of North Dakota for 1905, validating marriages performed without authority or where licenses have been issued by a clerk of the county court.

Have had the same under consideration and recommend that the same do pass.

C. H. SHEILS,
Chairman.

Mr. Sheils moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on public health to whom was referred
Senate Bill No. 128,

A bill for an act for the creation of a serum institute for the manufacture and distribution of such agents as may be useful and necessary in the eradication, prevention and control of tuberculosis, glanders, hog cholera, black-leg and other infectious and contagious diseases.

Have had the same under consideration and recommend that the same do pass.

C. H. SHEILS,
Chairman.

Mr. Sheils 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. Speaker:

Your committee on appropriations to whom was referred
Senate Bill No. 81,

A bill for an act making appropriation for the current and contingent expenses of the state penitentiary, and for making permanent improvements and additions thereto.

Have had the same under consideration and recommend that the same be amended as follows:

Referring to printed bill:

Line 10 strike out "\$1,800" and insert in lieu thereof "\$2,700."

Line 17 after the word "incidentals" add the words "and national prison congress."

Line 26 insert the following: "Expenses of warden to be paid monthly not to exceed the biennial sum of \$1,000."

Line 29 strike out the word "Webster."

All other items to be left as on original Senate Bill No. 81.

And when so amended recommend the same do pass.

S. N. PUTNAM,
Chairman.

Mr. Putnam moved

That the rules be suspended and the report of the committee be adopted.

Which motion prevailed, and
The report of the committee was adopted.

Also,

Your committee on appropriations to whom was referred
Senate Bill No. 126,

[A bill for act making appropriation for the Valley City normal school, located in Valley City, Barnes county, N. D.

Have had the same under consideration and recommend that the same do pass.

S. N. PUTNAM,
Chairman.

Mr. Putnam 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. Speaker:

Your committee on military affairs to whom was referred
Senate Bill No. 93,

A bill for an act authorizing the sale of a certain portion of the land granted by the United States government for a memorial park and burial ground of soldiers killed at the battle of White Stone Hill, and to provide how the moneys arising from such sale shall be expended.

Have had the same under consideration and recommend that the same do pass.

J. M. HANLEY,
Acting Chairman.

Mr. Hanley moved

That the report be adopted.
Which motion prevailed, and
The report of the committee was adopted.

Also,

Your committee on military affairs to whom was referred

Senate Bill No. 117,

A bill for an act to provide for instruction in military science at the state normal-industrial school, located at Ellendale.

Have had the same under consideration and recommend that the same do pass.

J. M. HANLEY,
Acting Chairman.

Mr. Hanley moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on school and public lands made the following report:

Mr. Speaker:

Your committee on school and public lands to whom was referred

Senate Bill No. 114,

A concurrent resolution for an act to amend section 158 of the constitution of the state of North Dakota, governing the sale of school lands to railroad companies.

Have had the same under consideration and recommend that the same be amended as follows:

Beginning with paragraph 3, following the Enacting Clause, of the engrossed bill strike out all of said paragraph and insert in lieu thereof the following: "Section 158. No land shall be sold for less than the appraised value and in no case for less than ten dollars per acre. The purchaser shall pay one-fifth of the price in cash and the remaining four-fifths as follows: One-fifth in five years, one-fifth on or before the expiration of ten years, one-fifth on or before the expiration of fifteen years and one-fifth on or before the expiration of twenty years, with interest at the rate of not less than five per cent per annum, payable annually in advance; provided, that when payments are made before due they shall be made at an interest paying date and one year's interest in advance shall be paid on all money so paid. All sales shall be held at the county seat of the county in which the land to be sold is situated, and shall be at public auction and to the highest bidder after sixty days' advertisement of the same in a newspaper of general circulation in the vicinity of the lands to be sold, and one at the seat of government. Such lands as shall not have been especially subdivided shall be offered in tracts of one-quarter section and those subdivided in the smallest subdivision. All lands designated for sale and

not sold within two years after appraisal shall be reappraised before they are sold. No grant or patent for such lands shall issue until payment is made for the same; provided, that the land contracted to be sold by the state shall be subject to taxation from the date of such contract. In case the taxes assessed against any of said lands for any year remain unpaid until the first Monday in October of the following year, then and thereupon the contract of sale for such lands shall, if the board of university and school lands so determine, become null and void. Any lands under the provisions of section 158 of the constitution of the state of North Dakota that have heretofore been sold may be paid for, except as to interest, as provided herein."

And when so amended recommend the same do pass.

A. S. GIBBENS,
Chairman.

Mr. Gibbens moved

That the rules be suspended and the report of the committee be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on state affairs made the following report:

Mr. Speaker:

Your committee on state affairs to whom was referred Senate Bill No. 199,

A bill for an act to amend section 3054 of the revised codes of North Dakota for 1905, relating to the division of organized townships.

Have had the same under consideration and recommend that the same do pass.

W. J. PRICE,
Chairman.

Mr. Price moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on state affairs to whom was referred Senate Bill No. 188,

A bill for an act authorizing the state engineer to grant permits for the appropriation of flood waters of draws, coulees or streams and water courses, which for the greater

part of the year flow less than one-third of one cubic foot per second.

Have had the same under consideration and recommend that the same do pass.

W. J. PRICE,
Chairman.

Mr. Price moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on state affairs to whom was referred

Senate Bill No. 184,

A bill for an act to prevent the setting of fires by threshing engines, engines in sawmills and all stationary engines that exhaust through the smoke stack.

Have had the same under consideration and recommend that the same be indefinitely postponed.

W. J. PRICE,
Chairman.

Mr. Price moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

The committee on education made the following report:

Mr. Speaker:

Your committee on education to whom was referred

Senate Bill No. 11,

A concurrent resolution amending the constitution of the state of North Dakota, establishing and locating a state normal school in the city of Minot, county of Ward.

Have had the same under consideration and recommend that the same do pass.

FRANK E. PLOYHAR,
Chairman.

Mr. Ployhar moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on education to whom was referred
Senate Bill No. 177,

A bill for an act to amend section 786 of the revised codes
of 1905, relating to the organization of district school cor-
porations.

Have had the same under consideration and recommend
that the same be indefinitely postponed.

FRANK E. PLOYHAR,
Chairman.

Mr. Ployhar moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely
postponed.

Also,

Your committee on education to whom was referred
Senate Bill No. 293

A bill for an act granting recognition to diplomas issued
by first class high schools as teacher's diplomas.

Have had the same under consideration and recommend
that the same be indefinitely postponed.

FRANK E. PLOYHAR,
Chairman.

Mr. Ployhar moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely
postponed.

Also,

Your committee on education to whom was referred
Senate Bill No. 211,

A bill for an act, entitled an act to safeguard the health of pupils in the public schools of this state, and provide for the payment of expenses in connection therewith.

Have had the same under consideration and recommend that the same be indefinitely postponed.

FRANK E. PLOYHAR,
Chairman.

Mr. Ployhar moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

PETITIONS AND COMMUNICATIONS.

To the Members of the Eleventh Legislative Assembly:

We, the undersigned farmers of the state, hereby petition you to pass a bill providing for state hail insurance.

JOHN J. POWER,
And 1600 Others.

To the Eleventh Legislative Assembly:

We, the undersigned citizens and taxpayers of Stutsman county, respectfully petition your honorable body to pass Senate Bill No. 63.

Our reasons are these:

1. Not ten per cent of the pupils of this state ever go beyond the eighth grade.
2. Sixty-five per cent of our children must attend the rural school.
3. The progress of the rural schools determines the progress of the rural community.
4. Our rural schools need encouragement and stimulation which this bill seeks to give.

5. North Dakota can afford to be generous with her children in matters of education.

W. E. BUCKWALTER,
And 140 Others.

MOTIONS AND RESOLUTIONS.

Mr. Sorlie offered the following resolution and moved its adoption:

WHEREAS, The Tenth Legislative Assembly appointed a committee to investigate the transfer of the northwest quarter section thirty-six, in township one hundred forty-eight, north of range fifty-one (nw. $\frac{1}{4}$ 36-148-51), Trail county, to the Great Northern Railway company, and

WHEREAS, This said committee made a full and complete report to the said Tenth Legislative Assembly, which is as follows:

Mr. Speaker:

Your committee appointed to inquire into the present condition and transfer of the northwest quarter of section thirty-six, in township one hundred forty-eight, north of range fifty-one west (nw. $\frac{1}{4}$ 36-148-51), Trail county, North Dakota, by the board of university and school lands to the Great Northern Railway company, beg leave to report as follows:

We find that application was made for this purchase on May 15, 1901, by the agent of the Great Northern Railway company; that the application was answered by the commissioners of public lands in a letter dated May 16, 1901, which is as follows:

"R. A. Wilkinson,

"Right of Way and Tax Commissioner, St. Paul:

"Dear Sir—We are in receipt of yours of the 15th inst., in which you state that your company desires to acquire gravel pit in the northwest quarter of section 36, township 148, range 51, Traill county. Replying thereto, will say that this land can only be purchased as provided by section 158 of the constitution of the state of North Dakota.

"Very truly yours,

"D. J. LAARDAL, *Commissioner.*"

Bismarck, N. D., May 16, 1901.

This said letter is hereto attached, together with all other correspondence on file in relation to this transaction.

That on the 10th day of January, 1902, the transfer was consummated by the giving of what purported to be a deed for said land to said railway company for a consideration of \$4,278.75, said deed being signed by a full membership of the said board of university and school lands, the above transfer being authorized by a majority of said board at a special meeting held Tuesday, December 3, 1901. A copy of said minutes and deed are hereto attached.

We, your committee, find that the transfer was unauthorized by law and against the provisions of section 158 of the constitution, which provides the method of sale of school land.

Second. Your committee finds that the above land was situated about one-half mile from the right of way of the Great Northern railroad tracks; that said 160 acres consists of about 80 acres of superior farming land and a valuable gravel pit of about 80 acres; that the value of said 80 acres of farm land was reasonably worth \$35.00 per acre or \$2,800.00; that the remaining 80 acres was reasonably worth to said railroad company for

gravel pit purposes \$100.00 per acre or \$8,000.00; that the pretended deed also conveyed 8.71 acres for a right of way across the northeast quarter of section thirty-six (36) for right of way purposes to the gravel pit on said section; that the 6.71 acres so deeded was reasonably worth \$35.00 per acre or \$307.00. We find that the reasonable value of the land so irregularly conveyed was \$11,107.00 and it was conveyed for \$6,828.25 less than the reasonable value thereof.

We further find that as early as ten years prior to the application for purchase of said land that the said Great Northern Railway company was a trespasser on said land, viz: That it had caused to be constructed a spur track from its main lines to said gravel pit and that from time to time thereafter without any semblance of legal or moral right it has caused the gravel on said land to be removed and converted to its own use approximately one-half of the gravel pit in extent, viz: Forty acres has been removed; that one-half of said 40 acres approximately, or 20 acres approximately, was removed prior to the date of application to purchase.

Further, that that portion of the land bearing gravel is now worthless to the state for the reason that said railway company has caused it to be so cut up and broken as to be useless for any other purpose.

We find: That the consideration accepted was \$6,828.25 less than the reasonable value of said land.

Second. That a transfer was made in defiance of the constitution of the state.

Third. That the Great Northern Railway company, beginning ten years prior to the application to purchase said land and continuing thereafter, did without warrant or any legal right trespass upon said lands and cause to be removed the gravel from said lands and take it for its own use and benefit.

On the above findings of fact, we, your committee, offer the following resolution and move its adoption:

That the attorney general of the state be authorized and requested to institute an action against said railway company to cancel the transfer unlawfully made and to recover the value of the waste by said railway company, committed on the northwest quarter (N. W. $\frac{1}{4}$) of section 36, township 148, range 51, and legal interest thereon.

WHEREAS, No action has as yet been taken by the attorney general as directed in said former resolution; be it therefore

Resolved, That this Legislative Assembly renew and again authorize the attorney general to bring the action as set forth in the former resolution.

Mr. Knox moved

That the vote by which House Bill No. 360 was indefinitely postponed be reconsidered.

Mr. Skulason moved

That the motion to reconsider be laid on the table.

Roll call demanded.

The roll was called and there were ayes 50, nays 38, absent and not voting 7.

Those who voted in the affirmative were:

Messrs.—

Akesson
Anderson
Baker of Stark
Brusletten
Brynjulson

Messrs.—

Hanley
Hemmingson
Hendrickson
Homnes
Honey

Messrs.—

Olson
Plath
Poe
Pound
Price

| | | |
|-------------------|--------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Burns | Hughes | Senour |
| Chatfield | Jewett | Skinner |
| Crawford | Johnson of Rolette | Skulason |
| Davidson | Kinney of McLean | Sorlie |
| Doyle of McIntosh | Kinney of Richland | Steen |
| Duncan | Lindvig | Thompson, Gd. Forks |
| Fraine | Lucke | Thompson of McLean |
| Freeman | McLear | Thoreson |
| Ganssle | Moen of Benson | Ward |
| Geidt | Moen of Cavalier | Wisner |
| Goldammer | Narum | Young |
| Grant | Nyhus | |

Those who voted in the negative were:

| | | |
|----------------------|-------------------|-------------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Johnson of McLean | Ployhar |
| Baker of Cass | Kneeland | Putnam |
| Bjorndahl | Knox | Schull |
| Burnett | Kremer | Sgutt |
| Christenson | Law | Shells |
| Collins of Cass | Laithwaite | Sinclair |
| Cunningham | Linde | Storey |
| Doyle of Foster | Martin | Streeter |
| Garden | Nelson of McHenry | Welford |
| Gibbens | Nelson of Steele | White |
| Hale | Nelson of Walsh | Wolbert |
| Hill | Paulson | Mr. Speaker |
| Johnson of Bottineau | Pendray | |

Absent and not voting:

| | | |
|----------------------|----------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Atwood | Evans | Pearl |
| Collins of Gd. Forks | McCrea | Traynor |
| Dibley | | |

Mr. Dibley being excused.

So the bill passed and the title was agreed to.

REPORTS OF STANDING COMMITTEES.

The committee on engrossment made the following report:

Mr. Speaker:

Your committee on engrossment have examined

House Bill No. 324,

A bill for an act prescribing the powers and duties of village marshals.

Also,

House Bill No. 357,

A bill for an act to amend section 521 of the revised codes of 1905, relating to the furnishing of a list of jurors to the clerk of the district court.

Also.

House Bill No. 364,

A bill for an act to amend section 2596 of the revised codes of 1905, as amended by chapter 69 of the session laws of 1907, providing the clerk hire for the register of deeds in the various counties in the state.

Also,

House Bill No. 370,

A bill for an act to amend section 9 of an act, entitled 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 same being chapter 109 of the session laws of 1907.

Also,

House Bill No. 372,

A bill for an act, entitled an act prohibiting the use, sale or purchase of any device known as a silencer to be used on any fire arm.

Also,

House Bill No. 377,

A bill for an act, entitled an act requiring railways doing business in this state to furnish all stations in this state where a business of \$15,000 a year or more is done, suitable loading and unloading facilities for traction engines and other heavy machinery, and prescribing for violation thereof.

Also,

House Bill No. 387,

A bill for an act to amend section 4037 of the revised codes of North Dakota for 1905, relating to issuing of marriage licenses.

And find the same correctly engrossed.

C. C. CRAWFORD,
Chairman.

Mr. Sorlie moved

That the resolution on school lands be referred to the committee on judiciary.

Which motion prevailed, and

The resolution was so referred.

Mr. Sorlie moved

That the printed bill be substituted for House Bill No. 33.

Which motion prevailed.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
March 2, 1909.

Mr. Speaker:

I have the honor to transmit herewith

Senate Bill No. 176,

A concurrent resolution for an amendment to the constitution for a state hail insurance department and making the commissioner of agriculture and labor also the commissioner of state hail insurance, prescribing rules, regulations and duties of all officers and persons connected therewith, prescribing how taxes for same shall be levied and collected and how expenses and indemnity for losses by hail shall be paid.

Which the senate has passed and your favorable consideration is respectfully requested.

Very respectfully,
J. W. FOLEY,
Secretary.

The chief clerk announced that the speaker was about to sign

Senate Bill No. 19,

An act to amend section 6237 of the revised codes of 1905, relating to the filing of mechanic's liens, the giving of notice of furnishing materials to contractors and sub-contractors.

And the speaker signed the same in the presence of the house.

THIRD READING OF HOUSE BILLS.

House Bill No. 359,

A bill for an act to prevent discrimination by surety companies.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 85, nays 2, absent and not voting 8.

Those who voted in the affirmative were:

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|----------------------|---------------------|
| Aasheim | Hale | Nelson of Steele |
| Akesson | Hanley | Nelson of Walsh |
| Anderson | Hemmingson | Nyhus |
| Baker of Cass | Hendrickson | Olson |
| Baker of Stark | Hill | Pendray |
| Bjorndahl | Homes | Plath |
| Brusletten | Honey | Ployhar |
| Brynjulson | Jewett | Poe |
| Burnett | Johnson of Bottineau | Pound |
| Burns | Johnson of McLean | Price |
| Chatfield | Johnson of Rolette | Putnam |
| Christenson | Kinney of McLean | Schull |
| Collins of Cass | Kinney of Richland | Sheils |
| Collins of Gd. Forks | Kneeland | Sinclair |
| Crawford | Knox | Skinner |
| Cunningham | Kremer | Skulason |
| Davidson | Law | Sorlie |
| Doyle of Foster | Laithwaite | Steen |
| Doyle of McIntosh | Linde | Streeter |
| Duncan | Lindvig | Thompson, Gd. Forks |
| Evans | Lucke | Thoreson |
| Fraine | Martin | Ward |
| Freeman | McCrea | Welford |
| Ganssle | McLear | White |
| Garden | Moen of Benson | Wisner |
| Geidt | Moen of Cavalier | Wolbert |
| Gibbens | Narum | Young |
| Goldammer | Nelson of McHenry | Mr. Speaker |
| Grant | | |

Absent and not voting:

| Messrs.— | Messrs.— | Messrs.— |
|----------|----------|--------------------|
| Atwood | Peart | Thompson of McLean |
| Dibley | Senour | Traynor |
| Paulson | Stutt | |

Messrs. Hughes and Storey voting in the negative.

Mr. Dibley being excused.

So the bill passed and the title was agreed to.

Mr. Price moved

That the vote by which House Bill No. 359 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

The chief clerk announced that the speaker was about to sign

Senate Bill No. 40,

A joint resolution for the making of inquiry relating to the carrying charges upon grain in bulk from points in the state of North Dakota to terminal markets in Minnesota and Wisconsin, and for the bringing about of such reforms or reductions in such carrying charges as the circumstances shall warrant.

Also,

Senate Bill No. 105,

A bill for an act to amend section 475 of the revised codes of 1905, being the section relative to the boundaries and terms of court in the Seventh judicial district of the state of North Dakota.

Also,

Senate Bill No. 110,

A bill for an act to amend section 7508 of the revised codes of the state of North Dakota for the year 1905, relating to places of sale upon foreclosure of personal property.

Also,

Senate Bill No. 119,

A bill for an act to regulate the selling, offering or exposure of seeds for sale, and providing penalties for the violation thereof.

And the speaker signed the same in the presence of the house.

Mr. Garden moved

That the house take a recess for ten minutes to listen to remarks by the Rev. Ogden on House Bill No. 283.

Which motion was lost.

House Bill No. 283,

A bill for an act to amend sections 9354, 9355, 9356, 9357, 9358, 9359, 9360, 9361, 9362, 9363, of the revised codes of 1905, and any acts amendatory thereof, and to re-enact sections 9364 and 9365 of said code, regulating the sale of intoxicating liquors by druggists who are registered pharmacists; and to provide a method of such sales, and of granting and revoking of permits.

Was read the third time

Mr. Chatfield moved the previous question.
Which motion prevailed.

The question being on the final passage of the bill.

The roll was called and there were ayes 56, nays 33, absent and not voting 6.

Those who voted in the affirmative were:

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|----------------------|-----------------|
| Aasheim | Hemmingson | Nelson of Walsh |
| Akesson | Hendrickson | Nyhus |
| Baker of Cass | Homnes | Olson |
| Baker of Stark | Honey | Paulson |
| Bjorndahl | Hughes | Pendray |
| Brynjulson | Jewett | Plath |
| Chatfield | Johnson of Bottineau | Price |
| Christenson | Kinney of McLean | Schull |
| Collins of Cass | Kinney of Richland | Sgutt |
| Collins of Gd. Forks | Knox | Shells |
| Crawford | Kremer | Skulason |
| Cunningham | Law | Steen |
| Davidson | Lai'hwaite | Streeter |
| Doyle of Foster | Linde | Ward |
| Doyle of McIntosh | Martin | Welford |
| Fraine | McCrea | Wisner |
| Freeman | Moen of Cavalier | Wolbert |
| Ganssle | Nelson of McHenry | Mr. Speaker |
| Hale | Nelson of Steele | |

Those who voted in the negative were:

| Messrs.— | Messrs.— | Messrs.— |
|------------|--------------------|---------------------|
| Anderson | Hill | Putnam |
| Brusletten | Johnson of McLean | Senour |
| Burnett | Johnson of Rolette | Sinclair |
| Burns | Kneeland | Skinner |
| Duncan | Lindvig | Sorlie |
| Garden | Lucke | Storey |
| Geidt | McLear | Thompson, Gd. Forks |
| Gibbens | Moen of Benson | Thompson of McLean |
| Goldammer | Narum | Thoreson |
| Grant | Ployhar | White |
| Hanley | Poe | Young |

Absent and not voting:

| | | |
|----------|----------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Atwood | Evans | Pound |
| Dibley | Peart | Traynor |

Mr. Dibley being excused.

So the bill passed and the title was agreed to.

Mr. McCrea moved

That the vote by which House Bill No. 283 passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 374,

A bill for an act to provide for the completing of the audit and examination of the books and records in the state penitentiary and twine plant, and for the perpetuation of the record of such audit and examination and for installing and completing an adequate system of books and records for said institutions.

Was read the third time

The question being on the final passage of the bill.

The roll was called and there were ayes 85, nays 0, absent and not voting 10.

Those who voted in the affirmative were:

| | | |
|----------------------|----------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Hemmingson | Nyhus |
| Akesson | Hendrickson | Olson |
| Anderson | Hill | Paulson |
| Baker of Stark | Homnes | Pendray |
| Bjorndahl | Honey | Plath |
| Brusletten | Hughes | Ployhar |
| Brynjulson | Jewett | Poe |
| Burnett | Johnson of Bottineau | Price |
| Chatfield | Johnson of McLean | Putnam |
| Christenson | Johnson of Rolette | Sheils |
| Collins of Cass | Kinney of McLean | Sinclair |
| Collins of Gd. Forks | Kinney of Richland | Skinner |
| Crawford | Kneeland | Skulason |
| Cunningham | Knox | Sorlie |
| Davidson | Kremer | Steen |
| Doyle of Foster | Law | Storey |
| Doyle of McIntosh | Laithwaite | Streeter |
| Duncan | Linde | Thompson, Gd. Forks |
| Evans | Lindvig | Thompson of McLean |
| Fraine | Lucke | Thoreson |
| Freeman | McCrea | Traynor |
| Ganssle | McLear | Ward |
| Garden | Moen of Benson | Welford |

| | | |
|-----------|-------------------|-------------|
| Messrs.— | Messrs.— | Messrs.— |
| Geidt | Moen of Cavalier | White |
| Gibbens | Narum | Wisner |
| Goldammer | Nelson of McHenry | Wolbert |
| Grant | Nelson of Steele | Young |
| Hale | Nelson of Walsh | Mr. Speaker |
| Hanley | | |

Absent and not voting:

| | | |
|---------------|----------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Atwood | Martin | Schull |
| Baker of Cass | Peart | Senour |
| Burns | Pound | Sgutt |
| Dibley | | |

Mr. Dibley being excused.

So the bill passed and the title was agreed to.

Mr. Traynor moved

That the vote by which House Bill No. 374 passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 368,

A bill for an act to amend chapter 179 of the session laws of North Dakota, approved March 2, 1907, entitled 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; such amendments to provide for a levy of not to exceed 3 mills on the dollar in any one year, and by limiting the right to issue bonds to cases where authorized by a vote of the electors, and by adding a new section giving the park board power to plant and protect trees in public streets and highways.

Was read the third time

The question being on the final passage of the bill.

The roll was called and there were ayes 75, nays 1, absent and not voting 19.

Those who voted in the affirmative were:

| | | |
|----------------|----------------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Hanley | Olson |
| Akesson | Hemmingson | Paulson |
| Anderson | Hendrickson | Plath |
| Baker of Stark | Homnes | Ployhar |
| Bjorndahl | Honey | Poe |
| Brusletten | Jewett | Price |
| Brynjulson | Johnson of Bottineau | Putnam |

| | | |
|-------------------|--------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Burnett | Johnson of McLean | Schull |
| Chatfield | Johnson of Rolette | Sinclair |
| Christenson | Kinney of McLean | Skinner |
| Collins of Cass | Kinney of Richland | Sorlie |
| Crawford | Kneeland | Steen |
| Cunningham | Knox | Storey |
| Doyle of Foster | Law | Streeter |
| Doyle of McIntosh | Laithwaite | Thompson, Gd. Forks |
| Duncan | Linde | Thompson of McLean |
| Evans | Lindvi | Thoreson |
| Fraine | McLear | Traynor |
| Freeman | Moen of Benson | Ward |
| Ganssle | Moen of Cavalier | Welford |
| Garden | Narum | White |
| Geidt | Nelson of McHenry | Wisner |
| Gibbens | Nelson of Steele | Wolbert |
| Goldammer | Nelson of Walsh | Young |
| Grant | Nyhus | Mr. Speaker |

Absent and not voting:

| | | |
|----------------------|----------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Atwood | Hill | Pendray |
| Baker of Cass | Hughes | Pound |
| Burns | Kremer | Senour |
| Collins of Gd. Forks | Martin | Sgutt |
| Davidson | McCrea | Sheils |
| Dibley | Peart | Skulason |
| Hale | | |

Mr. Lucke voted in the negative.

Mr. Dibley being excused.

So the bill passed and the title was agreed to.

Mr. Traynor moved

That the vote by which House Bill No. 368 passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

The speaker called Mr. Ployhar to the chair.

House Bill No. 387,

A bill for an act to amend section 4037 of the revised codes of North Dakota for 1905, relating to issuing of marriage licenses.

Was read the third time

The question being on the final passage of the bill.

The roll was called and there were ayes 54, nays 12, absent and not voting 29.

Those who voted in the affirmative were:

| Messrs.— | Messrs.— | Messrs.— |
|-----------------|--------------------|---------------------|
| Aasheim | Hanley | Peardray |
| Akesson | Hemmingson | Ployhar |
| Anderson | Honey | Poe |
| Bjorndahl | Hughes | Price |
| Brusletten | Jewett | Schull |
| Brynjulson | Johnson of McLean | Sgutt |
| Chatfield | Johnson of Rolette | Sheils |
| Christenson | Law | Sinclair |
| Collins of Cass | Laithwaite | Skinner |
| Crawford | Linda | Sorlie |
| Cunningham | Moen of Cavalier | Steen |
| Doyle of Foster | Narum | Storey |
| Evans | Nelson of McHenry | Streeter |
| Gausse | Nelson of Steele | Thompson, Gd. Forks |
| Garden | Nelson of Walsh | Thoreson |
| Geidt | Nyhus | Welford |
| Grant | Olson | White |
| Hale | Paulson | Wisner |

Those who voted in the negative were:

| Messrs.— | Messrs.— | Messrs.— |
|----------|----------------------|--------------------|
| Burnett | Homnes | Moen of Benson |
| Freeman | Johnson of Bottineau | Thompson of McLean |
| Gibbens | Knox | Traynor |
| Hill | Lindvig | Ward |

Absent and not voting:

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|--------------------|-------------|
| Atwood | Goldammer | Peart |
| Baker of Cass | Hendrickson | Plath |
| Baker of Stark | Kinney of McLean | Pound |
| Burns | Kinney of Richland | Putnam |
| Collins of Gd. Forks | Kneeland | Senour |
| Davidson | Kremer | Skulason |
| Dibley | Lucke | Wolbert |
| Doyle of McIntosh | Martin | Young |
| Duncan | McCrea | Mr. Speaker |
| Fraine | McLear | |

Mr. Dibley being excused.

So the bill passed and the title was agreed to.

Mr. Thoreson moved

That the vote by which House Bill No. 387 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 377,

A bill for an act, entitled an act requiring railways doing business in this state to furnish all stations in this state where a business of \$15,000 a year or more is done,

suitable loading and unloading facilities for traction engines and other heavy machinery, and prescribing for 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 67, nays 5, absent and not voting 23.

Those who voted in the affirmative were:

| | | |
|-------------------|----------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Anderson | Honey | Ployhar |
| Bjorndahl | Jewett | Poe |
| Brusletten | Johnson of Bottineau | Price |
| Brynjolfson | Johnson of McLean | Putnam |
| Burnett | Johnson of Rolette | Schull |
| Chatfield | Kneeland | Sheils |
| Christenson | Knox | Sinclair |
| Collins of Cass | Kremer | Skinner |
| Crawford | Law | Skulason |
| Cunningham | Laithwaite | Sorlie |
| Doyle of Foster | Linde | Storey |
| Doyle of McIntosh | McCrea | Streeter |
| Duncan | McLear | Thompson, Gd. Forks |
| Fraine | Moen of Benson | Thompson of McLean |
| Freeman | Moen of Cavalier | Thoreson |
| Garden | Narum | Traynor |
| Geidt | Nelson of Steele | Ward |
| Gibbins | Nyhus | Welford |
| Goldammer | Olson | White |
| Hale | Paulson | Wisner |
| Hanley | Pendray | Wolbert |
| Hemmingson | Plath | Mr. Speaker |
| Homnes | | |

Those who voted in the negative were:

| | | |
|----------|----------|-------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Grant | Hughes | Nelson of McHenry |
| Hill | Lucke | |

Absent and not voting:

| | | |
|----------------------|--------------------|-----------------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Dibley | Nelson of Walsh |
| Akesson | Evans | Peart |
| Atwood | Ganssle | Pound |
| Baker of Cass | Hendrickson | Senour |
| Baker of Stark | Kinney of McLean | Sgutt |
| Burns | Kinney of Richland | Steen |
| Collins of Gd. Forks | Lindvig | Young |
| Davidson | Martin | |

Mr. Dibley being excused.

So the bill passed and the title was agreed to.

Mr. Gibbens moved

That the vote by which House Bill No. 377 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 372,

A bill for an act, entitled an act prohibiting the use, sale or purchase of any device known as a silencer to be used on any fire arm.

Was read the third time.

Mr. Fraine asked unanimous consent to amend the bill.

There being no objections, Mr. Fraine offered the following amendment and moved its adoption:

Following the word "prohibited" in line 3, section 1, "provided, that the use of such device may be permitted the national guard or regular army on any rifle range in this state under the supervision of a commissioned officer."

Which motion prevailed, and

The amendment was adopted.

The question being on the final passage of the bill as amended.

The roll was called and there were ayes 65, nays 1, absent and not voting 29.

Those who voted in the affirmative were:

| | | |
|-------------------|----------------------|--------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Hale | Pendray |
| Akesson | Hanley | Plath |
| Anderson | Hemmingson | Ployhar |
| Bjorndahl | Hill | Poe |
| Brusletten | Honey | Putnam |
| Brynjolfson | Johnson of Bottineau | Schull |
| Burnett | Johnson of McLean | Sgutt |
| Christenson | Kinney of McLean | Shells |
| Collins of Cass | Knox | Sinclair |
| Crawford | Law | Skulason |
| Cunningham | Laithwalte | Storey |
| Doyle of Foster | Linde | Streeter |
| Doyle of McIntosh | Lindvig | Thompson of McLean |
| Duncan | Lucke | Thoreson |
| Fraine | McCrea | Traynor |
| Freeman | Moen of Benson | Ward |
| Ganssle | Narum | Welford |
| Garden | Nelson of McHenry | White |
| Geidt | Nelson of Steele | Wisner |
| Gibbins | Nelson of Walsh | Young |
| Goldammer | Olson | Mr. Speaker |
| Grant | Paulson | |

Absent and not voting:**Messrs.—**

Atwood
 Baker of Cass
 Baker of Stark
 Burns
 Chatfield
 Collins of Gd. Forks
 Davidson
 Dibley
 Evans
 Hendrickson

Messrs.—

Homnes
 Hughes
 Jewett
 Johnson of Rolette
 Kinney of Richland
 Kneeland
 Kremer
 Martin
 McLearn
 Moen of Cavalier

Messrs.—

Nyhus
 Peart
 Pound
 Price
 Senour
 Sorlie
 Steen
 Thompson, Gd. Forks
 Wolbert

Mr. Skinner voted in the negative.

Mr. Dibley being excused.

So the bill passed as amended and the title was agreed to.

Mr. Schull moved

That the vote by which House Bill No. 372 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed

House Bill No. 370,

A bill for an act to amend section 9 of an act, entitled 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 same being chapter 109 of the session laws of 1907.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 75, nays 1, absent and not voting 19.

Those who voted in the affirmative were:

Messrs.—

Aasheim
 Akesson
 Anderson
 Baker of Cass
 Baker of Stark
 Bjorndahl
 Brusletten
 Brynjulson
 Burnett
 Chatfield
 Christenson
 Collins of Cass
 Cunningham
 Doyle of Foster
 Doyle of McIntosh

Messrs.—

Hanley
 Hemmingson
 Hendrickson
 Hill
 Homnes
 Honey
 Hughes
 Jewett
 Johnson of Bottineau
 Johnson of McLean
 Johnson of Rolette
 Kinney of McLean
 Kinney of Richland
 Knox
 Kremer

Messrs.—

Nelson of Walsh
 Nyhus
 Pendray
 Plath
 Ployhar
 Poe
 Price
 Putnam
 Schull
 Sgutt
 Shells
 Skinner
 Skulason
 Sorlie
 Storey

| Messrs.— | Messrs.— | Messrs.— |
|-----------|-------------------|---------------------|
| Duncan | La 7 | Streeter |
| Evans | Laithwaite | Thompson, Gd. Forks |
| Freeman | Linde | Thompson of McLean |
| Ganssle | Lindvig | Thoreson |
| Garden | Lucke | Traynor |
| Geidt | Martin | Welford |
| Gibbens | Moен of Benson | White |
| Goldammer | Moен of Cavalier | Wisner |
| Grant | Nelson of McHenry | Young |
| Hale | Nelson of Steele | Mr. Speaker |

Absent and not voting:

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|----------|----------|
| Atwood | Kneeland | Pound |
| Burns | McCrea | Senour |
| Collins of Gd. Forks | McLear | Sinclair |
| Crawford | Narum | Steen |
| Davidson | Olson | Ward |
| Dibley | Peart | Wolbert |
| Fraine | | |

Mr. Paulson voting in the negative.

Mr. Dibley being excused.

So the bill passed and the title was agreed to.

Mr. Doyle moved

That the vote by which House Bill No. 370 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 364,

A bill for an act to amend section 2596 of the revised codes of 1905, as amended by chapter 69 of the session laws of 1907, providing the clerk hire for the register of deeds in the various counties in 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 78, nays 1, absent and not voting 16.

Those who voted in the affirmative were:

| Messrs.— | Messrs.— | Messrs.— |
|---------------|----------------------|----------|
| Aasheim | Hanley | Nyhus |
| Akesson | Hemmingson | Olson |
| Anderson | Hill | Paulson |
| Baker of Cass | Homnes | Ployhar |
| Bjorndahl | Honey | Poe |
| Brusletten | Jewett | Price |
| Brynjulson | Johnson of Bottineau | Putnam |
| Burnett | Johnson of McLean | Schull |

| | | |
|----------------------|--------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Burns | Johnson of Rolette | Shells |
| Chatfield | Kinney of McLean | Sinclair |
| Christenson | Kinney of Richland | Skinner |
| Collins of Cass | Knox | Skulason |
| Collins of Gd. Forks | Kremer | Sorlie |
| Crawford | Law | Storey |
| Cunningham | Laithwaite | Streeter |
| Davidson | Linde | Thompson, Gd. Forks |
| Doyle of McIntosh | Lindvig | Thompson of McLean |
| Duncan | Lucke | Thoreson |
| Evans | Martin | Traynor |
| Freeman | McLear | Ward |
| Ganssle | Moen of Benson | Welford |
| Garden | Moen of Cavalier | White |
| Geidt | Narum | Wisner |
| Goldammer | Nelson of McHenry | Wolbert |
| Grant | Nelson of Steele | Young |
| Hale | Nelson of Walsh | Mr. Speaker |

Absent and not voting:

| | | |
|-----------------|-------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Atwood | Hendrickson | Plath |
| Baker of Stark | Hughes | Pound |
| Dibley | Kneeland | Senour |
| Doyle of Foster | McCrea | Sgutt |
| Fraine | Pearf | Steen |
| Gibbens | | |

Mr. Pendray voted in the negative.

Mr. Dibley being excused.

So the bill passed and the title was agreed to.

Mr. Nelson of Steele moved

That the vote by which House Bill No. 364 passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
March 2, 1909.

Mr. Speaker:

I have the honor to inform you that the senate declines to concur in the house amendments to Senate Bill No. 104, and asks for a committee of conference, and the president

has named as such conferees on the part of the senate, Messrs. LaMoure, McLean and Cashel.

Very respectfully,

J. W. FOLEY,
Secretary.

Also,

Mr. Speaker:

I have the honor to inform you that the senate declines to concur in the house amendments to Senate Bill No. 70, and asks for a committee of conference, and the president has named as such conferees on the part of the senate, Messrs. LaMoure, McLean and Cashel.

Very respectfully,

J. W. FOLEY,
Secretary.

Also,

Mr. Speaker:

I have the honor to inform you that the senate declines to concur in the house amendments to Senate Bill No. 68, and asks for a committee of conference, and the president has named as such conferees on the part of the senate, Messrs. LaMoure, McLean and Cashel.

Very respectfully,

J. W. FOLEY,
Secretary.

Also,

Mr. Speaker:

I have the honor to inform you that the senate declines to concur in the house amendments to Senate Bill No. 56, and asks for a committee of conference, and the president has named as such conferees on the part of the senate, Messrs. LaMoure, McLean and Cashel.

Very respectfully,

J. W. FOLEY,
Secretary.

Also,

Mr. Speaker:

I have the honor to inform you that the senate declines to concur in the house amendments to Senate Bill No. 16, and asks for a committee of conference, and the president

has named as such conferees on the part of the senate, Messrs. LaMoure, McLean and Cashel.

Very respectfully,
J. W. FOLEY,
Secretary.

House Bill No. 357,

A bill for an act to amend section 521 of the revised codes of 1905, relating to the furnishing of a list of jurors to the clerk of the district court.

Was read the third time.

Mr. Skulason moved

That the further consideration of the bill be indefinitely postponed.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

House Bill No. 324,

A bill for an act prescribing the powers and duties of village marshals.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 83, nays 0, absent and not voting 12.

Those who voted in the affirmative were:

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|--------------------|---------------------|
| Aasheim | Hemmingson | Plath |
| Akesson | Hill | Ployhar |
| Anderson | Homnes | Poe |
| Baker of Stark | Honey | Price |
| Bjorndahl | Hughes | Putnam |
| Brusletten | Jewett | Schull |
| Brynjulson | Johnson of McLean | Senour |
| Burnett | Johnson of Rolette | Sgutt |
| Chatfield | Kinney of McLean | Sheils |
| Christenson | Kinney of Richland | Sinclair |
| Collins of Cass | Kneeland | Skinner |
| Collins of Gd. Forks | Knox | Skulason |
| Cunningham | Law | Sorlie |
| Davidson | Laithwaite | Steen |
| Doyle of Foster | Lindvig | Storey |
| Doyle of McIntosh | Lucke | Streeter |
| Duncan | Martin | Thompson, Gd. Forks |
| Evans | McCrea | Thompson of McLean |
| Fraine | McLear | Thoreson |
| Freeman | Moen of Benson | Traynor |
| Ganssle | Moen of Cavalier | Ward |
| Garden | Narum | Welford |

| | | |
|-----------|-------------------|-------------|
| Messrs.— | Messrs.— | Messrs.— |
| Geidt | Nelson of McHenry | White |
| Gibbens | Nelson of Steele | Wisner |
| Goldammer | Nelson of Walsh | Wolbert |
| Grant | Nyhus | Young |
| Hale | Olson | Mr. Speaker |
| Hanley | Paulson | |

Absent and not voting:

| | | |
|---------------|----------------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Atwood | Dibley | Linde |
| Baker of Cass | Hendrickson | Peart |
| Burns | Johnson of Bottineau | Pendray |
| Crawford | Kremer | Pound |

Mr. Dibley being excused.

So the bill passed and the title was agreed to.

Mr. Chatfield moved

That the vote by which House Bill No. 324 passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

The speaker in the chair.

Mr. Sorlie moved

That the rules be suspended and the substitute for House Bill No. 33 be placed upon its third reading and final passage.

Which motion prevailed.

House Bill No. 33,

A bill for an act to amend section 1380 of the revised codes of 1905, as amended in chapter 42 of the session laws of 1907.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 69, nays 3, absent and not voting 23.

Those who voted in the affirmative were:

| | | |
|---------------|----------------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Akesson | Hemmingson | Pendray |
| Anderson | Hendrickson | Poe |
| Baker of Cass | Hill | Price |
| Bjorndahl | Homnes | Putnam |
| Brusletten | Hughes | Schull |
| Brynjulson | Johnson of Bottineau | Senour |
| Burnett | Johnson of McLean | Sgutt |
| Chatfield | Johnson of Rolette | Shells |

| | | |
|-------------------|--------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Christenson | Kinney of McLean | Skinner |
| Collins of Cass | Kinney of Richland | Skulason |
| Crawford | Kneeland | Sorlie |
| Cunningham | Knox | Storey |
| Doyle of McIntosh | Law | Streeter |
| Duncan | Laithwaite | Thompson, Gd. Forks |
| Evans | Lindvig | Thompson of McLean |
| Fraine | McLear | Thoreson |
| Freeman | Moen of Benson | Traynor |
| Geidt | Moen of Cavalier | Ward |
| Gibbens | Narum | White |
| Goldammer | Nelson of McHenry | Wisner |
| Grant | Nelson of Steele | Wolbert |
| Hale | Olson | Young |
| Hanley | Paulson | Mr. Speaker |

Those who voted in the negative were:

| | | |
|----------|----------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Lucke | Steen | Welford |

Absent and not voting:

| | | |
|----------------------|----------|-----------------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Ganssle | McCrea |
| Atwood | Garden | Nelson of Walsh |
| Baker of Stark | Honey | Nyhus |
| Burns | Jewett | Pearl |
| Collins of Gd. Forks | Kremer | Plath |
| Davidson | Linde | Ployhar |
| Dibley | Martin | Pound |
| Doyle of Foster | | Sinclair |

Mr. Dibley being excused.

So the bill passed and the title was agreed to.

Mr. Sorlie moved

That the vote by which House Bill No. 33 passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

The committee on engrossment made the following report:

Mr. Speaker:

Your committee on engrossment have examined

House Bill No. 276,

A bill for an act creating the eleventh judicial district of North Dakota, changing the boundaries of the third and fifth and sixth judicial districts and providing for terms of court in each of said districts.

And find the same correctly re-engrossed.

C. C. CRAWFORD,
Chairman.

Mr. Crawford moved.

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on engrossment have examined

House Bill No. 75,

A bill for an act entitled an act to amend chapter 31 of the code of civil procedure of the revised codes of 1905, relating to the determining of adverse claims to real estate and for quieting title thereto by action in the district court and for making unknown persons and the heirs at law and devisees and legatees, and creditors, and executors and administrator of deceased persons, parties defendants thereto.

Also,

House Bill No. 322,

A bill for an act providing for the establishment of county agricultural and training schools, and providing for their joint maintenance by the state and the county wherein located, and providing for a levy of state tax for the raising of funds to meet the state share of said cost of maintenance.

Also,

House Bill No. 355,

A bill for an act to amend section 8405 of the revised codes of 1905, relating to garnishment proceedings in justice courts.

Also,

House Bill No. 380,

A bill for an act to amend, repeal and re-enact section 15, chapter 45 of the laws of 1907, relating to commission system for government of cities.

Also,

House Bill No. 383,

A bill for an act to amend section 4210 of the revised codes of North Dakota for 1905, relating to dividends and limitations of indebtedness of corporations.

And find the same correctly engrossed.

C. C. CRAWFORD,
Chairman.

Mr. Crawford moved.

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

House Bill No. 322,

A bill for an act providing for the establishment of county agricultural and training schools, and providing for their joint maintenance by the state and the county wherein located, and providing for a levy of state tax for the raising of funds to meet the state share of said cost of maintenance.

Was read the third time.

Mr. Skulason moved the previous question.

Which motion prevailed.

The question being on the final passage of the bill.

The roll was called and there were ayes 57, nays 27, absent and not voting 11.

Those who voted in the affirmative were:

Messrs.—

Anderson
Baker of Stark
Bjorndahl
Burnett
Chatfield
Collins of Cass
Collins of Gd. Forks
Crawford
Cunningham
Davidson
Doyle of McIntosh
Duncan
Evans
Freeman
Garden
Geidt
Gibbens
Goldammer
Hemmingson

Messrs.—

Hendrickson
Hill
Homnes
Honey
Jewett
Johnson of Bottineau
Johnson of McLean
Johnson of Rolette
Kinney of McLean
Kneeland
Knox
Law
Linde
Lindvig
Lucke
Martin
McCrea
McLear
Moen of Benson

Messrs.—

Moen of Cavalier
Nelson of McHenry
Nelson of Steele
Nelson of Walsh
Nyhus
Paulson
Ployhar
Putnam
Senour
Sgutt
Shells
Skinner
Steen
Streeter
Thompson, Gd. Forks
Thompson of McLean
Thoreson
Ward
Young

Those who voted in the negative were:

| | | |
|-----------------|--------------------|--------------|
| Aasheim | Kinney of Richland | Sinclair |
| Akesson | Kremer | Skulason |
| Baker of Cass | Narum | Sorlie |
| Brusletten | Olson | Storey |
| Brynjulson | Pendray | Traynor |
| Doyle of Foster | Plath | Welford |
| Ganssle | Poe | White |
| Hanley | Price | Wisner |
| Hughes | Schull | -Mr. Speaker |

Absent and not voting:

| | | |
|-------------|------------|---------|
| Atwood | Fraine | Peart |
| Burns | Grant | Pound |
| Christenson | Hale | Wolbert |
| Dibley | Laithwaite | |

Mr. Brusletten explained his vote.

Mr. Dibley being excused.

So the bill passed and the title was agreed to.

Mr. Gibbens moved

That the vote by which House Bill No. 322 passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

The speaker appointed as a conference committee on Senate Bills Nos. 104, 70, 68, 56 and 16, Messrs. Putnam, White and Collins of Cass.

House Bill No. 383.

A bill for an act to amend section 4210 of the revised codes of North Dakota for 1905, relating to dividends and limitations of indebtedness of corporations.

Was read the third time

The question being on the final passage of the bill.

The roll was called and there were ayes 62, nays 12, absent and not voting 21.

Those who voted in the affirmative were:

| | | |
|----------------|-------------|------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Gibbens | Nelson of Steele |
| Akesson | Goldammer | Olson |
| Anderson | Grant | Paulson |
| Baker of Cass | Hanley | Plath |
| Baker of Stark | Hemmingson | Poe |
| Bjorndahl | Hendrickson | Price |
| Brusletten | Hill | Putnam |
| Brynjulson | Honey | Senour |
| Chatfield | Hughes | Shells |

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|----------------------|---------------------|
| Christenson | Johnson of Bottineau | Sinclair |
| Collins of Cass | Johnson of McLean | Skulason |
| Collins of Gd. Forks | Johnson of Rolette | Sorlie |
| Cunningham | Kinney of McLean | Steen |
| Davidson | Kneeland | Storey |
| Doyle of Foster | Kremer | Streeter |
| Doyle of McIntosh | Lindvig | Thompson, Gd. Forks |
| Evans | Lucke | Ward |
| Fraine | Martin | Welford |
| Freeman | McCrea | Wolbert |
| Ganssle | McLear | Mr. Speaker |
| Garden | Nelson of McHenry | |

Those who voted in the negative were:

| Messrs.— | Messrs.— | Messrs.— |
|--------------------|------------------|----------|
| Geidt | Moen of Benson | Schull |
| Jewett | Moen of Cavalier | Skinner |
| Kinney of Richland | Narum | White |
| Linde | Nyhus | Young |

Absent and not voting:

| Messrs.— | Messrs.— | Messrs.— |
|----------|-----------------|--------------------|
| Atwood | Hommes | Ployhar |
| Burnett | Knox | Pound |
| Burns | Law | Sgutt |
| Crawford | Laithwaite | Thompson of McLean |
| Dibley | Nelson of Walsh | Thoreson |
| Duncan | Peart | Traynor |
| Hale | Pendray | Wisner |

Mr. Dibley being excused.

So the bill passed and the title was agreed to.

Mr. Price moved

That the vote by which House Bill No. 383 passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

The chief clerk announced that the speaker was about to sign

Senate Bill No. 155,

A bill for an act to amend section 192 of the revised codes of the state of North Dakota of 1905, relating to the collection by county treasurers of moneys due on school lands held under contract or lease from the state, and providing the manner of reporting such collections to the state auditor and the commissioner of university and school lands, and prescribing the duties of the county treasurers, state auditor and land commissioner in connection therewith.

Also,

Senate Bill No. 173,

A bill for an act to amend section 7329 of the revised codes of 1905, relating to cases when continued.

Also,

Senate Bill No. 101,

A bill for an act to amend and re-enact section 496 of the revised codes of North Dakota of 1905, relating to qualifications of applicants for admission to the bar of the state of North Dakota.

And the speaker signed the same in the presence of the house.

House Bill No. 380,

A bill for an act to amend, repeal and re-enact section 15, chapter 45 of the laws of 1907, relating to commission system for government of cities.

Was read the third time.

Mr. Hanley asked unanimous consent to amend the bill.

There being no objections, Mr. Hanley offered the following amendment, and moved its adoption:

After the word "allowed" in section 1, line 8, strike out the remaining words and add the following words, "to vote for as many candidates for the office of city commissioner as there are commissioners to be elected, but shall be allowed to cast no more than one vote for any one candidate."

Which motion prevailed, and

The amendment was adopted.

The question being on the final passage of the bill as amended.

The roll was called and there were ayes 72, nays 3, absent and not voting 20.

Those who voted in the affirmative were:

Messrs.—

Akesson
Anderson
Baker of Cass
Bjorndahl
Brusletten
Brynjulson
Burnett
Chatfield
Christenson

Messrs.—

Hendrickson
Hill
Homnes
Honey
Huehes
Jewett
Johnson of Bottineau
Johnson of McLean
Johnson of Rolette

Messrs.—

Nelson of Walsh
Nyhus
Olson
Paulson
Pendray
Poe
Price
Putnam
Schull

| | | |
|----------------------|--------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Collins of Cass | Kinney of McLean | Senour |
| Collins of Gd. Forks | Kinney of Richland | Sgutt |
| Davidson | Kneeland | Sheils |
| Doyle of Foster | Knox | Skinner |
| Duncan | Kremer | Skulason |
| Evan | Law | Sorlie |
| Fraine | Laithwaite | Storey |
| Freeman | Linde | Streeter |
| Ganssle | Lindvig | Thompson, Gd. Forks |
| Garden | Lucke | Thoreson |
| Geidt | McCrea | Waru |
| Gibbens | Moen of Benson | White |
| Goldammer | Narum | Wisner |
| Grant | Nelson of McHenry | Wolbert |
| Hanley | Nelson of Steele | Mr. Speaker |

Those who voted in the negative were:

| | | |
|----------|----------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Martin | McLear | Young |

Absent and not voting:

| | | |
|----------------|-------------------|--------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Doyle of McIntosh | Pound |
| Atwood | Hale | Sinclair |
| Baker of Stark | Hemmingson | Steen |
| Burns | Moen of Cavalier | Thompson of McLean |
| Crawford | Pearl | Traynor |
| Cunningham | Plath | Welford |
| Dibley | Ployhar | |

Mr. Dibley being excused.

So the bill passed as amended and the title was agreed to.

Mr. Wolbert moved

That the vote by which House Bill No. 380 passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 355,

A bill for an act to amend section 8405 of the revised codes of 1905, relating to garnishment proceedings in justice courts.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 77, nays 1, absent and not voting 17.

Those who voted in the affirmative were:

| | | |
|----------|----------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Hale | Paulson |
| Akesson | Hanley | Pendray |

| | | |
|----------------------|----------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Anderson | Homes | Ployhar |
| Baker of Cass | Honey | Poe |
| Bjorndahl | Hughes | Price |
| Brusletten | Jewett | Putnam |
| Brynjulson | Johnson of Bottineau | Schull |
| Burnett | Johnson of McLean | Senour |
| Christenson | Johnson of Rolette | Sgutt |
| Collins of Cass | Kinney of McLean | Sheils |
| Collins of Gd. Forks | Kinney of Richland | Skinner |
| Crawford | Kneeland | Skulason |
| Cunningham | Kremer | Sorlie |
| Davidson | Law | Storey |
| Doyle of Foster | Linde | Streeter |
| Doyle of McIntosh | Lindvig | Thompson, Gd. Forks |
| Duncan | Lucke | Thompson of McLean |
| Evans | Martin | Thoreson |
| Fraine | Moen of Benson | Traynor |
| Freeman | Moen of Cavalier | Ward |
| Ganssle | Narum | Welford |
| Garden | Nelson of McHenry | White |
| Geidt | Nelson of Steele | Wolbert |
| Gibbens | Nelson of Walsh | Young |
| Goldammer | Nyhus | Mr. Speaker |
| Grant | Olson | |

Absent and not voting:

| | | |
|----------------|-------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Atwood | Hendrickson | Plath |
| Baker of Stark | Hill | Pound |
| Burns | Knox | Sinclair |
| Chatfield | Laithwaite | Steen |
| Dibley | McCrea | Wisner |
| Hemmingson | Peart | |

Mr. McLear voted in the negative.

Mr. Dibley being excused.

So the bill passed and the title was agreed to

Mr. Hanley moved

That the vote by which House Bill No. 355 passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed

House Bill No. 75,

A bill for an act entitled an act to amend chapter 31 of the code of civil procedure of the revised codes of 1905, relating to the determining of adverse claims to real estate and for quieting title thereto by action in the district court and for making unknown persons and the heirs at law and devisees and legatees, and creditors, and executors and ad-

ministrator of deceased persons, parties defendants thereto.

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 45, absent and not voting 20.

Those who voted in the affirmative were:

| | | |
|----------------------|--------------------|--------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Garden | Paulson |
| Baker of Stark | Geidt | Pendray |
| Blynjulson | Hanley | Poe |
| Burnett | Hendrickson | Putnam |
| Chatfield | Hughes | Sheils |
| Collins of Cass | Jewett | Skulason |
| Collins of Gd. Forks | Kinney of Richland | Sorlie |
| Crawford | Knox | Thompson of McLean |
| Doyle of McIntosh | Linde | Young |
| Fraine | Nelson of Walsh | Mr. Speaker |

Those who voted in the negative were:

| | | |
|---------------|--------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Akesso. | Homnes | Nyhus |
| Anderson | Honey | Olson |
| Baker of Cass | Johnson of McLean | Plath |
| Brusletten | Johnson of Rolette | Price |
| Christenson | Kinney of McLean | Schull |
| Cunningham | Kneeland | Skinner |
| Davidson | Kremer | Steen |
| Duncan | Law | Storey |
| Evans | Laithwaite | Streeter |
| Freeman | Lucke | Thompson, Gd. Forks |
| Gibbens | Martin | Thoreson |
| Goldammer | Moen of Benson | Traynor |
| Grant | Moen of Cavalier | Ward |
| Hale | Narum | Welford |
| Hill | Nelson of McHenry | Wisner |

Absent and not voting:

| | | |
|-----------------|----------------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Atwood | Johnson of Bottineau | Pound |
| Bjorndahl | Lindvig | Senour |
| Burns | McCrea | Sgutt |
| Dibley | McLear | Sinclair |
| Doyle of Foster | Nelson of Steele | White |
| Ganssle | Peart | Wolbert |
| Hemmingson | Ployhar | |

Mr. Streeter explained his vote.

Mr. Dibley being excused.

So the bill was lost.

Mr. Hanley moved

That the vote by which House Bill No. 75 was lost be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 276,

A bill for an act creating the eleventh judicial district of North Dakota, changing the boundaries of the third and fifth and sixth judicial districts and providing for terms of court in each of said districts.

Was read the third time.

Mr. Kneeland asked unanimous consent to amend the bill.

There being no objections, Mr. Kneeland offered the following amendment and moved its adoption:

In section 4 of the engrossed bill, in regard to the terms of court in LaMoure and Logan counties, make the bill read, "In LaMoure county on the first Monday of February and the fourth Monday of September in each year," and "In Logan county on the first Monday of March and the fourth Monday of October in each year."

Which motion prevailed, and
The amendment was adopted.

Mr. Evans moved

That the further consideration of the bill be indefinitely postponed.

Which motion was lost.

The question being on the final passage of the bill.

The roll was called and there were ayes 50, nays 24, absent and not voting 21.

Those who voted in the affirmative were:

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|----------------------|---------------------|
| Aashelm | Hale | Putnam |
| Akesson | Hendrickson | Sgutt |
| Baker of Cass | Hill | Sinclair |
| Bjorndahl | Homnes | Skulason |
| Brusletten | Honey | Sorlie |
| Brynjulson | Hughes | Storey |
| Chatfield | Johnson of Bottineau | Streeter |
| Collins of Gd. Forks | Kneeland | Thompson, Gd. Forks |
| Crawford | Law | Thompson of McLean |
| Davidson | Laithwaite . | Thoreson |
| Doyle of Foster | Linde | Ward |
| Doyle of McIntosh | Lucke | White |
| Duncan | Moen of Benson | Wisner |
| Fraine | Nelson of Steele | Wolbert |
| Garden | Nelson of Walsh | Young |
| Geidt | Paulson | Mr. Speaker |
| Gibbens | Price | |

Those who voted in the negative were:

| | | |
|----------------|--------------------|-------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Anderson | Grant | Martin |
| Baker of Stark | Hanley | Narum |
| Burnett | Johnson of McLean | Nelson of McHenry |
| Christenson | Kinney of McLean | Pendray |
| Cunningham | Kinney of Richland | Schull |
| Evans | Knox | Senour |
| Freeman | Kremer | Sheils |
| Goldammer | Lindvig | Welford |

Absent and not voting:

| | | |
|-----------------|--------------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Atwood | Johnson of Rolette | Plath |
| Burns | McCrea | Ployhar |
| Collins of Cass | McLear | Poe |
| Dibley | Moen of Cavalier | Pound |
| Ganssle | Nyhus | Skinner |
| Hemmingson | Olson | Steen |
| Jewett | Peart | Traynor |

Mr. Anderson explained his vote.

Mr. Hanley explained his vote.

Mr. Dibley being excused.

So the bill was lost.

Mr. Davidson moved

That the vote by which House Bill No. 276 was lost be reconsidered and the motion to reconsider be laid on the table.

Which motion was lost.

Mr. Skulason gave notice that at 2:30 p. m. tomorrow he would move to reconsider the vote by which House Bill No. 276 was lost.

There being no objections, the house returned to the sixth order of business.

REPORT OF SELECT COMMITTEE.

Bismarck, N. D., March 2, 1909.

Mr. Speaker.

The committee appointed to investigate various state offices, beg leave to submit the following preliminary report:

Owing to the limited amount of time, we have only been able to report on a portion of the work submitted to us.

In checking over the secretary of state's office, we discovered that C. W. LaMoure, deputy secretary of state, and

joint partner in the Bismarck Stationery Company, has been furnishing supplies to the state. Among other things, we discovered a bill for supplies for the present legislative assembly, which bill was never authorized by the board of trustees of public property, and was purchased by Secretary of State Alfred Blaisdell without authority in law. This bill of supplies was purchased from the Bismarck Stationery Company. An inventory of this bill for supplies without prices was submitted to several leading firms dealing in such supplies in the Northwest, and their prices obtained. This bill totalled \$1,583.36, was made up of the following items, for which the state was to pay the several prices enumerated below, while in another column is to be found the prices for which the several items might have been obtained from a well known firm:

| <i>Items —</i> | <i>Price Charged.</i> | <i>Price by Bid.</i> |
|---|---------------------------|--------------------------|
| 200 No. 7 B. Gardner ink wells at 75c..... | \$ 150.00 | \$ 86.00 |
| 50 Boxes typewriter paper | 50.00 | 27.50 |
| 200 I. X. L. office knives at \$1.05 | 210.00 | 92.00 |
| 25 Boxes Old Hamp. M. S. covers..... | 25.00 | 10.00 |
| 3 Gross No. 102 typewriter erasers..... | 18.00 | 9.75 |
| 6 Gross No. 6239, grade No. 1 pencils..... | 36.00 | 23.40 |
| 75 Gross No. 31 rubber bands at 75c..... | 56.25 | 32.25 |
| 2 Doz. No. 14 bankers' shears at \$18..... | 36.00 | 18.00 |
| 10 Doz. 18-inch bevel rulers at \$1.10..... | 11.00 | 6.00 |
| 6 Gross Korka pen-holders | 36.00 | 25.20 |
| 4 Doz. N. 701 desk baskets | 12.00 | 7.60 |
| 4 Doz. desk pads | 9.00 | 12.00 |
| 15 Doz. pen racks | 30.00 | 7.20 |
| 12 Gross No. 603 Gillette pens | 12.00 | 6.72 |
| 14 Gross No. 24 Esterbrook pens | 11.20 | 7.42 |
| 12 Gross No. 404 Gillette pens | 12.00 | 5.16 |
| 1 Doz. large arm rests | 6.00 | 4.00 |
| 1 Doz. Gem clip boards | 4.50 | 3.75 |
| 3 Doz. No. 681 steel erasers | 18.00 | 10.20 |
| 2 Doz. No. 682 steel erasers | 12.00 | 6.80 |
| 30 Gross No. 083 Falcon pens | 25.50 | 15.90 |
| 25 Gross No. 442 Jackson stub pens | 21.25 | 13.25 |
| 2 Doz. No. 16 turkey dusters | 18.00 | 9.50 |
| 6 U. S. automatic pencil sharpeners | 21.00 | 12.12 |
| 6 Union postal scales | 15.00 | 14.10 |
| 5 Doz. two-ounce red ink | 2.50 | 1.70 |
| 12 Quarts Sanford's writing fluid | 9.00 | 6.00 |
| 12 Pints Sanford's writing fluid | 4.80 | 3.60 |
| 6 Quarts S. writing and copying fluid..... | 4.50 | 3.60 |
| 10 Doz. five-ounce S. library paste..... | 30.00 | 19.00 |
| 1 Doz. eight-ounce S. library paste..... | 4.00 | 3.20 |
| 18 Doz. five-cent mucilage | 9.00 | 6.94 |
| 5 Doz. five-cent paste bottles | 3.00 | 2.32 |
| 6 Doz. five-cent paste, tubes | 3.00 | 2.16 |
| 1 Gross stenographer's note books | 5.00 | 3.50 |
| 4 quarts Arnold's ink | 3.00 | 1.80 |

| <i>Items—</i> | <i>Price Charged.</i> | <i>Price by Bid.</i> |
|--|-----------------------|----------------------|
| 12 Boxes extra heavy typewriter paper | 18.00 | 10.20 |
| 2 Doz. bottles typewriter oil | 2.00 | 1.80 |
| 2 Doz. typewriter oil cans | 5.00 | 4.70 |
| 2 Doz. typewriter brushes | 3.00 | 4.00 |
| 1 Doz. boxes black carbon paper | 30.00 | 12.00 |
| 1 Doz. boxes purple carbon paper | 30.00 | 12.00 |
| 12 Doz. five-cent black ink | 7.00 | 3.84 |
| 1 Doz. Coffey copy colders | 18.00 | 20.00 |
| 20 Gross No. 2 lead pencils, extra grade..... | 100.00 | 65.00 |
| 4 Doz. boxes J. N. eyelets | 6.00 | 4.00 |
| 1 Doz. C. Z. eyelets | 3.00 | 1.00 |
| 4 Triumph punches | 10.00 | 6.00 |
| 6 Doz. extra quality No. 4 lead pencils..... | 7.20 | 2.40 |
| 2 Doz. double ruling pens at 38c per doz. | .76 | 2.70 |
| 6 Doz. Boyson stenographer's note books | 6.00 | 2.70 |
| 5 Doz. Monarch typewriter ribbons | 35.00 | 22.50 |
| 5 Doz. Underwood typewriter ribbons | 35.00 | 22.50 |
| 3 Doz. Remington typewriter ribbons | 21.00 | 13.50 |
| 3 Doz. tri-crome three color ribbons | 27.00 | 18.00 |
| | <u>\$1,297.46</u> | <u>\$745.48</u> |

The following items were submitted to experts, and prices quoted are considered fair by the committee, although not the lowest in every instance:

| <i>Items—</i> | <i>Price Charged.</i> | <i>Price by Bid.</i> |
|--|-----------------------|----------------------|
| 6 Doz. No. 51 record books | \$ 18.00 | \$ 18.00 |
| 3 Doz. Blaisdell letter file | 12.60 | 12.60 |
| 12 Boxes No. 62 plain white envelopes, 500 in a box. | 10.80 | 10.80 |
| 250 No. 10 common tie binders, H. B. | 60.00 | 45.00 |
| 250 No. 10 common tie binders, S. B. | 60.00 | 45.00 |
| 250 No. 6 common tie binders, S. Journal..... | 45.00 | 37.50 |
| 250 No. 6 common tie binders, H. Journal..... | 45.00 | 37.50 |
| 6 Doz. wire paper baskets | 34.50 | 27.30 |
| | <u>\$285.90</u> | <u>\$233.70</u> |
| As above | <u>\$1,297.46</u> | <u>\$745.48</u> |
| Total | <u>\$1,583.36</u> | <u>\$979.18</u> |

While it is clear that the state has been charged an excessive amount for the above list of supplies, and that the six hundred dollars represents the excessive profits of the Bismarck Stationery Company on this bill of supplies, yet the records of the state auditor's office would indicate that the prices charged the state in this instance do not differ materially from prices previously charged for this class of supplies.

Your committee would recommend that in the future bids be received for these supplies, and the contract be awarded to the lowest competent bidder and not to favorites, as has been done in the past.

Further, your committee, on examining the printing bills on file in the state auditor's office, find that on January 26, 1909, State Printer Weatherhead passed and approved a bill from the Palladium Publishing Company for the printing of 15,000 No. 10 envelopes at six dollars per thousand, and 35,000 No. 6¾ envelopes at four dollars per thousand. These bills have been submitted to experts, and your committee finds that four dollars per thousand for the No. 10 envelopes is a fair and just price, and two dollars per thousand for the No. 6¾ envelopes is a fair and just price, and that the state has paid on these two items one hundred dollars in excess of fair profits to the Palladium Publishing Company.

On further examination of the printing bills on file in the state auditor's office, the committee finds the following items which have been passed upon by experts, and the prices submitted below are considered fair and just:

| <i>Items —</i> | <i>Price Charged.</i> | <i>Price by Bid.</i> |
|--|---------------------------|--------------------------|
| Jan. 9th, 600 checks, two forms | \$ 7.50 | \$ 7.50 |
| Dec. 5th, 5,000 stamped envelopes | 7.50 | 7.50 |
| Dec. 29th, 3,000 embossed letter heads | 27.00 | 20.00 |
| Dec. 29th, 2,000 embossed memo. heads | 14.00 | 9.00 |
| Jan. 8th, 5,000 stamped envelopes | 7.50 | 7.50 |
| Dec. 12th, 5,000 stamped env., Sect'y of State. | 7.50 | 7.50 |
| Dec. 12th, 2,000 stamped env., Governor | 4.00 | 4.00 |
| Dec. 18th, 2,000 embossed letter heads and 2,000 embossed memo. heads, Treasurer. | 30.00 | 24.00 |
| Dec. 18th, 1,000 bank pass books | 32.00 | 32.00 |
| Dec. 18th, one embossing die | 12.00 | 12.00 |
| Nov. 23rd, 20,000 report of attendance | 182.00 | 120.00 |
| Nov. 23rd, 20,000 report of monthly reviews. | 240.00 | 150.00 |
| Dec. 29th, 50,000 letter heads, Leg. Assembly. | 200.00 | 150.00 |
| Dec. 29th, 10,000 memo. heads, Leg. Assembly. | 35.00 | 22.50 |
| Total | \$ 806.00 | \$573.50 |

All of the above bills were presented by the Palladium Publishing Company and have not yet been paid, and your committee recommend that they be paid according to the prices submitted in this report, which represents a saving to the state of \$232.50.

Your committee would recommend that in the future all fifth class printing be let by bids.

On examination of the bills on file in the state auditor's office, your committee finds that the state has paid large sums of money in excess of a fair and just price for fifth-class printing. They also find that the state printer does

not maintain uniform prices for the same grades of work, some printers in the state being allowed prices much in excess of other printers. Also, that this fifth-class printing is used for partisan purposes in attempts to control the political policies of newspapers. We therefore recommend that such printing be let by contract to lowest bidders, as provided by state law.

On further examination of secretary of state's office, we find that on December 31, 1907, there were on hand 1,408 session laws of 1907. Up to February 23d, 266 have been accounted for, and there were on hand on that date 991, a total of 1,257, with 151 unaccounted for.

On the same dates as above given, there were 255 1905 codes on hand, with 260 accounted for and 22 still remaining in the office, which shows that the secretary of state's office has accounted for 27 more codes than they were supposed to have.

Further, by order of Governor Burke, your committee has secured the services of the public examiner's office to continue the investigation of this and other offices, and will make further report before the close of the session.

Respectfully submitted,
S. N. PUTNAM,

Chairman.

FRANK E. PLOYHAR,

Inasmuch as the committee is to make another and final report, I prefer to withhold my judgment until final report is made.

JAMES COLLINS.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
March 2, 1909.

Mr. Speaker:

I have the honor to transmit herewith
Senate Bill No. 321,

A bill for an act to amend section 4464 of the revised codes of North Dakota for 1905.

Also,

Senate Bill No. 342,

A bill for an act to amend and re-enact section 796 of the revised codes of North Dakota for the year 1905, providing for the legalizing of the organization of school districts.

Also,

Senate Bill No. 50,

A bill for an act to amend section 15 of chapter 137 of the session laws of 1907, relating to liabilities of counties for the expenses of insane patients.

Also,

Senate Bill No. 274,

A bill for an act to amend chapter 151 of the laws of 1907; an act to require the annual apportionment and accounting of surplus of life insurance companies as to policies heretofore issued.

Also,

Senate Bill No. 338,

A bill for an act to amend section 18 of an act, entitled a bill for an act creating certain territory now within the school township of Brightwood, Richland county, D. T., as an independent school district, to be known as Brightwood Independent School District No. 1, Richland county, North Dakota.

Also,

Senate Bill No. 303,

A bill for an act to amend section 871 of the revised code of the state of North Dakota of 1905, relating to education.

Also,

Senate Bill No. 316,

A bill for an act to amend chapter 117 of the laws of 1907, of the state of North Dakota, relating to the method of giving notice of taking up estrays.

Also,

Senate Bill No. 317,

A bill for an act to provide for the cancellation of legally recorded brands in the office of the commissioner of agriculture and labor.

Also,

Senate Bill No. 340,

A bill for an act to compel the proper and permanent marking of tuberculosis cattle when shown or proven to be by the so called "tuberculin" test.

Also,

Senate Bill No. 341,

A bill for an act authorizing the board of trustees of public property of North Dakota to operate a good road experimental station at Bismarck, North Dakota; authorizing the employment of the inmates of the North Dakota state penitentiary upon the construction and maintenance of experimental roads; authorizing the board of trustees of public property to accept federal aid and private contributions in the construction of experimental roads and authorizing the state engineer to supervise the construction and maintenance of all roads and designating where experimental roads shall be built.

Also,

Senate Bill No. 94,

A bill for an act to require foreign corporations authorized to do business in this state, to maintain an office or place of business in this state, and also file yearly corporation report.

Also,

Senate Bill No. 221,

A bill for an act to provide for the printing and distribution of Farmers' Institute Annuals and making an appropriation therefor.

Also,

Senate Bill No. 226,

A bill for an act to amend and re-enact sections 1287, 1288, and 1289 of the revised codes of North Dakota, for the year 1905, relating to insurance of public buildings.

Also,

Senate Bill No. 269,

A bill or an act establishing a county hail insurance department, prescribing rules, regulations and duties of all officers and persons connected therewith, prescribing how taxes for same shall be levied and collected, and how expenses and indemnity for losses by hail shall be paid.

Also,

Senate Bill No. 290.

A bill for an act requiring a stationary metal fire escape to be attached to the outside of each one and every school room located above the first story of all school houses in this state having more than one story, designating those whose duty it shall be to have said fire escapes installed, prescribing the time within which said fire escapes shall be installed and prescribing the punishment for a violation thereof.

Which the senate has passed and your favorable consideration is respectfully requested.

Very respectfully,

J. W. FOLEY,
Secretary.

COURTESIES OF THE FLOOR.

The privileges of the floor were extended to S. S. Buckley, H. Parsons, Page; B. K. Tenneson, Fargo.

Mr. Chatfield moved

That the house take a recess until 10 o'clock a. m. tomorrow.

Which motion prevailed, and

The house took a recess until 10 o'clock a. m. tomorrow.

W. D. AUSTIN,
Chief Clerk.

FIFTY-SEVENTH DAY AFTER RECESS
AND
FIFTY-EIGHTH DAY

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
March 3, 1909.

The house assembled at 10 o'clock a. m., pursuant to recess taken.

REPORT OF CONFERENCE COMMITTEE.

Mr. Speaker:

Your conference committee on Senate Bill No. 49 to whom was referred

Senate Bill No. 49,

A bill for an act to prohibit the throwing or depositing of glassware of any kind, crockery, wire, nails, tacks, paper or any old building material while in the act of moving same upon the streets of any village or city or upon public highways, and providing for a penalty for the violation thereof.

Have had the same under consideration and recommend that the house recede from its amendments.

T. WELO,
F. A. BAKER,
ALEX. MACDONALD,
J. F. COLLINS,
F. G. KNEELAND,
E. L. GARDEN.

Mr. Sheils moved

That the report of the conference committee be adopted.

Which motion prevailed, and

And the report of the conference committee was adopted.

Mr. Sheils moved

That the rules be suspended and Senate Bill No. 49 be placed upon its third reading and final passage.

Which motion prevailed.

Senate Bill No. 49,

A bill for an act to prohibit the throwing or depositing of glassware of any kind, crockery, wire, nails, tacks, paper or any old building material while in the act of moving same upon the streets of any village or city or upon public highways, and providing for a penalty for the violation thereof.

Was read the third time.

The question being on the final passage of the bill as amended by conference committee.

The roll was called and there were ayes 56, nays 9, absent and not voting 30.

Those who voted in the affirmative were:

| | | |
|-----------------|--------------------|------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Garden | Nelson of Steele |
| Akesson | Gibbins | Nelson of Walsh |
| Anderson | Goldammer | Nyhus |
| Atwood | Hemmingson | Olson |
| Baker of Cass | Hendrickson | Paulson |
| Bjorndahl | Hill | Pearl |
| Brusletten | Homnes | Plath |
| Brynjolfson | Jewett | Ployhar |
| Burnett | Johnson of McLean | Price |
| Chatfield | Johnson of Rolette | Shells |
| Christenson | Kinney of McLean | Storey |
| Collins of Cass | Kinney of Richland | Thoreson |
| Crawford | Kneeland | Traynor |
| Cunningham | Knox | Ward |
| Davidson | Lindvig | Welford |
| Duncan | Lucke | White |
| Fraine | Moen of Benson | Wisner |
| Freeman | Moen of Cavalier | Mr. Speaker |
| Ganssle | Narum | |

Those who voted in the negative were:

| | | |
|----------|----------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Hanley | Pendray | Skinner |
| Linde | Schull | Skulason |
| Martin | Sinclair | Thompson, Gd. Forks |

Absent and not voting:

| | | |
|----------------------|----------------------|--------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Baker of Stark | Honey | Pound |
| Burns | Hughes | Putnam |
| Collins of Gd. Forks | Johnson of Bottineau | Senour |
| Dibley | Kremer | Sgutt |
| Doyle of Foster | Law | Sorlic |
| Doyle of McIntosh | Laithwaite | Steen |
| Evans | McCrea | Streeter |
| Geidt | McLear | Thompson of M. Lea |
| Grant | Nelson of McHenry | Wolbert |
| Hale | Poe | Young |

Mr. Dibley being excused.

So the bill passed as amended and the title was agreed to.

Mr. Thoreson moved

That the vote by which Senate Bill No. 49 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

MESSAGE FROM THE SENATE.

The following message was received from the senate.

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
March 3, 1909.

Mr. Speaker:

I have the honor to transmit herewith

Senate Bill No. 97,

A bill for an act to establish a state fair and locate the same at Fargo, North Dakota, and make an appropriation therefor.

Which the senate has passed and your favorable consideration is respectfully requested.

Very respectfully,
J. W. FOLEY,
Secretary.

There being no objections, the house passed to the fourteenth order of business.

THIRD READING OF SENATE BILLS.

Senate Bill No. 222,

A bill for an act to legalize certain floating indebtedness incurred by cities of this state under certain circumstances incurred by cities, village and school district of this state under certain circumstances and bonds issued, or that may be issued to fund 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 74, nays 0, absent and not voting 21.

Those who voted in the affirmative were:

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|----------------------|---------------------|
| Aasheim | Hill | Paulson |
| Akesson | Homnes | Peart |
| Anderson | Jewett | Pendray |
| Atwood | Johnson of Bottineau | Plath |
| Baker of Cass | Johnson of McLean | Ployhar |
| Bjorndahl | Johnson of Rolette | Poe |
| Brusletten | Kinney of McLean | Schull |
| Brynjulson | Kinney of Richland | SGutt |
| Burns | Kneeland | Sheils |
| Chatfield | Knox | Sinclair |
| Christenson | Law | Skinner |
| Collins of Cass | Laithwaite | Skulason |
| Collins of Gd. Forks | Linde | Sorlie |
| Crawford | Lindvig | Steen |
| Cunningham | Lucke | Storey |
| Davidson | Martin | Streeter |
| Doyle of McIntosh | McCrea | Thompson, Gd. Forks |
| Duncan | Moen of Benson | Thoreson |
| Fraine | Moen of Cavalier | Ward |
| Freeman | Narum | Welford |
| Gibbens | Nelson of McHenry | Wisner |
| Goldammer | Nelson of Steele | Wolbert |
| Hanley | Nelson of Walsh | Young |
| Hemmingson | Nyhus | Mr. Speaker |
| Hendrickson | Olson | |

Absent and not voting:

| Messrs.— | Messrs.— | Messrs.— |
|-----------------|----------|--------------------|
| Baker of Stark | Geldt | Pound |
| Burnett | Grant | Price |
| Dibley | Hale | Putnam |
| Doyle of Foster | Honey | Senour |
| Evans | Hughes | Thompson of McLean |
| Ganssle | Kremer | Traynor |
| Garden | McLear | White |

Mr. Dibley being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 231,

A bill for an act to amend section 3198, article 24, chapter 33 of the political code (revised codes of 1905) of the state of North Dakota, relating to the bonds of civil townships, and as to how and when issued.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 71, nays 0, absent and not voting 24.

Those who voted in the affirmative were:

| | | |
|----------------------|----------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Hornes | Paulson |
| Akesson | Hughes | Pendray |
| Atwood | Jewett | Plath |
| Collins of Cass | Johnson of Bottineau | Ployhar |
| Bjorn Dahl | Johnson of McLean | Poe |
| Brusletten | Johnson of Rolette | Pound |
| Brynjulson | Kinney of McLean | Schull |
| Burnett | Kinney of Richland | Sgutt |
| Burns | Kneeland | Sheils |
| Chatfield | Knox | Sinclair |
| Christenson | Laithwaite | Skinner |
| Collins of Gd. Forks | Linde | Skulason |
| Crawford | Lindvig | Sorlie |
| Cunningham | Lucke | Steen |
| Davidson | Martin | Storey |
| Doyle of McIntosh | McCrea | Thompson, Gd. Forks |
| Duncan | Moen of Benson | Thoreson |
| Freeman | Moen of Cavalier | Ward |
| Ganssle | Narum | Welford |
| Goldammer | Nelson of McHenry | Wisner |
| Hanley | Nelson of Steele | Wolbert |
| Hemmingson | Nelson of Walsh | Young |
| Hendrickson | Nyhus | Mr. Speaker |
| Hill | Olson | |

Absent and not voting:

| | | |
|-----------------|----------|--------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Anderson | Geidt | Peart |
| Baker of Cass | Gibbens | Price |
| Baker of Stark | Grant | Putnam |
| Dibley | Hale | Senour |
| Doyle of Foster | Honey | Streeter |
| Evans | Kremer | Thompson of McLean |
| Fraine | Law | Traynor |
| Garden | McLear | White |

Mr. Dibley being excused.

So the bill passed and the title was agreed to.

There being no objections the house returned to the seventh order of business.

MOTIONS AND RESOLUTIONS.

Mr. Hendrickson moved

That the house reconsider the vote by which House Bills Nos. 26, 222 and 326 was lost, and that the speaker appoint a committee of five to consider said bills.

Which motion prevailed.

Mr. Skulason moved

That the house take from the table House Bill No. 360.
Which motion prevailed.

Mr. Hendrickson moved

That House Bill No. 360 be referred to the same committee as House Bills Nos. 26, 222 and 326.

Which motion prevailed, and
The bills were so referred.

THIRD READING OF SENATE BILLS.

Senate Bill No. 137,

A bill for an act to amend section 372 of the political code of the revised codes of 1905, relating to commissioners 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 72, nays 0, absent and not voting 23.

Those who voted in the affirmative were:

| | | |
|----------------------|----------------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Hendrickson | Olson |
| Akesson | Hill | Paulson |
| Anderson | Homnes | Pearl |
| Atwood | Jewett | Pendray |
| Baker of Cass | Johnson of Bottineau | Plath |
| Bjorndahl | Johnson of McLean | Ployhar |
| Brusletten | Johnson of Rolette | Poe |
| Brynjolfson | Kinney of McLean | Schull |
| Burnett | Kinney of Richland | Sgutt |
| Burns | Kneeland | Sheils |
| Chatfield | Knox | Sinclair |
| Christenson | Laithwaite | Skinner |
| Collins of Gd. Forks | Linde | Skulason |
| Crawford | Lindvig | Sorlie |
| Cunningham | Lucke | Steen |
| Davidson | Martin | Storey |
| Doyle of McIntosh | McCrea | Streeter |
| Duncan | Moen of Benson | Thoreson |

| | | |
|------------|-------------------|-------------|
| Messrs.— | Messrs.— | Messrs.— |
| Freeman | Moen of Cavalier | Ward |
| Ganssle | Narum | Welford |
| Gibbins | Nelson of McHenry | Wisner |
| Goldammer | Nelson of Steele | Wolbert |
| Hanley | Nelson of Walsh | Young |
| Hemmingson | Nyhus | Mr. Speaker |

Absent and not voting :

| | | |
|-----------------|----------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Baker of Stark | Grant | Price |
| Collins of Cass | Hale | Putnam |
| Dibley | Honey | Senour |
| Doyle of Foster | Hughes | Thompson, Gd. Forks |
| Evans | Kremer | Thompson of McLean |
| Fraine | Law | Traynor |
| Garden | McLear | White |
| Geidt | Pound | |

Mr. Dibley being excused.

So the bill passed and the title was agreed to.

Mr. Thoreson moved

That the vote by which Senate Bill No. 137 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

Senate Bill No. 59,

A bill for an act authorizing and regulating the incorporation, organization and operation of co-operative associations, and providing for the regulation and control 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 75, nays 0, absent and not voting 20.

Those who voted in the affirmative were:

| | | |
|---------------|----------------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Hendrickson | Olson |
| Akesson | Hill | Paulson |
| Anderson | Hornes | Peart |
| Atwood | Hughes | Pendray |
| Baker of Cass | Jewett | Plath |
| Bjorndahl | Johnson of Bottineau | Ployhar |
| Brusletten | Johnson of McLean | Poe |
| Brynjulson | Johnson of Rolette | Schull |
| Burnett | Kinney of McLean | Sgutt |
| Burns | Kinney of Richland | Sheils |
| Chatfield | Kneeland | Sinclair |
| Christenson | Knox | Skinner |

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|-------------------|--------------------|
| Collins of Cass | Laithwaite | Skulason |
| Collins of Gd. Forks | Linde | Steen |
| Crawford | Lindrig | Storey |
| Cunningham | Lucke | Streeter |
| Davidson | Martin | Thompson of McLean |
| Doyle of McIntosh | McCrea | Thoreson |
| Duncan | Moen of Benson | Traynor |
| Freeman | Moen of Cavalier | Ward |
| Ganssle | Narum | Welford |
| Gibbens | Nelson of McHenry | Wisner |
| Goldammer | Nelson of Steele | Wolbert |
| Hanley | Nelson of Walsh | Young |
| Hemmingson | Nyhus | Mr. Speaker |

Absent and not voting:

| Messrs.— | Messrs.— | Messrs.— |
|-----------------|----------|---------------------|
| Baker of Stark | Grant | Price |
| Dibley | Hale | Putnam |
| Doyle of Foster | Honey | Senour |
| Evans | Kremer | Sorlie |
| Fraine | Law | Thompson, Gd. Forks |
| Garden | McLear | White |
| Geidt | Pound | |

Mr. Dibley being excused.

So the bill passed and the title was agreed to.

Mr. Duncan moved

That the vote by which Senate Bill No. 59 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed

The speaker appointed as a committee to consider House Bills Nos. 26, 222, 326 and 360, Messrs. Johnson of Bottineau, Skulason, Gibbens, Sorlie and Laithwaite.

THIRD READING OF SENATE BILLS.

Senate Bill No. 109,

A bill for an act providing for the removal of cars from spurs and sidetracks of railroads that have been loaded for shipment for billing by the same common carriers, and providing penalties for failure to do same.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 73, nays 0, absent and not voting 22.

Those who voted in the affirmative were:

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|----------------------|---------------------|
| Aasheim | Homnes | Olson |
| Akesson | Honey | Paulson |
| Anderson | Hughes | Peart |
| Bjorndahl | Jewett | Pendray |
| Brusletten | Johnson of Bottinéau | Plath |
| Brynjulson | Johnson of McLean | Ployhar |
| Burns | Kinney of McLean | Poe |
| Chatfield | Kinney of Richland | Senour |
| Christenson | Kneeland | Sheils |
| Collins of Gd. Forks | Knox | Sinclair |
| Crawford | Law | Skinner |
| Cunningham | Laithwaite | Skulason |
| Davidson | Linde | Sorlie |
| Doyle of Foster | Lindvig | Steen |
| Doyle of McIntosh | Lucke | Storey |
| Duncan | Martin | Streeter |
| Evans | McCrea | Thompson, Gd. Forks |
| Freeman | Moen of Benson | Thompson of McLean |
| Ganssle | Moen of Cavalier | Thoreson |
| Gibbens | Narum | Traynor |
| Goldammer | Nelson of McHenry | Ward |
| Hanley | Nelson of Steele | Welford |
| Hemmingson | Nelson of Walsh | Wisner |
| Hendrickson | Nyhus | Mr. Speaker |
| Hill | | |

Absent and not voting:

| Messrs.— | Messrs.— | Messrs.— |
|-----------------|--------------------|----------|
| Atwood | Geidt | Price |
| Baker of Cass | Grant | Putnam |
| Baker of Stark | Hale | Schull |
| Burnett | Johnson of Rolette | Sgutt |
| Collins of Cass | Kremer | White |
| Dibley | McLear | Wolbert |
| Fraine | Pound | Young |
| Garden | | |

Mr. Dibley being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 10,

A bill for an act defining the duties of the register of deeds relating to foreclosure of mortgages on real property by advertisement, and prescribing the penalty for violating 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 63, nays 7, absent and not voting 25.

Those who voted in the affirmative were:

| | | |
|----------------------|----------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Goldammer | Nelson of McHenry |
| Akesson | Hanley | Nelson of Steele |
| Anderson | Hemmingson | Nelson of Walsh |
| Baker of Cass | Hendrickson | Nyhus |
| Baker of Stark | Hill | Olson |
| Bjorndahl | Homnes | Paulson |
| Brusletten | Hughes | Peart |
| Brynjulson | Jewett | Pendray |
| Burns | Johnson of Bottineau | Poe |
| Chatfield | Johnson of Rolette | Sheils |
| Collins of Gd. Forks | Kinney of Richland | Sinclair |
| Crawford | Knox | Skinner |
| Cunningham | Law | Skulason |
| Davidson | Linde | Steen |
| Doyle of Foster | Lindvig | Thompson, Gd. Forks |
| Doyle of McIntosh | Lucke | Thoreson |
| Duncan | Martin | Traynor |
| Evans | McCrea | Ward |
| Freeman | Moen of Benson | Welford |
| Ganssle | Moen of Cavalier | Wisner |
| Gibbens | Narum | Mr. Speaker |

Those who voted in the negative were:

| | | |
|-------------------|--------------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Johnson of McLean | Streeter | Wolbert |
| Kinney of McLean | Thompson of McLean | Young |
| Schull | | |

Absent and not voting:

| | | |
|-----------------|------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Atwood | Hale | Pound |
| Burnett | Honey | Price |
| Christenson | Kneeland | Putnam |
| Collins of Cass | Kremer | Senour |
| Dibley | Laithwaite | Sgutt |
| Fraine | McLear | Sorlie |
| Garden | Plath | Storey |
| Geidt | Ployhar | White |
| Grant | | |

Mr. Dibley being excused.

So the bill passed and the title was agreed to.

Mr. Davidson moved

That the vote by which Senate Bill No. 10 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

There being no objections, the house returned to the seventh order of business.

MOTIONS AND RESOLUTIONS.

Mr. Hanley moved

That the committee report indefinitely postponing House Bill No. 323 be reconsidered.

Which motion prevailed.

Mr. Sorlie moved

That House Bill No. 323 be re-referred to the committee on ways and means.

Which motion prevailed, and
The bill was so re-referred.

REPORTS OF STANDING COMMITTEES.

The committee on engrossment made the following report:

Mr. Speaker:

Your committee on engrossment have examined
House Bill No. 388,

A bill for an act to require telephone exchanges to contract with telephone toll lines, for the greater convenience of the public in transmitting telegraphic messages.

And find the same correctly re-engrossed.

C. C. CRAWFORD,
Chairman.

Mr. Crawford moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on engrossment have examined
House Bill No. 33,

A bill for an act to amend section 1380 of the revised codes of 1905, as amended in chapter 42 of the session laws of 1907.

Also,

House Bill No. 372,

A bill for an act, entitled an act prohibiting the use, sale or purchase of any device known as a silencer to be used on any fire arm.

Also,

House Bill No. 380,

A bill for an act to amend, repeal and re-enact section 15, chapter 45 of the laws of 1907, relating to commission system for government of cities.

Also,

House Bill No. 13,

An act to limit the expenses of candidates for nomination to public offices before the primary.

Also,

House Bill No. 101,

For an act prohibiting liquor dealers, breweries, and wholesale managing liquor houses from advertising or having agents in this state for the purpose of soliciting orders for intoxicating liquors.

Also,

House Bill No. 112,

A bill for an act to regulate dealers in nursery stock and their agents and salesmen in the state of North Dakota, and to provide a nursery inspector.

And find the same correctly engrossed.

C. C. CRAWFORD,
Chairman.

Mr. Crawford moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

There being no objections, the house returned to the eleventh order of business.

THIRD READING OF HOUSE BILLS.

House Bill No. 13,

An act to limit the expenses of candidates for nomination to public offices before the primary.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 47, nays 29, absent and not voting 19.

Those who voted in the affirmative were:

| | | |
|----------------------|----------------------|--------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Anderson | Gibbens | Nelson of Steele |
| Baker of Stark | Goldammer | Nelson of Walsh |
| Bjorndahl | Hill | Nyhus |
| Brusletten | Homnes | Poe |
| Brynjulson | Honey | Sgutt |
| Chatfield | Hughes | Sheils |
| Christenson | Johnson of Bottineau | Skinner |
| Collins of Gd. Forks | Johnson of McLean | Skulason |
| Crawford | Johnson of Rolette | Sorlie |
| Cunningham | Kinney of McLean | Storey |
| Davidson | Kneeland | Streete. |
| Doyle of Foster | Lindvig | Thompson of McLean |
| Doyle of McIntosh | Lucke | Traynor |
| Duncan | Moen of Benson | Welford |
| Evans | Moen of Cavalier | Young |
| Freeman | Narum | |

Those who voted in the negative were:

| | | |
|--------------------|-------------------|-------------|
| Messrs.— | Messrs.— | Messrs.— |
| Akesson | Law | Plath |
| Baker of Cass | Laithwaite | Ployhar |
| Collins of Cass | Linde | Schull |
| Ganssle | Martin | Senour |
| Hale | McCrea | Sinclair |
| Hemmingson | Nelson of McHenry | Steen |
| Hendrickson | Olson | Thoreson |
| Jewett | Paulson | Ward |
| Kinney of Richland | Peart | Mr. Speaker |
| Knox | Pendray | |

Absent and not voting:

| | | |
|----------|----------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Geidt | Price |
| Atwood | Grant | Putnam |
| Burnett | Hanley | Thompson, Gd. Forks |
| Burns | Kremer | White |
| Dibley | McLear | Wisner |
| Fraine | Pound | Wolbert |
| Garden | | |

Mr. Streeter explained his vote.

Mr. Speaker explained his vote

Mr. Dibley being excused.

So the bill was lost.

Mr. Skulason gave notice that he would at 2:30 o'clock p. m. tomorrow move to reconsider the vote by which House Bill No. 13 was lost.

House Bill No. 101,

A bill for an act prohibiting liquor dealers, brewers and wholesale liquor houses from advertising or having agents in this state for the purpose of soliciting orders for intoxicating liquors.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 52, nays 33, absent and not voting 10.

Those who voted in the affirmative were:

| Messrs.— | Messrs.— | Messrs.— |
|-------------------|--------------------|---------------------|
| Anderson | Honey | Ployhar |
| Bjorndahl | Johnson of McLean | Poe |
| Brusletten | Kinney of McLean | Putnam |
| Chatfield | Kinney of Richland | Sheils |
| Christenson | Kneeland | Sinclair |
| Collins of Cass | Knox | Skulason |
| Crawford | Law | Sorlie |
| Cunningham | Laithwaite | Steen |
| Davidson | Lindvig | Storey |
| Doyle of Foster | Lucke | Thompson, Gd. Forks |
| Doyle of McIntosh | McCrea | Thoreson |
| Ganssle | Moen of Benson | Ward |
| Garden | Nelson of Steele | Welford |
| Gibbens | Olson | White |
| Goldammer | Paulson | Wisner |
| Hemmingson | Peart | Wolbert |
| Hill | Pendray | Mr. Speaker |
| Homnes | | |

Those who voted in the negative were:

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|----------------------|--------------------|
| Aasheim | Hale | Nelson of McHenry |
| Akesson | Hanley | Nyhus |
| Baker of Cass | Hendrickson | Plath |
| Baker of Stark | Hughes | Price |
| Brynjulson | Jewett | Schull |
| Burns | Johnson of Bottineau | Senour |
| Collins of Gd. Forks | Johnson of Rolette | Skinner |
| Duncan | Linde | Streeter |
| Evans | Martin | Thompson of McLean |

Messrs.—
Freeman
Geidt

Messrs.—
Moen of Cavalier
Narum

Messrs.—
Traynor
Young

Absent and not voting:

Atwood
Burnett
Dibley
Fraine

Grant
Kremer
McLear

Nelson of Walsh
Pound
Sgutt

Mr. Johnson of Bottineau explained his vote.

Mr. Traynor explained his vote.

Mr. Dibley being excused.

So the bill passed and the title was agreed to.

Mr. Olson moved

That the vote by which House Bill No. 101 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill 112,

A bill for an act to regulate dealers in nursery stock and their agents and salesmen in the state of North Dakota, and to provide a nursery inspector.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 73, nays 9, absent and not voting 13.

Those who voted in the affirmative were:

Messrs.—
Aasheim
Akesson
Anderson
Atwood
Baker of Cass
Baker of Stark
Bjorndahl
Brusletten
Brynjulson
Chatfield
Christenson
Collins of Cass
Collins of Gd. Forks
Crawford
Cunningham
Davidson
Doyle of Foster
Doyle of McIntosh
Duncan
Evans
Garden

Messrs.—
Hemmingson
Hendrickson
Hill
Homnes
Honey
Jewett
Johnson of Bottineau
Johnson of McLean
Kinney of McLean
Kneeland
Knox
Law
Laithwaite
Lindvig
Lucke
Martin
McCrea
Moen of Benson
Moen of Cavalier
Narum
Nelson of McHenry

Messrs.—
Paulson
Plath
Ployhar
Poe
Price
Putnam
Schull
Senour
Sheils
Skinner
Skulason
Storey
Streeter
Thompson, Gd. Forks
Thompson of McLean
Thoreson
Traynor
Ward
Welford
White
Wisner

| | | |
|-----------|------------------|-------------|
| Messrs.— | Messrs.— | Messrs.— |
| Gibbens | Nelson of Steele | Wolbert |
| Goldammer | Nelson of Walsh | Young |
| Hale | Olson | Mr. Speaker |
| Hanley | | |

Those who voted in the negative were:

| | | |
|--------------------|--------------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Burns | Kinney of Richland | Pendray |
| Hughes | Linde | Sinclair |
| Johnson of Rolette | Nyhus | Steen |

Absent and not voting:

| | | |
|----------|----------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Burnett | Geldt | Peart |
| Dibley | Grant | Pound |
| Fraine | Kremer | Sgutt |
| Freeman | McLear | Sorlie |
| Ganssle | | |

Mr. Dibley being excused.

So the bill passed and the title was agreed to.

Mr. Anderson moved

That the vote by which House Bill No. 13 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

Mr. Skulason moved

That the vote by which House Bill No. 13 was lost be reconsidered.

Which motion prevailed.

House Bill No. 13,

An act to limit the expenses of candidates for nomination to public offices before the primary.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 59, nays 26, absent and not voting 10.

Those who voted in the affirmative were:

| | | |
|-------------|----------------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Hill | Price |
| Anderson | Homes | Sgutt |
| Atwood | Honey | Sheils |
| Bjorndahl | Hughes | Skinner |
| Brusletten | Johnson of Bottineau | Skulason |
| Brynjulson | Johnson of McLean | Sorlie |
| Chatfield | Johnson of Rolette | Storey |
| Christenson | Kinney of McLean | Streeter |

| | | |
|----------------------|------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Collins of Cass | Kneeland | Thompson, Gd. Forks |
| Collins of Gd. Forks | Law | Thompson of McLean |
| Crawford | Lindvig | Thoreson |
| Cunningham | Lucke | Traynor |
| Davidson | Moen of Benson | Ward |
| Doyle of Foster | Moen of Cavalier | Welford |
| Duncan | Narum | White |
| Freeman | Nelson of Steele | Wisner |
| Garden | Nelson of Walsh | Wolbert |
| Gibbens | Nyhus | Young |
| Goldammer | Olson | Mr. Speaker |
| Hanley | Ployhar | |

Those who voted in the negative were:

| | | |
|-------------------|--------------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Akesson | Hendrickson | Paulson |
| Baker of Cass | Jewett | Pendray |
| Baker of Stark | Kinney of Richland | Plath |
| Burns | Knox | Poe |
| Doyle of McIntosh | Laithwaite | Schull |
| Evans | Linde | Senour |
| Ganssle | Martin | Sinclair |
| Hale | McCrea | Steen |
| Hemmingson | Nelson of McHenry | |

Absent and not voting:

| | | |
|----------|----------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Burnett | Grant | Peart |
| Dibley | Kremer | Pound |
| Fraine | McLear | Putnam |
| Geidt | | |

Mr White explained his vote.

Mr. Speaker explained his vote.

Mr. Dibley being excused.

So the bill passed and the title was agreed to.

Mr. Doyle of Foster moved

That the vote by which House Bill No. 13 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 388,

A bill for an act to require telephone exchanges to contract with telephone toll lines, for the greater convenience of the public in transmitting telegraphic messages.

Was read the third time

The question being on the final passage of the bill;

The roll was called and there were ayes 68, nays 6, absent and not voting 21.

Those who voted in the affirmative were:

| | | |
|----------------------|--------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Hale | Pearl |
| Akesson | Hanley | Pendray |
| Anderson | Hemmingson | Plath |
| Atwood | Hendrickson | Ployhar |
| Baker of Stark | Hill | Schull |
| Bjorndahl | Homnes | Scutt |
| Brusletten | Honey | Sheils |
| Brynjulson | Hughes | Sinclair |
| Burns | Jewett | Skinner |
| Christenson | Johnson of McLean | Skulason |
| Collins of Cass | Johnson of Rolette | Steen |
| Collins of Gd. Forks | Kinney of McLean | Storey |
| Crawford | Kneeland | Thompson, Gd. Forks |
| Cunningham | Law | Thompson of McLean |
| Doyle of Foster | Linde | Thoreson |
| Doyle of McIntosh | McCrea | Traynor |
| Duncan | Moen of Benson | Ward |
| Evans | Moen of Cavalier | Welford |
| Freeman | Narum | White |
| Ganssle | Nelson of Steele | Wisner |
| Garden | Nelson of Walsh | Young |
| Gibbens | Nyhus | Mr. Speaker |
| Goldammer | Olson | |

Those who voted in the negative were:

| | | |
|----------|----------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Knox | Poe | Streeter |
| Lucke | Sorlie. | Wolbert |

Absent and not voting:

| | | |
|---------------|----------------------|-------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Baker of Cass | Grant | McLear |
| Burnett | Johnson of Bottineau | Nelson of McHenry |
| Chatfield | Kinney of Richland | Paulson |
| Davidson | Kremer | Pound |
| Dibley | Laithwaite | Price |
| Fraine | Lindvig | Putnam |
| Geidt | Martin | Senour |

Mr. Dibley being excused.

So the bill passed and the title was agreed to.

Mr. Bjorndahl moved

That the vote by which House Bill No. 388 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed

THIRD READING OF SENATE BILLS.

Senate Bill No. 72,

A bill for an act creating the office of forest fire warden and prescribing the powers, duties and compensations of such office.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 63, nays 1, absent and not voting 31.

Those who voted in the affirmative were:

| Messrs.— | Messrs.— | Messrs.— |
|-------------------|--------------------|---------------------|
| Aasheim | Hill | Pearl |
| Akesson | Honey | Pendray |
| Anderson | Hughes | Plath |
| Atwood | Jewett | Poe |
| Baker of Stark | Johnson of McLean | Schull |
| Bjorndahl | Johnson of Rolette | Senour |
| Brusletten | Kinney of McLean | Sheils |
| Brynjolfson | Kinney of Richland | Sinclair |
| Christenson | Kneeland | Skulason |
| Crawford | Knox | Sorlie |
| Cunningham | Law | Steen |
| Doyle of McIntosh | Linde | Storey |
| Duncan | Lindvig | Thompson, Gd. Forks |
| Evans | Lucke | Thompson of McLean |
| Freeman | Moen of Benson | Thoreson |
| Ganssle | Moen of Cavalier | Ward |
| Gibbins | Narum | White |
| Hale | Nelson of Walsh | Wisner |
| Hanley | Nyhus | Wolbert |
| Hemmingson | Olson | Young |
| Hendrickson | Paulson | Mr. Speaker |

Absent and not voting:

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|----------------------|------------------|
| Baker of Cass | Goldammer | Nelson of Steele |
| Burnett | Grant | Ployhar |
| Chatfield | Homnes | Pound |
| Collins of Cass | Johnson of Bottineau | Price |
| Collins of Gd. Forks | Kremer | Putnam |
| Davidson | Laithwaite | Sgutt |
| Dibley | Martin | Skinner |
| Doyle of Foster | McCrea | Streeter |
| Fraine | McLear | Traynor |
| Garden | Nelson of McHenry | Welford |
| Geldt | | |

Mr. Burns voting in the negative.

Mr. Dibley being excused.

So the bill passed and the title was agreed to.

There being no objections the house returned to the seventh order of business.

MOTIONS AND RESOLUTIONS.

Mr. Senour moved

That the vote by which the committee indefinitely postponed Senate Bill No. 161 be reconsidered.

Mr. Brusletten moved

That the motion to reconsider House Bill No. 161 be laid on the table.

Which motion prevailed.

THIRD READING OF SENATE BILLS.

Senate Bill No. 142,

A bill for an act authorizing the state auditor to advance such sums to the treasurer of the state penitentiary as may be necessary for the purpose of paying for the raw material and supplies necessary for the operation of the twine plant, and for conducting the business of the institution; providing that the warden of the state penitentiary or the board of trustees thereof, shall execute in writing a requisition setting forth the reason therefor.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 66, nays 0, absent and not voting 29.

Those who voted in the affirmative were:

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|--------------------|--------------------|
| Aasheim | Hemmingson | Nelson, of Walsh |
| Akesson | Hendrickson | Nyhus |
| Anderson | Hill | Oison |
| Atwood | Homnes | Paulson |
| Baker of Cass | Honey | Peart |
| Baker of Stark | Hughes | Plath |
| Bjorndahl | Jewett | Poe |
| Brusletten | Johnson of McLean | Sheils |
| Brynjulson | Johnson of Rolette | Skinner |
| Chatfield | Kinney of McLean | Skulason |
| Christenson | Kinney of Richland | Sorlie |
| Collins of Cass | Knox | Steen |
| Collins of Gd. Forks | Law | Storey |
| Crawford | Laithwaite | Streeter |
| Cunningham | Linde | Thompson of McLean |
| Doyle of McIntosh | Lindvig | Thoreson |
| Evans | Lucke | Ward |
| Ganssle | Martin | Welford |
| Garden | McCrea | Wisner |
| Goldammer | Moen of Benson | Wolbert |

Messrs.—

Hale
Hanley

Messrs.—

Moen of Cavalier
Narum

Messrs.—

Youn
Mr. Speaker**Absent and not voting:**

Messrs.—

Burnett
Burns
Davidson
Dibley
Doyle of Foster
Duncan
Fraine
Freeman
Geidt
Gibbens

Messrs.—

Grant
Johnson of Bottineau
Kneeland
Kremer
McLear
Nelson of McHenry
Nelson of Steele
Pendray
Ployhar
Pound

Messrs.—

Price
Putnam
Schull
Senour
Sgutt
Sinclair
Thompson, Gd. Forks
Traynor
White

Mr. Dibley being excused.

Mr. Sorlie moved

That the vote by which Senate Bill No. 142 passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Senate Bill No. 141,

A bill for an act to amend section 10,387 of the code of criminal procedure of the revised codes of 1905, relating to the fiscal year and sinking fund of the twine plant.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 69, nays 0, absent and not voting 26.

Those who voted in the affirmative were:

Messrs.—

Aasheim
Akesson
Anderson
Atwood
Baker of Cass
Baker of Stark
Bjorndahl
Brusletten
Brynjulson
Burnett
Chatfield
Christenson
Collins of Cass
Collins of Gd. Forks
Crawford
Cunningham
Davidson

Messrs.—

Hanley
Hemmingson
Hendrickson
Hill
Homnes
Honey
Hughes
Johnson of McLean
Johnson of Rolette
Kinney of McLean
Kinney of Richland
Knox
Law
Laithwaite
Linde
Lindvig
Lucke

Messrs.—

Nelson of Walsh
Nyhus
Paulson
Peart
Poe
Schull
Sheils
Skinner
Skulason
Sorlie
Steen
Storey
Streeter
Thompson, Gd. Forks
Thompson of McLean
Thoreson
Ward

| | | |
|-------------------|------------------|-------------|
| Messrs.— | Messrs.— | Messrs.— |
| Doyle of McIntosh | Martin | Welford |
| Duncan | McCrea | White |
| Evans | Moen of Benson | Wisner |
| Ganssle | Moen of Cavalier | Wolbert |
| Garden | Narum | Young |
| Goldammer | Nelson of Steele | Mr. Speaker |

Absent and not voting:

| | | |
|-----------------|----------------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Burns | Jewett | Ployhar |
| Dibley | Johnson of Bottineau | Pound |
| Doyle of Foster | Kneeland | Price |
| Fraine | Kremer | Putnam |
| Freeman | McLear | Senour |
| Geidt | Nelson of McHenry | Sgutt |
| Gibbens | Olson | Sinclair |
| Grant | Pendray | Traynor |
| Hale | Plath | |

Mr. Dibley being excused.

So the bill passed and the title was agreed to.

Mr. Sorlie moved

That the vote by which Senate Bill No. 141 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

Senate Bill No. 140,

A bill for an act authorizing the board of trustees of the North Dakota state penitentiary to operate the twine plant more than ten hours per day; authorizing the employment of the inmates of the North Dakota state penitentiary during any part of the day; authorizing the board of trustees of the North Dakota state penitentiary to pay inmates, not to exceed the sum of six cents per day, for their labor; except that inmates working over time in the factory may be paid extra for over time; prescribing rules to be observed in the payment of wages, and the keeping of the accounts; providing that the wife, minor children or other person dependent on the inmate for support shall receive five-sixths of the wages, and otherwise providing for the manner in which the wages may be paid; and providing for a general inmates' benefit fund.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 59, nays 11, absent and not voting 25.

Those who voted in the affirmative were:

| | | |
|----------------------|----------------------|--------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Gibbens | Nelson of Steele |
| Akesson | Goldammer | Nelson of Walsh |
| Anderson | Hale | Paulson |
| Atwood | Hanley | Peart |
| Baker of Cass | Hemmingson | Poe |
| Baker of Stark | Hendrickson | Senour |
| Bjorndahl | Hill | Sgutt |
| Brusletten | Homnes | Skulason |
| Brynjulson | Honey | Sorlie |
| Christenson | Hughes | Steen |
| Collins of Gd. Forks | Jewett | Storey |
| Crawford | Johnson of Bottineau | Thompson of McLean |
| Cunningham | Knox | Thoreson |
| Davidson | Law | Traynor |
| Doyle of Foster | Laithwaite | Ward |
| Doyle of McIntosh | Linde | Welford |
| Duncan | Martin | Wisner |
| Ewans | Moen of Benson | Wolbert |
| Ganssle | Moen of Cavalier | Mr. Speaker |
| Garden | Narum | |

Those who voted in the negative were:

| | | |
|--------------------|----------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Johnson of McLean | Lucke | Streeter |
| Kinney of McLean | Schull | Thompson, Gd. Forks |
| Kinney of Richland | Sheils | Young |
| Lindvig | Skinner | |

Absent and not voting:

| | | |
|-----------------|--------------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Burnett | Johnson of Rolette | Pendray |
| Burns | Kneeland | Plath |
| Chatfield | Kremer | Ployhar |
| Collins of Cass | McCrea | Pound |
| Dibley | McLear | Price |
| Fraine | Nelson of McHenry | Putnam |
| Freeman | Nyhus | Sinclair |
| Geidt | Olson | White |
| Grant | | |

Mr. Skinner explained his vote.

Mr. Dibley being excused.

So the bill passed and the title was agreed to.

Mr. Wolbert moved

That the vote by which Senate Bill No. 140 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

Mr. Doyle of McIntosh gave notice that he would introduce a concurrent resolution appropriating money this afternoon.

Mr. Garden moved

That the vote by which the committee report indefinitely postponing Senate Bill No. 107 be reconsidered.

Which motion prevailed.

Mr. Garden moved

That Senate Bill No. 107 be re-referred to the committee on temperance.

Which motion prevailed, and

The bill was so re-referred.

COURTESIES OF THE FLOOR.

The privileges of the floor were extended to J. M. Wetherow, Moorhead.

Mr. Honey moved

That the house do now adjourn.

Which motion prevailed, and

The house adjourned.

W. D. AUSTIN,
Chief Clerk.

FIFTY-EIGHTH DAY

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
March 3, 1909.

The house assembled at 2 o'clock p. m., pursuant to adjournment.

The speaker presiding.

Prayer by the chaplain.

Roll call.

All members present except Messrs. Dibley and Grant, who were excused.

The committee on revision and correction of the journal made the following report:

Mr. Speaker:

Your committee on revision and correction of the journal have carefully examined the journal of the fifty-sixth day after recess and the fifty-seventh day and find the same correct.

And recommend that the same be approved.

S. J. DOYLE,
Chairman

Mr. Doyle moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
March 3, 1909.

Mr. Speaker:

I have the honor to transmit herewith
Senate Bill No. 323,

A bill for an act to amend section 537 of the revised codes of 1905 of the state of North Dakota, relating to the bonds of notaries public.

Also,

Senate Bill No. 324;

A bill for an act making it unlawful for any person to receive the proceeds or earnings of any woman engaged in prostitution.

Also,

Senate Bill No. 327,

A bill for an act to amend section 8899 of the revised codes of North Dakota of 1905, defining the offence of inveigling into house of prostitution and prescribing the punishment therefor.

Also,

Senate Bill No. 330,

A bill for an act defining the crime of fornication, and prescribing the punishment therefor.

Also,

Senate Bill No. 332,

A bill for an act defining the crime of detention of a woman in a house of ill-fame against her will, and prescribing the punishment therefor.

Also,

Senate Bill No. 337,

A bill for an act to prohibit the using of indecent, immoral, obscene or insulting language in the presence of or to any woman or child.

Also,

Senate Bill No. 325,

A bill for an act to amend section 2335 of the revised codes of the state of North Dakota of 1905, relating to the transcribing of records in newly organized counties.

Also,

Senate Bill No. 335,

A bill for an act defining the crime of assault and battery with intent to do great bodily harm, and prescribing the punishment therefor.

Also,

Senate Bill No. 130,

A bill for an act defining, creating and regulating corporations, and to amend sections 4165, 4169, 4173, 4175, 4176, 4177, 4178, 4185, 4186, 4200 4217 and 4224 of the revised code of 1905 relating to corporations.

Also,

Senate Bill No. 283,

A bill for an act, entitled an act to amend section 8893, 8894, 8895 and 8896 of the revised codes of North Dakota, defining rape and prescribing punishment therefor.

Also,

Senate Bill No. 282,

A bill for an act, entitled an act to amend chapter 41 of the session laws of the state of North Dakota, enacted by the tenth session of the legislative assembly of said state, relating to bounties for tree planting.

Also,

Senate Bill No. 294,

A bill for an act to amend section 437 of the revised codes of North Dakota for the year 1905, relating to the qualifications of deputies and clerks in state, county and municipal offices.

Also,

Senate Bill No. 300,

A bill for an act to amend section 6710 of the revised codes of 1905, relating to holidays.

Also,

Senate Bill No. 318,

A bill for an act to provide for paving, curbing, grading or improving the highways, streets or avenues in civil townships adjoining incorporated cities of not less than 6,000 inhabitants, and for the construction of a system of sewerage and water mains therein.

Which the senate has passed and your favorable consideration is respectfully requested.

Also,

Mr. Speaker:

I have the honor to return herewith

House Bill No. 172,

A bill for an act making appropriation for the Valley City normal school located in Valley City, Barnes county, North Dakota.

Also,

House Bill No. 179,

A bill for an act to provide an appropriation for the current and contingent expenses and for permanent improvements for the state school of science at Wahpeton.

Also,

House Bill No. 197,

A bill for an act, entitled an act making appropriations for permanent improvements at the state university and school of mines of North Dakota.

Which the senate has indefinitely postponed.

Also,

Mr. Speaker:

I have the honor to inform you that the senate desires a special conference committee of two on Senate Bill No. 274 and House Bill No. 339, bills of similar purport, and the president has named as senate conferees, Messrs Crane and Duis.

Very respectfully,

J. W. FOLEY,

Secretary.

PETITONS AND COMMUNICATIONS.

To the Honorable Legislative Body of the State of North Dakota:

We, the undersigned citizens of Gackle and vicinity, knowing the conditions of the weather on November 30th, 1908, and all the conditions that Mr. Charles Walker contended with while conveying a teacher to an isolated school house in Logan county, N. D., and also knowing that but for his individual efforts in zeal in protecting the lady (efforts seldom ever equalled), she surely would have lost her life, but escaped with comparatively no injury.

Mr. Walker has suffered from the loss of both hands and feet.

Immediate aid has been rendered by the citizens of the county of Logan.

Mr. Walker has been an honest workman, worthy of the aid or commendation of the state of North Dakota, for which we hereby petition your honorable body.

D. J. HOGAN,
And 34 Others.

REPORTS OF STANDING COMMITTEES.

The committee on municipal corporations made the following report:

Mr. Speaker:

Your committee on municipal corporations to whom was referred

Senate Bill No. 30,

A bill for an act authorizing cities incorporated under the laws of this state to regulate and fix the rates to be charged by persons, firms or corporations furnishing water, light, or other public service or utility to such cities and the inhabitants thereof.

Have had the same under consideration and recommend that the same be amended as follows:

In the fourth line of the title in the engrossed bill strike

out the word "manufactured"; also strike out "manufactured" in line 7 of section 1 of the engrossed bill.

And when so amended recommend the same do pass.

F. G. KNEELAND,
Chairman.

Mr. Kneeland moved

That the rules be suspended and the report of the committee be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The speaker appointed as a conference committee to confer with a like committee from the senate on Senate Bill No. 274 and House Bill No. 339, Messrs. Hale and Honey.

The committee on taxation and tax laws made the following report:

Mr. Speaker:

A majority of your committee on taxes and tax laws to whom was referred

Senate Bill No. 288,

A bill for an act to amend chapter 218 of the session laws of North Dakota, 1907, relating to property exempt from taxation.

Have had the same under consideration and recommend that the same be indefinitely postponed.

JOHN STEEN,
Chairman.

Also,

A minority of your committee on taxes and tax laws to whom was referred

Senate Bill No. 288,

A bill for an act to amend chapter 218 of the session laws of North Dakota, 1907, relating to property exempt from taxation.

Have had the same under consideration and recommend that the same be amended as follows:

In line 24, section 6, page 2 of the printed bill, after the word "hospitals" strike out the following words, "used wholly or in part for public charity," and insert in lieu

thereof the following, "having two or more beds at all times for charitable purposes only."

And when so amended recommend the same do pass.

FRED J. TRAYNOR,
J. B. AKESSON.

Mr. Ployhar moved

That the rules be suspended and the minority report of the committee be adopted.

Mr. Steen moved

That the majority report of the committee be adopted.

Mr. Linde moved the previous question.

Which motion prevailed.

The question being upon the motion to adopt the minority report.

The same was lost.

The question being upon the motion to adopt the majority report.

The same prevailed, and

The further consideration of the bill was indefinitely postponed.

Also,

Your committee on taxation and tax laws to whom was referred

Senate Bill No. 279,

A bill for an act, entitled an act to repeal section 2478 of the revised codes of the state of North Dakota, relating to partial payment of taxes.

Have had the same under consideration and recommend that the same be indefinitely postponed.

JOHN STEEN,
Chairman.

Mr. Steen moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Also,

Your committee on taxation and tax laws to whom was referred

Senate Bill No. 280,

A bill for an act, entitled an act to repeal section 1544 of the revised codes of the state of North Dakota, relating to county treasurers and the collection of taxes.

Have had the same under consideration and recommend that the same be indefinitely postponed.

JOHN STEEN,
Chairman.

Mr. Steen moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

REPORT OF SPECIAL COMMITTEE.

Mr. Speaker:

Your committee appointed as provided by a concurrent resolution of this house, on the 18th day of this session, to act with a like committee from the senate, for the purpose of accepting or creating a design for a state flag, have carefully considered the matter, and beg leave to submit this, our final report.

First, we would recommend the adoption of a state flag designed as follows:

The state flag of North Dakota shall be in size 4 1-2 feet wide by 6 feet in length; it shall be made of white silk, and there shall be a 6-inch border on the margin thereof of pure white; on both sides of the flag shall appear, immediately below the 6-inch strip of white, an azure blue stripe 6 inches wide and 5 feet long, then an exposure of 18 inches in width of the white back ground, 5 feet long, and in the center of which shall appear the great seal of the state, the same to be 16 inches in diameter; at the left of the seal shall appear in large letters the word "North" and at the right of the seal in large letters the word "Dakota"; immediately below the 18-inch stripe of white shall appear a stripe of red, 12 inches wide and 5 feet in length; in the blue stripe, and immediately over the great seal, shall appear a white star, 10 inches from point to point, and in the center of this star shall appear the figures "39," the same being the number of North Dakota as a state; at the left of the star shall

appear "March 4th" and at the right of the star the figures "1909"; immediately below the great seal and in the red stripe, shall appear a sheaf of golden grain, at the right and left of the sheaf in the red stripe shall appear the wild prairie rose. The staff shall be of good white ash, or other light, strong wood, and shall be 9 feet long and 1 1-2 inches in diameter, and shall bear at the top a spear head, in the center of which shall be the number "39,"

Second, we would recommend that the governor, secretary of state, superintendent of public instruction, and their successors in office, be constituted and designated a board of state flag commissioners, and that they be authorized to procure at the expense of the state, a model of the design herewith submitted, such flag known as the state flag of

North Dakota, and be at all times in the custody and under the control of said board of flag commissioners, and to be by them used and displayed at such times and places as they may direct. We have carefully considered and studied various designs submitted to us, and we desire at this time to express the gratitude of the people of the state of North Dakota to those who have helped us in the consideration of this matter. We are particularly grateful to Mrs. Rev. Harris of Bismarck, Mrs. C. O. Kloven of Northwood, Capt. R. W. Main of Cando, J. B. Jackson of Bismarck, Mrs. L. D. Wisner of Larimore, Mrs. J. G. Kneeland of Jamestown, Mrs. H. J. Linde of Plaza, and others, for the helpful suggestions offered, and your committee sincerely hope and trust that the design herewith submitted will meet with the approval of not only the present but future generations

For the House—

V. S. WISNER,
OLE PAULSON,
H. N. BJORND AHL,

For the Senate—

J. E. STEVENS,
E. S. NEAL,
ALFRED STEEL.

REPORT OF CONFERENCE COMMITTEE.

To the Senate and House of Representatives :

Gentlemen: Your joint conference committee on

House Bill No. 156,

A bill for an act for the protection of game, fish, wild birds and fur bearing wild animals, and creating the offices of state district game and fish wardens, deputies, board of control, state fish commissioner, and defining their duties and jurisdiction.

Have had the same under consideration and beg leave to submit the following:

The bill was introduced, amended and passed the house, and was again amended and passed by the senate, and by that body was transmitted to the house on the fifty-fourth day, and on the same day the house refused to concur in the senate amendment, and asked for a conference committee, appointing on said committee Messrs. Fraine, Duncan and Honey, and the senate appointed as senate conferees Messrs. Koffel, Talcott and Baker.

The joint conference committee met on the first day of March and organized by the election of Mr. Koffel as chairman, and took up the consideration of the measure, and after due consideration, your committee recommends that the senate recede from certain amendments made by that body, and that the house recede from certain provisions and amendments made by it, so that the bill will read as follows, to-wit:

A Bill for an Act Creating a State Game and Fish Board of Control and Chief Game Wardens and State Fish Commissioner, Deputies and Wardens and defining their Duties and Jurisdiction, and for the Protection, Propagation, Preservation, Taking, Use and Transportation of Game, Fish, Wild Birds, Fur Bearing Animals, and Certain Harmless Birds and Animals.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

Section 1. The ownership of and title to all wild birds, fish and fur bearing wild animals in the state of North Dakota, is hereby declared to be in the state, and no fish, wild birds, or wild animals which are protected by law shall be caught, taken or killed in any manner or at any time, or had in possession, except the person so catching, taking, killing or having in possession shall consent that the title of said fish, wild birds, or wild animals shall be and remain in the state of North Dakota for the purpose of regulating and controlling the use and disposition of the same after such catching, taking or killing. Any person catching, taking, killing or having in possession any wild birds or wild animals at any time, or in any manner shall be deemed to consent that the title to the same shall be and remain in the state for the purpose of regulating the use and disposition

thereof and such possession shall be deemed the consent of such person aforesaid whether said game or fish were taken within or without the state.

Sec. 2. The state of North Dakota shall be divided into two districts to be known as "Game District No. 1," and "Game District No. 2."

Game District No. 1 shall consist of the following counties: Pembina, Walsh, Grand Forks, Nelson, Ramsey, Cavalier, Benson, Eddy, Towner, Wells, Pierce, Rolette, McLean, McHenry, Bottineau, Ward, Montrail, Williams and McKenzie.

Game District No. 2 shall consist of the following counties: Traill, Steele, Griggs, Foster, Cass, Barnes, Stutsman, Richland, Ransom, LaMoure, Sargent, Dickey, McIntosh, Logan, Emmons, Kidder, Oliver, Burleigh, Morton, Hettinger, Bowman, Billings, Stark, Dunn, Mercer and Adams.

Sec. 3. Board of Control—Appointment—Terms.) A state board of control is hereby created, consisting of five members to be appointed by the governor. Three members of such commission shall be appointed for a term of two years, commencing on the first day of April of the year 1909, and two members of such commission shall be appointed for a term of four years, commencing on the first day of April, 1909, and thereafter such appointment shall be made for a term of four years commencing at the expiration of such term. Vacancies arising from any cause shall be filled by the governor. Said commission shall hold its first meeting on the second Tuesday of the month succeeding its appointment and organize by electing one of said board as president, one of said board as vice president, and one of said board as secretary.

A quorum of said board shall consist of not less than three members.

Meetings, Compensations.) The state game and fish board of control after its organization may hold its meetings at any point in the state at such time and place as the president may designate, but there shall not be to exceed four regular meetings each year; provided, that the president of the board shall have power to call special meetings whenever in his judgment it becomes necessary.

The members of said board shall receive as compensation for their services the sum of \$3.00 per day for each day in attending such meeting, and all expenses actually and necessarily incurred in traveling to and from such meeting, which sum shall be paid by the state treasurer out of the game and fish fund upon vouchers of the board duly certified by the president and secretary thereof.

Rules and Regulations.) The board shall establish rules and regulations and employ the most efficient and practical means to carry out the provisions of this act. They shall require of the chief warden executive agent a monthly report in full, a copy of which shall be mailed to each member of the board, stating the names and numbers of employes, territory assigned (by counties), compensation paid, number of arrests, convictions and fines.

Members shall serve without compensation except for necessary expenses to be paid upon an itemized statement thereof duly audited by said board.

Sec. 4. General Powers—Duties.) Said board shall enforce the laws of this state involving the protection and propagation of all game animals, game birds, fish and harmless birds and animals.

1. The propagation and preservation of such variety of game and fish as it shall deem to be of public value.

2. The collection and diffusion of such statistics and information as shall be germane to the purpose of this act.

3. The construction, control and management of all state fish hatcheries, including the control of ground owned or leased for such purposes.

4. The receiving from the United States commissioner of fisheries or other persons, and the gathering, purchase and distribution to the waters of this state of all fish spawn or fry.

5. The taking of fish from the public waters of the state for the propagation and stocking of other waters therein.

6. The seizure and disposition of all wild birds, wild animals and fish, either taken, killed, transported or possessed contrary to law, of all dogs, guns, seines, nets, boats, lights or other instrumentalities unlawfully used or held with intent to use, in pursuing, taking or attempting to take, concealing or disposing of the same, and for these purposes it is hereby authorized and empowered to make all such rules and regulations for the conduct of the business of said board as it may deem expedient.

Sec. 5. Reports and Records.) Said board shall, on or before December 1 of each even numbered year, submit to the governor a detailed report of its actions, including the amount of money received from all sources, and inventory of all birds, game fish, guns, dogs, seines, nets and other property seized and sold, with the names of the purchasers, and the amount received, and an itemized statement of its disbursements. The books and vouchers of said board shall be subject to examination by the public examiner at all times.

Sec. 6. Chief Game Warden.) The board shall appoint a chief game warden for each of the game districts mentioned in Sec. 2 of this act who shall devote all his time to the discharge of his duties, and shall receive compensation therefor to be fixed by said board, not exceeding fifteen hundred dollars per year, and actual expenses necessarily incurred in the discharge of his official duties. He shall act as such chief game warden during the pleasure of the board, and be subject to its direction. When the board is not in session, he is hereby authorized to exercise in its name all the rights, powers and authority vested in said board. Before entering upon the discharge of his duties he shall give a bond to the state of North Dakota, with sureties or security, to be approved by the board, in the penal sum of five thousand (5,000) dollars conditioned for the faithful accounting for all state property coming into his hands.

Sec. 7. Fish Commissioner.) The board shall appoint a state fish commissioner who shall devote all his time to the discharge of his duties, and shall receive compensation therefor to be fixed by said board, but such compensation shall not exceed twelve hundred dollars per annum and actual expenses necessarily incurred in the discharge of his duties. He shall act as such fish commissioner, and when the board is not in session he is hereby authorized to exercise in its name all the rights, powers and authority vested in said board relating to and pertaining to the propagation and distribution of fish.

Sec. 8. Employees.) The board may appoint and remove at pleasure a sufficient number of game wardens, other person and office assistants as may be necessary to carry out the purposes of this chapter, and fix their periods of service and compensation to be paid from the game and fish commission fund.

Sec. 9. Other Officials—Attorney.) The attorney general, state's attorneys, sheriffs, constables and other peace officers, are hereby required, and it is made their duty, to enforce the provisions of this chapter. Such attorneys shall appear for said board in all civil actions in which it or its wardens may be interested officially, and shall appear in the prosecution of criminal actions arising under this chapter.

Sec. 10. Execution of Writ.) All members of the board of control and all wardens and deputies appointed by such board, shall have full power and authority to serve and execute all warrants and processes of law issued by the court in enforcing the provisions of this act, or any other law of this state relating to the preservation and propagation of game and fish, in the same manner as any constable or sheriff may serve and execute the same, and for the purpose of enforcing the provisions of this chapter they may call to their aid any sheriff, deputy sheriff, constable or police officer or any other person, and it shall be the duty of all sheriffs, deputy sheriffs, constables or police officers and other persons, when called upon to enforce and aid in enforcing the provisions of this chapter. The chief warden, any member of the board of con-

trol and any deputy shall have the power to arrest without warrant any person or persons found in the act of violating any law enacted for the purpose of protecting or propogating game and fish.

Sec. 11. Bonds.) Each district game warden shall give bonds to be approved by the board and filed with the secretary of state, conditioned for the faithful discharge of their respective duties, to the amount of five hundred (500) dollars. Special deputy game warden and other persons employed by the board, shall give bonds when required.

Sec. 12. It shall be the duty of the state district game and fish wardens to keep a complete and correct record of all his transactions, in a record book for that purpose, showing dates of appointment of deputies, names of persons violating the game and fish laws, date of arrest, amount of fines, and costs (separately) imposed, and the names of the justice or magistrate before whom the persons appeared. All such records shall be open to the public when requested, and the state district game and fish wardens shall make a full report of all matters of record to the game and fish board of control showing the number of hunting permits issued in his district, resident and non-resident, and showing the amount of fees for such permits and for the distribution of same, such report to be made annually on the first day of December of each year, and in said report to make such recommendations as in his judgment are necessary for the better protection, preservation and propogation of wild birds and wild animals, and fish, and the enforcement of laws governing the same.

Sec. 13. Terms Defined. Agency no Excuse. The words "sell" and "sale" as used in this chapter shall be construed as meaning any sale or offer to sell, or having in possession with intent to sell, use or dispose of the same contrary to law. The word "person" shall be deemed to include partnerships, associations and corporations and no violation of any provision of this chapter shall be excused for the reason that the prohibited act was done as the agent or employe of another, nor that it was committed by or through an agent or employe of the person so charged. The word "possession" shall be deemed to include both actual and constructive possession as well as the control of the article referred to. The terms "waters of this state" shall be held to include all the boundary waters of the state, and the provisions of this chapter shall be deemed to extend and be in force and effect over, upon and in all thereof. The terms "any part thereof" or "the parts thereof" whenever used in this chapter shall be deemed to include the hides, horns and hoofs of any animal so referred to, and the plumage and skin and every other part of any bird so referred to.

Sec. 14. Inspection of Hotels, etc.) The members of the board of control and all game wardens, shall inspect from time to time hotels, restaurants, cold storage houses or plants and ice houses commonly used in storing meats, game or fish for private parties, including all buildings used for like purpose, for the purpose of determining whether game or fish are kept therein in violation of the provisions of this chapter. Any person in possession or control, or in charge of any hotel, restaurant, storage plant or building referred to, or any part thereof, who refuses or falls to permit any member of the game and fish board of control or any warden or deputy to enter any such building, or any part thereof, or any receptacle therein, for the purpose of making such inspection, is guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than twenty-five (25) dollars or over fifty (50) dollars and costs of prosecution, or imprisonment in the county jail for a term of not less than ten (10) days or over twenty (20) days for the first offense, and upon conviction for a second offense, shall be punished by imprisonment in the county jail for a period of not less than twenty (20) or over thirty (30) days.

Sec. 15. Contraband Game, Seizure and Search.) Any bird, animal, fish or any part thereof, caught, killed, shipped or had in possession or

under control contrary to any of the provisions of this chapter is hereby declared to be contraband.

The board of control, all game wardens, sheriffs and their deputies, constables and police officers, shall seize and take possession of any and all birds, animals, or fish, or any part thereof which have been caught, taken, killed or had in possession or under control, or shipped contrary to any provision of this chapter. Any court having jurisdiction may upon complaint showing probable cause for believing that any bird, animal, fish or any part thereof caught, taken, killed or had in possession or under control by any person or shipped or transported contrary to the provisions of this chapter, is concealed or illegally kept in any building, car or receptacle, shall issue a search warrant and cause a search to be made in any such place for any such birds, animals, fish or any parts thereof, and may cause any building, enclosure or car to be entered, and any apartment, chest, box, locker, crate, basket, package or any other receptacle whatever, to be broken, opened and the contents thereof examined. All such officers taking or seizing such birds, animals or fish, or any part thereof, shall at once report all the facts attending the same to the commission.

Sec. 16. Contraband Devices.) All nets, seines, lanterns, snares, devices, contrivances and materials while in use, kept or had or maintained for the purpose of catching, taking or selling, or attracting or deceiving any bird, animal or fish contrary to any provision of this chapter within this state, or upon or in the boundary waters thereof, including fish houses, enclosures, or other shelter structures or appliances erected or maintained upon the ice or in any waters, or on the shore of any lake, pond or stream, is hereby declared to be and is a public nuisance. The chief wardens and all members of the board of control, all district and special wardens, sheriffs and their deputies, constables and police officers shall, without warrant or process, take, seize, abate and destroy any and all of the same while being used, had or maintained for such purpose, and no liability shall be incurred thereby to any person.

Sec. 17. Witnesses.) In any prosecution under the provisions of this chapter, the participant in the violation thereof may testify as a witness against any other person violating the same, without incriminating himself in so doing. The evidence so given shall not be used in any criminal proceedings for such violation.

Sec. 18. Limitations.) All prosecutions under this chapter shall be commenced within two (2) years from the time the offense is committed.

Sec. 19. Exchange Specimens.) The board may secure, by purchase or otherwise, and exchange specimens of game birds, game animals or fish with the game commission or state game warden of other states for breeding purposes, and not otherwise, and may also grant permission under the seal of said board, to any accredited representative of any incorporated society of natural history, to collect for scientific purposes only, under such restrictions as the board may impose, nests, eggs, birds, animals or fish protected by this chapter.

Such specimens shall not be sold or transferred nor removed from the state until inspected by the board.

Sec. 20. Fish Ways.) Any person owning, erecting, managing or controlling any dam or other obstruction across any river, creek or stream, within or forming the boundary line of this state, shall construct in connection with such dam, a durable and efficient fishway in such manner and of such shape and size as the board may direct. Such fishway shall be kept in good repair by the person so owning, controlling, managing, operating or using such dam or obstruction.

If any person fails to construct or keep in good repair durable and efficient fishways as herein provided, for the space of ten (10) days after notice, the board may construct or repair the same and the cost thereof may be recovered from the owner or any person managing, or being

in control thereof, in a civil action brought in the name of the state of North Dakota. Any money so recovered shall be credited to the game and fish commission fund.

All fishways heretofore or hereafter erected in any dam or obstruction across any of the streams in this state, shall at all times be under the supervision and control of the board.

Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor.

Sec. 21. Sawdust Deposits.) Any person who deposits any sawdust or other refuse in any streams or water wherein the commission has deposited fish fry, or may deposit any such fry, or where any brook trout naturally abound, shall be deemed guilty of a misdemeanor.

Sec. 22. Disposition of Fines.) All fines collected under any of the provisions of this chapter shall be paid into the county treasurer of the proper county to be added to the state school fund.

Sec. 23. Disposition of Other Moneys.) All moneys collected by the board upon licenses issued by it, by the sale of game seized and sold, and from all other sources except fines, shall be paid into the general fund of the state of North Dakota, to be credited to the game and fish commission fund, to be used for the purpose of enforcing the provisions of this act, provided; that any surplus money accumulating to the credit of the game and fish commission fund may be used for the propagation of fish and game birds, and maintenance of fish hatcheries.

Sec. 24. Rewards.) The following rewards may be paid by the board out of any fund subject to its order, to any person or persons making complaint thereof for the arrest and conviction of any person violating any of the provisions of this chapter, or other enactments involving: deer or antelope the sum of twenty-five (25) dollars; any game bird or fish, ten (10) dollars; provided; however; that this section shall not apply to any game warden regularly employed and receiving salary from the said board.

Sec. 25. Domesticated Game.) The board may issue permits to breed or domesticate any of the game birds or animals mentioned in this chapter. Application for such permits shall be made in writing to the board and shall contain the name and address of the applicant, description of the premises on which such birds or animals will be kept, number and kind of such birds and animals in possession at time of making such application. The board thereupon may issue permits to the applicant to keep such birds or animals; any person holding such permit shall before the fifteenth (15) day of December of each year report the increase or decrease to the board from the number at the time of making application for the permit. Any such animals or birds may be sold or shipped within or without the state upon receipt of written permission to do so from the board.

Sec. 26. Nests and Eggs.) No person shall at any time take or have in possession or under control, or needlessly break up or destroy, or in any manner interfere with any nests, or the eggs of any of the kinds of birds, the killing of which is at any or all times prohibited.

Sec. 27. Manner of Taking.) No person shall at any time catch, take or kill any of the birds or animals mentioned in this chapter in any other manner than by shooting them with a gun held to the shoulder of the person discharging the same, except as herein otherwise specifically provided.

Sec. 28. Traps, Snares, Lights, Etc.) No person shall at any time set, lay, prepare or have in possession any trap, snare, artificial light, net, bird lime, swivel gun or set gun or any contrivance whatever, for the purpose of catching, taking or killing any of the birds or game animals in this chapter mentioned, except that decoys and stationary blinds may be used in hunting wild geese, brant and ducks, and no person or combination of persons shall, either alone or in combination with or by arrangement

or agreement with any other person or persons, use or cause to be used any floating battery, electric, steam, gasoline or other boat or floating vessel for the purpose of raising or driving any game birds from their resting or feeding places in any waters of this state.

Sec. 29. Shooting After Dark.) No person shall hunt, pursue, catch, shoot at, or in any way molest any of the game birds or animals mentioned in this chapter within the borders of the state, during the time elapsing between one-half hour after sunset and one-half hour before sunrise. For the purpose of enforcing this provision, it shall be understood that the time of sunrise and sunset shall be designated by the calendar.

Sec. 30. Use of Dogs.) No person shall hunt, pursue, catch, take or kill deer or antelope with any dog or dogs. No person shall train or run any dog or dogs, owned or controlled by them, known as "bird dogs," including pointers, setters, droppers, or spaniels, or allow same to run loose in fields, or upon lands in which game birds may be found, or apt to be frequented by game birds, between the 1st day of April and the 15th day of August (both inclusive), following of each year.

Sec. 31. Entering Growing Grain.) No person shall at any time enter into any growing, standing, shocked grain or bunched flax not his own with intent to take or kill any bird or animal, nor permit any dog with which he shall be hunting to do so for such purpose, without permission from the owner or person in charge thereof.

Sec. 32. Game Killed in Another State.) No person shall at any time have in his possession or under his control within this state, any bird, animal or fish, or any part thereof, which has been caught, taken or killed outside of this state at a time when it is unlawful to have in possession or under control such bird, animals or fish, or parts thereof, if caught, taken or killed in this state, or which have been unlawfully taken or killed outside this state or unlawfully shipped therefrom into this state.

Sec. 33. Possession of Game and Fish Presumption.) The possession or having under control by any person of any bird, animal or fish or any part thereof, the killing of which is at any time herein prohibited, shall be prima facie evidence that it was the property of this state at the time it was caught, taken or killed, in this state, also that such possession or having under control at any time, when the killing, taking or possession thereof is by this chapter declared to be unlawful, shall be prima facie evidence that such taking and killing occurred during the closed season, to disprove which it shall be necessary for the party in possession thereof to show that at the time it was caught, taken or killed outside, or within this state, that it was lawfully caught, taken or killed outside, or within this state, and that he was lawfully in possession thereof.

Sec. 34. Nothing in this chapter shall be construed as prohibiting the buying, shipping or having in possession at any time the skins of fur bearing animals killed within or without the state, or hides of moose, deer, caribou, or antelope killed within or without the state upon proof that the hide was taken at a time when such taking and killing was lawful.

Sec. 35. Game Birds—Seasons for Killing.) No person shall hunt, take, kill, ship, convey or cause to be shipped or transported by common or private carrier, to any person either within or without the state, expose for sale, sell to any one, have in possession with intent to sell or have in possession or under control at any time, any turtle dove, snipe, prairie chicken, pinnated, white breasted or sharp tailed grouse, quail, partridge, ruffed grouse, Chinese ringneck or English pheasant, Hungarian partridge, wild duck of any variety, wild goose of any variety, brant or any variety of aquatic fowl whatever, or any part thereof, except: 1st. That any turtle dove, snipe, prairie chicken, pinnated grouse, ruffed grouse, white breasted or sharp tailed grouse, woodcock, upland plover or golden plover may be killed and had in possession between the 7th day of September and the 1st day of November (both inclusive) following. 2nd. That wild duck of

any variety, wild goose of any variety, brant, or crane and swan may be killed and had in possession between the 7th day of September and the 15th day of December, (both inclusive) following.

Any person violating any provision of this section shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than ten (10) dollars for each bird or more than twenty-five (25) dollars and cost of prosecution, or by imprisonment in the county jail for not less than twenty (20) days, or more than thirty (30) days, or by both fine and imprisonment in the discretion of the court, for each and every bird killed or destroyed contrary to the provisions of this section.

Sec. 36. Deer Season for Killing.) No person shall hunt, catch, take, kill, ship, convey or cause to be shipped or transported by common carrier to any person, either within or without the state, or purchase, expose for sale, have in possession with intent to sell to any person or have in possession, or under control at any time any deer, or any part thereof, including the hides and horns, except as herein provided. Provided, that two deer may be killed between November 10th and November 30th (both inclusive) of the same year by any one person, "Provided, further, that it shall be unlawful to hunt or kill any deer in the manner commonly known as driving in parties consisting of more than four persons." But no person shall kill or have in possession during said time, more than two such deer or parts thereof, and provided further, that any person who is lawfully in possession of such deer, or any part thereof may ship or cause the same to be shipped in the manner provided for by this chapter, but not otherwise.

Any person violating any provision of this section shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than twenty-five (25) dollars nor more than fifty (50) dollars for each deer, and cost of prosecution, or by imprisonment in the county jail for not less than twenty (20) days or more than thirty (30) days, or by both such fine and imprisonment in the discretion of the court for each and every deer killed or destroyed contrary to the provisions of this section.

Sec. 37. Residence Hunting License—Shipment of Game.) Every resident of this state is prohibited from hunting, taking or killing any game bird or game animal, unless he shall have first procured and have on his person a license therefor from the county auditor in the county in which he resides, which said license shall not be transferable; provided, however, that this does not apply to any resident of this state from hunting on lands owned or cultivated by him, or any member of his family residing permanently with him, during the open season as provided for in this chapter. County auditors shall issue such hunting license upon payment of a license fee of one (1) dollar, and the application for such license shall be made in writing upon application blanks furnished by the game and fish board of control, said application must state full name and address of applicant, age, weight, height, color of hair and eyes, and the following statement be signed by applicant and witnessed by a resident freeholder of the county in which license is to be issued.

I am a bona fide resident of County, North Dakota, and have been during the past six months.

Witnessed Signed

All applications received shall be kept on file by the county auditor, subject to inspection by the board and its deputies, at any time prior to December 15th of each year, at which time they shall be forwarded to the board, together with all unused licenses.

Said license, when issued, shall describe the licensee, designate his place of residence and have printed on it in large black figures the year for which issued and the words "not transferable," such license shall expire on the 15th day of December following its issuance. Ten cents of the amount received for the issuance of the said license shall be retained by the county auditor as his fee and the balance remitted to the state treasurer who shall credit the same to the game and fish commission fund, to be used in en-

forcing the provisions of this chapter. Any resident having procured a resident hunting license as required, and being lawfully in possession of any of the game birds or game animals mentioned in this chapter, may ship by common carrier to his address in the county where he resides not to exceed two days' bag limit of any of the game birds as herein provided for in this chapter, nor more than two deer or parts thereof, and any common carrier is hereby permitted to receive for shipment any such game birds or deer, when same is plainly marked with a suitable tag bearing name and address of licensee, and number of his hunting license, and when the same is not enclosed in any box, trunk, can, bag, or any receptacle that prevents easy inspection of contents.

Sec. 38. Non-Resident License—Shipment of Game.) Every person not a resident of this state is prohibited from hunting, taking or killing any game bird or game animal, unless he shall have first procured a license therefor from the game and fish board of control, which said license shall not be transferable.

Said board shall issue to any non-resident a license to hunt game birds and game animals during the open season subject to the limitations provided for in this chapter upon the payment of twenty-five (25) dollars, which license shall expire on the fifteenth (15th) day of December following its issuance. Said license shall describe the licensee, designate his place of residence, and have printed on it in large black letters the year for which issued, and the words "non-resident license," "not transferable."

Any non-resident having procured such license may carry with him on leaving this state not to exceed twenty (20) either prairie chicken, turtle doves, crane, swan, grouse, of any variety, or twenty (20) of the same combined, and fifty (50) either, snipe, plover, wild duck, goose or brant, or fifty (50) of the same combined, nor more than two deer or parts thereof, and any common carrier is hereby permitted to carry any such game birds or deer, or parts thereof, when same is accompanied and carried on same train or conveyance by the person who is legally in possession of the same; provided, that the same is plainly marked with a suitable tag, bearing name and address of licensee and number of his non-resident license, and that it is not concealed in any box, trunk, bag, can, or any receptacle that prevents easy inspection of contents.

Sec. 39. Hunting Without License.) Any person, either a resident or non-resident of this state, who shall hunt, take or kill any of the game birds or animals in this state, without having first procured a license therefor as provided in this chapter, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than twenty-five (25) nor more than one hundred (100) dollars and costs of prosecution, or by imprisonment in the county jail for not less than ten (10) days nor more than thirty (30) days for each and every offense.

Sec. 40. Retaining Game—Permission.) Any resident of this state who is lawfully in possession of any of the game birds or deer which have been killed at a time and in a manner permitted by the provisions of this chapter, and who is desirous of retaining possession of the same for his own use for a longer period than five (5) days after the close of the open season, shall before the end of the first five days after the close of the open season, apply to the board of control, for permission to do so, such application shall state number of such birds or deer and designate the place in which they are to be kept. The board shall grant such permission, if satisfied that applicant is retaining same for his own use and not for any purpose contrary to the provisions of this chapter.

Sec. 41. Mink—Muskrat.) No person shall take, catch or kill any mink or muskrat between the 15th day of April and the 15th day of November (both inclusive) following. Provided, that when any of the animals mentioned in this section are doing damage to, or destroying property, the person whose property is being damaged or destroyed may kill them at any time.

Sec. 42. Harmless Birds—Game Birds Defined.) No person shall catch, take, ship, or cause to be shipped to any person within or without the state, purchase, offer or expose for sale, sell to any one, have in possession with intent to sell, or have in possession or under control at any time, living or dead, any wild bird other than a game bird, nor any part thereof, irrespective of whether said wild bird was captured or killed within or without the state, and for the purposes of this chapter the following only shall be considered game birds: The Anatidae, commonly known as swan, geese, brant, river and sea ducks, the Limicolae, commonly known as plover, snipe, woodcock; the Gallinae, commonly known as grouse, prairie chickens, pheasants, partridges and quail; provided, that blackbirds, crows, English sparrows, sharp-shinned hawks, Cooper hawks and great-horned owls may be killed and had in possession at any time. But nothing herein contained shall be construed to prevent the keeping and sale of imported song birds as domestic pets.

Sec. 43. Attempted Violation.) Any person traveling in any manner in any part of this state off the public highway, outside of the immediate bounds of the inhabited parts of any village, town or city in possession of any kind of a shotgun, with or without a dog or dogs commonly used or kept for the purpose of use in hunting any game birds mentioned in this chapter, from the first day of July to the sixth day of September (both inclusive) each year, shall be presumed to have violated or attempted to so violate the provision of this chapter as to unlawful hunting, shooting or taking of game birds as mentioned in this chapter, the hunting, taking or shooting of which is prohibited during said time and proof of the possession of said shotgun, with or without dog or dogs, during said time and in such place shall be prima facie evidence of guilt of such person to so violate or attempt to violate the provisions of this chapter as to hunting, shooting or taking such game birds. The use of traps, snares and all other devices used to take game birds as defined in this chapter is hereby prohibited and subjects the person using the same to all penalties prescribed in this section for hunting, shooting, snaring, trapping or taking any of the game birds, and the fact that any traps, snares or other devices used for the purpose of trapping, snaring or taking game birds, are found in the possession of, or upon the premises of any person, shall be prima facie evidence of the guilt, violation or attempted violation by such person of the provisions of this chapter. Any person convicted of violation or attempted violation of any provision of this section shall be punished not only by the fine herein prescribed, but also by forfeiture of any gun or guns, dog or dogs, in his possession while so offending, and any court having jurisdiction may, upon due proof, adjudge the same forfeited, and may order any dog or dogs, gun or guns so used to be sold by the game and fish board of control and the proceeds of such sale shall be placed to the credit of the game and commission fund.

Any person convicted of the violation of any of the provisions of this section shall be fined not less than ten (10) dollars nor more than fifty (50) dollars or by imprisonment in the county jail for not less than ten (10) days nor more than thirty (30) days, or both fine and imprisonment at the discretion of the court.

Sec. 44. Fish May Be Taken—When.) No person shall catch, take, kill or have in possession or under control for any purpose whatever any of the fish hereinafter mentioned, within the periods herein limited, to-wit:

Any variety of trout or land-locked salmon between the first day of October and the first day of May (both inclusive) following.

Any black, gray or Oswego bass between the fifteenth day of October and the first day of June (both inclusive) following; any variety of pike, crappies or perch between the fifteenth day of October and the first day of May (both inclusive) following.

Sec. 45. Powers and Duties.) The state fish commissioner shall have charge of all state fish hatcheries and appurtenances.

He shall examine all state waters, and whenever suitable waters are found arrange to plant, stock or deposit such fish as are available.

He shall co-operate with the United States commissioners of fisheries, make application, receive, apportion and deposit such fish spawn or fry received, throughout the public waters of this state.

He shall co-operate with and assist clubs and individuals in the stocking of the lakes and streams of this state with fish.

He shall, with the consent of the game and fish board of control remove or take by any means from any of the public waters of this state containing a surplus of fish any reasonable quantity for the stocking of other public waters of this state, or to be used for hatching or propagating purposes, or for exchange with other states for equal numbers of other species, but in no case shall the numbers so taken be so great as to perceptibly deplete such lakes or streams.

The state game and fish board of control shall have no power to authorize any individual, club, society or person to remove to take from any of the public waters of this state for exchange, propagation or scientific purposes any fish excepting only under the personal supervision of the state fish commissioner or some one appointed by him.

The state fish commissioner may take or cause to be taken at any time by any means from any of the lakes in this state any suckers, red horse or carp.

Sec. 46. Manner of Taking.) No person shall catch, kill or destroy in any manner than by angling for them with a hook and line held in the hand or attached to a rod so held, nor with more than one line, nor with more than one hook, or artificial lure attached thereto; and no person shall have in his possession any of the above mentioned fish caught, taken or killed in any waters of this state except as provided in this chapter. Provided, that pickerel, suckers, red horse, carp and bullheads may be taken with a spear without limit at any time, but no artificial light shall be used in the taking of said fish at any time, and that the use of set lines is permitted in the Missouri, Mouse and Red Rivers, provided further, that in the Missouri, and Mouse rivers pound nets, seines, or dip nets may be used except that it shall be unlawful to use any such net within a distance of one thousand (1,000) feet from the mouth of any stream emptying into the Missouri river.

Sec. 47. Fishing Near Fishways.) No person shall catch, take or kill any fish in any lake or stream within four hundred (400) feet of any fishway, or have in his possession or under his control any fish so caught, taken or killed.

Sec. 48. Use of Drugs, Dynamite, Traps, etc.) No person shall have in possession, lay, set, use or prepare any drug, poison, lime, medicated bait, fish berries, dynamite or other explosive or any other deleterious substance whatever, or lay, stretch, or place any tip-up snare, fish trap, set or trot line or any net, wire, string, rope, or cable of any sort in any of the waters of this state with intent thereby or therewith to catch, take or kill any fish.

Provided, that a minnow seine not exceeding twenty (20) feet in length may be used for taking minnows for bait from the first day of May to the fifteenth of October, following, and that a net may be used in the Missouri and Mouse rivers as provided for in section 42.

Sec. 49. Fish Houses.) No person shall erect, have or maintain on the ice in any waters of this state except Missouri, Mouse and Red Rivers, any fish house, structure, enclosure or shelter whatever to protect the person of the occupant while engaged in fishing through the ice.

Sec. 50. Sale of Fish.) No person shall have in possession for sale or with intent to sell, expose or offer for sale, or sell to any person, at any time, any variety of trout or black, grey or Oswego bass, or any variety of pike, crappies, perch or land-locked salmon which have been caught within the borders of the state.

Sec. 51. Size of Fish to Be Taken.) No person shall at any time catch, take or kill, or have in possession, or under control any black, grey or Oswego bass, trout of any variety, land-locked salmon or pike that are less than eight (8) inches in length, measurement in each case to be made from the tip of snout to the fork of the tail. Any person catching such fish shall at once return same to the water from which they are taken with as little injury as possible.

Sec. 52. Number of Fish to Be Taken.) No person shall in any one day catch, take, kill or destroy to exceed fifteen (15) each black, grey or Oswego bass, trout of any variety, land-locked salmon, pike, perch or crappies, or fifteen (15) of the same combined, or have in possession at any time to exceed fifty (50) each or all of the same combined.

Any person violating any provision of this section shall upon conviction be punished by a fine of not less than ten (10) dollars nor more than twenty-five (25) dollars for each and every offense and cost of prosecution, or by imprisonment in the county jail for not less than ten (10) nor more than thirty (30) days, or by both such fine and imprisonment in the discretion of the court, for each and every fish so killed or destroyed, contrary to the provisions of this section.

Sec. 53. Planted Fish Protected.) All planted fish or fish eggs placed in the public waters of this state for the purpose of propagating, breeding or growth shall be, and are hereby protected for a period of five years from the time of such planting.

Sec. 54. Fish Screens.) The board may be caused to be placed in lakes having an outlet into the waters outside the borders of this state a fish screen of such size and construction as to prevent the escape of fish into the waters outside the border of this state; provided, that such screen shall in no way obstruct or interfere with the natural flow of water in such outlet.

Sec. 55. Bag Limit—Game Birds.) No person shall in any one day take, catch, kill or destroy to exceed ten each prairie chicken or grouse of any variety, turtle dove, crane or swan, or ten of the same combined, or have in possession at any time to exceed twenty (20) each or all of the same combined; nor more than twenty-five (25) each wild duck of any variety, wild goose or brant of any variety, woodcock, snipe or plover of any variety, or twenty-five (25) of the same combined; or have in possession at any time to exceed fifty (50) each, or all of the same combined. Any person violating any provision of this section shall, upon conviction, be punished by a fine of not less than ten (\$10) dollars, nor more than twenty-five (\$25) dollars for each and every bird, and cost of prosecution, or by imprisonment in the county jail for not less than twenty (20) days nor more than thirty (30) days, or by both such fine and imprisonment in the discretion of the court for each and every bird so killed or destroyed or had in possession contrary to the provisions of this section.

Sec. 56. Antelope, Beaver and Otter Protected.) No person shall hunt, shoot at, catch, kill, trap or in any way destroy any antelope, beaver or otter within the boundary limits of the state of North Dakota before January 1st, 1920. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine of not less than one hundred (\$100) dollars, nor more than five hundred (\$500) dollars and cost of prosecution, or by imprisonment in the county jail for not less than three (3) months nor more than six (6) months, or by both fine and imprisonment in the discretion of the court.

Sec. 57. Sale of Game by Commission.) The game and fish commission is hereby authorized to sell to residents of this state, at the highest market price obtainable therefor all furs, fish, game animals or game birds now or which may hereafter come into its possession. The proceeds thereof shall be turned into the state treasury and credited to the game and fish commission fund. A record of such sales, including the name of the purchaser, and the price paid, shall be kept by the board; said board shall before selling tag the same in a manner to be determined by it.

Sec. 58. Resisting Board of Control or its Wardens.) Whoever shall resist or obstruct the board of control or any member thereof, state fish commissioner or any warden or other officer of this state in the discharge of his duties under this chapter, shall be guilty of a misdemeanor, and upon conviction thereof, be punished by a fine of not less than fifty (50) nor more than one hundred (100) dollars and cost of prosecution or by imprisonment in the county jail for not less than twenty (20) nor more than thirty (30) days for each and every offense.

Sec. 59. General Penalty.) Any person who violates any provision of this chapter for which penalty has not been heretofore specifically provided, shall be guilty of a misdemeanor and upon conviction be punished by a fine of not less than ten (10) dollars nor more than fifty (50) dollars and cost of prosecution, or by imprisonment in the county jail for not less than twenty (20) nor more than thirty (30) days.

Sec. 60. Professional dog trainers are prohibited from running and training dogs within this state between the first day of May and the 15th day of August.

Sec. 61. All laws heretofore enacted by the legislative assembly of this state relating to the subjects of this act are hereby repealed.

Sec. 62. Emergency.) An emergency exists in this that there is nothing in the present laws prohibiting shooting ducks and geese in the spring, therefore this act shall take effect and be in force from and after its passage and approval.

And when so amended recommend that such further proceedings be had by both houses as will duly pass and legally enact said bill into law.

Respectfully submitted,

THEODORE KOFFEL,
F. S. TALCOTT,
F. A. BAKER,
J. H. FRAINE,
JAMES DUNCAN,
JOHN A. HONEY,

Committee.

Mr. Hale moved

That the rules be suspended and the report of the committee be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Mr. Fraine moved

That the rules be suspended and House Bill No. 156 be considered engrossed and placed upon its third reading and final passage.

Which motion prevailed.

House Bill No. 156,

A bill for an act for the protection of game, fish, wild birds and fur bearing wild animals, and creating the offices of state district game and fish wardens, deputies, board of control, state fish commissioner, and defining their duties and jurisdiction.

Was read the third time

The question being on the final passage of the bill as agreed by the conference committee.

The roll was called and there were ayes 81, nays 0, absent and not voting 14.

Those who voted in the affirmative were:

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|----------------------|---------------------|
| Aasheim | Hill | Paulson |
| Akesson | Homnes | Pendray |
| Baker of Cass | Honey | Plath |
| Baker of Stark | Hughes | Ployhar |
| Bjorndahl | Jewett | Poe |
| Brusletten | Johnson of Bottineau | Pound |
| Burns | Johnson of McLean | Putnam |
| Chatfield | Kinney of McLean | Schull |
| Christenson | Kinney of Richland | Senour |
| Collins of Cass | Kneeland | Shells |
| Collins of Gd. Forks | Knox | Sinclair |
| Cunningham | Kremer | Skinner |
| Davidson | Law | Skulason |
| Doyle of Foster | Laithwaite | Sorlie |
| Doyle of McIntosh | Linde | Storey |
| Duncan | Lindvig | Streeter |
| Evans | Lucke | Thompson, Gd. Forks |
| Fraine | Martin | Thompson of McLean |
| Ganssle | McLear | Thoreson |
| Garden | Moen of Benson | Traynor |
| Geldt | Moen of Cavalier | Ward |
| Gibbens | Narum | Welford |
| Goldammer | Nelson of McHenry | White |
| Hale | Nelson of Steele | Wisner |
| Hanley | Nelson of Walsh | Wolbert |
| Hemmingson | Nyhus | Young |
| Hendrickson | Olson | Mr. Speaker |

Absent and not voting:

| Messrs.— | Messrs.— | Messrs.— |
|------------|--------------------|----------|
| Anderson | Dibley | Peart |
| Atwood | Freeman | Price |
| Brynjulson | Grant | Sgutt |
| Burnett | Johnson of Rolette | Steen |
| Crawford | McCrea | |

Messrs. Dibley and Grant being excused.

So the bill passed and the title was agreed to.

Mr. Akesson moved

That the vote by which House Bill No. 156 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

Mr. Skulason moved

That the vote by which House Bill No. 276 was lost be reconsidered.

Which motion prevailed.

House Bill No. 276,

A bill for an act creating the eleventh judicial district of North Dakota, changing the boundaries of the third and fifth and sixth judicial district and providing for terms of court in each of said districts.

Was read the third time.

Mr. Hanley moved the previous question.

Which motion prevailed.

The question being on the final passage of the bill.

The roll was called and there were ayes 68, nays 19, absent and not voting 8.

Those who voted in the affirmative were:

| | | |
|----------------------|----------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Akesson | Homes | Pound |
| Atwood | Jewett | Price |
| Baker of Cass | Johnson of Bottineau | Putnam |
| Baker of Stark | Johnson of McLean | Schull |
| Bjorndahl | Kinney of Richland | Senour |
| Brusletten | Kneeland | Sgutt |
| Brynjulson | Law | Sinclair |
| Chatfield | Laithwaite | Skulason |
| Christenson | Linde | Sorlie |
| Collins of Cass | Lucke | Steen |
| Collins of Gd. Forks | McCrea | Storey |
| Crawford | Moen of Benson | Streeter |
| Doyle of Foster | Moen of Cavalier | Thompson, Gd. Forks |
| Doyle of McIntosh | Nelson of McHenry | Thompson of McLean |
| Duncan | Nelson of Steele | Thoreson |
| Evans | Nelson of Walsh | Traynor |
| Ganssle | Nyhus | Ward |
| Garden | Olson | White |
| Geidt | Paulson | Wisner |
| Hale | Pearl | Wolbert |
| Hanley | Plath | Young |
| Hemmingson | Ployhar | Mr. Speaker |
| Hill | Poe | |

Those who voted in the negative were:

| | | |
|------------|--------------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Aashelm | Honey | McLear |
| Anderson | Hughes | Narum |
| Burnett | Johnson of Rolette | Pendray |
| Cunningham | Knox | Shells |
| Davidson | Kremer | Skinner |
| Gibbens | Lindvig | Welford |
| Goldammer | | |

Absent and not voting:

| | | |
|----------|-------------|------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Burns | Freeman | Kinney of McLean |
| Dibley | Grant | Martin |
| Fraine | Hendrickson | |

Messrs. Dibley and Grant being excused.

So the bill passed and the title was agreed to.

Mr. Kneeland moved

That the vote by which House Bill No. 276 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

REPORT OF CONFERENCE COMMITTEE.

Report of conference committee of senate and house concerning

Senate Bill No. 56,

A bill for an act to provide an appropriation for the current and contingent expenses and for permanent improvements for the institution for the feeble minded, at Grafton.
Mr. Speaker:

Your conference committee to whom was referred Senate Bill No. 56, respectfully reports and recommend that the house amendment to said bill be stricken out and that said bill as originally received from the senate do pass.

JUDSON LaMOURE,
HENRY McLEAN,
J. L. CASHEL,
Senate Conferees.

S. M. PUTNAM,
G. A. WHITE,
J. F. COLLINS,
House Conferees.

Mr. Storey moved

That the report of the conference committee be adopted.

Which motion prevailed, and

The report of the conference committee was adopted.

Mr. Honey moved

That the rules be suspended and Senate Bill No. 56 be placed upon its third reading and final passage, as recommended by the conference committee.

Which motion prevailed.

Senate Bill No. 56,

A bill for an act to provide an appropriation for the current and contingent expenses and for permanent improvements for the institution for the feeble minded, at Grafton.

Was read the third time.

The question being on the final passage of the bill as recommended by the conference committee.

The roll was called and there were ayes 85, nays 0, absent and not voting 10.

Those who voted in the affirmative were:

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|----------------------|---------------------|
| Aasheim | Hill | Plath |
| Akesson | Homnes | Ployhar |
| Anderson | Honey | Poe |
| Atwood | Hughes | Pound |
| Baker of Cass | Jewett | Price |
| Bjorndahl | Johnson of Bottineau | Putnam |
| Brusletten | Johnson of McLean | Schull |
| Brynjulson | Kinney of McLean | Senour |
| Christenson | Kinney of Richland | Sgutt |
| Collins of Cass | Kneeland | Sheils |
| Collins of Gd. Forks | Knox | Sinclair |
| Crawford | Law | Skinner |
| Cunningham | Laithwaite | Skulason |
| Davidson | Linde | Sorlie |
| Doyle of Foster | Lindvig | Steen |
| Doyle of McIntosh | Lucke | Storey |
| Duncan | McCrea | Streeter |
| Evans | McLear | Thompson, Gd. Forks |
| Fraine | Moen of Benson | Thompson of McLean |
| Freeman | Moen of Cavalier | Thoreson |
| Ganssle | Narum | Traynor |
| Garden | Nelson of McHenry | Ward |
| Geidt | Nelson of Steele | Welford |
| Gibbens | Nelson of Walsh | White |
| Goldammer | Nyhus | Wisner |
| Hale | Paulson | Wolbert |
| Hanley | Peart | Young |
| Hemmingson | Pendray | Mr. Speaker |
| Hendrickson | | |

Absent and not voting:

| | | |
|----------------|--------------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Baker of Stark | Dibley | Kremer |
| Burnett | Grant | Martin |
| Burns | Johnson of Rolette | Olson |
| Chatfield | | |

Messrs. Dibley and Grant being excused.

So the bill passed and the title was agreed to.

Report of conference committee of senate and house concerning

Senate Bill No. 104,

A bill for an act to provide for the maintenance of the stated normal-industrial school, located at Ellendale, and making necessary improvements, and providing appropriations therefor.

Mr. Speaker:

Your conference committee to whom was referred Senate Bill No. 16, respectfully reports and recommend that the house amendment to said bill be stricken out and that said bill as originally received from the senate do pass.

JUDSON LaMOURE,
HENRY McLEAN,
J. L. CASHEL,
Senate Conferees.

S. M. PUTNAM,
G. A. WHITE,
J. F. COLLINS,
House Conferees.

Mr. Senour moved

That the report of the conference committee be adopted.

Which motion prevailed, and

The report of the conference committee was adopted.

Mr. Putnam moved

That the vote by which the report of the conference committee on Senate Bill No. 104 was adopted be reconsidered.

Which motion prevailed.

Mr. Putnam moved

That the report of the conference committee on Senate Bill No. 104 be returned to said conference committee.

Which motion prevailed.

Report of conference committee of senate and house concerning

Senate Bill No. 70,

A bill for an act to provide for new buildings for the school for the deaf and dumb, located at Devils Lake, North Dakota and making an appropriation therefor.

Mr. Speaker:

Your conference committee to whom was referred Senate Bill No. 70, respectfully reports and recommend that the house amendment to said bill be stricken out and that said bill as originally received from the senate do pass.

JUDSON LaMOURE,

HENRY McLEAN,

J. L. CASHEL,

Senate Conferees.

S. M. PUTNAM,

G. A. WHITE,

J. F. COLLINS,

House Conferees.

Mr. Putnam moved

That the report of the conference committee be adopted.

Which motion prevailed, and

The report of the conference committee was adopted.

Mr. Putnam moved

That the rules be suspended and Senate Bill No. 70 be placed upon its third reading and final passage, as recommended by the conference committee.

Which motion prevailed.

Senate Bill No. 70,

A bill for an act to provide for new buildings for the school for the 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 as recommended by the conference committee.

The roll was called and there were ayes 87, nays 0, absent and not voting 8.

Those who voted in the affirmative were:

| | | |
|----------------------|----------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Aashelm | Hendrickson | Pendray |
| Akesson | Hill | Plath |
| Anderson | Homnes | Ployhar |
| Atwood | Honey | Poe |
| Baker of Cass | Hughes | Pound |
| Baker of Stark | Jewett | Price |
| Bjorndahl | Johnson of Bottineau | Putnam |
| Brusletten | Johnson of McLean | Schull |
| Brynjulson | Johnson of Rolette | Senour |
| Chatfield | Kinney of McLean | Stutt |
| Christenson | Kinney of Richland | Sheils |
| Collins of Cass | Kneeland | Sinclair |
| Collins of Gd. Forks | Knox | Skinner |
| Crawford | Kremer | Skulason |
| Cunningham | Law | Sorlie |
| Davidson | Laithwaite | Steen |
| Doyle of Foster | Lucke | Storey |
| Doyle of McIntosh | Martin | Streeter |
| Duncan | McCrea | Thompson, Gd. Forks |
| Evans | McLear | Thompson of McLean |
| Fraine | Moer of Benson | Thoreson |
| Freeman | Moer of Cavalier | Traynor |
| Garden | Narum | Ward |
| Geidt | Nelson of McHenry | Welford |
| Gibbens | Nelson of Steele | White |
| Goldammer | Nelson of Walsh | Wisner |
| Hale | Olson | Wolbert |
| Hanley | Paulson | Young |
| Hemmingson | Peart | Mr. Speaker |

Absent and not voting:

| | | |
|-----------------|-----------------|-----------------|
| Messrs.— | Messrs.— | Messrs.— |
| Burnett | Ganssle | Lindvig |
| Burns | Grant | Nyhus |
| Dibley | Linde | |

Messrs. Dibley and Grant being excused.
So the bill passed and the title was agreed to.

Report of conference committee of senate and house concerning

Senate Bill No. 68,

A bill for an act making appropriation for completing and furnishing dormitory, for establishing and changing heating plant, for grounds and walks, students' hospital and other equipment for the state normal school at Mayville, and for maintenance.

Mr. Speaker:

Your conference committee to whom was referred Senate Bill No. 68, respectfully reports and recommend that

the house amendment to said bill be stricken out and that said bill as originally received from the senate do pass.

JUDSON LaMOURE,
HENRY McLEAN,
J. L. CASHEL,
Senate Conferees.

S. M. PUTNAM,
G. A. WHITE,
J. F. COLLINS,
House Conferees.

Mr. White moved

That the report of the conference committee be adopted.
Which motion prevailed, and
The report of the conference committee was adopted.

Mr. White moved

That the rules be suspended and Senate Bill No. 68 be placed upon its third reading and final passage, as recommended by the conference committee.
Which motion prevailed.

Senate Bill No. 68,

A bill for an act making appropriation for completing and furnishing dormitory, for establishing and changing heating plant, for grounds and walks, students' hospital and other equipment for the state normal school at Mayville, and for maintenance.

Was read the third time.

The question being on the final pasage of the bill as recommended by the conference committee.

The roll was called and there were ayes 82, nays 0, absent and not voting 13.

Those who voted in the affirmative were:

| | | |
|----------------|----------------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Hemmingson | Paulson |
| Akesson | Hendrickson | Peart |
| Anderson | Hill | Pendray |
| Atwood | Homnes | Pound |
| Baker of Cass | Honey | Price |
| Baker of Stark | Hughes | Putnam |
| Bjorndahl | Jewett | Senour |
| Brusletten | Johnson of Bottineau | Sgutt |
| Brynjulson | Johnson of McLean | Sheils |
| Chatfield | Johnson of Rolette | Sinclair |

| | | |
|----------------------|--------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Christenson | Kinney of McLean | Skinner |
| Collins of Cass | Kinney of Richland | Skulason |
| Collins of Gd. Forks | Knox | Sorlie |
| Crawford | Kremer | Steen |
| Cunningham | Law | Storey |
| Davidson | Laithwaite | Streeter |
| Doyle of Foster | Linde | Thompson, Gd. Forks |
| Doyle of McIntosh | Martin | Thompson of McLean |
| Duncan | McCrea | Thoreson |
| Evans | Moen of Benson | Traynor |
| Fraine | Moen of Cavalier | Ward |
| Freeman | Narum | Welford |
| Garden | Nelson of McHenry | White |
| Geidt | Nelson of Steele | Wisner |
| Gibbens | Nelson of Walsh | Wolbert |
| Goldammer | Nyhus | Young |
| Grant | Olson | Mr. Speaker |
| Hanley | | |

Absent and not voting:

| | | |
|----------|----------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Burnett | Kneeland | Plath |
| Burns | Lindvig | Ployhar |
| Dibley | Lucke | Poe |
| Ganssle | McLear | Schull |
| Hale | | |

Messrs. Dibley and Grant being excused.
So the bill passed and the title was agreed to.

Report of conference committee of senate and house concerning

Senate Bill No. 16,

A bill for an act appropriating money for the purpose of building and equipping a dairy laboratory and barn; a veterinary laboratory and stable; for apparatus for engineering departments; for building sidewalks; for girls' dormitory and domestic science laboratory; for providing dynamo and fixtures; for boys' dormitory; and for horticultural building for the agricultural college located at Fargo, North Dakota.

Mr. Speaker:

Your conference committee to whom was referred Senate Bill No. 16, respectfully reports and recommend that the house amendment to said bill, wherein was added the following: "For dynamo and fixtures for furnishing the

college with light and power, \$10,000'' be adopted, and as so amended by the house, recommend that the same do pass.

JUDSON LaMOURE,
HENRY McLEAN,
J. L. CASHEL,
Senate Conferees.

S. M. PUTNAM,
G. A. WHITE,
J. F. COLLINS,
House Conferees.

Mr. Putnam moved

That the report of the conference committee be adopted.

Which motion prevailed, and

The report of the conference committee was adopted.

Mr. Putnam moved

That the rules be suspended and Senate Bill No. 16 be placed upon its third reading and final passage, as recommended by the conference committee.

Which motion prevailed.

Senate Bill No. 16,

A bill for an act appropriating money for the purpose of building and equipping a dairy laboratory and barn; a veterinary laboratory and stable; for apparatus for engineering departments; for building sidewalks; for girls' dormitory and domestic science laboratory; for providing dynamo and fixtures; for boys' dormitory; and for horticultural building for the agricultural college located at Fargo, 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 75, nays 1, absent and not voting 19.

Those who voted in the affirmative were:

| | | |
|----------------|--------------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Hemmingson | Pendray |
| Akesson | Hendrickson | Plath |
| Anderson | Hill | Pound |
| Atwood | Homnes | Price |
| Baker of Cass | Hughes | Putnam |
| Baker of Stark | Johnson of McLean | Senour |
| Bjorndahl | Johnson of Rolette | Sgutt |
| Brusletten | Kinney of McLean | Sheils |

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|--------------------|---------------------|
| Brynjolfson | Kinney of Richland | Sinclair |
| Christenson | Kneeland | Skinner |
| Collins of Cass | Kremer | Skulason |
| Collins of Gd. Forks | Law | Sorlie |
| Crawford | Laithwaite | Steen |
| Cunningham | Lucke | Storey |
| Davidson | Martin | Streeter |
| Doyle of Foster | McCrea | Thompson, Gd. Forks |
| Duncan | McLear | Thompson of McLean |
| Evans | Moen of Benson | Thoreson |
| Fraine | Moen of Cavalier | Traynor |
| Ganssle | Narum | Ward |
| Garden | Nelson of Steele | Welford |
| Geidt | Nyhus | White |
| Gibbins | Olson | Wolbert |
| Goldammer | Paulson | Young |
| Hanley | Peart | Mr. Speaker |

Absent and not voting:

| Messrs.— | Messrs.— | Messrs.— |
|-----------|----------------------|-------------------|
| Burnett | Honey | Nelson of McHenry |
| Burns | Jewett | Nelson of Walsh |
| Chatfield | Johnson of Bottineau | Ployhar |
| Dibley | Knox | Poe |
| Freeman | Linde | Schull |
| Grant | Lindvig | Wisner |
| Hale | | |

Mr. Doyle of McIntosh voting in the negative.

Messrs. Dibley and Grant being excused.

So the bill passed and the title was agreed to.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
March 3, 1909.

Mr. Speaker:

I have the honor to transmit herewith
Senate Bill No. 345,

A joint resolution for the appointment of North Dakota experts to sit with Minnesota boards of appeals, and providing an appropriation therefor.

Which the senate has passed and your favorable consideration is respectfully requested.

Very respectfully,

J. W. FOLEY.

Secretary.

MOTIONS AND RESOLUTIONS.

Mr. Doyle of McIntosh introduced the following concurrent resolution:

Whereas, several citizens of Gackle, North Dakota, have addressed a petition to the legislative assembly on behalf of Mr. Charles Walker; and,

Whereas, the said Mr. Walker will be crippled for life by reason of injuries sustained while saving the life of a school teacher who was lost in the terrific storm and blizzard of November 30th, 1908, and,

Whereas, Mr. Walker has been an honest and industrious workingman, but will hereafter be unable to apply himself to strenuous toil with his former zeal and diligence because of permanent physical disabilities; and,

Whereas, such signal exhibition of fortitude and self sacrifice, such magnanimous and unselfish devotion to duty, should not be suffered to pass without receiving the commendation so richly deserved; therefore, be it

Resolved by the house of representatives, the senate concurring, that one thousand dollars be hereby appropriated in aid of Mr. Walker, and that a copy of this resolution be forwarded to him with the amount of money named herein.

Mr. Doyle of McIntosh moved

That the concurrent resolution be adopted.

Which motion prevailed, and

The resolution was adopted.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
March 3, 1909.

Mr. Speaker:

I have the honor to inform you that the senate has adopted the report of the conference committee on House Bill No. 156.

Very respectfully,

J. W. FOLEY,
Secretary.

There being no objections, the house passed to the fourteenth order of business.

THIRD READING OF SENATE BILLS.

Senate Bill No. 60,

A bill for an act prohibiting the marriage of white persons to negro persons; prohibiting negro man and white woman, or negro woman and white man occupying same room; prohibiting adultery or fornication between whites and negroes; prohibiting the issuing of marriage licenses for white persons to negro persons; prohibiting the performance of the marriage ceremony between white persons and negroes; prescribing penalties for violations of the provisions of this act, and defining a negro person.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 59, nays 27, absent and not voting 9.

Those who voted in the affirmative were:

| | | |
|----------------------|--------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Hill | Paulson |
| Atwood | Honey | Peart |
| Baker of Stark | Hughes | Plath |
| Bjorndahl | Jewett | Pound |
| Brynjulson | Johnson of McLean | Price |
| Chatfield | Kinney of Richland | Senour |
| Christenson | Kneeland | Sgutt |
| Collins of Cass | Knox | Sheils |
| Collins of Gd. Forks | Law | Skulason |
| Crawford | Laithwaite | Sorlie |
| Cunningham | Lucke | Storey |
| Doyle of Foster | McCrea | Thompson, Gd. Forks |
| Doyle of McIntosh | McLear | Thompson of McLean |
| Duncan | Moen of Benson | Thoreson |
| Fraine | Moen of Cavalier | Traynor |
| Garden | Nelson of McHenry | White |
| Geidt | Nelson of Steele | Wisner |
| Goldammer | Nelson of Walsh | Wolbert |
| Hanley | Nyhus | Mr. Speaker |
| Hendrickson | Olson | |

Those who voted in the negative were:

| | | |
|------------|----------------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Akesson | Johnson of Bottineau | Putnam |
| Anderson | Johnson of Rolette | Schull |
| Brusletten | Kinney of McLean | Sinclair |
| Davidson | Kremer | Skinner |
| Evans | Linde | Steen |
| Ganssle | Martin | Streeter |

| | | |
|------------|----------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Gibbens | Narum | Ward |
| Hemmingson | Pendray | Welford |
| Homnes | Poe | Young |

Absent and not voting:

| | | |
|---------------|----------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Baker of Cass | Dibley | Hale |
| Burnett | Freeman | Lindvig |
| Burns | Grant | Ployhar |

Messrs. Dibley and Grant being excused.

So the bill passed and the title was agreed to.

Mr. Traynor moved

That the vote by which Senate Bill No. 60 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

Senate Bill No. 85,

A bill for an act to amend section 2795, chapter 30, of the revised codes of 1905 of the state of North Dakota, relating to special assessment by cities, for building of sidewalks and grading and improving streets.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 82, nays 2, absent and not voting 11.

Those who voted in the affirmative were:

| | | |
|----------------------|----------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Homnes | Pendray |
| Akesson | Honey | Plath |
| Anderson | Hughes | Ployhar |
| Atwood | Jewett | Poe |
| Baker of Cass | Johnson of Bottineau | Pound |
| Baker of Stark | Johnson of McLean | Price |
| Bjorndahl | Johnson of Rolette | Putnam |
| Brusletten | Kinney of McLean | Schull |
| Brynjulson | Kinney of Richland | Stutt |
| Chatfield | Kneeland | Sheils |
| Christenson | Knox | Sinclair |
| Collins of Gd. Forks | Laithwaite | Skinner |
| Crawford | Linde | Skulason |
| Cunningham | Lindvig | Sorlie |
| Davidson | Lucke | Steen |
| Doyle of Foster | Martin | Storey |
| Duncan | McCrea | Streeter |
| Evans | Moen of Benson | Thompson, Gd. Forks |
| Fraine | Moen of Cavalier | Thompson of McLean |
| Ganssle | Narum | Thoreson |
| Garden | Nelson of McHenry | Traynor |

| | | |
|-------------|------------------|-------------|
| Messrs.— | Messrs.— | Messrs.— |
| Geidt | Nelson of Steele | Ward |
| Gibbens | Nelson of Walsh | Welford |
| Goldammer | Nyhus | Wisner |
| Hanley | Olson | Wolbert |
| Hemmingson | Paulson | Young |
| Hendrickson | Peart | Mr. Speaker |
| Hill | | |

Absent and not voting:

| | | |
|-----------------|-------------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Burnett | Doyle of McIntosh | Law |
| Burns | Freeman | McLear |
| Collins of Cass | Grant | Senour |
| Dibley | Hale | |

Messrs. Kremer and White voting in the negative.

Mr. White explained his vote.

Messrs. Dibley and Grant being excused.

So the bill passed and the title was agreed to.

Mr. Schull moved

That the vote by which Senate Bill No. 85 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
March 3, 1909.

Mr. Speaker:

I have the honor to inform you that the senate has adopted the report of the committee of conference on Senate Bill No. 16, and passed the bill as amended by the house.

Very respectfully,
J. W. FOLEY,
Secretary.

THIRD READING OF SENATE BILLS.

Senate Bill No. 175,

A bill for an act providing for a correct tax list, a correct tax sale, and a correct list of owners of real estate and their present addresses.

Was read the third time.

Mr. Kneeland moved

That the further consideration of the bill be indefinitely postponed.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Mr. Chatfield gave notice that he would move tomorrow to reconsider the vote by which Senate Bill No. 175 was indefinitely postponed.

The chair ruled the notice out of order.

Mr. Chatfield appealed from the decision of the chair.

The chair was sustained.

Mr. Kneeland moved

That the vote by which Senate Bill No. 175 was indefinitely postponed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

FIRST AND SECOND READING OF SENATE BILLS.

Senate Bill No. 345,

A joint resolution for the appointment of North Dakota experts to sit with Minnesota boards of appeals, and providing an appropriation therefor.

Was read the first and second times and

Referred to the committee on appropriations.

Senate Bill No. 318,

A bill for an act to provide for paving, curbing, grading or improving the highways, streets or avenues in civil townships adjoining incorporated cities of not less than 6,000 inhabitants, and for the construction of a system of sewerage and water mains therein.

Was read the first and second times and

Referred to the committee on municipal corporations.

Senate Bill No. 325,

A bill for an act to amend section 2335 of the revised codes of the state of North Dakota of 1905, relating to the transcribing of records in newly organized counties.

Was read the third time.

Was read the first and second times and

Referred to the committee on judiciary.

Senate Bill No. 335,

A bill for an act defining the crime of assault and battery with intent to do great bodily harm, and prescribing the punishment therefor.

Was read the first and second times and
Referred to the committee on judiciary.

Senate Bill No. 327,

A bill for an act to amend section 8899 of the revised codes of North Dakota of 1905, defining the offence of inveigling into house of prostitution and prescribing the punishment therefor.

Was read the first and second times, and
Referred to the committee on judiciary.

Senate Bill No. 324,

A bill for an act making it unlawful for any person to receive the proceeds or earnings of any woman engaged in prostitution.

Was read the first and second times and
Referred to the committee on judiciary.

Senate Bill No. 323,

A bill for an act to amend section 537 of the revised codes of 1905 of the state of North Dakota, relating to the bonds of notaries public.

Was read the first and second times and
Referred to committee on judiciary.

Senate Bill No. 300,

A bill for an act to amend section 6710 of the revised codes of 1905, relating to holidays.

Was read the first and second times and
Referred to the committee on state affairs

Senate Bill No. 332,

A bill for an act defining the crime of detention of a woman in a house of ill-fame against her will, and prescribing the punishment therefor.

Was read the first and second times and
Referred to the committee on judiciary.

Senate Bill No. 330,

A bill for an act defining the crime of fornication, and prescribing the punishment therefor.

Was read the first and second times and
Referred to the committee on judiciary.

Senate Bill No. 283,

A bill for an act, entitled an act to amend section 8893, 8894, 8895 and 8896 of the revised codes of North Dakota, defining rape and prescribing punishment therefor.

Was read the first and second times and

Referred to the committee on judiciary.

Senate Bill No. 130,

A bill for an act defining, creating and regulating corporations, and to amend sections 4165, 4169, 4173, 4175, 4176, 4177, 4178, 4185, 4186, 4200 4217 and 4224 of the revised code of 1905 relating to corporations.

Was read the first and second times and

Referred to the committee on corporations other than municipal.

Senate Bill No. 282,

A bill for an act, entitled an act to amend chapter 41 of the session laws of the state of North Dakota, enacted by the tenth session of the legislative assembly of said state, relating to bounties for tree planting.

Was read the first and second times and

Referred to the committee on Agriculture.

Senate Bill No. 97,

A bill for an act to establish a state fair and locate the same at Fargo, North Dakota, and make an appropriation therefor.

Was read the first and second times and

Referred to the committee on ways and means.

Mr. Skulason raised the question of consideration on Senate Bill No. 97.

The question being put to the house, the majority refused to consider the same.

Roll call demanded.

The roll was called and there were ayes 42, nays 41, absent and not voting 12.

Those who voted in the affirmative were:

Messrs.—

Aasheim

Akesson

Atwood

Baker of Cass

Baker of Stark

Bjorndahl

Messrs.—

Geidt

Hanley

Hill

Hughes

Jewett

Kinney of McLean

Messrs.—

Nelson of McHenry

Nelson of Steele

Olson

Peart

Plath

Poe

| | | |
|-------------------|--------------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Brusletten | Kinney of Richland | Price |
| Chatfield | Kremer | Schull |
| Christenson | Law | Sgutt |
| Collins of Cass | Linde | Shells |
| Cunningham | Lindvig | Skinner |
| Doyle of McIntosh | Martin | Streeter |
| Evans | McLear | Thoreson |
| Garden | Narum | Wolbert |

Those who voted in the negative were:

| | | |
|----------------------|--------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Anderson | Honey | Senour |
| Brynjulson | Johnson of McLean | Sinclair |
| Collins of Gd. Forks | Johnson of Rolette | Skulason |
| Crawford | Kneeland | Sorlie |
| Davidson | Laithwaite | Steen |
| Duncan | Lucke | Thompson, Gd. Forks |
| Fraine | Moen of Benson | Thompson of McLean |
| Ganssle | Moen of Cavalier | Traynor |
| Gibbens | Nelson of Walsh | Ward |
| Goldammer | Nyhus | Welford |
| Hale | Paulson | White |
| Hemmingson | Pendray | Wisner |
| Hendrickson | Pound | Mr. Speaker |
| Homnes | Putnam | |

Absent and not voting:

| | | |
|-----------------|----------------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Burnett | Freeman | McCrea |
| Burns | Grant | Ployhar |
| Dibley | Johnson of Bottineau | Storey |
| Doyle of Foster | Knox | Young |

Messrs. Dibley and Grant being excused.
So the question to consider prevailed.

Senate Bill No. 221,

A bill for an act to provide for the printing and distribution of Farmers' Institute Annuals and making an appropriation therefor.

Was read the first and second times and

Referred to the committee on appropriations.

Senate Bill No. 341,

A bill for an act authorizing the board of trustees of public property of North Dakota to operate a good road experimental station at Bismarck, North Dakota; authorizing the employment of the inmates of the North Dakota state penitentiary upon the construction and maintenance of experimental roads; authorizing the board of trustees of public property to accept federal aid and private contributions in the construction of experimental roads and authorizing the state engineer to supervise the construction

and maintenance of all roads and designating where experimental roads shall be built.

Was read the first and second times and

Referred to the committee on highways and bridges.

Senate Bill No. 340,

A bill for an act to compel the proper and permanent marking of tuberculosis cattle when shown or proven to be by the so called "tuberculin" test.

Was read the first and second times and

Referred to the committee on live stock.

Senate Bill No. 303,

A bill for an act to amend section 871 of the revised code of the state of North Dakota of 1905, relating to education.

Have had the same under consideration and recommend that the same be amended as follows:

Was read the first and second times and

Referred to the committee on education.

Senate Bill No. 50,

A bill for an act to amend section 15 of chapter 137 of the session laws of 1907, relating to liabilities of counties for the expenses of insane patients.

Was read the first and second times and

Referred to the committee on state affairs

Senate Bill No. 316,

A bill for an act to amend chapter 117 of the laws of 1907, of the state of North Dakota, relating to the method of giving notice of taking up estrays.

Was read the first and second times and

Referred to the committee on live stock.

Senate Bill No. 274,

A bill for an act to amend chapter 151 of the laws of 1907; an act to require the annual apportionment and accounting of surplus of life insurance companies as to policies heretofore issued.

Was read the first and second times and

Referred to the committee on insurance.

Senate Bill No. 226,

A bill for an act to amend and re-enact sections 1287, 1288, and 1289 of the revised codes of North Dakota, for the year 1905, relating to insurance of public buildings.

Was read the first and second times and
Referred to the committee on insurance.

Senate Bill No. 342,

A bill for an act to amend and re-enact section 796 of the revised codes of North Dakota for the year 1905, providing for the legalizing of the organization of school districts.

Was read the first and second times and
Referred to the committee on education.

Senate Bill No. 94,

A bill for an act to require foreign corporations authorized to do business in this state, to maintain an office or place of business in this state, and also file yearly corporation report.

Was read the first and second times and
Referred to the committee on judiciary.

Senate Bill No. 290.

A bill for an act requiring a stationary metal fire escape to be attached to the outside of each one and every school room located above the first story of all school houses in this state having more than one story, designating those whose duty it shall be to have said fire escapes installed, prescribing the time within which said fire escapes shall be installed and prescribing the punishment for a violation thereof.

Was read the first and second times and
Referred to the committee on Education.

Senate Bill No. 338,

A bill for an act to amend section 18 of an act, entitled a bill for an act creating certain territory now within the school township of Brightwood, Richland county, D. T., as an independent school district, to be known as Brightwood Independent School District No. 1, Richland county, North Dakota.

Was read the first and second times and
Referred to the committee on education.

Senate Bill No. 321,

A bill for an act to amend section 4464 of the revised codes of North Dakota for 1905.

Was read the first and second times and
Referred to the committee on insurance.

Senate Bill No. 317,

A bill for an act to provide for the cancellation of legally recorded brands in the office of the commissioner of agriculture and labor.

Was read the first and second times and
Referred to the committee on live stock.

Senate Bill No. 269,

A bill or an act establishing a county hail insurance department, prescribing rules, regulations and duties of all officers and persons connected therewith, prescribing how taxes for same shall be levied and collected, and how expenses and indemnity for losses by hail shall be paid.

Was read the first and second times and
Referred to the committee on insurance.

Senate Bill No. 176,

A concurrent resolution for an amendment to the constitution for a state hail insurance department and making the commissioner of agriculture and labor also the commissioner of state hail insurance, prescribing rules, regulations and duties of all officers and persons connected therewith, prescribing how taxes for same shall be levied and collected and how expenses and indemnity for losses by hail shall be paid.

Was read the first and second times and
Referred to the committee on insurance.

Senate Bill No. 310.

A bill for an act to amend section 2249 of the revised codes of 1905, providing for storage receipts to be given by public warehouse men, establishing a standard form, and providing a penalty for its nonobservance.

Was read the first and second times and
Referred to the committee on warehousing, grain and grain grading.

Senate Bill No. 197,

A bill for an act to amend section 6 of chapter 76 of the laws of North Dakota, 1907, relating to contingent fund for state's attorney.

Was read the first and second times and
Referred to the committee on judiciary.

Senate Bill No. 186,

A bill for an act establishing a state hail insurance department and making the commissioner of agriculture and labor also the commissioner of state hail insurance; prescribing rules, regulations and duties of all officers and persons connected therewith; prescribing how premiums shall be paid and collected, and how expense and indemnity for losses by hail shall be paid.

Was read the first and second times and
Referred to the committee on insurance.

Senate Bill No. 187,

A bill for an act to amend section 4429 of the revised codes of 1905, relating to the capital stock of insurance companies.

Was read the first and second times and
Referred to the committee on insurance.

Senate Bill No. 264,

A bill for an act amending section 1165 of the revised codes of 1905, the same being amended and embraced in chapter 237 of the laws of 1907, relating to the inmates of the institution for the feeble minded.

Was read the first and second times and
Referred to the committee on state affairs.

The chief clerk announced that the speaker was about to sign

Senate Bill No. 231,

A bill for an act to amend section 3198, article 24, chapter 33 of the political code (revised codes of 1905) of the state of North Dakota, relating to the bonds of civil townships, and as to how and when issued.

Also,

Senate Bill No. 142,

A bill for an act authorizing the state auditor to advance such sums to the treasurer of the state penitentiary as may be necessary for the purpose of paying for the raw mate-

rial and supplies necessary for the operation of the twine plant, and for conducting the business of the institution; providing that the warden of the state penitentiary or the board of trustees thereof, shall execute in writing a requisition setting forth the reason therefor.

Also,

Senate Bill No. 141,

A bill for an act to amend section 10,387 of the code of criminal procedure of the revised codes of 1905, relating to the fiscal year and sinking fund of the twine plant.

Also,

Senate Bill No. 140,

A bill for an act authorizing the board of trustees of the North Dakota state penitentiary to operate the twine plant more than ten hours per day; authorizing the employment of the inmates of the North Dakota state penitentiary during any part of the day; authorizing the board of trustees of the North Dakota state penitentiary to pay inmates, not to exceed the sum of six cents per day, for their labor; except that inmates working over time in the factory may be paid extra for over time; prescribing rules to be observed in the payment of wages, and the keeping of the accounts; providing that the wife, minor children or other person dependent on the inmate for support shall receive five-sixths of the wages, and otherwise providing for the manner in which the wages may be paid; and providing for a general inmates' benefit fund.

Also,

Senate Bill No. 137,

A bill for an act to amend section 372 of the political code of the revised codes of 1905, relating to commissioners of deeds.

Also,

Senate Bill No. 109,

A bill for an act providing for the removal of cars from spurs and sidetracks of railroads that have been loaded for shipment for billing by the same common carriers, and providing penalties for failure to do same.

Also,

Senate Bill No. 59,

A bill for an act authorizing and regulating the incorporation, organization and operation of co-operative associations, and providing for the regulation and control of the same.

And the speaker signed the same in the presence of the house.

Mr. Chatfield raised the question of having his name recorded as voting in the affirmative, when, as a matter of fact, he voted in the negative, and moved that the journal be corrected accordingly.

Which motion prevailed.

Mr. Chatfield moved

That the vote by which the house decided to consider Senate Bill No. 97 be reconsidered.

Which motion prevailed.

The question being upon the question of consideration of Senate Bill No. 97.

Mr. Price moved a call of the house.

Which motion prevailed.

Mr. Streeter moved

That further proceedings under the call of the house be dispensed with.

Which motion prevailed.

The roll was called and there were ayes 45, nays 45, absent and not voting 5.

Those who voted in the affirmative were:

| | | |
|-------------------|--------------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Hemmingson | Paulson |
| Akesson | Hughes | Peart |
| Atwood | Jewett | Plath |
| Baker of Cass | Kinney of McLean | Ployhar |
| Baker of Stark | Kinney of Richland | Poe |
| Brusletten | Knox | Price |
| Brynjulson | Kremer | Schull |
| Collins of Cass | Law | Stutt |
| Crawford | Lindvig | Sheils |
| Cunningham | Martin | Skinner |
| Doyle of McIntosh | McLear | Storey |
| Evans | Narum | Streeter |
| Garden | Nelson of McHenry | Thoreson |
| Geidt | Nelson of Steele | Wolbert |
| Hanley | Olson | Young |

Those who voted in the negative were:

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|----------------------|---------------------|
| Anderson | Homnes | Pound |
| Bjorndahl | Honey | Putnam |
| Chatfield | Johnson of Bottineau | Senour |
| Christenson | Johnson of McLean | Sinclair |
| Collins of Gd. Forks | Johnson of Rolette | Skulason |
| Davidson | Kneeland | Sorlie |
| Doyle of Foster | Laithwaite | Steen |
| Duncan | Linde | Thompson, Gd. Forks |
| Fraine | Lucke | Thompson of McLean |
| Ganssle | McCrea | Traynor |
| Gibbens | Moen of Benson | Ward |
| Goldammer | Moen of Cavalier | Welford |
| Hale | Nelson of Walsh | White |
| Hendrickson | Nyhus | Wisner |
| Hill | Pendray | Mr. Speaker |

Absent and not voting:

| | | |
|---------|---------|-------|
| Burnett | Dibley | Grant |
| Burns | Freeman | |

Mr. Hanley explained his vote.

Messrs. Dibley and Grant being excused.

So the house refused to consider Senate Bill No. 97.

The house having refused to consider Senate Bill No. 97, the speaker withdrew the bill from the committee on ways and means.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
March 3, 1909.

Mr. Speaker:

I have the honor to transmit herewith

Senate Bill No. 167,

A bill for an act requiring corporations or individuals operating railroads to construct cattle guards on private roads; certain other crossings; keeping such guards or crossings in repair, and providing penalty for violations of the provisions of this act.

Also,

Senate Bill No. 311.

A bill for an act to enable cities in this state that may adopt or have adopted the commission form of govern-

ment as provided in chapter 45 of the laws of 1907, to recall incompetent or dishonest elective officers by vote of the people; also providing for the initiative and referendum in city matters, defining the form of the petition required in the law and prescribing the manner in which a city which may adopt or has adopted the commission plan may return to the former system.

Also,

Senate Bill No. 326,

A bill for an act to amend section 536 of the revised codes of 1905, relating to notaries public.

Also,

Senate Bill No. 328,

A bill for an act to amend chapter 179 of the session laws of North Dakota, approved March 2, 1907, entitled 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; such amendments to provide for a levy of not to exceed 3 mills on the dollar in any one year, and by limiting the right to issue bonds to cases where authorized by the vote of the electors, and by adding a new section giving the park board power to plant and protect trees in public streets and highways.

Also,

Senate Bill No. 244,

A bill for an act authorizing domestic life insurance companies to issue certain kinds and classes of insurance policies, and repealing chapter 145 of the 1907 session laws of the state of North Dakota.

Also,

Senate Bill No. 249,

A bill for an act to amend chapter 145 of the laws of 1907, an act to prohibit the issuance of non-participating policies by certain life insurance companies.

Also,

Senate Bill No. 331,

A bill for an act defining the crime of indecent assault, and prescribing the punishment therefor.

Also,

Senate Bill No. 329,

A bill for an act defining a prostitute, and prescribing the punishment therefor.

Which the senate has passed and your favorable consideration is respectfully requested.

Very respectfully,

J. W. FOLEY,
Secretary.

COURTESIES OF THE FLOOR.

The privileges of the floor were extended to Edward Braddock, Linton; S. F. Wright, John Pfeifle, Hazleton.

Mr. Skulason moved

That the house take a recess until 8 o'clock p. m.

Which motion prevailed, and

The house took a recess until 8 o'clock p. m.

W. D. AUSTIN,
Chief Clerk.

AFTER RECESS.

The house assembled at 8 o'clock p. m., pursuant to recess taken.

Mr. Price moved

That the house take a recess for fifteen minutes.

Which motion prevailed.

AFTER RECESS.

There being no objections, the house returned to the sixth order of business.

REPORTS OF SELECT COMMITTEES.

Mr. Speaker:

Your special committee to whom were referred all primary election bills before the house, have had the same under consideration and beg leave to report as follows:

We recommend that House Bill No. 326 be amended as follows:

Strike out everything after the figures "326" and insert the following:

The special committee, consisting of Matt Johnson, B. G. Skulason, A. S. Gibbens, C. C. Laithwaite and O. J. Sorlie, substituted the following bill:

A bill for an act to amend chapter 109 of the laws of North Dakota for 1907, being an act providing for the selection of candidates for election by popular vote and relating to their nomination and the perpetuation of political parties and repealing section 35 of said act.

Be it enacted by the Legislative Assembly of the State of North Dakota:

Sec. 1. Amendment.) Section 2, chapter 109, of the laws of North Dakota for 1907, is hereby amended to read as follows:

Sec. 2. Held, When. What Offices, for.) On the last Wednesday in June of every year in which occurs a general election there shall be held, in lieu of party 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: Members of congress, state officers, county officers, district assessors and the following officers in the years of their regular election, viz: Judges of the supreme and district courts, members of the legislative assembly and county commissioners, and United States senator in the year previous to his election by the legislative assembly; provided, however, that the provisions of this act shall not be construed to include or provide for the nomination of presidential electors or delegates to national conventions. Such delegates to national conventions shall be nominated and elected, and presidential electors nominated as now or hereafter may be provided for by the various state central committees. For special elections for the officers enumerated herein the nominations shall be made as otherwise provided by law. This act shall not apply to the nominations by minority parties as hereinafter defined, nor be construed as repealing section 501 of the Revised Codes of North Dakota for 1899.

Sec. 2. Amendment.) Section 3, chapter 109, of the laws of North Dakota for 1907, is hereby amended to read as follows:

Sec. 3. Petition Required. Affidavit of Candidates.) Every candidate for United States senator, member of congress, state officers, judge of the supreme and district courts, shall, not more than sixty days nor less than thirty days prior to said primary election, present to the secretary of state a petition giving his name, postoffice address, the title of the office to which he aspires and the party which he represents, containing the names of 3 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 legal voter and be subscribed under a certified party heading.

Upon receipt by the secretary of state of such petition, accompanied by the following affidavit he shall place the applicant's name upon the primary election ballot in the columns of his party as hereinafter provided. Said affidavit may be substantially as follows:

State of North Dakota, }
 } ss.
County of

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

Subscribed and sworn to before me this day of, 19..
.....
Notary Public, North Dakota.

Sec. 3. Amendment.) Section 4, chapter 109, of the laws of North Dakota for 1907, is hereby amended to read as follows:

Sec. 4. County and Legislative Candidates, Petition and Pledge of.) Every candidate for a county or district office shall not more than forty days nor less than thirty days and before 4 o'clock p. m. of the thirtieth day prior to any primary election present to the county auditor a petition giving his name, postoffice address, the title of the office to which he aspires and the party which he represents, containing the names of 5 per cent of the total vote cast for the candidate of the party which he represents, for the same position at the last general election; provided, however, that in no case shall there be more than two hundred names on any petition; and, provided further, that any candidate under this act for the office of member of the legislative assembly may sign and file with his petition the following declaration, the making and filing of which shall be purely optional with such candidate, viz: I, the undersigned, a candidate for nomination for the office of member of the legislative assembly of the state of North Dakota, hereby declare to the people of the state of North Dakota, and to the people of my legislative district, that during my term of office, I will always support and vote for the candidate of my party for United States senator who has received the highest number of votes upon my party ticket for that position at the primary election next preceding the election of United States senator; provided, that in case no candidate of my party receives thirty per cent of all the votes cast for the office of United States senator of my party, then and in that case I pledge myself to vote for the candidate of my party who receives the highest number of votes of my party at the general election succeeding such primary election.

Each name on the petition shall be that of a qualified voter and be subscribed under a party heading. Each signer of a nomination paper shall sign but one such paper for the same office; he shall add his residence with the street number, if any, and the date of signing. Upon the receipt of such petition by the county auditor, 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 in the columns of his party as hereinafter provided.

When a legislative district is composed of more than one county the petition herein provided for shall be filed with the county auditor of the county where the candidate resides, and such county auditor shall certify to the county auditors of the other counties composing such legislative districts the names of the candidates filing such petitions.

Sec. 4. Amendment. Section 5, of chapter 109, of the laws of North Dakota for 1907, is hereby amended to read as follows:

Sec. 5. Names on Primary Ballot, How Secured. Vacancies, How Filled.) Applications to have a name placed on the primary election ballots for nomination may be made by five qualified electors for any office designated in this

act, by presenting the petition required in sections 3 or 4 to the proper official, accompanied by the following affidavit:

State of North Dakota, }
County of } ss.

A , B , C , D and E , being duly sworn, each for himself, deposes and says that he is a qualified voter in the state of North Dakota, that he hereby makes application to have the name of printed on the primary election ballot of the party for the office of , to be voted for at the primary election to be held on the day of , 19...; that said is to the best of their knowledge, information and belief, a and a qualified voter and eligible to hold the office of under the constitution.

.....
.....
.....
.....

Subscribed and sworn to before me this day of , 19..

.....
Notary Public, North Dakota.

When such application is received by the proper officer, he shall place the name on the primary election ballot as a candidate of the party named in said petition; provided, that such affidavit and petition shall not be filed without the written consent of such person to be nominated indorsed thereon; and provided, further, that when the time has expired at which a petition may be filed, and a vacancy exists in the primary election ballot of any political party by reason of no petition having been filed for such nomination, then and in that case the same may be filled by affidavit and petition as provided in this section; such affidavit and petition must be filed with the proper officers at least twenty days before the primary election; and provided, further, that no petition shall be circulated or signed more than ninety days previous to the time when any petition is required to be filed as herein provided for and any signatures to a petition secured prior to ninety days shall not be counted.

Sec. 5. Amendment.) Section 12, of chapter 109, of the laws of North Dakota for 1907, is hereby amended to read as follows:

Sec. 12. Percentage of Votes Required for Nomination.) If the total vote cast for any party candidate or candidates for any office for which nominations are herein provided for shall equal less than 20 per cent of the total number of votes cast for secretary of state of the political party, he or they represented at the last general election, no nomination shall be made in that party for such office. But if 20 per cent or more of such vote is cast and there is more than one candidate for any such office, the person receiving the highest number of votes shall be declared the nominee of such party for such office; provided, further, that where there is more than one person to be elected to the same office the persons to the number to be elected receiving the highest number of votes cast for such office shall be declared the nominees of the party for such offices.

Sec. 6. Amendment.) Sec. 13, of chapter 109 of the laws of North Dakota for 1907, is hereby amended to read as follows:

Sec. 13. Nominations for United States Senator.) Party candidates for the office of United States senator shall be nominated in the manner herein provided for the nominations of candidates for state offices.

The candidate receiving the highest number of votes at such primary election shall be the nominee of his party for the office of United States senator at the succeeding session of the legislative assembly which is

to elect a United States senator; provided, however, that in case no candidate receives thirty per cent of all the votes of his party cast for the office of United States senator, then the two candidates of each party who receive the highest number of votes cast at such primary election shall be placed upon a separate ballot to be voted for at the general election following. Such ballot shall be prepared in the same manner as the general election ballot, commonly known as the Australian ballot, is prepared. The candidates of each party are to be placed upon such ballot under their proper party heading. The names of each candidate shall be placed upon such ballot in the same manner as the candidate for state offices and shall be voted for in the same manner. The votes for candidates for United States senator shall be canvassed and returned in the same manner as the votes cast for state officers. The candidate of each party receiving the highest number of votes at such general election shall be the nominee of his party for the office of United States senator, and it is hereby made the duty of the secretary of state to certify to the next session of the legislative assembly the name of the candidate of each party who receives the highest number of votes for the office of United States senator.

Sec. 7. Amendment.) Section 14, of chapter 14, of the laws of North Dakota for 1907, is hereby amended to read as follows:

Sec. 14. Ballots, How Prepared.) The primary election ballot shall be prepared, unless otherwise provided in this act, as defined in sections 614 and 619 of the revised codes of 1905.

Sec. 8. Amendment.) Section 31, of chapter 109, of the laws of North Dakota for 1907, is hereby amended to read as follows:

Sec. 31. Nominations, How Contested. Appeal.) Any candidate at a primary election desiring to contest the nomination of another candidate or candidates for the same office shall serve notice thereof on the person or persons whose nomination he intends to contest within ten days after the filing in the proper office of the statement of the canvassing board of the canvass of the votes at such primary election, which notice shall be served in the same manner as a summons in a civil action. But if the person whose nomination is contested cannot be found or shall have ceased to reside in the county or state, then the notice shall be served by leaving the same at such person's last place of residence, and if no service as above provided can be made the court may, by order direct the manner of service. Such notice of contest shall be in writing and shall set forth in plain and concise language the facts and grounds upon which the contestant relies in his contest and shall be verified as a pleading in a civil action.

The person upon whom such notice is served shall within ten days after such service, serve an answer to such notice upon the contestant or his attorney or he shall be deemed to be in default. Such answer may admit or deny the allegations of the notice and may state any other grounds upon which the contestee relies for the validity of his nomination.

The judge of the district court in case no term of such court occurs in the proper county within twenty days after the service of the answer in such contest, shall call a special term of court therein for the trial of such contest, otherwise such contest shall be tried at the next regular term after issue joined, as aforesaid, unless otherwise ordered by the court. No notice of trial or note of issue shall be required to bring such contest upon the calendar. The judge of the district court may upon ten days' notice, served by either party upon the other, try such contest at the chambers at any place within his judicial district fixed by the court. All testimony and depositions in contest brought under the provisions of this act shall be taken in the same manner as in civil actions. Depositions may be taken in more than one place at the same time upon leave of court. The trial of such contest shall be governed

by the rules applicable to trials in civil actions, except as otherwise provided herein; and the costs shall be taxed in the same manner as in civil actions. Upon the application of either party after issue joined as aforesaid, supported by an affidavit, setting forth the grounds of such application, the court may order the custodian of the ballots of any precinct to appear before him with such ballots at a time and place to be fixed by the court and abide the further order of the court. At such time and place the ballot box of such precinct shall be opened and the ballots recounted in the presence of the court and the parties.

The court shall make its findings of fact and conclusions of law in such contest and render final judgment accordingly. An appeal from such judgment may be taken to the supreme court without a motion for a new trial and the appellate procedure in civil actions shall govern, except as herein otherwise provided. Such appeal must be taken and perfected within ten days after written notice of entry of final judgment in such contest. Such appeal may be brought on for hearing in the supreme court at any session of said court upon five days' notice served by either party upon the other and shall have preference over all other causes pending before said court.

Sec. 9. Amendment.) Section 34, of chapter 109, of the laws of North Dakota for 1907, is hereby amended to read as follows:

Sec. 34. Nominations by Minority Parties. How Made.) Any political party which at the last preceding election cast less than five per cent of the votes cast for governor may nominate candidates for office in the manner provided by existing laws for conventions; provided, however, that all such conventions must be held upon the same day as the primary election is held under this act.

Sec. 10. Repeal.) Section 35, of chapter 109, of the laws of North Dakota for 1907, is hereby repealed.

Sec. 11. Amendments.) Section 40, of chapter 109, of the laws of North Dakota for 1907, is hereby amended to read as follows:

Sec. 40. County and State Committee, How Selected. Within ten days after the official canvass of the votes cast at any primary election under this act, the county auditor shall, by written notice, call a meeting of all the candidates for county and legislative offices of each political party nominated at such primary election; such meeting shall be held in the court house of such county at the time and place designated in such notice, which time shall not be more than twenty days after the official canvass of such votes. At such meeting, said candidates shall select one person from each precinct as a member of the county central committee of such party, which person shall be a member of the party which said candidates represent.

A list of the names of the persons so selected from the different voting precincts shall forthwith be filed by the secretary of such meeting, with the county auditor, who shall thereupon immediately notify such persons by a notice in writing to meet at the county seat at a time and place to be designated in such notice, which shall not be later than the first Tuesday in August next following the primary election.

Such precinct committeemen shall at the time and place designated in such notice, organize by selecting a chairman, secretary, and a treasurer, and shall adopt rules of procedure. They shall at such meeting select one person who shall be a legal voter and a member of the political party represented by such committee, to act upon and be a member of the state central committee of such party in all counties consisting of one legislative district; and in counties having more than one legislative district, they shall select one person from each district, and when two or more counties are embraced in one legislative district, the county committees of the different counties shall meet at the county seat of the senior county of such district on the third Tuesday in August next following the primary election, at a time and place to be

fixed by the county auditor, by notice as above provided, and shall select one person possessing the above qualifications, to act upon and be a member of the state central committee of such party. A list of the persons selected for state central committeemen shall forthwith be mailed to the secretary of state by the secretaries of such meetings. The persons so selected as state central committeemen shall meet at the state capitol on the second Tuesday of September next following at the hour of 2 o'clock p. m., upon call of the secretary of state, whose duty it is hereby made to notify each member of said state central committee by registered mail not less than ten days before the date of such meeting; such committeemen shall organize by selecting a chairman, secretary and a treasurer, and by adopting rules of procedure. Such committee shall promulgate and publish a platform of principles of the party which it represents. Vacancies shall be filled by a majority of such committee by appointment from the district in which such vacancy exists.

And when so amended your special committee recommend that the same do pass.

Your special committee also recommend that House Bills Nos. 26, 226 and 360 be indefinitely postponed.

MATT JOHNSON, Chairman.
B. G. SKULASON.
A. S. GIBBENS.
G. C. LAITHWAITE.
O. J. SORLIE.

Mr. Hanley moved

That the time be limited to each member of two minutes' speech when in committee of the whole.

Which motion prevailed.

GENERAL ORDERS.

Mr. Hanley moved

That the house resolve itself into a committee of the whole for the consideration of the substitute for House Bill No. 326.

Which motion prevailed, and

The house resolved itself into a committee of the whole.

The speaker called Mr. Price to the chair.

When the committee arose it submitted the following report.

Mr. Speaker:

The committee of the whole have had under consideration the substitute for

House Bill No. 326,

A bill for an act to amend chapter 109 of the laws of North Dakota for 1907, being an act providing for the selection of candidates for election by popular vote and relat-

ing to their nomination and the perpetuation of political parties, and repealing section 35 of said act.

And recommend that the same be amended as recommended by the special committee.

Also,

In section 4, line 11 of the committee report, strike out the word "required."

And when so amended recommend the same do pass.

W. J. PRICE,
Chairman.

Mr. Sorlie moved

That the report of the committee of the whole be adopted.

Which motion prevailed, and

The report of the committee was adopted.

There being no objections, the house returned to the seventh order of business.

MOTIONS AND RESOLUTIONS.

Mr. Sorlie moved

That the rules be suspended and the substitute for House Bill No. 326 be considered engrossed and placed upon its third reading and final passage.

Which motion prevailed.

House Bill No. 326,

A bill for an act to amend chapter 109 of the laws of North Dakota for 1907, being an act providing for the selection of candidates for election by popular vote and relating to their nomination and the perpetuation of political parties, and repealing section 35 of said act.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 56, nays 16, absent and not voting 23.

Those who voted in the affirmative were:

Messrs.—

Aasheim
Akesson
Anderson
Bjorndahl
Brusletten
Brynjolfson
Chatfield
Christenson
Collins of Cass
Cunningham

Messrs.—

Hill
Homnes
Johnson of Bottineau
Johnson of McLean
Johnson of Rolette
Kinney of McLean
Knox
Law
Laithwaite
Lucke

Messrs.—

Paulson
Ployhar
Schull
Sheils
Sinclair
Skulason
Sorlie
Steen
Storey

| | | |
|-------------------|-------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Davidson | McCrea | Streeter |
| Doyle of McIntosh | Moen of Benson | Thompson, Gd. Forks |
| Duncan | Moen of Cavalier | Thompson of McLean |
| Ganssle | Narum | Thoreson |
| Garden | Nelson of McHenry | Ward |
| Gibbins | Nelson of Steele | Welford |
| Goldammer | Nelson of Walsh | Wisner |
| Hemmingson | Nyhus | Mr. Speaker |
| Hendrickson | Olson | |

Those who voted in the negative were:

| | | |
|----------------------|--------------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Baker of Cass | Kinney of Richland | Poe |
| Collins of Gd. Forks | Kneeland | Price |
| Hanley | Kremer | Senour |
| Honey | McLear | Skinner |
| Hughes | Pendray | Wolbert |
| Jewett | | |

Absent and not voting:

| | | |
|-----------------|----------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Atwood | Fraine | Pearl |
| Baker of Stark | Freeman | Plath |
| Burnett | Geidt | Putnam |
| Burns | Grant | Sgutt |
| Crawford | Hale | Traynor |
| Dibley | Linde | White |
| Doyle of Foster | Lindvig | Young |
| Evans | Martin | |

Mr. Hanley explained his vote.

Messrs. Dibley and Grant being excused.

So the bill passed and the title was agreed to.

Mr. Skulason moved

That the vote by which House Bill No. 326 passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Mr. Wolbert moved

That the rules be suspended and the vote by which Senate Bills Nos. 223 and 224 was indefinitely postponed be reconsidered.

Which motion was lost.

Mr. Wolbert moved

That the house do now adjourn.

Which motion was lost.

Mr. Schull moved

That the rules be suspended and Senate Bill No. 220 be placed upon its third reading and final passage.

Which motion was lost.

There being no objections, the house passed to the fourteenth order of business.

THIRD READING OF SENATE BILLS.

Senate Bill No. 185,

A bill for an act to amend section 4639 of the revised codes of North Dakota, 1905, relative to powers of banking corporations.

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 39, absent and not voting 26.

Those who voted in the affirmative were:

| | | |
|----------------------|--------------------|------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Akesson | Johnson of McLean | Nelson of Steele |
| Anderson | Johnson of Rolette | Nelson of Walsh |
| Brynjulson | Kinney of McLean | Olson |
| Chatfield | Kinney of Richland | Paulson |
| Garden | Kneeland | Ployhar |
| Hemmingson | Knox | Schull |
| Hill | Law | Thoreson |
| Honey | Linde | White |
| Hughes | Lucke | Wolbert |
| Johnson of Bottineau | Narum | Young |

Those who voted in the negative were:

| | | |
|-------------------|------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Jewett | Sheils |
| Baker of Cass | Kremer | Sinclair |
| Bjorndahl | Martin | Skinner |
| Brusletten | McCrea | Skulason |
| Christenson | McLear | Sorlie |
| Collins of Cass | Moен of Benson | Steen |
| Cunningham | Moен of Cavalier | Storey |
| Davidson | Nyhus | Streeter |
| Doyle of McIntosh | Pendray | Thompson, Gd. Forks |
| Duncan | Poe | Ward |
| Evans | Pound | Welford |
| Ganssle | Price | Wisner |
| Hendrickson | Senour | Mr. Speaker |

Absent and not voting:

| | | |
|----------------------|------------|--------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Atwood | Freeman | Lindvig |
| Baker of Stark | Geldt | Nelson of McHenry |
| Burnett | Gibbens | Peart |
| Burns | Goldammer | Plath |
| Collins of Gd. Forks | Grant | Putnam |
| Crawford | Hale | Sgutt |
| Dibley | Hanley | Thompson of McLean |
| Doyle of Foster | Hornes | Traynor |
| Fraine | Laithwaite | |

Messrs. Dibley and Grant being excused.

So the bill was lost.

Mr. Jewett gave notice that at 2:30 tomorrow he would move to reconsider the vote by which Senate Bill No. 185 was lost.

Senate Bill No. 215,

A bill for an act to amend section 10,292 of the revised codes of North Dakota for 1905, relating to the offering of reward for apprehension of criminals and those charged with crime.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 75, nays 0, absent and not voting 20.

Those who voted in the affirmative were:

| | | |
|-------------------|----------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Hughes | Pendray |
| Akesson | Jewett | Ployhar |
| Anderson | Johnson of Bottineau | Poe |
| Baker of Cass | Johnson of McLean | Pound |
| Bjorndahl | Johnson of Rolette | Price |
| Brusletten | Kinney of McLean | Schull |
| Brynjulson | Kinney of Richland | Senour |
| Chatfield | Kneeland | Shells |
| Christenson | Knox | Sinclair |
| Collins of Cass | Kremer | Skinner |
| Crawford | Law | Skulason |
| Cunningham | Laithwaite | Sorlie |
| Davidson | Linde | Steen |
| Dibley | Lucke | Storey |
| Doyle of McIntosh | Martin | Streeter |
| Duncan | McLear | Thompson, Gd. Forks |
| Ganssle | Moen of Benson | Thompson of McLean |
| Garden | Moen of Cavalier | Thoreson |
| Gibbens | Narum | Ward |
| Goldammer | Nelson of McHenry | Welford |
| Hanley | Nelson of Steele | White |
| Hemmingson | Nelson of Walsh | Wisner |
| Hendrickson | Nyhus | Wolbert |
| Hill | Olson | Young |
| Homnes | Paulson | Mr. Speaker |
| Honey | | |

Absent and not voting:

| | | |
|----------------------|----------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Atwood | Fraine | McCrea |
| Baker of Stark | Freeman | Peart |
| Burnett | Geidt | Plath |
| Burns | Grant | Putnam |
| Collins of Gd. Forks | Hale | Sgutt |
| Doyle of Foster | Lindvig | Traynor |
| Evans | | |

Messrs. Dibley and Grant being excused.

So the bill passed and the title was agreed to.

Mr. Price moved

That the house do now adjourn.

Which motion prevailed, and

The house adjourned.

W. D. AUSTIN,
Chief Clerk.

FIFTY-NINTH DAY

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
March 4, 1909.

The house assembled at 2 o'clock p. m., pursuant to adjournment.

The speaker presiding.

Prayer by the chaplain.

Roll call.

All members present except Mr. Grant, who was excused.

REFERENCE OF THE JOURNAL.

The committee on revision and correction of the journal made the following report:

Mr. Speaker:

Your committee on revision and correction of the journal have carefully examined the journal of the fifty-seventh day after recess and fifty-eighth day and recommend that the same be corrected as follows:

On page 56, line 19, strike out after words "which motion prevailed," the number and title of Senate Bill 16 and the roll call thereon.

On page 71, line 10, insert after the word "affirmative," the following, "on the consideration of Senate Bill No. 97,"

On page 64, line 30, after word "majority," strike out "refused" and insert in lieu thereof the word "decided."

And when so corrected recommend that the same be approved.

S. J. DOYLE,
Chairman.

Mr. Doyle moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
March 4, 1909.

Mr. Speaker:

I have the honor to return herewith

House Bill No. 90,

A bill for an act to amend section 2600 of the revised codes of 1905 and to repeal section 2601 of the revised codes of 1905.

Which the senate has amended as follows:

In line 39½ of the printed bill strike out the word "to" and insert in lieu "by."

In line 65 of the printed bill strike out the word "commissioners" and insert in lieu "commissions."

And passed as amended.

Also,

Mr. Speaker.

I have the honor to return herewith the following concurrent resolution:

Whereas, several citizens of Gackle, North Dakota, have addressed a petition to the legislative assembly on behalf of Mr. Charles Walker; and,

Whereas, the said Mr. Walker will be crippled for life by reason of injuries sustained while saving the life of a school teacher who was lost in the terrific storm and blizzard of November 30th, 1908, and,

Whereas, Mr. Walker has been an honest and industrious workingman, but will hereafter be unable to apply himself

to strenuous toil with his former zeal and diligence because of permanent physical disabilities; and,

Whereas, such signal exhibition of fortitude and self sacrifice, such magnanimous and unselfish devotion to duty, should not be suffered to pass without receiving the commendation so richly deserved; therefore, be it

Resolved by the house of representatives, the senate concurring, that one thousand dollars be hereby appropriated in aid of Mr. Walker, and that a copy of this resolution be forwarded to him with the amount of money named herein.

In which the senate has concurred by roll call.

Also,

Mr. Speaker:

I have the honor to return herewith

House Bill No. 154,

A bill for an act to amend sections 2173 and 2174 of the revised codes of the state of North Dakota for 1905, relating to automobiles.

Which the senate has amended as follows:

In the title change "section" to "sections," and after "2173" insert "and 2174."

In line 1 of the printed bill insert before the word "section" the words "section 1."

Add as section 2 the following:

"Section 2. Section 2174 of the revised codes of the state of North Dakota of 1905 is hereby amended to read as follows:

"Section 2174. Penalty for Violation.) Any person who shall violate any provisions of this article shall be guilty of a misdemeanor, and shall be punished by a fine of not less than ten dollars and not more than fifty dollars, and if default is made in the payment of such fine such person or persons shall be committed to the county jail until such fine is paid, conditioned, however, that each day's service in jail shall be equal to two dollars of such fine, and the person so offending shall be liable for damages in a civil action to any person who shall have been injured in person or property by reason of such violation of this article."

And passed as amended.

Also,

House Bill No. 165,

A bill for an act to amend section 533 of the 1905 revised codes of North Dakota relative to the authorization of officers to administer oaths.

Which the senate has amended as follows:

Insert between lines 12 and 13 of the printed bill the following, "public administrators within their respective counties."

And passed as amended.

Also,

Mr. Speaker:

I have the honor to return herewith

House Bill No. 116,

A bill for an act to amend section 473 of the revised codes of North Dakota of 1905, relating to the boundaries and terms of court in the fifth judicial district.

Also,

House Bill No. 182,

A bill for an act to amend section 3141 of the revised codes of 1905, relating to bond to be given by clerks of civil townships.

Also,

House Bill No. 69,

A bill for an act to amend section 8184 of the revised codes of North Dakota for 1905, relating to the commissions to be allowed administrators and executors when no provision is made in the will.

Also,

House Bill No. 70,

A bill for an act amending section 687 of the revised codes of 1905.

Also,

House Bill No. 65,

A bill for an act relating to evidence regarding the chain of title to real estate.

Also,

House Bill No. 68,

A bill for an act to amend section 1513 of the revised codes of North Dakota for 1905, relating to the furnishing by county auditors of assessment books and blanks and lists of real property, and regulating time of meeting of assessors.

Also,

House Bill No. 95,

A bill for an act to amend section 7182 of the revised codes of 1905, relating to costs on appeal from justice court.

Also,

House Bill No 6,

A concurrent resolution amending the constitution of the state of North Dakota, establishing and locating a state normal school in the city of Minot, county of Ward.

Also,

House Bill No. 66,

A bill for an act to amend section 8049 of the revised codes of North Dakota of 1905, relating to the bonds of executors, administrators and guardians.

Also,

House Bill No. 309,

A bill for an act prescribing the duty of the secretary of state, relative to laws enacted under section 122 of the constitution.

Also,

House Bill No. 310,

A concurrent resolution amending the constitution of the state of North Dakota, relating to the taxation of farm property.

Also,

House Bill No. 321,

A bill for an act to amend section 1597 of the revised codes of 1905 of the state of North Dakota, as amended by chapter 219 of the session laws of 1907, relating to duty of county auditor.

Also,

House Bill No. 387,

A bill for an act to amend section 4037 of the revised codes of North Dakota for 1905, relating to issuing of marriage licenses.

Also,

House Bill No. 80,

A concurrent resolution for an amendment to the constitution providing for the initiative and referendum.

Also,

House Bill No. 59,

A bill for an act amending section 9761 of the 1905 revised codes of North Dakota, relating to change of place of trial of preliminary examinations in criminal cases.

Also,

House Bill No. 64,

A bill for an act to amend section 5187 of the revised codes of 1905, relating to the law of succession.

Also,

House Bill No. 188,

A bill for an act to punish the giving of checks or drafts on any bank or other depository wherein the person so giving such check or draft shall not have sufficient funds or a credit for payment of same and providing penalties therefor.

Also,

House Bill No. 147,

A bill for an act relating to the qualifications of members of state, county, city, township, town and village boards of equalization.

Also,

House Bill No. 163.

For amendment to the constitution of the state of North Dakota, relating to revenue and taxation.

Also,

House Bill No. 133,

A bill for an act prescribing the powers, duties and liabilities of constables.

Also,

House Bill No. 94,

A bill for an act to amend section 7304 and section 7305, relating to privileged communications.

Also,

House Bill No. 350,

A bill for an act to repeal section 7229 of the revised codes of North Dakota for the year 1905, relating to appeals in cases tried without a jury.

Also,

House Bill No. 142,

A bill for an act to amend sections 4695, and 4697 of the revised codes of the state of North Dakota for the year 1905, relating to foreign corporations.

Also,

House Bill No. 15,

An act to amend section 1582 of the revised codes of the state of North Dakota for 1905, relating to the redemption of real estate which has been sold at tax sale.

Also,

House Bill No. 136,

A bill for an act to amend section 3133 of chapter 255 of the session laws of 1907, relating to powers of electors and supervisors of organized townships.

Also,

House Bill No. 148,

A bill for an act to amend section 2437 of the revised codes of North Dakota for 1905, relating to the proposals and acceptance of bonds of county depositaries.

Also,

House Bill No. 324,

A bill for an act prescribing the powers and duties of village marshals.

Also,

House Bill No. 364,

A bill for an act to amend section 2596 of the revised codes of 1905, as amended by chapter 69 of the session laws of 1907, providing the clerk hire for the register of deeds in the various counties in the state.

Also,

House Bill No. 312,

A bill for an act to prescribe a method of removal and discharge of persons admitted to the institution for the feeble minded.

Which the senate has indefinitely postponed.

Very respectfully,

J. W. FOLEY,

Secretary.

REPORTS OF STANDING COMMITTEES.

The committee on engrossment made the following report:

Mr. Speaker:

The committee on engrossment have examined:

House Bill No. 326,

A bill for an act to amend chapter 109 of the laws of North Dakota for 1907, being an act providing for the selection of candidates for election by popular vote and relating to their nomination and the perpetuation of political parties, and repealing section 35 of said act.

And find the same correctly engrossed.

F. GOLDAMMER,

Chairman.

Mr. Goldammer 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. Speaker:

Your committee on state affairs to whom was referred Senate Bill No. 264,

A bill for an act amending section 1165 of the revised codes of 1905, the same being amended and embraced in chapter 237 of the laws of 1907, relating to the inmates of the institution for the feeble minded.

Have had the same under consideration and recommend that the same do pass.

W. J. PRICE,
Chairman.

Mr. Price moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on state affairs to whom was referred Senate Bill No. 294,

A bill for an act to amend section 437 of the revised codes of North Dakota for the year 1905, relating to the qualifications of deputies and clerks in state, county and municipal offices.

Have had the same under consideration and recommend that the same be indefinitely postponed.

W. J. PRICE,
Chairman.

Mr. Price moved

That the report be adopted

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

The committee on appropriations made the following report:

Mr. Speaker:

Your committee on appropriations to whom was referred Senate Bill No. 37,

A bill for an act for an appropriation for the improvement and maintenance of the experimental work, provided

for in section 1118 of therevised codes of North Dakota, to determine the milling values of wheat, the baking properties produced therefrom, and the chemical composition thereof.

Have had the same under consideration and recommend that the same do pass.

S. N. PUTNAM,
Chairman.

Mr. Putnam moved

That the report be adopted

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on appropriations to whom was referred Senate Bill No. 221,

A bill for an act to provide for the printing and distribution of Farmers' Institute Annuals and making an appropriation therefor.

Have had the same under consideration and recommend that the same do pass.

S. N. PUTNAM,
Chairman.

Mr. Putnam moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on appropriations to whom was referred Senate Bill No. 4,

A bill for an act, entitled an act to appropriate the sum of ninety thousand (90,000) dollars, or as much thereof as may be necessary to indemnify persons who have lost animals from the disease known as glanders.

Have had the same under consideration and recommend that the same be indefinitely postponed.

S. N. PUTNAM,
Chairman.

Mr. Putnam moved

That the report be adopted.

Which motion was lost.

Mr. Streeter moved

That Senate Bill No. 4 be placed upon the calendar and recommend that the same do pass.

Which motion prevailed.

Mr. Sorlie moved

That the rules be suspended and Senate Bill No. 4 be placed upon its third reading and final passage.

Which motion prevailed.

Senate Bill No. 4,

A bill for an act, entitled an act to appropriate the sum of ninety thousand (90,000) dollars, or as much thereof as may be necessary to indemnify persons who have lost animals from the disease known as glanders.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 88, nays 1, absent and not voting 6.

Those who voted in the affirmative were:

| | | |
|----------------------|----------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Hemmingson | Olson |
| Akesson | Hendrickson | Paulson |
| Anderson | Hill | Pendray |
| Atwood | Homnes | Plath |
| Baker of Cass | Honey | Ployhar |
| Baker of Stark | Hughes | Poe |
| Bjorndahl | Jewett | Pound |
| Brusletten | Johnson of Bottineau | Price |
| Brynjulson | Johnson of McLean | Putnam |
| Burns | Johnson of Rolette | Schull |
| Chatfield | Kinney of McLean | Senour |
| Christenson | Kinney of Richland | Sgutt |
| Collins of Cass | Kneeland | Sheils |
| Collins of Gd. Forks | Knox | Sinclair |
| Cunningham | Kremer | Skinner |
| Davidson | Law | Skulason |
| Dibley | Linde | Sorlie |
| Doyle of Foster | Lindvig | Steen |
| Doyle of McIntosh | Lucke | Storey |
| Duncan | Martin | Streeter |
| Evans | McCrea | Thompson, Gd. Forks |
| Fraine | McLear | Thompson of McLean |
| Freeman | Moen of Benson | Thoreson |
| Ganssle | Moen of Cavalier | Traynor |
| Garden | Narum | Ward |
| Geidt | Nelson of McHenry | Welford |
| Gibbens | Nelson of Steele | Wisner |
| Goldammer | Nelson of Walsh | Young |
| Hale | Nyhus | Mr. Speaker |
| Hanley | | |

Absent and not voting:

Messrs.—

Burnett
Crawford

Messrs.—

Grant
Peart

Messrs.—

White
Wolbert

Mr. Laithwaite voted in the negative.

Mr. Grant being excused.

So the bill passed and the title was agreed to.

REPORT OF STANDING COMMITTEES.

The committee on insurance made the following report:

Mr. Speaker:

Your committee on insurance to whom was referred
Senate Bill No. 176,

A concurrent resolution for an amendment to the constitution for a state hail insurance department and making the commissioner of agriculture and labor also the commissioner of state hail insurance, prescribing rules, regulations and duties of all officers and persons connected therewith, prescribing how taxes for same shall be levied and collected and how expenses and indemnity for losses by hail shall be paid.

Have had the same under consideration and recommend that the same do pass.

JOHN A. HONEY,
Chairman.

Mr. Honey moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on insurance to whom was referred
Senate Bill No. 246,

A bill for an act to require domestic life insurance companies to make a deposit of securities with the insurance commissioner.

Have had the same under consideration and recommend that the same do pass.

JOHN A. HONEY,
Chairman.

Mr. Honey moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on insurance to whom was referred

Senate Bill No. 247,

A bill for an act to authorize the insurance commissioner to accept the deposit of securities from domestic life insurance companies.

Have had the same under consideration and recommend that the same do pass.

JOHN A. HONEY,
Chairman.

Mr. Honey moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on insurance to whom was referred

Senate Bill No. 187,

A bill for an act to amend section 4429 of the revised codes of 1905, relating to the capital stock of insurance companies.

Have had the same under consideration and recommend that the same do pass.

JOHN A. HONEY,
Chairman.

Mr. Honey moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on insurance to whom was referred

Senate Bill No. 321,

A bill for an act to amend section 4464 of the revised codes of North Dakota for 1905.

Have had the same under consideration and recommend that the same do pass.

JOHN A. HONEY,
Chairman.

Mr. Honey moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on insurance to whom was referred

Senate Bill No. 186,

A bill for an act establishing a state hail insurance department and making the commissioner of agriculture and labor also the commissioner of state hail insurance; prescribing rules, regulations and duties of all officers and persons connected therewith; prescribing how premiums shall be paid and collected, and how expense and indemnity for losses by hail shall be paid.

Have had the same under consideration and recommend that the same shall receive no recommendation from the committee, the vote in the committee being: (4) Do pass, and (4) be indefinitely postponed, therefore a tie vote.

JOHN A. HONEY,
Chairman.

Mr. Baker of Cass moved

That the further consideration of Senate Bill No. 186 be indefinitely postponed.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Also,

Your committee on insurance to whom was referred
Senate Bill No. 269,

A bill or an act establishing a county hail insurance department, prescribing rules, regulations and duties of all officers and persons connected therewith, prescribing how taxes for same shall be levied and collected, and how expenses and indemnity for losses by hail shall be paid.

Have had the same under consideration and recommend that the same do pass.

JOHN A. HONEY,
Chairman.

Mr. Honey moved

That the report be adopted.
Which motion prevailed, and
The report of the committee was adopted.

Also,

Your committee on insurance to whom was referred
Senate Bill No. 226,

A bill for an act to amend and re-enact sections 1287, 1288, and 1289 of the revised codes of North Dakota, for the year 1905, relating to insurance of public buildings.

Have had the same under consideration and recommend that the same do pass.

JOHN A. HONEY,
Chairman.

Mr. Honey 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. Speaker:

Your committee on state affairs to whom was referred
Senate Bill No. 268,

A bill for an act authorizing the trustees of the institution for feeble minded, to transport, at the expense of the state, inmates whose parents or guardian has removed from the state to the residence of such parent or guardian without the state, and providing an appropriation therefor.

Have had the same under consideration and recommend that the same do pass.

W. J. PRICE,
Chairman.

Mr. Price moved

That the report be adopted.
Which motion prevailed, and
The report of the committee was adopted.

Also,

Your committee on state affairs to whom was referred

Senate Bill No. 284,

A bill for an act, entitled an act to regulate the sale and offering for sale of mining stocks or shares within the state of North Dakota, and to provide penalties for the violation thereof.

Have had the same under consideration and recommend that the same do pass.

W. J. PRICE,
Chairman.

Mr. Price moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on state affairs to whom was referred

Senate Bill No. 250,

A bill for an act to amend section 2946 of the 1905 revised codes of North Dakota, relative to the restricting of the limits of cities, towns and villages and disconnecting and excluding portions thereof.

Have had the same under consideration and recommend that the same be indefinitely postponed.

W. J. PRICE,
Chairman.

Mr. Price moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Also,

Your committee on state affairs to whom was referred

Senate Bill No. 50,

A bill for an act to amend section 15 of chapter 137 of the session laws of 1907, relating to liabilities of counties for the expenses of insane patients.

Have had the same under consideration and recommend that the same be indefinitely postponed.

W. J. PRICE,
Chairman.

Mr. Price moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Also,

Your committee on state affairs to whom was referred Senate Bill No. 300,

A bill for an act to amend section 6710 of the revised codes of 1905, relating to holidays.

Have had the same under consideration and recommend that the same be indefinitely postponed.

W. J. PRICE,
Chairman.

Mr. Price moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Also,

The committee on state affairs to whom was referred the following concurrent resolution:

WHEREAS, Many inquiries with reference to North Dakota are made to the Commissioner of Agriculture and Labor, and

WHEREAS, Knowledge of the names of persons who might become immigrants to this state would be valuable if generally known; now, therefore, be it

Resolved, That the Commissioner of Agriculture and Labor be directed weekly to prepare and forward to each real estate agent and commercial club in this state, sending his address to the office of said Commissioner of Agriculture and Labor—a mimeograph copy of all letters of inquiry from residents of other states, and that the Commissioner of Agriculture and Labor be directed also to notify such real estate agents and commercial clubs sending their addresses, of the dates upon which he will make exhibits at the various state and county fairs.

Have had the same under consideration and recommend that the same be amended as follows:

Strike out that part of the resolution in line 2 of the printed resolution, "real estate agent and."

And when so amended recommend the same do pass.

W. J. PRICE,
Chairman.

Mr. Price moved

That the rules be suspended and the report of the committee be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on judiciary made the following report:

Mr. Speaker:

Your committee on judiciary to whom was referred Senate Bill No. 335,

A bill for an act defining the crime of assault and battery with intent to do great bodily harm, and prescribing the punishment therefor.

Have had the same under consideration and recommend that the same do pass.

B. G. SKULASON,
Chairman.

Mr. Skulason moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on judiciary to whom was referred Senate Bill No. 325,

A bill for an act to amend section 2335 of the revised codes of the state of North Dakota of 1905, relating to the transcribing of records in newly organized counties.

Have had the same under consideration and recommend that the same do pass.

B. G. SKULASON,
Chairman.

Mr. Skulason moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on judiciary to whom was referred
Senate Bill No. 197,

A bill for an act to amend section 6 of chapter 76 of the laws of North Dakota, 1907, relating to contingent fund for state's attorney.

Have had the same under consideration and recommend that the same do pass.

B. G. SKULASON,
Chairman.

Mr. Skulason moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on judiciary to whom was referred
Senate Bill No. 327,

A bill for an act to amend section 8899 of the revised codes of North Dakota of 1905, defining the offence of inveigling into house of prostitution and prescribing the punishment therefor.

Have had the same under consideration and recommend that the same do pass.

B. G. SKULASON,
Chairman.

Mr. Skulason moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on judiciary to whom was referred
Senate Bill No. 332,

A bill for an act defining the crime of detention of a woman in a house of ill-fame against her will, and prescribing the punishment therefor.

Have had the same under consideration and recommend that the same do pass.

B. G. SKULASON,
Chairman.

Mr. Skulason moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on judiciary to whom was referred

Senate Bill No. 330,

A bill for an act defining the crime of fornication, and prescribing the punishment therefor.

Have had the same under consideration and recommend that the same do pass.

B. G. SKULASON,
Chairman.

Mr. Skulason moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on judiciary to whom was referred

Senate Bill No. 324,

A bill for an act making it unlawful for any person to receive the proceeds or earnings of any woman engaged in prostitution.

Have had the same under consideration and recommend that the same do pass.

B. G. SKULASON,
Chairman.

Mr. Skulason moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on judiciary to whom was referred

Senate Bill No. 283,

A bill for an act, entitled an act to amend section 8893, 8894, 8895 and 8896 of the revised codes of North Dakota, defining rape and prescribing punishment therefor.

Have had the same under consideration and recommend that the same be amended as follows:

By striking out sections 1 and 2 thereof, and by changing the numbering of section 3 to section 1, and by changing the numbering of section 4 to section 2.

And when so amended recommend the same do pass.

B. G. SKULASON,
Chairman.

Mr. Skulason moved

That the rules be suspended and the report of the committee be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on judiciary to whom was referred

Mr. Sorlie's resolution relating to the conveyance to and trespass by the G. N. Ry. Co. on the northwest $\frac{1}{4}$ of section 36, township 148, range 51, Traill county.

Have had the same under consideration and recommend that the same be adopted.

B. G. SKULASON,
Chairman.

Mr. Skulason moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on warehouses and grain grading made the following report:

Mr. Speaker:

A majority of your committee on warehouses and grain grading to whom was referred

Senate Bill No. 310.

A bill for an act to amend section 2249 of the revised codes of 1905, providing for storage receipts to be given by public warehouse men, establishing a standard form, and providing a penalty for its nonobservance.

Have had the same under consideration and recommend that the same do pass.

C. E. KNOX,
Chairman.

Also,

Mr. Speaker:

The following members of the committee on warehouses and grain grading to whom was referred

Senate Bill No. 310.

A bill for an act to amend section 2249 of the revised codes of 1905, providing for storage receipts to be given by public warehouse men, establishing a standard form, and providing a penalty for its nonobservance.

Have had the same under consideration and recommend that the same be indefinitely postponed.

C. E. KNOX,
J. J. DOYLE.

Mr. Knox moved

That the minority report of the committee be adopted.

Mr. Chatfield moved the previous question.

Which motion prevailed.

The question being upon the motion to indefinitely postpone.

The same was lost.

Mr. Chatfield moved

That the majority report of the committee be adopted.

Which motion prevailed.

MESSAGE FROM THE SENATE.

The following message was received from the senate.

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
March 4, 1909.

Mr. Speaker:

I have the honor to return House Bill No. 361, at the request of the house.

Very respectfully,
J. W. FOLEY,
Secretary.

REPORT OF CONFERENCE COMMITTEE.

The committee on conference made the following report:

Mr. Speaker:

Your committee on conference to whom was referred
House Bill No. 339,

A bill for an act to amend chapter 151 of the laws of 1907, an act to require an annual apportionment and accounting of surplus of life insurance companies as to policies heretofore issued.

Also,

Senate Bill No. 274,

A bill for an act to amend chapter 151 of the laws of 1907; an act to require the annual apportionment and accounting of surplus of life insurance companies as to policies heretofore issued.

Have had the same under consideration and recommend that Senate Bill No. 274 do pass the house.

GEO. E. DUIS,
MAYNARD CRANE,
Senate Committee.

C. A. HALE,
JOHN A. HONEY,
House Committee.

Mr. Hale moved

That the report be adopted.
Which motion prevailed, and
The report of the committee was adopted.

REPORT OF STANDING COMMITTEES

The committee on agriculture made the following report:

Mr. Speaker:

Your committee on agriculture to whom was referred
Senate Bill No. 282,

A bill for an act, entitled an act to amend chapter 41 of the session laws of the state of North Dakota, enacted by the tenth session of the legislative assembly of said state, relating to bounties for tree planting.

Have had the same under consideration and recommend that the same do pass.

JAMES DUNCAN,
Chairman.

Mr. Duncan 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. Speaker:

Your committee on corporations other than municipal to whom was referred

Senate Bill No. 130,

A bill for an act defining, creating and regulating corporations, and to amend sections 4165, 4169, 4173, 4175, 4176, 4177, 4178, 4185, 4186, 4200 4217 and 4224 of the revised code of 1905 relating to corporations.

Have had the same under consideration and recommend that the same do pass.

MARK M. CHATFIELD,
Chairman.

Mr. Chatfield moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on highways, bridges and ferries made the following report:

Mr. Speaker.

Your committee on highways, bridges and ferries to whom was referred

Senate Bill No. 341,

A bill for an act authorizing the board of trustees of public property of North Dakota to operate a good road experimental station at Bismarek, North Dakota; authorizing the employment of the inmates of the North Dakota state penitentiary upon the construction and maintenance of experimental roads; authorizing the board of trustees of public property to accept federal aid and private contributions in the construction of experimental roads and au-

thorizing the state engineer to supervise the construction and maintenance of all roads and designating where experimental roads shall be built.

Have had the same under consideration and recommend that the same do pass.

MARTIN THORESON,
Acting Chairman.

Mr. Thoreson moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on live stock made the following report:

Mr. Speaker:

Your committee on live stock to whom was referred

Senate Bill No. 317,

A bill for an act to provide for the cancellation of legally recorded brands in the office of the commissioner of agriculture and labor.

Have had the same under consideration and recommend that the same do pass.

A. W. CUNNINGHAM,
Chairman.

Mr. Cunningham moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on live stock to whom was referred

Senate Bill No. 316,

A bill for an act to amend chapter 117 of the laws of 1907, of the state of North Dakota, relating to the method of giving notice of taking up estrays.

Have had the same under consideration and recommend that the same do pass.

A. W. CUNNINGHAM,
Chairman.

Mr. Cunningham moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on live stock to whom was referred

Senate Bill No. 340,

A bill for an act to compel the proper and permanent marking of tuberculosis cattle when shown or proven to be by the so called "tuberculin" test.

Have had the same under consideration and recommend that the same be amended as follows:

In line 5 of section 1 of the engrossed bill, strike out the words "any other person within this state," and insert in lieu thereof the words "the owner of such cattle or his agent."

And when so amended recommend the same do pass.

A. W. CUNNINGHAM,
Chairman.

Mr. Cunningham moved

That the rules be suspended and the report of the committee be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on education made the following report:

Mr. Speaker:

Your committee on education to whom was referred

Senate Bill No. 342,

A bill for an act to amend and re-enact section 796 of the revised codes of North Dakota for the year 1905, providing for the legalizing of the organization of school districts.

Have had the same under consideration and recommend that the same do pass.

FRANK E. PLOYHAR,
Chairman.

Mr. Ployhar moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on education to whom was referred
Senate Bill No. 338,

A bill for an act to amend section 18 of an act, entitled
a bill for an act creating certain territory now within the
school township of Brightwood, Richland county, D. T., as
an independent school district, to be known as Brightwood
Independent School District No. 1, Richland county, North
Dakota.

Have had the same under consideration and recommend
that the same do pass.

FRANK E. PLOYHAR,
Chairman.

Mr. Ployhar moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on education to whom was referred
Senate Bill No. 290.

A bill for an act requiring a stationary metal fire escape
to be attached to the outside of each one and every school
room located above the first story of all school houses in
this state having more than one story, designating those
whose duty it shall be to have said fire escapes installed,
prescribing the time within which said fire escapes shall
be installed and prescribing the punishment for a violation
thereof.

Have had the same under consideration and recommend
that the same be amended as follows:

By inserting after the word "story" in the last line of
section 1, the following, "and not provided with a front
and rear exit, each at least four feet six inches in width."

And when so amended recommend the same do pass.

FRANK E. PLOYHAR,
Chairman.

Mr. Ployhar moved

That the rules be suspended and the report of the committee be adopted.

Which motion prevailed, and

The report of the committee was adopted.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
March 4, 1909.

Mr. Speaker:

I have the honor to return herewith

House Bill No. 374,

A bill for an act to provide for the completing of the audit and examination of the books and records in the state penitentiary and twine plant, and for the perpetuation of the record of such audit and examination and for installing and completeing an adequate system of books and records for said institutions.

Which the senate has amended as follows, and passed as amended.

After line 6 of title add the following, "and making an appropriation to provide for the expense incurred in carrying out the provisions of this act."

After the word "that," line 1, section 1, insert the following, "the governor, the secretary of state and."

In line 2, section 1, strike out the word "he is" and insert in lieu thereof the words "they are."

Bebore the word "the," line 1, section 2, insert the following, "the governor, the secretary of state and."

Same line strike out word "is" and insert in lieu thereof the word "are."

In line 4 of section 4 strike out the words "two thousand five" and insert in lieu thereof the word "ten."

Very respectfully,

J. W. FOLEY,
Secretary.

REPORTS OF INVESTIGATING COMMITTEES.

Your committee appointed to investigate various state offices, and whose preliminary report will be found on pages 77, 78, 79, 80 and 81 of the house journal of March 2d, further report that owing to the fact that our time is fully taken up by house committee work, it has been impossible for us to complete any of the work assigned us; and,

Whereas, we believe it is our duty as representatives of the people, and in justice to the state officials, that the work be completed, we recommend that a committee be appointed to continue this work after adjournment, and provide compensation therefor.

Respectfully submitted,

S. N. PUTNAM,
FRANK E. PLOYHAR,
JAMES COLLINS.

Mr. Putnam moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Mr. Sorlie offered the following resolution and moved its adoption:

Your committee on investigation of the various state offices has made satisfactory report to this house, and request that further time be granted for the continuation of this work.

Therefore, be it resolved, that this house grant the request of said committee and provide for such compensation as is necessary to complete the report. Said report to be completed and filed with the governor not later than thirty days after the close of this session.

Which motion prevailed, and

The resolution was adopted.

The speaker called Mr. Baker of Cass to the chair.

REPORT OF SELECT COMMITTEE.

(PENITENTIARY INVESTIGATION)

To the Legislative Assembly of the State of North Dakota:

Gentlemen:

The joint committee on penitentiary investigation hereby reports that immediately after its appointment the committee organized by electing Senator Pierce chairman, and George Schnepfer secretary. A. G. Divet of Wahpeton was at once employed as counsel and came to Bismarck, where he has since been continuously engaged in our service.

It was the intention of the committee to make the work of investigation as thorough as possible in the limited time at its command, and under the authority conferred by the resolutions of this body it at once employed accountants and builders to aid in the work. Temple, Cooper & Co., certified public accountants of Chicago and St. Paul, were engaged to audit the accounts; and Thomas Powers and O. G. Adsero, builders and contractors of Fargo, were employed to make estimates upon the cost of buildings and repairs and calculate the number of brick used in the erection of structures in which prison brick has been used.

A force of four accountants was put to work on the audit of accounts at which work they are still engaged.

The period covered by the investigation commences at the beginning of the administration of N. F. Boucher as warden in 1897 and ends in the present.

No specific charges were laid before your committee and to obtain a working basis it was necessary to take cognizance of rumors and reports of all character. Notice was given with the most publicity possible, through the press and otherwise, that the committee was ready to receive and investigate any charges against anyone connected with any administration of the penitentiary affairs, even though such charges should be based upon hearsay.

The committee was forced to carve its entire working basis out of rumors, vague insinuations, and a preliminary examination of the books of the institution. After much effort it has been able to obtain information enough to call for investigation of the following general charges:

1st. That there has been for many years a failure to keep proper books of account in the penitentiary proper and the twine plant.

2nd. That the different administrations have dealt with the product of the penitentiary brick plant in an irregular manner and in such a way that large amounts thereof have been appropriated by officers or otherwise lost to the state; and that unjustifiable discrimination had been made between persons purchasing the same.

3rd. That rebates were taken and received by the boards of trustees and the warden on the purchase of machinery with which the twine plant was equipped.

4th. That rebates were taken and received by different purchasing officers on purchases of supplies for the penitentiary.

5th. That the different boards of trustees have unlawfully audited and allowed claims to themselves and the wardens for services not authorized by law, and thus unlawfully disbursed large amounts of money.

6th. That the different wardens have allowed large amounts of the state's money to remain on deposit in banks for long periods of time after the same should have been transferred to the state treasurer.

7th. That each of the wardens whose conduct was under investigation, and the different boards of trustees, have paid out, or connived at paying out, large sums of money to relatives and friends upon fictitious or unlawful claims.

8th. That the different buildings erected at the institution did not cost the amount of money represented as having been expended in their construction.

9th. That large amounts of money have been unlawfully paid to banks as interest upon advances made to pay for material used in the twine plant, and to pay freight thereon, when no authority or necessity existed for procuring such advancement.

10th. That various items of state property have been sold and the proceeds not accounted for by officers receiving the same; or that such property has been given away, or people allowed to take and appropriate it to their own use.

11th. That the different wardens have been in the habit of irregularly disbursing money on behalf of the institution and having their disbursements audited and allowed by the board of trustees.

12th. That cruel and inhuman treatment has been accorded inmates of the institution and unusual and unjustifiable punishment inflicted upon them by officers.

13th. That insane inmates have been neglected and mistreated by officers.

14th. That discipline has been lax and needless escapes have occurred.

15th. That rebates have been taken and received by officers and trustees on the purchase of fiber and other material used in the manufacture of twine; and that the cost of such fiber has been stated and carried on the books at a sum in excess of the actual cost.

That rebates have been taken and received on account of excessive freight bills paid and such rebates never accounted for to the institution.

That twine has been sold to certain parties at lower prices than to others under the same circumstances.

That large amounts of twine manufactured has never been accounted for to the state.

That twine plant accounts have been so padded and falsified as to show large profits to the state when as a matter of fact no such profits existed.

With respect to the matters mentioned in specification No. 15, to-wit:

Alleged taking of rebates by officers on the purchase of fiber and other material used in the manufacture of twine;

Alleged misstatements of the cost of such material entered on the books of the twine plant;

Alleged failures to account for large amounts of twine manufactured; and,

Alleged discriminations as to prices on the sale of twine—

We regret the necessity that compels us to state we can make no report.

The investigation of these questions cannot be intelligently attempted until the audit of the accounts is completed, and this will not be until some days after the close of the Eleventh Legislative session.

It will be readily observed that if material used in the manufacture of twine has been purchased and paid for at lesser prices than those entered on the books, or if rebates on the purchase price of such material have been paid, the evidence to establish such facts must be looked for, largely, if not entirely, at the places of purchase.

Any inquiry into the question whether all twine manufactured has been accounted for must be based upon a study of the results shown by the audit of the books, and computations based upon amounts of raw material used and finished product accounted for.

Any investigation of the question whether there have been discriminations in prices, between different purchasers similarly situated, may, and probably will, lead to different parts of the state where the products have been disposed of.

Any inquiry whether rebates have been received from railroad companies on account of over-payments of freight, or whether claims for shortage and loss of consignments have been paid by railroad companies and not

accounted for, must be based on a study of the result of the accounting, and a calculation whether the amounts accounted for from those sources are such as are reasonable, considering the magnitude of the business. From that point the investigation would remove itself into the general offices of the railroad companies.

Since the operation of the twine plant began there has been expended for fiber alone \$1,398,296.00. It will therefore be readily observed that this subject upon which we cannot report is the one in regard to which there are the greater possibilities for the existence of irregular or dishonest practices.

In the conduct of its investigations your committee availed itself of all apparently reliable information. It has resorted to the use of affidavits, and has had its attorney and secretary conduct ex parte oral examinations of persons under oath, and submit their testimony to it. It has also taken oral testimony at its sessions, both ex parte and in the presence of persons whose conduct was under investigation, and has personally visited the penitentiary and inspected its condition, and examined its books and records, and on such visit had brought before it and interviewed a number of inmates and officers.

It has also had the books of account, both of the past and present administrations brought before it at its meetings, and examined them in connection with its head accountant, Mr. Webb, and at the same time has had produced for its inspection the original minute books, department records, and other books and records of the institution.

It has cited before it ex-Warden Boucher and Warden Hellstrom, and given them the opportunity of being heard in explanation and justification of their actions that were under discussion, and has heard and given consideration to their explanations.

For the purpose of arriving at the cost of the different buildings it has had reliable contractors examine such buildings in detail and report upon the cost of construction, both on the basis of purchased material and paid labor, and on the basis of the use of prison-made brick and free labor.

In the investigation of matters connected with the brick yard we have been obliged to and have had the number of brick in every structure erected on the penitentiary grounds since May, 1897, ascertained by competent builders. This count went into the minutest detail and included all buildings, the prison wall, sub-ways and tunnels where brick has been used.

Your committee now respectfully presents to you the facts it has found in its investigations, with such explanations as seem proper.

BOOKS OF ACCOUNT.

During the period from 1897, to May, 1907, the system of bookkeeping at the penitentiary was unscientific, incomplete and utterly inadequate to the needs of the institution, there being an utter lack of the ordinary books of account, and accounts, necessary to intelligently disclose the financial condition of the institution or the manner in which its affairs were being administered or the business transacted.

For a statement in detail of some of the particulars in which the system was deficient you are respectfully referred to the preliminary report heretofore made.

This system of keeping accounts amounted to gross negligence and disregard of the public interest on the part of the different boards of trustees and managing officers of the institution during the period named. By it the door has been left open to the practice of fraud upon the state, and no record left by which such fraud could be discovered or traced.

In this connection the committee especially finds that the condition of accounts allowed to exist in the institution for more than fifteen years conclusively establishes that the public examining department of the state

has been either grossly inefficient or inexcusably neglectful of the public welfare. It would be impossible for such a state of accounting to be continued in practice under any intelligent system of examination intelligently carried out.

From the beginning of operations by the twine plant to May, 1907, the system of accounting in use therein was unscientific and incomplete and did not meet the needs of the business in many particulars; but was not defective to the degree stated of the books of the penitentiary proper.

Since May, 1907, a persistent effort has been made to improve the system of accounting in both departments of the institution, and many of the defects theretofore complained of have been remedied. The system as a whole, however, is still defective and should be supplanted by modern system as pointed out in the preliminary report.

BRICK YARD MATTERS.

By Chapter 86 of the Laws of 1895 the operation of a brick yard by the penitentiary was authorized. This law now appears as Sections 10390 to 10394 of the Revised Codes of 1905.

The law seems to have been entirely disregarded at all times from the commencement of operations in the brick yard to the present as regards the methods of disposing of the product and using the funds derived therefrom. We are unable to learn that the board provided for, consisting of the governor, state auditor, and secretary of state, have ever exercised any supervision or control over the matter committed to their care by the law in question. The wardens have always assumed on their own responsibility to dispose of brick and treat the proceeds as a miscellaneous cash receipt to be used for general purposes by the institution.

During the period between May, 1897, and May, 1907, there were manufactured under the direction of the warden 2,009,000 brick in addition to those accounted for to the state and those used in the erection and repair of buildings and other structures at the penitentiary.

The brick not accounted for were of the value of between \$14,000 and \$16,000.

In the investigation of this brick shortage we were greatly embarrassed and delayed by reason of the failure, already pointed out, of the accounting officer, to keep any record of either the number of brick manufactured or the number used in the erection of the different structures on the penitentiary grounds.

To ascertain the total production, the committee endeavored first to procure the evidence of witnesses who had charge of the work of manufacture in the capacity of overseers or guards. It got some uncertain data in that way from the recollections of different people, but could find no one who had ever kept a record or been charged with the duty of keeping a record of the output of the plant. It was learned from Warden Boucher himself that no one ever was, during his administration, charged with the duty of keeping such records.

It was learned in a study of the biennial reports, that in the report of 1900, made by Warden Boucher to the board of trustees, he had reported the number of brick made in the two preceding years.

This report shows:

| | |
|---|-----------|
| In the year 1898 there were manufactured..... | 1,250,000 |
| In the year 1899 there were manufactured..... | 1,750,000 |

| | |
|--|-----------|
| Making a total for the two years of..... | 3,000,000 |
|--|-----------|

This report and each of the other biennial reports contains a condensed labor table, giving in detail the number of days' work performed in the manufacture of brick each year.

During the two years mentioned there was performed 6,290 days work.

Dividing the product of the plant by the number of days' labor, the average output per day of labor employed was obtained, to wit: 477.

Taking 475 as a working basis, it was ascertained, by taking the number of days' labor known to have been employed in the work each year, and multiplying that by the average product per day, that there were manufactured during the term of office of Warden Boucher (speaking in millions and thousands only), 11,407,000.

This is an eminently fair estimate to Mr. Boucher by reason of the fact that in 1899 new machinery was added to the equipment that materially raised the average output over 1898, and the greater part of the brick was manufactured after that time.

| | |
|--|------------|
| Warden Boucher also received from Warden Wilson, as per the official inventory | 400,000 |
| Making a total for which he should account..... | 11,807,000 |

In addition, the committee ascertained from other sources, the number and approximate size of the kilns burned each year and computations made therefrom verify in substance the above figures.

| | |
|--|-----------|
| There have been accounted for by Warden Boucher, on his books, and the inventory to Warden Hellstrom..... | 4,535,000 |
| There were used in the building of all structures at the penitentiary during the Boucher administration..... | 4,536,000 |

| | |
|---|-----------|
| Making the total accounted for..... | 9,071,000 |
| This leaves unaccounted for..... | 2,736,000 |
| The committee deducts from that shortage, to cover any possible over-estimation of production | 736,000 |

| | |
|---|-----------|
| And find the actual shortage to be..... | 2,000,000 |
|---|-----------|

The number of brick used in the different structures at the penitentiary was ascertained by the builders, Messrs. Powers and Adsero, making actual measurements of every wall and other structure in which the prison brick have been used.

This work of brick estimation alone occupied nearly ten days' time of the builders.

Your committee further finds that during his administration Warden Boucher discriminated between different purchasers of brick, and sold large amounts thereof at prices less than the established price, to the following persons:

Alexander McKenzie,
The Bismarck Tribune,
George Gussner,
The First National Bank of Bismarck,
M. Eppinger,
Charles Kupitz,
C. B. Little.

Your committee finds that the reductions in price given to the persons in the foregoing list amounted in the aggregate to the sum of \$1,000.

REBATES UPON THE PURCHASE OF TWINE MAKING MACHINERY.

Your committee further finds that in the month of April, 1899, Trustees R. J. Turner and William J. Molder, together with Warden Boucher, were appointed a committee to purchase a power outfit and machinery for the twine plant.

That these persons contracted with the Hoover and Gambel Co., of Chicago, for twine machinery, and with J. G. Robertson of Cincinnati for a power outfit; and in the making of said contract arranged for the pay-

ment to them of a rebate or commission amounting in the aggregate to \$1,850.00, which rebate was afterwards paid, \$1,200.00 thereof to Turner and Molder jointly, and \$650.00 to N. F. Boucher, the payment to said Boucher being made in currency in a hotel room in the city of Chicago by one A. J. Emminger on behalf of the Hoover-Gamble Co.

That said parties retained said money for some time, when they became apprehensive and conspired together to return the same into the fund of the penitentiary; and some time about the latter part of April, 1900, said Turner and Molder turned over to the said Boucher, as warden, the sum of \$1,200.00 in currency to be turned back into the treasury of the institution, and the said Boucher thereupon placed the said sum of \$1,200.00, with \$650.00 of his own money, in the cash of the institution and entered the same upon the cash book.

That for the purpose of covering up said transaction and concealing its character, the said Boucher caused an entry to be made in the cash book of the institution to the effect that the said sum of \$1,850.00 was a rebate paid to the institution as per contract with the parties from whom the machinery was bought to cover the cost of purchasing the same.

That none of the other trustees were ever informed or had any knowledge of said transaction.

PAYMENT OF UNLAWFUL CLAIMS TO RELATIVES.

In November, 1898, one Edna Boucher, a daughter of the warden, presented or caused to be presented to the board of trustees a claim for \$75.00, on account of a horse lost in the burning of the prison barn, upon which claim the institution was in no wise liable. The said claim of \$75.00 was therefore unlawfully allowed by the board of trustees, the warden actually recommending the allowance thereof, and both he and the board of trustees knew at the time of allowing and paying the claim that it was unlawful.

In August, 1904, a claim was presented to the board of trustees on behalf of Mabel Boucher, a daughter of the warden, for \$100.00 on account of hay said to have been furnished to the institution, during the four years preceding, by said Mabel Boucher.

Said claim was unlawfully audited and allowed by the trustees, the warden participating therein, for the reason that during all the time during which it is claimed said hay was furnished, Mabel Boucher was in the employ of the penitentiary and forbidden by law to furnish supplies thereto.

Both the board of trustees and the warden knew that the allowance of said claim was unlawful at the time it was allowed.

In the month of April, 1905, the warden unlawfully sold to the institution a horse for the agreed price of \$250.00, and in the sale thereof attempted to evade the law forbidding him to contract with the institution or its board of trustees, by pretending that said horse was the property of his daughter, Mrs. F. E. Funk, formerly Mabel Boucher.

UNLAWFUL ALLOWANCE OF VALID CLAIMS AT AN EXCESSIVE AMOUNT.

Your committee finds that during the period of time commencing in 1898 and extending up to the beginning of 1903, a practice existed of allowing valid claims at an amount in excess of their face, to the direct loss of the state of the amount of the increase. There are about seventy such items on which the aggregate was about \$150.00.

For the purpose of illustrating the system, we give the following example. At the January, 1899, meeting of the board a claim was presented on behalf of the Racine Wagon & Carriage Co., for \$535.50, the purchase price of a carriage, cutter, harness and robe. At the bottom of this claim is a notation added in the penitentiary office: "4 per cent discount allowed, \$21.42." This alleged discount is added to the face of the bill, making the claim \$556.52, instead of \$535.50. The claim was allowed for the

increased amount and a warrant issued therefor on Jan. 3, 1899, payable to the Racine Wagon & Carriage Co., or *Bearer*. This warrant never reached the Racine Wagon & Carriage Co., but was delivered to the First National Bank of Bismarck which collected thereon \$556.92, remitting to the Racine Wagon & Carriage Co. \$535.50. This warrant was cashed Feb. 11, 1899. By this single transaction the state was directly robbed of \$21.42.

The transactions as to the other items are the same and by them the state funds were actually appropriated in the aggregate amount of about \$150.00.

UNLAWFUL ALLOWANCE OF CLAIMS BY BOARDS OF TRUSTEES TO MEMBERS OF THE BOARDS.

From April, 1897, to January 1, 1909, the different trustees have presented to the board for audit and allowance and have collected in round figures, \$3,000.00 in addition to the compensation allowed them by law.

The claims upon which this money was drawn may be divided into three classes as follows:

1st. Each year some member of the boards of trustees has been selected by the board to attend The National Prison Congress, and in some instances the trustee attending such congress has collected \$3.00 per day for the time he was absent on the trip and in addition thereto his expenses, in other cases only expenses have been collected.

2nd. On occasions when it seemed to the board that it could not fully transact its business within the limits of the meetings allowed by law, it has subdivided itself into committees, and the members appointed upon such committees have proceeded to attend to certain matters of business on behalf of the institution, and collected per diem for the time so spent. For example, there have been committees to look after the building of barns, committee to look after the building of hospitals, and so forth.

3rd. On different occasions individual members of the board have gone upon trips to distant parts of the country for the purpose of investigating matters that were deemed of interest to them as managers of the institution, and per diem and expenses of such trips have been collected.

Adding the amounts thus illegally drawn to the amount that was lawfully paid for per diems and expenses of trustees, it is found that the amount of money drawn from the state by trustees since 1897 is \$17,000.00. It has been urged in defense of the charge that these moneys were illegally drawn, that the expenditure for per diem and expenses of trustees in attendance at prison congresses is authorized by the annual appropriation for incidental purposes. Your committee believes this is not true. The legislative appropriation for incidentals is to create a fund that can be drawn upon to meet lawful expenditures for unforeseen items of that uncertain character that they would not ordinarily be foreseen; but such appropriation is not intended to create a fund that may be used by the board in its discretion for purposes not recognized by law.

These promiscuous expenditures, in the judgment of your committee, should be stopped until it seems wise to the legislature to directly authorize them.

IRREGULAR AND UNAUTHORIZED ALLOWANCE OF CLAIMS TO WARDENS.

During all the time included in this investigation it has been the practice of the wardens to each year attend the prison congress and collect the expenses of such trip from the institution. What has been said in regard to the irregularities of allowing such expenses to trustees is equally applicable to the allowance of them to wardens.

It has also been the practice for the wardens upon their own motion to make frequent trips to various parts of the country in the transaction of

different items of business on behalf of the institution; thus there are many instances of trips of the wardens to St. Paul, Chicago, and other cities for the purpose of purchasing various articles of property, as, for instance, carriages, harnesses and stock; and for the purpose of investigating the advisability of prospective purchases of different items of property, upon which trips large amounts of expense were incurred.

It has also been the practice of the wardens since the twine plant went into operation, to constitute themselves business agents of the state in matters of canvassing for the sale of twine, looking after collections thereof, and in traveling to different parts of the country for the purpose of purchasing or investigating the feasibility of purchasing material to be used in the manufacture of twine.

Many of the items of expense are so large in proportion to the importance of the items of business transacted, as to forcibly suggest the danger to which the funds of the state are exposed by permitting such practices; and while the committee does not find that any fraud has been perpetrated in this way, they wish to point out the opportunities that are created and to urge the discontinuance of the practice.

By way of illustration your committee finds that in the year 1901 Warden Boucher made a trip to Kansas City, Missouri, and Lake Park, Minnesota, for the purpose of purchasing cattle; that upon such trip he bought in his own name cattle to the amount of \$3,034.00. On the trip he expended \$122.00 for personal expenses, and freight charges which brought the total expenditure up to \$3,474.00. Upon his arrival in Bismarck he turned over to a third person sixteen head of cattle thus bought upon the claim that these sixteen head represented a proportion of the whole that he had bought for his own use and not for the use of the state. The remainder was retained as the property of the state, and an interest charge of \$18.67 made to the state for the money advanced by the warden, and also a claim of \$36.00 made for commissions on the purchase.

This constitutes a clear violation of the law forbidding the warden to contract with the institution, and the iniquity of the practice is manifested by the fact that there is no way of ascertaining whether or not the transaction reported by the warden as above set forth is or is not an honest report thereof; and while the committee cannot find that this transaction was not as reported, a practice ought not to be longer tolerated that has placed the state in such a position that it cannot call its officers to account for any irregularity that may have existed.

During the past twelve years the claims allowed for the wardens for expenses on such trip as have mentioned aggregate over \$5,000.00.

TAKING OF REBATES ON THE PURCHASE OF SUPPLIES.

Your committee finds that the many allegations that rebates were paid to the purchasing officers of the penitentiary on supplies purchased are unfounded in fact, and that no such rebates were taken.

ALLEGED SALE OF STATE PROPERTY AND FAILURE TO ACCOUNT THEREFOR.

Your committee finds that the numerous allegations that property of the state has been sold and the proceeds not accounted for by officers of the institution are untrue and unfounded in fact, except as to the item of brick referred to in another part of this report.

IRREGULARITIES NOT CAPABLE OF CLASSIFICATION.

It would seem that for years past almost every feature of the business of the institution has been irregularly conducted. Instances of irregularity are so many in number and so variant in character, that an attempt to mention them all in detail would extend this report beyond all practical limits, but at this point your committee respectfully presents the following example:

In the month of November, 1901, Warden Boucher having been authorized

by the board of trustees to go to Yucatan to purchase fiber, arranged with the First National Bank of Bismarck to procure for him a letter of credit in the sum of \$50,000, for which it was agreed he, or the institution, should pay whatever charge was made therefor by the First National Bank of Chicago, through which the letter was to be issued. \$50,000 of the state's funds was thereupon turned over to the First National Bank of Bismarck and forwarded to the First National Bank of Chicago, where it remained on deposit, drawing interest at the rate of 2 per cent for a period of one month. The \$50,000 letter of credit was taken by Mr. Boucher to Yucatan, but not used, and about one month after its issuance was returned to the issuing bank.

For the issuance of this letter of credit the First National Bank of Chicago charged the First National Bank of Bismarck \$250.00, credited the last mentioned bank with the interest earned on the \$50,000 before mentioned, and remitted to the First National Bank of Bismarck, by way of rebate, \$125.00. About two weeks after the return of the letter of credit, the First National Bank of Bismarck presented its claim for \$250.00, the alleged cost of the letter of credit, without any reduction for rebate or interest, and collected the full amount from the state. In the meantime, no note or entry of any kind was ever made upon the books of the institution showing the transaction, or any part thereof, and no entry has ever been made upon the books of the institution showing that the \$50,000 in question ever left its funds or was ever returned thereto.

It may also be said in passing that the contract under which said letter of credit was issued was submitted to the committee and upon its face provided that a commission or compensation equivalent to $\frac{1}{2}$ of 1 per cent would be charged upon the aggregate amount of all drafts drawn against the said letter of credit. No drafts were drawn against it and consequently the commission of \$250.00 was not only unlawfully collected and paid, but was collected and paid contrary to the terms of the contract itself.

The startling part of this transaction is not the petty deceit by which the state in effect lost the \$250.00 and interest on \$50,000 for one month, but the fact that such lack of system existed that it was possible for \$50,000 of the state's money to be circulated for thirty days in a foreign country, in the hands of an official not authorized to have its custody, and no entry of the transaction ever appear upon the books of the institution.

PAYMENT OF INTEREST TO BANKS.

Shortly after the beginning of operations by the twine plant, that institution became hampered by lack of funds with which to meet payments upon invoices of fiber and of carrying charges thereon. Fiber is sold upon a cash basis only, and as the manufacturing season continues throughout the entire year and the selling and collecting season is only about four months each year, large amounts of cash are required to keep the plant in operation from the end of one collection season to the beginning of the next.

To meet this condition, the officers of the institution began in 1900, without authority of law, to make short time loans from banks to meet payments on fiber and pay freight thereon; these transactions taking the form of the banks taking up sight draft made upon the institution and sent for collection with the shipment. The amounts of these advances with interest charges would be presented and paid when funds were available.

Similar advances to take up drafts were also made on occasions when there were funds of the institution available, and in such cases the claims would be presented at the next meeting of the trustees. On such occasions as last mentioned the resort to the bank was unnecessary and the money should have been obtained from the state treasurer under the provisions of section 10380, Revised Codes. To thus borrow money and pay out interest charges was beyond any authority the boards or officers had. Their acts were therefore irregular, yet it is probably true that but for the assumption of

such power the plant would at times have been compelled to suspend operations and lessen its output.

The following sums of money were paid out, by years, as interest on advances thus procured:

| | |
|---|----------|
| 1900 | \$ 96.63 |
| 1901 | 193.27 |
| 1902 | 489.61 |
| 1903 | 818.64 |
| 1904 | 577.57 |
| 1905 | 935.88 |
| 1906 | 1,070.88 |
| 1907 (Up to May 9th)..... | 591.44 |
| 1907 (From May 9th to December 31st)..... | 3,236.05 |
| 1908 | 1,003.87 |

Or a total of..... \$9,007.84

In the figures above given as interest are included certain items of exchange so stated that it is impossible to separate the interest and exchange. To make such separation in gross, the committee proceeds as follows: The total remittances upon which exchange was charged were \$1,398,296.75. Figuring exchange upon that total at $\frac{1}{8}$ of 1 per cent, the maximum rate, we obtain an item of \$1,747.87. Deducting this from the total of \$9,007.84, which represents interest and exchange together as above stated, we have a net result of \$7,259.97 as the total interest payment.

This continuous drain in the way of interest payments could be avoided and the officers relieved of the responsibility of making such loans by the enactment of the law already proposed permitting the emergency board to resort to the general funds of the state to meet such contingencies as have been mentioned. The importance of this and of making the state treasurer the institution treasurer is emphasized by the fact that during much of the time when interest was thus being paid, the state had idle funds in large amounts in the hands of the banks acting as institution treasurers, as shown in another part of this report.

IRREGULAR PURCHASES AND PAYMENTS ON BEHALF OF THE STATE BY WARDENS.

Acting apparently under color of section 10342, both Warden Boucher and warden Helstrom have gone beyond the authority conferred upon them and have from month to month advanced large sums of money and paid claims and purchased property on behalf of the state and presented their claims therefor to the trustees for audit. These advances amount to sums ranging from \$100.00 to as high as \$3,000.00 a month, and are for such items as freight payments, purchases of building material, farm implements, stock and supplies of different character, and advances to discharged inmates for temporary aid and transportation under section 10367, Revised Codes. Section 10342 is intended to limit the warden's transactions to matters of immediate and pressing necessity creating emergencies, and he should not resort to that authority except to meet such emergencies.

The committee does not find that any bad faith has been exercised or any fraud practiced in this particular, but, as a matter of public policy, it believes that such dealings between the warden and the state should be confined to the narrowest possible limits and the strict letter of the law. The relations between the warden and the board are necessarily close and confidential, and in the nature of things claims presented by the warden will not receive the same close scrutiny that they would if presented by a stranger.

By the practice an opportunity is furnished for unfair and dishonest dealings. For example, in the matter of advancing money to prisoners and supplying them with transportation, an opportunity is presented to take advantage of their necessities and deal oppressively with them by requiring

them to acknowledge the receipt of aid in larger amounts than is actually given. Except in the case of pardons, which might create an emergency, it is known in advance just when the prisoners will be discharged and their aid and transportation can be audited and vouchers issued for delivery to them at the trustees' meetings preceding the date of discharge equally as well as it can be audited and allowed to the warden upon presentation of his claim after the prisoner is gone.

ALLOWING MONEYS TO REMAIN ON DEPOSIT IN BANKS.

The law governing the making of remittances to the state treasurer, so far as relates to the prison proper, is found in section 1273, Revised Codes, which provides in effect that the accounting officer (the warden) shall cause remittances to be made from the institution treasurer to the state treasurer at the end of each fiscal quarter. So far as the remitting of these funds is concerned, we find that the law has been observed at all times.

The law governing time and manner of remittances from the institution treasurer to the state treasurer, of moneys derived from the operation of the twine plant, is found in section 10382. It provides in effect that whenever the accumulations amount to \$10,000.00 the moneys shall be transmitted to the state treasurer by the warden.

Prior to May, 1907, the institution treasurer was the First National Bank of Bismarck and since that time it has been the Bismarck Bank. Prior to 1904, there were no substantial violations of law in regard to the remittance of twine plant funds, but since that time there have been a number of violations, some technical and some substantial. By technical violations we refer to the fact that during the collecting season funds come into the hands of the warden in amounts often more than \$10,000.00, and sometimes as high as \$35,000.00, in a single day. To comply with the law strictly deposits would have to be made with the institution treasurer sometimes three or four times in a day and corresponding checks drawn against the institution treasurer in favor of the state treasurer. The clerical work of entering and checking up the great number of small remittances which go to make up the aggregate receipts is such that it is, undoubtedly, oftentimes impracticable, if not impossible, to make the remittances to the state treasurer oftener than once in three or four days. And there have been many occasions when during the three or four day periods between remittances, moneys in the hands of the institution treasurer have accumulated to sums ranging from \$30,000.00 to \$75,000.00.

Without attempting to point out each specific instance, the committee reports that there have been many occasions where the moneys in the hands of the institution treasurer have accumulated beyond \$10,000.00 and remittances had not been made to the state treasurer for periods varying from a week to two weeks. In addition to the occasions thus generally referred to we point out the following specific instances in which the law has been unjustly violated.

On the 1st day of November, 1905, there was \$41,095.35 in the hands of the institution treasurer. No remittance of this amount was made until the 29th day of December, 1905, when the accumulation amounted to \$46,482.71. Following this remittance of December 29th there had accumulated in the hands of the institution treasurer on January 13, 1906, more than \$10,000.00. On April 2nd it amounted to more than \$20,000.00 and no remittance was made until the 30th day of June, 1906, when the amount accumulated amounted to \$21,279.73. On August 3rd, following the last mentioned date, the fund in the hands of the institution treasurer exceeded \$10,000.00. On September 27th it had exceeded \$20,000.00. No remittance was made until October 15th, when the accumulation amounted to \$26,217.79. On November 7, 1906, the funds in the hands of the institution treasurer amounted to over \$45,000.00. No remittance was made to the state treasurer until November 17th, when the fund had accumulated to over \$96,000.00. On December 5, 1906, there was more than \$10,000.00 in the hands of the insti-

tution treasurer and no remittance was made until December 29th, when the accumulation amounted to over \$32,000.00.

By chapter 40 of the laws of 1907, section 10382 was amended, the effect of the amendment being to obviate the necessity of the warden depositing funds realized from the sale of twine with the institution treasurer and permitting him to hold such funds in whatever manner he might see fit until the end of each month without regard to the amount of the accumulation, when he should remit direct to the state treasurer and take his receipt for the remittance. This is the law under which Warden Hellstrom has been operating, and we find there has been no occasion when he has allowed the last day of the month to go by without turning the funds over to the state treasurer. He is, therefore, not open to the charge that has been made of having unlawfully retained moneys on deposit in banks when they should have been in the hands of the state treasurer.

On this subject we have further to say: the failure on the part of the warden to make remittances to the state treasurer under the law prior to 1907 whenever \$10,000.00 had accumulated does not by any means cover the extent to which the state was deprived of the use of the funds, for in the ordinary transaction of the business there was a period ranging from one to eight days after the order of remittance was drawn before such order was presented and the cash actually received at the state treasurer's office; in the meantime, the funds were actually in the hands of the institution treasurer at the same profit to it and the same loss to the state as though the remittance in form had never been made, and as a result, during the collection season there were daily balances in the hands of the institution treasurer ranging from \$20,000.00 to \$80,000.00, averaging during the collection season perhaps \$40,000.00.

The amendment of section 10382, to which we have referred, we consider a piece of poor legislation. By it the warden is permitted to hold in his own hands or leave on deposit in banks an entire month's accumulation of money without regard to amount, and as has been heretofore pointed out, this might well be \$30,000.00 on the first day of the month and amount up to a half million dollars by the end of the month, and in the transaction of the business of the plant at its present magnitude the warden or his bank might well have possession and use of an average of \$50,000.00 for the entire year. In our judgment, such vast sums of money should not be allowed to accumulate and remain in the hands of an official whose bond is but \$15,000.00.

By thus specifically calling attention to this amendment we wish to emphasize the desirability of making the state treasurer the custodian of all funds realized from the sale of twine without having them pass through the hands of any third party as treasurer or otherwise.

UNLAWFUL PUNISHMENT AND ABUSE OF INMATES.

Your committee finds that during the administration of Warden Boucher corporal punishment was frequently inflicted on inmates in violation of the statute.

That the most common manner of inflicting such punishment was by suspending persons, with handcuffs attached to their wrists, from a hook in an adjustable rack, and while thus suspended, whipping them on the bare back with a heavy strap of sole leather or belting.

Your committee further finds that under the administration of Warden Boucher, officers of the institution frequently committed assaults of a dangerous and unjustifiable character upon inmates of the institution and seriously beat, bruised and wounded them to a degree far beyond what was necessary in the maintenance of discipline.

That under the administration of Warden Boucher an insane inmate was retained in the institution for a considerable time, to-wit: about three months immediately preceding the close of his administration, without any attempt to have him committed to the insane asylum, and such inmate was so

neglectfully cared for as to shock the ordinary sense of decency and bring reproach upon the administration of a public institution charged with the care of such persons.

COST OF BUILDINGS.

Your committee finds that the building known as the dining-room annex, erected in 1905 and 1906, and the building known as the hospital, erected in 1906, each cost the amounts of money reported to have been expended in their construction; and further finds that each of said buildings is built in a fairly good and workmanlike manner. But as to the hospital building, your committee finds that it is not suitable for hospital purposes and is not adapted to any use of the institution, and therefore represents an extravagant and wasteful and ill-advised expenditure of the public money.

Your committee finds that the building known as the new cell-house, erected in 1907 and 1908, is exceptionally well constructed and adapted to the use for which it is intended; that it cost the full amount of money purported to have been expended therein, and is of that character that it is a credit to the state and the management under which it was constructed.

In connection with the last mentioned building specific charges were made to the committee that irregularities were practiced in the manner of letting the contracts for the plumbing, heating and steel work. The committee finds the fact to be that the contract for plumbing was let upon competitive bidding, at which five bids were submitted, and the contract was awarded to the lowest bidder; that the price was not excessive and that the work was done in a first class manner.

As to the steel work, your committee finds the fact to be that the contract therefor was let upon competitive bidding to the lowest bidder offering the quality, character and style of work installed and that the steel was installed in a first class manner.

Allegations were also made to the committee that excessive charges were made and allowed for services and expenses of the architect who prepared the plans and supervised the construction of the building, but the committee finds the fact to be that the architect was allowed a fee of \$1,500.00 with a provision for the payment of \$25.00 for each trip necessarily made from Fargo to Bismarck in supervising the construction, the total amount allowed for such trips being \$575.00, making a total of \$2,075.00 for the architect's services, which amount the committee finds to be reasonable and slightly less than the compensation of architects as fixed by the American Association of Architects.

PURCHASE OF A TRACTION ENGINE.

Your committee finds that the allegation that a traction engine was purchased by the board of trustees with the connivance of warden Helstrom in 1907 at an exorbitant price and without the institution's having use for such engine, is not true. On the contrary, the engine in question was purchased at much less than its regular selling price. The expenditure was a judicious one under the circumstances existing and the engine is still a valuable and useful piece of machinery for the institution.

Allegations were also made to the committee that the engine in question was purchased from or through the warden while he was acting in the capacity of agent for the Northwest Thresher Co., the manufacturers thereof. We find this to be untrue. The warden's connection with the Thresher Co. terminated in April, 1907, and the engine in question was not purchased until June following.

TWINE PLANT EARNINGS.

Your committee has been particularly requested to report upon one question in connection with the twine plant investigation, namely, the padding of accounts and inventories and the falsifying of records to make it appear that the earnings of the institution were greater than they really were; and in connection the purpose of such falsification.

In order to do this the committee has been obliged to build temporary tracks around this part of the investigation and its conclusions are herewith submitted, based upon the presumption that no material fraud or discrepancy will be disclosed upon the complete audit of the accounts and the final report upon the twine plant matters, which, as before stated, must be deferred for the present.

It is found that from the beginning of operations of the twine plant in 1900 up to December 31st, 1906, the actual net earnings were \$151,384.98. The earnings as claimed by the reports of the warden for the same time were \$163,154.98, being a difference of \$11,770.00, which represents a padding of inventories and the reconciliation of erroneous debits and credits, each practically off-setting the other.

The padding of inventories seems to have consisted of listing stock on hand at the price of finished product and it is difficult to see what purpose could be accomplished, if any purpose there was.

From December 31st, 1906, to December 31st, 1908, the actual net earnings of the twine plant (with the same reservation as heretofore expressed) were \$71,799.83. The apparent earnings were \$60,009.83. The difference of \$11,770.00 is accounted for by the fact that the operations of 1907 and 1908 began on the basis of the padded inventory and were closed upon a correct inventory of valuation. So the earnings of the last biennial period are shown upon the records of the institution as \$11,770.00 less than they really are.

These errors and misrepresentations, intentional or otherwise, have resulted in no loss to the state.

Out of the earnings for the entire period there has been transferred by order of the emergency board to the sinking fund for the payment of institution bonds, \$137,360.34. The transfer was entirely proper, but its expediency at this time may be open to question, inasmuch as it has reduced the working capital and tended to hamper the operations of the twine plant.

UN-NEGOTIATED BONDS.

In 1901 the legislature authorized the issuance by the board of trustees of the state penitentiary of \$210,000.00 of bonds.

Of this bond issue \$169,000.00 was negotiated. In the course of its investigations the committee has learned incidentally that of the \$41,000.00 of such bonds not negotiated there are in the penitentiary office, \$20,000.00. These bonds are fully executed and in form to be negotiated, except the coupons are not signed; but the first bond in the series, now in the penitentiary office, shows that the coupons were signed with rubber stamp and we are advised that the coupons on the entire issue were so signed. The possibility will readily suggest itself that any designing person might procure the necessary stamp and complete the coupons. What has become of the \$21,000.00 of such bonds that were not negotiated and are not in the office of the penitentiary is unknown. As this bond issue was unconstitutional, no financial loss would fall upon the state if such bonds were disposed of, but a rather serious fraud might be perpetrated upon the public. Some steps should be taken to ascertain what has become of the missing bonds and provide for the cancellation or destruction of those now in the penitentiary office.

Your committee takes occasion at this time to extend its thanks to the present management of the penitentiary for the very courteous treatment that its representatives have received at the hands of the warden and other officers of the institution, and to acknowledge the assistance that has been given it by the various officers and employees in every instance where assistance has been called for or has been possible.

The same may be said to be true of all persons connected with the previous management of the institution. Without exception, testimony has been given freely and every possible channel of information thrown open to the committee. The freedom with which the banks and business

houses of Bismarck have thrown open their books and records to the committee, and submitted their officers and employees to examination has been greatly appreciated, showed a commendable public spirit and a desire to give the utmost publicity to all their dealings with the institution. This policy on their part has been the means of greatly expediting the work of the committee and lessening the expense of the investigation.

Your committee at this time especially and emphatically expresses its appreciation of the invaluable services rendered by its counsel, Mr. A. G. Divet, in the prosecution of this inquiry. His counsels have been found, in every instance, to be sound and well established, and his knowledge of the law applicable to every question, exhaustive and comprehensive. He has not hesitated at the performance of duties which ordinarily fall to the lot of others than attorneys, but when occasion demanded, acted in the capacity of architect, builder, accountant or otherwise in order to familiarize himself and the committee with the facts, and, in short, to bring results.

Your committee earnestly requests that its appreciation may be shared by whoever may take up and complete its labors, and that in justice to itself and the state, the work yet remaining to be done should have the benefit of the familiarity he has acquired with the subject matter, and be completed under his supervision.

Your committee also calls your attention to the fact that Mr. George Schnepfer, its secretary and stenographer, has in the performance of his duties necessarily worked nights, Sundays and holidays in order to keep pace with the work. His time during business hours has necessarily been taken up in reporting the work of the committee and its counsel, and in taking testimony, and his transcripts thereof gotten out at night or on holidays. His services have been invaluable, and it is recommended that suitable action be taken looking toward the making of fair and reasonable compensation therefor, in addition to the ordinary per diem allowed him as a legislative stenographer.

Your committee also wishes to express its appreciation of the valuable assistance it has received from Mr. R. D. Webb, in charge of the work of accounting being conducted by Cooper, Temple & Company. Mr. Webb has not confined his work to the mere matters of the audit of the books, but has on many occasions departed therefrom at our request and rendered valuable service in speedily picking out and furnishing information upon isolated details connected with the books.

We take pleasure in commending Mr. Webb and his firm to the favorable consideration of the person or persons charged with the completion of the work of accounting.

The committee desires also to express its appreciation of the courtesy and forbearance of those representatives of the press at Bismarck who have refrained from giving circulation to the sensational reports from time to time claimed to have emanated from its sessions, and which necessarily annoyed and hampered it in the performance of its duties.

IN CONCLUSION.

Your committee has to state that the time it has had to perform its work has been all too short considering the extent of its undertaking, and many matters of detail have necessarily been passed.

At the outset of its labors it was confronted with a great mass of rumors, insinuations and indirect allegations, in effect charging citizens and officers of the state with corrupt and irregular practices.

Many of these charges were so palpably without foundation as to require but little consideration, but many others were sufficiently direct or connected with circumstances sufficiently significant to not only justify, but require that they be investigated.

The committee cannot attempt to go into details and make a specific finding upon every question that has come before it, but must content

itself with the statement that for every matter reported upon probably ten have received its attention.

The general finding is here made that as to all subjects here investigated and not herein specifically mentioned no dishonesty, corruption or irregularities have existed.

The investigation of the great mass of charges, which has led to the establishment of no irregularities, has occupied a very large proportion of the committee's time and been responsible for a considerable proportion of the expenses that have been incurred.

It has been the committee's understanding of its duty that it was not only to follow such lines as pointed to the existence of corruption or irregularities on the part of those charged, but also to follow those that lead to exoneration of any one who had been unjustly accused.

All figures in connection with matters involving the books and accounts may be subject to slight modifications when the accounting is completed.

While it is to be regretted that any dishonest practices or irregularities have existed in connection with the management of the state institution, yet the committee believes that the state is to be congratulated upon the fact that out of the great mass of serious charges that have been circulating for years past, so few acts of positive corruption have been found to exist, and your committee believes that the clearing of the atmosphere surrounding this institution is well worth all it has cost.

In the course of its labors the committee has collected a mass of complications and figures connected with the accounts and the buildings, estimates of costs of construction and other matters too numerous to mention and too voluminous to set out in detail herein, some of which might, in the future, be valuable to the state. We have caused such papers and compilations to be conveniently grouped together and will turn them over to the warden of the penitentiary to be kept among the records of the institution.

RECOMMENDATIONS.

Your committee has already in a preliminary report recommended the passage of an act authorizing some officer to contract with some firm of public accountants for the installation in the office of the penitentiary and twine plant of a scientific and up to date system of bookkeeping. This recommendation has already been embodied in a bill that is now before you. Upon the recommendation of the committee a bill has also been introduced providing that the state treasurer shall be made the treasurer of the penitentiary.

We now take occasion to endorse each of said bills with our unqualified approval and state in connection therewith that as our work has progressed we have been continually more and more impressed with the belief that such laws as are embodied in those bills are almost a necessity for the proper and regular conduct of the affairs of the institutions.

Your committee has in this report carefully pointed out matters in connection with the twine plant business upon which it is unable to report. These matters having been separated from all others that were under consideration, their investigation can be as well continued by other persons as by this committee and desiring to be relieved from any further duties in that behalf, the members of the committee now respectively recommend that the governor, state auditor and secretary of state be authorized and directed to take up the investigation of the matters upon which this committee has been unable to report, and that by appropriate resolution they be constituted a board for that purpose, and given such power and authority as will enable them to carry on the work and bind the state for the expenses connected therewith.

Other recommendations by the committee have been stated in the body of the report, in connection with the different matters therein mentioned.

Now, therefore, in consideration of all things hereinbefore stated and believing it has performed its full duty, your committee lays down its labors and respectfully asks that it be discharged.

Bismark, North Dakota, March 4, 1909.

Respectfully submitted,

ED PIERCE, Chairman,
D. H. McARTHUR,
W. B. OVERSON,
A. L. PEART,
FRED J. TRAYNOR,
T. J. ATWOOD.

Mr. Doyle of Foster moved

That the report of the investigating committee be adopted, and when adopted it be by a rising vote.

Which motion prevailed, and

The report of the committee was adopted.

The speaker in the chair.

REPORT OF CONFERENCE COMMITTEE.

Report of conference committee of senate and house concerning

Senate Bill No. 104,

A bill for an act to provide for the maintenance of the stated normal-industrial school, located at Ellendale, and making necessary improvements, and providing appropriations therefor.

Mr. Speaker:

Your conference committee to whom was referred Senate Bill No. 104, respectfully reports and recommend that the house amendment to said bill be stricken out and that said bill as originally received from the senate do pass.

JUDSON LaMOURE,
HENRY McLEAN,
J. L. CASHEL,
Senate Conferees.

S. N. PUTNAM,
G. S. WHITE,
J. F. COLLINS,
House Conferees.

Mr. Senour moved

That the report of the conference committee be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Mr. Putnam moved

That the rules be suspended and Senate Bill No. 4 be placed upon its third reading and final passage.

Which motion prevailed.

Senate Bill No. 104,

A bill for an act to provide for the maintenance of the stated normal-industrial school, located at Ellendale, and making necessary improvements, and providing appropriations therefor.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 82, nays 2, absent and not voting 11.

Those who voted in the affirmative were:

| | | |
|----------------------|----------------------|--------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Hendrickson | Plath |
| Akesson | Hill | Ployhar |
| Anderson | Homnes | Poe |
| Atwood | Honey | Pound |
| Baker of Cass | Hughes | Price |
| Baker of Stark | Jewett | Putnam |
| Bjorndahl | Johnson of Bottineau | Schull |
| Brusletten | Kinney of McLean | Senour |
| Brynjulson | Kinney of Richland | Sgutt |
| Burns | Kneeland | Shells |
| Chatfield | Knox | Sinclair |
| Christenson | Law | Skinner |
| Collins of Cass | Laithwaite | Skulason |
| Collins of Gd. Forks | Linde | Sorlie |
| Cunningham | McCrea | Steen |
| Davidson | McLear | Storey |
| Dibley | Moen of Benson | Streeter |
| Doyle of Foster | Moen of Cavalier | Thompson of McLean |
| Doyle of McIntosh | Narum | Thoreson |
| Duncan | Nelson of McHenry | Traynor |
| Evans | Nelson of Steele | Ward |
| Freeman | Nelson of Walsh | Welford |
| Garden | Nyhus | White |
| Geidt | Olson | Wisner |
| Gibbens | Paulson | Wolbert |
| Goldammer | Peart | Young |
| Hanley | Pendray | Mr. Speaker |
| Hemmingson | | |

Absent and not voting:

| | | |
|----------|----------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Burnett | Grant | Lucke |
| Crawford | Hale | Martin |
| Fraine | Kremer | Thompson, Gd. Forks |
| Ganssle | Lindvig | |

Messrs. Johnson of McLean and Johnson of Rolette voting in the negative.

Mr. Grant being excused.

So the bill passed and the title was agreed to.

The chief clerk announced that the speaker was about to sign

Senate Bill No. 16,

A bill for an act appropriating money for the purpose of building and equipping a dairy laboratory and barn; a veterinary laboratory and stable; for apparatus for engineering departments; for building sidewalks; for girls' dormitory and domestic science laboratory; for providing dynamo and fixtures; for boys' dormitory; and for horticultural building for the agricultural college located at Fargo, North Dakota.

Also,

Senate Bill No. 72,

A bill for an act creating the office of forest fire warden and prescribing the powers, duties and compensations of such office.

Also,

Senate Bill No. 49,

A bill for an act to prohibit the throwing or depositing of glassware of any kind, crockery, wire, nails, tacks, paper or any old building material while in the act of moving same upon the streets of any village or city or upon public highways, and providing for a penalty for the violation thereof.

Also,

Senate Bill No. 222,

A bill for an act to legalize certain floating indebtedness incurred by cities of this state under certain circumstances incurred by cities, village and school district of this state under certain circumstances and bonds issued, or that may be issued to fund the same.

And the speaker signed the same in the presence of the house.

Mr. Traynor moved

That the senate amendments to House Bill No. 374 be adopted.

Which motion prevailed.

MOTIONS AND RESOLUTIONS.

Mr. Johnson of Bottineau presented the following resolution and moved its adoption:

Whereas, on the 58th day of the present session of this legislative assembly, the house of representatives passed an act known as House Bill No. 326, amending the present primary election law in several important particulars; and,

Whereas, owing to the many defects in the present primary law, including several unconstitutional features, it is a matter of great public concern that an act amendatory thereof be passed by the present legislative assembly, therefore, in order that this important subject may receive consideration at the hands of the senate, it is hereby

Resolved by the house of representatives of the State of North Dakota the senate concurring that joint rule No. 10 be and the same is hereby suspended in so far as the same may in any manner interfere with further consideration of the aforesaid House Bill No. 326 by this legislative assembly, or either house thereof.

Which motion prevailed, and

The concurrent resolution was adopted.

Mr. Hanley moved the adoption of the following resolution:

Resolved, that the house take a recess on Thursday, March 4, from 6 to 7 p. m., and thereafter have continuous session until the time for final adjournment, with such intermission as the house may see proper to take.

Which motion prevailed.

Mr. Garden moved

That the house recall Senate Bill No. 107.

Which motion prevailed.

Mr. Hendrickson moved

That a committee of three members of the house of representatives for the state of North Dakota, be and is hereby authorized to draw up a suitable message and forward the same by wire to the Honorable William Howard Taft, now president of the United States, expressing the state's con-

gratulations and felicitations, as represented by this house. and the speaker of the house be chairman of the committee.

Which motion prevailed, and

The resolution was adopted.

The speaker appointed as a committee on such resolution, Messrs. Fraine and Homnes.

Mr. Wisner moved

To adopt the committee report on the state flag.

Which motion was lost.

Mr. Traynor moved

That the rules be suspended and House Bill No. 374 as amended by the senate, be placed upon its third reading and final passage.

Which motion prevailed

House Bill No. 374,

A bill for an act to provide for the completing of the audit and examination of the books and records in the state penitentiary and twine plant, and for the perpetuation of the record of such audit and examination and for installing and completeing an adequate system of books and records for said institutions.

Was read the third time.

The question being on the final passage of the bill as amended by the senate.

The roll was called and there were ayes 88, nays 1, absent and not voting 6.

Those who voted in the affirmative were:

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|----------------------|----------|
| Aasheim | Hemmingson | Peart |
| Akesson | Hendrickson | Pendray |
| Anderson | Hill | Plath |
| Atwood | Homnes | Ployhar |
| Baker of Cass | Honey | Poe |
| Baker of Stark | Hughes | Pound |
| Bjorndahl | Jewett | Price |
| Brusletten | Johnson of Bottineau | Putnam |
| Brynjolfson | Johnson of McLean | Schull |
| Burns | Johnson of Rolette | Senour |
| Chatfield | Kinney of McLean | Sgutt |
| Christenson | Kinney of Richland | Sheils |
| Collins of Cass | Kneeland | Sinclair |
| Collins of Gd. Forks | Kremer | Skinner |
| Crawford | Law | Skulason |
| Cunningham | Laithwaite | Sorlie |
| Dibley | Linde | Steen |

| | | |
|-------------------|-------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Doyle of Foster | Lindvig | Storey |
| Doyle of McIntosh | Lucke | Streeter |
| Duncan | Martin | Thompson, Gd. Forks |
| Evans | McCrea | Thompson of McLean |
| Fraine | Moen of Benson | Thoreson |
| Freeman | Moen of Cavalier | Traynor |
| Ganssle | Narum | Ward |
| Garden | Nelson of McHenry | Welford |
| Geidt | Nelson of Steele | White |
| Gibbins | Nyhus | Wisner |
| Goldammer | Olson | Young |
| Hale | Paulson | Mr. Speaker |
| Hanley | | |

Absent and not voting:

| | | |
|----------|----------|-----------------|
| Messrs.— | Messrs.— | Messrs.— |
| Burnett | Knox | Nelson of Walsh |
| Grant | McLear | Wolbert |

Mr. Grant being excused.

Mr. Davidson voted in the negative.

So the bill passed and the title was agreed to.

Mr. Cunningham moved

That the senate amendments to House Bill No. 165 be concurred in.

Which motion prevailed, and

The senate amendments were concurred in.

House Bill No. 165,

A bill for an act to amend section 533 of the 1905 revised codes of North Dakota relative to the authorization of officers to administer oaths.

Was read the third time.

The question being on the final passage of the bill as amended by the senate.

The roll was called and there were ayes 86, nays 0, absent and not voting 9.

Those who voted in the affirmative were:

| | | |
|----------------|----------------------|----------|
| Messrs — | Messrs.— | Messrs.— |
| Aasheim | Hendrickson | Pendray |
| Akesson | Hill | Plath |
| Anderson | Homnes | Ployhar |
| Atwood | Honey | Poe |
| Baker of Cass | Hughes | Pound |
| Baker of Stark | Jewett | Price |
| Brusletten | Johnson of Bottineau | Putnam |
| Brynjulson | Johnson of McLean | Schull |
| Burns | Johnson of Rolette | Senour |
| Chatfield | Kinney of Richland | Sgutt |

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|-------------------|---------------------|
| Christenson | Kneeland | Sheils |
| Collins of Cass | Knox | Sinclair |
| Collins of Gd. Forks | Law | Skinner |
| Cunningham | Laithwaite | Skulason |
| Davidson | Linde | Sorlie |
| Dibley | Lucke | Steen |
| Doyle of McIntosh | Martin | Storey |
| Duncan | McCrea | Streeter |
| Evans | McLear | Thompson, Gd. Forks |
| Fraine | Moen of Benson | Thompson of McLean |
| Freeman | Moen of Cavalier | Thoreson |
| Ganssle | Narum | Traynor |
| Garden | Nelson of McHenry | Ward |
| Geidt | Nelson of Steele | Welford |
| Gibbens | Nelson of Walsh | White |
| Goldammer | Nyhus | Wisner |
| Hale | Olson | Young |
| Hanley | Paulson | Mr. Speaker |
| Hemmingson | Peart | |

Absent and not voting:

| Messrs.— | Messrs.— | Messrs.— |
|-----------|------------------|----------|
| Bjorndahl | Doyle of Foster | Kremer |
| Burnett | Grant | Lindvig |
| Crawford | Kinney of McLean | Wolbert |

Messrs. Crawford and Grant being excused.
So the bill passed and the title was agreed to.

Mr. Kneeland moved

That the house do now concur in senate amendments to House Bill No. 154.

Which motion prevailed, and

The senate amendments were concurred in.

House Bill No. 154,

A bill for an act to amend sections 2173 and 2174 of the revised codes of the state of North Dakota for 1905, relating to automobiles.

Was read the third time.

The question being on the final passage of the bill as amended by the senate.

The roll was called and there were ayes 80, nays 3, absent and not voting 12.

Those who voted in the affirmative were:

| Messrs.— | Messrs.— | Messrs.— |
|---------------|-------------|----------|
| Akesson | Hemmingson | Plath |
| Anderson | Hendrickson | Ployhar |
| Atwood | Hill | Poe |
| Baker of Cass | Homnes | Pound |

| | | |
|----------------------|----------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Baker of Stark | Honey | Price |
| Brusletten | Jewett | Putnam |
| Brynjulson | Johnson of Bottineau | Schull |
| Burns | Johnson of McLean | Senour |
| Chatfield | Kinney of Richland | Sgutt |
| Christenson | Kneeland | Sheils |
| Collins of Cass | Knox | Sinclair |
| Collins of Gd. Forks | Kremer | Skinner |
| Cunningham | Law | Stein |
| Davidson | Lindvig | Storey |
| Dibley | Lucke | Streeter |
| Doyle of Foster | Martin | Thompson, Gd. Forks |
| Doyle of McIntosh | McCrea | Thompson of McLean |
| Duncan | Moen of Benson | Thoreson |
| Evans | Moen of Cavalier | Traynor |
| Fraine | Narum | Ward |
| Freeman | Nelson of McHenry | Welford |
| Ganssle | Nelson of Walsh | White |
| Garden | Nyhus | Wisner |
| Geidt | Olson | Wolbert |
| Goldammer | Peart | Young |
| Hanley | Pendray | Mr. Speaker |

Those who voted in the negative were:

| | | |
|----------|--------------------|------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Johnson of Rolette | Nelson of Steele |
| Gibbens | | |

Absent and not voting:

| | | |
|-----------|------------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Bjorndahl | Hale | McLear |
| Burnett | Kinney of McLean | Paulson |
| Crawford | Laithwaite | Skulason |
| Grant | Linde | Sorlie |

Messrs. Crawford and Grant being excused.
So the bill passed and the title was agreed to.

Mr. Doyle of Foster moved
That the house do now concur in the senate amendments
to House Bill No. 90.

Which motion prevailed, and
The senate amendments were concurred in.

House Bill No. 90,

A bill for an act to amend section 2600 of the revised codes of 1905, and to repeal section 2601 of the revised codes of 1905.

Was read the third time.

The question being on the final passage of the bill as amended by the senate.

The roll was called and there were ayes 79, nays 2, absent and not voting 14.

Those who voted in the affirmative were:

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|----------------------|---------------------|
| Pearl | Mr. Speaker | Pendray |
| Akesson | Hemmingson | Ployhar |
| Anderson | Hendrickson | Poe |
| Atwood | Hill | Pound |
| Baker of Cass | Homnes | Price |
| Baker of Stark | Honey | Putnam |
| Bjorndahl | Jewett | Schull |
| Brusletten | Johnson of Bottineau | Senour |
| Brynjulson | Johnson of McLean | Sgutt |
| Burns | Johnson of Rolette | Sheils |
| Chatfield | Kinney of Richland | Sinclair |
| Christenson | Kneeland | Skinner |
| Collins of Cass | Knox | Skulason |
| Collins of Gd. Forks | Kremer | Sorlie |
| Cunningham | Law | Storey |
| Davidson | Laithwaite | Streeter |
| Dibley | Lindvig | Thompson, Gd. Forks |
| Doyle of Foster | Lucke | Thompson of McLean |
| Doyle of McIntosh | Martin | Thoreson |
| Duncan | McCrea | Traynor |
| Evans | Moen of Benson | Ward |
| Ganssle | Moen of Cavalier | Welford |
| Garden | Narum | White |
| Geidt | Nelson of McHenry | Wisner |
| Gibbens | Nelson of Steele | Wolbert |
| Goldammer | Nelson of Walsh | Young |
| Grant | | |

Absent and not voting:

| Messrs.— | Messrs.— | Messrs.— |
|----------|------------------|----------|
| Aasheim | Hale | Nyhus |
| Burnett | Hughes | Olson |
| Crawford | Kinney of McLean | Paulson |
| Fraine | Linde | Plath |
| Freeman | McLear | |

Messrs. Hanley and Steele voting in the negative.

Messrs. Crawford and Grant being excused.

So the bill passed and the title was agreed to.

THIRD READING OF SENATE BILLS.

Senate Bill No. 227,

A bill for an act to amend section 7527 of the code of 1905, relating to actions to determine conflicting claims to real property.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 85, nays 1, absent and not voting 9.

Those who voted in the affirmative were:

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|--------------------|--------------------|
| Aasheim | Hendrickson | Pearl |
| Akesson | Hill | Pendray |
| Anderson | Homnes | Plath |
| Atwood | Honey | Ployhar |
| Baker of Cass | Hughes | Poe |
| Baker of Stark | Jewett | Pound |
| Bjorndahl | Johnson of McLean | Price |
| Brusletten | Johnson of Rolette | Putnam |
| Brynjulson | Kinney of Richland | Schull |
| Burns | Kneeland | Senour |
| Chatfield | Knox | Sgutt |
| Christenson | Kremer | Sheils |
| Collins of Cass | Laithwaite | Sinclair |
| Collins of Gd. Forks | Linde | Skinner |
| Cunningham | Lindvig | Skulason |
| Davidson | Lucke | Sorlie |
| Dibley | Martin | Steen |
| Doyle of Foster | Mc'Creia | Storey |
| Doyle of McIntosh | McLear | Streeter |
| Duncan | Moen of Benson | Thompson of McLean |
| Evans | Moen of Cavalier | Traynor |
| Freeman | Narum | Ward |
| Ganssle | Nelson of McHenry | Welford |
| Garden | Nelson of Steele | White |
| Geidt | Nelson of Walsh | Wisner |
| Gibbens | Nyhus | Wolbert |
| Goldammer | Olson | Young |
| Hanley | Paulson | Mr. Speaker |
| Hemmingson | | |

Absent and not voting:

| Messrs.— | Messrs.— | Messrs.— |
|----------|----------------------|------------------|
| Burnett | Grant | Kinney of McLean |
| Crawford | Hale | Law |
| Fraine | Johnson of Bottineau | Thoreson |

Mr. Thompson of Grand Forks voted in the negative.

Messrs. Crawford and Grant being excused.

So the bill passed and the title was agreed to.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
March 4, 1909.

I have the honor to return Senate Bill No. 107, as requested by the house.

Very respectfully,
J. W. FOLEY,
Secretary.

THIRD READING OF SENATE BILLS.

Senate Bill No. 126,

[A bill for act making appropriation for the Valley City normal school, located in Valley City, Barnes county, N. D.
Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 78, nays 0, absent and not voting 17.

Those who voted in the affirmative were:

| | | |
|----------------------|--------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Akesson | Hemmingson | Pendray |
| Anderson | Hendrickson | Ployhar |
| Atwood | Hill | Pound |
| Baker of Cass | Homnes | Price |
| Baker of Stark | Honey | Putnam |
| Brusletten | Hughes | Schull |
| Brynjolfson | Jewett | Senour |
| Burns | Johnson of McLean | Sgutt |
| Chatfield | Johnson of Rolette | Sheils |
| Christenson | Kinney of Richland | Sinclair |
| Collins of Cass | Kneeland | Skinner |
| Collins of Gd. Forks | Kremer | Skulason |
| Cunningham | Law | Sorlie |
| Davidson | Laithwaite | Storey |
| Dibley | Linde | Streeter |
| Doyle of Foster | Lindvig | Thompson, Gd. Forks |
| Doyle of McIntosh | Lucke | Thompson of McLean |
| Duncan | Martin | Thoreson |
| Evans | McCrea | Traynor |
| Freeman | Moen of Benson | Ward |
| Ganssle | Moen of Cavalier | Welford |
| Garden | Nelson of McHenry | White |
| Geidt | Nelson of Steele | Wisner |

| | | |
|-----------|-----------------|-------------|
| Messrs.— | Messrs.— | Messrs.— |
| Gibbins | Nelson of Walsh | Wolbert |
| Goldammer | Olson | Young |
| Hanley | Peart | Mr. Speaker |

Absent and not voting:

| | | |
|-----------|----------------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Hale | Nyhus |
| Bjorndahl | Johnson of Bottineau | Paulson |
| Burnett | Kinney of McLean | Plath |
| Crawford | Knox | Poe |
| Fraine | McLear | Steen |
| Grant | Narum | |

Messrs. Crawford and Grant being excused.
So the bill passed and the title was agreed to.

Senate Bill No. 81,

A bill for an act making appropriation for the current and contingent expenses of the state penitentiary, and for making permanent improvements and additions thereto.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 83, nays 0, absent and not voting 12.

Those who voted in the affirmative were:

| | | |
|----------------------|----------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Hendrickson | Peart |
| Akesson | Hill | Pendray |
| Anderson | Homnes | Plath |
| Atwood | Honey | Ployhar |
| Baker of Cass | Hughes | Poe |
| Baker of Stark | Jewett | Pound |
| Brusletten | Johnson of Bottineau | Price |
| Brynjulson | Johnson of McLean | Putnam |
| Burns | Johnson of Rolette | Schull |
| Christenson | Kinney of McLean | Senour |
| Collins of Cass | Kinney of Richland | Sgutt |
| Collins of Gd. Forks | Kneeland | Sheils |
| Chatfield | Law | Skinner |
| Cunningham | Laithwaite | Skulason |
| Davidson | Linde | Sorlie |
| Dibley | Lindvig | Steen |
| Doyle of Foster | Lucke | Storey |
| Doyle of McIntosh | Martin | Streeter |
| Duncan | McCrea | Thompson, Gd. Forks |
| Evans | McLear | Thompson of McLean |
| Freeman | Moen of Benson | Traynor |
| Ganssle | Moen of Cavalier | Ward |
| Garden | Narum | Welford |
| Geidt | Nelson of Steele | Wisner |
| Gibbins | Nelson of Walsh | Wolbert |
| Goldammer | Nyhus | Young |
| Hanley | Olson | Mr. Speaker |
| Hemmingson | Paulson | |

Absent and not voting:

| Messrs.— | Messrs.— | Messrs.— |
|-----------|----------|-------------------|
| Bjorndahl | Grant | Nelson of McHenry |
| Burnett | Hale | Sinclair |
| Crawford | Knox | Thoreson |
| Fraine | Kremer | White |

Messrs. Crawford and Grant being excused.
So the bill passed and the title was agreed to.

Senate Bill No. 76,

A bill for an act to amend chapter 133 of the laws of North Dakota of 1907, relating to appropriations to the state historical society 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 77, nays 5, absent and not voting 13.

Those who voted in the affirmative were:

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|----------------------|--------------------|
| Aasheim | Hemmingson | Pendray |
| Akesson | Hill | Ployhar |
| Atwood | Homnes | Poe |
| Baker of Cass | Honey | Pound |
| Baker of Stark | Hughes | Price |
| Brusletten | Jewett | Putnam |
| Brynjulson | Johnson of Bottineau | Schull |
| Burns | Johnson of McLean | Senour |
| Chatfield | Kinney of Richland | Sgutt |
| Christenson | Kneeland | Shells |
| Collins of Cass | Knox | Sinclair |
| Collins of Gd. Forks | Kremer | Skinner |
| Cunningham | Law | Skulason |
| Davidson | Leithwaite | Sorlie |
| Dibley | Lind | Storey |
| Doyle of McIntosh | Lindvig | Streeter |
| Duncan | Lucke | Thompson of McLean |
| Evans | Martin | Traynor |
| Fraine | McCrea | Ward |
| Freeman | McLear | Welford |
| Ganssle | Moen of Benson | White |
| Garden | Moen of Cavalier | Wisner |
| Geidt | Narum | Wolbert |
| Gibbens | Nelson of Steele | Young |
| Goldammer | Olson | Mr. Speaker |
| Hanley | Peart | |

Those who voted in the negative were:

| Messrs.— | Messrs.— | Messrs.— |
|-----------|-----------------|----------|
| Anderson | Nelson of Walsh | Steen |
| Bjorndahl | Nyhus | |

Absent and not voting:

| | | |
|-----------------|--------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Burnett | Hendrickson | Paulson |
| Crawford | Johnson of Rolette | Plath |
| Doyle of Foster | Kinney of McLean | Thompson, Gd. Forks |
| Grant | Nelson of McHenry | Thoreson |
| Hale | | |

Messrs. Crawford and Grant being excused.
So the bill passed and the title was agreed to.

Senate Bill No. 203,

A bill for an act to reduce the expenses of conveying insane persons to the hospital for the insane, providing for the duties of county judges in relation thereto, and making an appropriation to carry out its provisions.

Was read the third time.

Mr. Storey moved

That the further consideration of the bill be indefinitely postponed.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Senate Bill No. 156,

A bill for an act providing for the election of justices of the peace and constables in election precincts, comprising one or more unorganized townships, on petition of ten or more qualified electors of such precinct.

Was read the third time

The question being on the final passage of the bill.

The roll was called and there were ayes 70, nays 10, absent and not voting 15.

Those who voted in the affirmative were:

| | | |
|-----------------|----------------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Goldammer | Pendray |
| Akesson | Hemmingson | Plath |
| Anderson | Homes | Poyhar |
| Atwood | Honey | Pound |
| Baker of Cass | Jewett | Price |
| Baker of Stark | Johnson of Bottineau | Putnam |
| Bjorndahl | Johnson of McLean | Schull |
| Brusletten | Kinney of McLean | Senour |
| Brynjolfson | Kinney of Richland | Sgutt |
| Chatfield | Kneeland | Sheils |
| Christenson | Knox | Skulason |
| Collins of Cass | Law | Sorlie |

| | | |
|----------------------|-------------------|-------------|
| Messrs.— | Messrs.— | Messrs.— |
| Collins of Gd. Forks | Laithwaite | Steen |
| Cunningham | Linde | Storey |
| Davidson | Lindvig | Streeter |
| Dibley | McCrea | Thoreson |
| Doyle of Foster | Narum | Traynor |
| Duncan | Nelson of McHenry | Ward |
| Evans | Nelson of Steele | White |
| Fraine | Nelson of Walsh | Wisner |
| Freeman | Nyhus | Wolbert |
| Ganssle | Olson | Young |
| Garden | Paulson | Mr. Speaker |
| Gibbins | Peart | |

Those who voted in the negative were:

| | | |
|-------------------|----------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Burns | Lucke | Moen of Cavalier |
| Doyle of McIntosh | McLear | Skinner |
| Geidt | Moen of Benson | Thompson, Gd. Forks |
| Hanley | | |

Absent and not voting:

| | | |
|-------------|--------------------|--------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Burnett | Hill | Poe |
| Crawford | Hughes | Sinclair |
| Grant | Johnson of Rolette | Thompson of McLean |
| Hale | Kremer | Welford |
| Hendrickson | Martin | |

Messrs. Crawford and Grant being excused.

So the bill passed and the title was agreed to.

The chief clerk announced that the speaker was about to sign

Senate Bill No. 215,

A bill for an act to amend section 10,292 of the revised codes of North Dakota for 1905, relating to the offering of reward for apprehension of criminals and those charged with crime.

And the speaker signed the same in the presence of the house.

Senate Bill No. 73,

A bill for an act to provide for the making of improvements at the North Dakota school of forestry, to assist in the maintenance thereof and for other purposes and making appropriations therefor.

Was read the third time

The question being on the final passage of the bill.

The roll was called and there were ayes 70, nays 2, absent and not voting 23.

Those who voted in the affirmative were:

| | | |
|----------------------|----------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Hale | Nyhus |
| Akesson | Hanley | Olson |
| Anderson | Hemmingson | Pound |
| Atwood | Homnes | Putnam |
| Baker of Cass | Honey | Schull |
| Baker of Stark | Hughes | Senour |
| Bjorndahl | Jewett | Sgutt |
| Brusletten | Johnson of Bottineau | Sheils |
| Brynjulson | Johnson of McLean | Skulason |
| Burns | Kinney of Richland | Sorlie |
| Chatfield | Knox | Steen |
| Collins of Cass | Kremer | Storey |
| Collins of Gd. Forks | L.7 | Streeter |
| Cunningham | Laithwaite | Thompson, Gd. Forks |
| Davidson | Linde | Thoreson |
| Dibley | Lucke | Traynor |
| Doyle of McIntosh | Martin | Ward |
| Duncan | McLear | Welford |
| Evans | Moen of Benson | White |
| Fraine | Moen of Cavalier | Wisner |
| Garden | Nelson of McHenry | Wolbert |
| Geidt | Nelson of Steele | Young |
| Gibbens | Nelson of Walsh | Mr. Speaker |
| Goldammer | | |

Absent and not voting:

| | | |
|-----------------|------------------|--------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Burnett | Hill | Pendray |
| Christenson | Kinney of McLean | Plath |
| Crawford | Kneeland | Ployhar |
| Doyle of Foster | Lindvig | Poe |
| Freeman | McCrea | Price |
| Ganssle | Narum | Sinclair |
| Grant | Paulson | Thompson of McLean |
| Hendrickson | Peart | |

Messrs. Johnson of Rolette and Skinner voting in the negative.

Messrs. Crawford and Grant being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 118,

A bill for an act making it unlawful for any person, firm, association, copartnership or corporation doing business in the state to purchase grains at different weight for the bushel than is fixed by law, or to take or accept any dockage on grains not docked at the terminal markets of Minnesota and Wisconsin.

Was read the third time

Mr. Knox moved

That the further consideration of the bill be indefinitely postponed.

Which motion was lost.

The question being on the final passage of the bill;

The roll was called and there were ayes 55, nays 30, absent and not voting 10.

Those who voted in the affirmative were:

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|----------------------|-------------|
| Aasheim | Hill | Paulson |
| Anderson | Homnes | Pendray |
| Atwood | Honey | Price |
| Bjorndahl | Jewett | Putnam |
| Brusletten | Johnson of Bottineau | Schull |
| Chatfield | Kinney of Richland | Senour |
| Christenson | Kneeland | Sgutt |
| Collins of Gd. Forks | Laithwaite | Sheils |
| Cunningham | Linde | Skinner |
| Davidson | Lindvig | Skulason |
| Doyle of Foster | Lucke | Sorlie |
| Evans | McCrea | Steen |
| Freeman | Moen of Cavalier | Storey |
| Garden | Narum | Thoreson |
| Gibbins | Nelson of McHenry | Traynor |
| Goldammer | Nelson of Steele | Ward |
| Hale | Nyhus | Wolbert |
| Hanley | Olson | Mr. Speaker |
| Hemmingson | | |

Those who voted in the negative were:

| Messrs.— | Messrs.— | Messrs.— |
|-------------------|--------------------|--------------------|
| Akesson | Geidt | Pearl |
| Baker of Cass | Hughes | Plath |
| Baker of Stark | Johnson of McLean | Ployhar |
| Brynjulson | Johnson of Rolette | Pound |
| Burns | Knox | Streeter |
| Collins of Cass | Kremer | Thompson of McLean |
| Dibley | Law | Welford |
| Doyle of McIntosh | McLear | White |
| Duncan | Moen of Benson | Wisner |
| Ganssle | Nelson of Walsh | Young |

Absent and not voting:

| Messrs.— | Messrs.— | Messrs.— |
|----------|------------------|---------------------|
| Burnett | Hendrickson | Poe |
| Crawford | Kinney of McLean | Sinclair |
| Fraine | Martin | Thompson, Gd. Forks |
| Grant | | |

Messrs. Crawford and Grant being excused.
So the bill passed and the title was agreed to.

Senate Bill No. 154,

A bill for an act to amend section 6710 of the revised codes of 1905, relating to holidays.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 49, nays 35, absent and not voting 11.

Those who voted in the affirmative were:

| | | |
|----------------------|----------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Atwood | Honey | Pendray |
| Baker of Cass | Hughes | Ployhar |
| Baker of Stark | Jewett | Price |
| Brynjulson | Johnson of Bottineau | Schull |
| Burns | Kinney of Richland | Senour |
| Chatfield | Kneeland | Sheils |
| Christenson | Knox | Skinner |
| Collins of Gd. Forks | Law | Skulason |
| Davidson | Laithwaite | Storey |
| Dibley | Linde | Streeter |
| Doyle of Foster | Lindvig | Thompson, Gd. Forks |
| Freeman | Lucke | Traynor |
| Garden | McCrea | Wisner |
| Gibbens | Nelson of McHenry | Wolbert |
| Hale | Nelson of Walsh | Young |
| Hanley | Olson | Mr. Speaker |
| Homnes | | |

Those who voted in the negative were:

| | | |
|-------------------|--------------------|--------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Goldammer | Paulson |
| Akesson | Hemmingson | Plath |
| Anderson | Hill | Putnam |
| Bjorndahl | Johnson of McLean | Sgutt |
| Brusletten | Johnson of Rolette | Sorlie |
| Collins of Cass | Kinney of McLean | Steen |
| Cunningham | Kremer | Thompson of McLean |
| Doyle of McIntosh | Moen of Benson | Thoreson |
| Duncan | Moen of Cavalier | Ward |
| Evans | Narum | Welford |
| Ganssle | Nelson of Steele | White |
| Geidt | Nyhus | |

Absent and not voting:

| | | |
|----------|-------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Burnett | Hendrickson | Poe |
| Crawford | Martin | Pound |
| Fraine | McLear | Sinclair |
| Grant | Peart | |

Messrs. Crawford and Grant being excused.
So the bill passed and the title was agreed to.

Mr. Streeter moved

That the vote by which Senate Bill No. 154 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

REPORTS OF STANDING COMMITTEES.

The committee on enrollment made the following report:

Mr. Speaker:

Your committee on enrollment have examined

House Bill No. 69,

A bill for an act to amend section 8184 of the revised codes of North Dakota for 1905, relating to the commissions to be allowed administrators and executors when no provision is made in the will.

Also,

House Bill No. 65,

A bill for an act relating to evidence regarding the chain of title to real estate.

Also,

House Bill No. 116,

A bill for an act to amend section 473 of the revised codes of North Dakota of 1905, relating to the boundaries and terms of court in the fifth judicial district.

And find the same correctly enrolled.

H. J. LINDE,
Chairman.

Mr. Linde moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The chief clerk announced that the speaker was about to sign

House Bill No. 69,

A bill for an act to amend section 8184 of the revised codes of North Dakota for 1905, relating to the commissions

to be allowed administrators and executors when no provision is made in the will.

Also,

House Bill No. 65,

A bill for an act relating to evidence regarding the chain of title to real estate.

Also,

House Bill No. 116,

A bill for an act to amend section 473 of the revised codes of North Dakota of 1905, relating to the boundaries and terms of court in the fifth judicial district.

And the speaker signed the same in the presence of the house.

THIRD READING OF SENATE BILLS.

Senate Bill No. 96,

A bill for an act, entitled an act creating a fund and providing for the disbursement thereof, for pensions and relief by fireman's relief associations, in cities, towns and villages.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 84, nays 0, absent and not voting 11.

Those who voted in the affirmative were:

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|----------------------|---------------------|
| Aasheim | Hendrickson | Peart |
| Akesson | Hill | Pendray |
| Anderson | Homes | Plath |
| Atwood | Honey | Ployhar |
| Baker of Cass | Hughes | Pound |
| Baker of Stark | Jewett | Price |
| Bjorndahl | Johnson of Bottineau | Putnam |
| Brusletten | Johnson of McLean | Schull |
| Brynjulson | Johnson of Rolette | Senour |
| Burns | Kinney of McLean | Sgutt |
| Christenson | Kinney of Richland | Sheils |
| Collins of Cass | Kneeland | Skinner |
| Collins of Gd. Forks | Knox | Skulason |
| Cunningham | Kremer | Sorlie |
| Davidson | Law | Steen |
| Dibley | Laithwalte | Storey |
| Doyle of Foster | Linde | Streeter |
| Doyle of McIntosh | Lindvig | Thompson, Gd. Forks |
| Duncan | Lucke | Thompson of McLean |

| | | |
|------------|-------------------|-------------|
| Messrs.— | Messrs.— | Messrs.— |
| Evans | McCrea | Thoreson |
| Freeman | Moen of Benson | Traynor |
| Ganssle | Moen of Cavalier | Ward |
| Geidt | Nelson of McHenry | Welford |
| Gibbens | Nelson of Steele | White |
| Goldammer | Nelson of Walsh | Wisner |
| Hale | Nyhus | Wolbert |
| Hanley | Olson | Young |
| Hemmingson | Paulson | Mr. Speaker |

Absent and not voting:

| | | |
|-----------|----------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Burnett | Garden | Narum |
| Chatfield | Grant | Poe |
| Crawford | Martin | Sinclair |
| Fraine | McLear | |

Messrs. Crawford and Grant being excused.
So the bill passed and the title was agreed to.

Senate Bill No. 67,

A bill for an act providing for the sanitation of bakeries, canneries, packing houses, slaughter houses, dairies, creameries, cheese factories, confectioneries, restaurants, hotels, groceries, meat markets and all other food producing establishments, manufactories, or other places where food is prepared, manufactured, packed, stored, sold or distributed, and vehicles in which food is placed for transportation, regulating the health of operatives, employees, clerks, drivers and all other persons working on the premises who handle the material from which food is prepared or the finished product; defining food; regulating the wholesomeness of food manufactured, prepared, packed, stored, sold, distributed or transported, and defining the duties of the food commissioner of the North Dakota government agricultural experiment station, 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 87, nays 0, absent and not voting 8.

Those who voted in the affirmative were:

| | | |
|----------|----------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Hill | Peart |
| Akesson | Homnes | Pendray |
| Anderson | Honey | Plath |

| | | |
|----------------------|----------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Atwood | Hughes | Ployhar |
| Baker of Cass | Jewett | Pound |
| Baker of Stark | Johnson of Bottineau | Price |
| Bjorndahl | Johnson of McLean | Putnam |
| Brusletten | Johnson of Rolette | Schull |
| Brynjulson | Kinney of McLean | Senour |
| Burns | Kinney of Richland | Sgutt |
| Chatfield | Kneeland | Shells |
| Christenson | Knox | Skinner |
| Collins of Gd. Forks | Kremer | Skulason |
| Cunningham | Law | Sorlie |
| Davidson | Laithwaite | Steen |
| Dibley | Linde | Storey |
| Doyle of Foster | Lindvig | Streeter |
| Doyle of McIntosh | Lucke | Thompson, Gd. Forks |
| Duncan | McCrea | Thompson of McLean |
| Evans | McLear | Thoreson |
| Ganssle | Moen of Benson | Traynor |
| Garden | Moen of Cavalier | Ward |
| Geidt | Narum | Welford |
| Gibbens | Nelson of McHenry | White |
| Goldammer | Nelson of Steele | Wisner |
| Grant | Nelson of Walsh | Wolbert |
| Hale | Nyhus | Young |
| Hanley | Olson | Mr. Speaker |
| Hendrickson | Paulson | |

Absent and not voting:

| | | |
|-----------------|----------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Burnett | Fraine | Poe |
| Collins of Cass | Freeman | Sinclair |
| Crawford | Martin | |

Messrs. Crawford and Grant being excused.
So the bill passed and the title was agreed to

Senate Bill No. 162,

A bill for an act to amend and re-enact section 344 of article 17 of the revised code of North Dakota of 1905, relating to qualifications of embalmers of dead human bodies, and the duties and relations for the shipment thereof.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 83, nays 0, absent and not voting 12.

Those who voted in the affirmative were:

| | | |
|---------------|-------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Hendrickson | Pendray |
| Akesson | Hill | Plath |
| Anderson | Homnes | Ployhar |
| Atwood | Honey | Price |
| Baker of Cass | Hughes | Putnam |

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|--------------------|---------------------|
| Baker of Stark | Jewett | Schull |
| Bjorndahl | Johnson of McLean | Senour |
| Brusletten | Johnson of Rolette | Sgutt |
| Brynjulson | Kinney of Richland | Shells |
| Chatfield | Kneeland | Sinclair |
| Christenson | Kremer | Skinner |
| Collins of Cass | Law | Skulason |
| Collins of Gd. Forks | Laithwaite | Sorlie |
| Cunningham | Linde | Steen |
| Davidson | Lindvig | Storey |
| Dibley | Lucke | Streeter |
| Doyle of McIntosh | Martin | Thompson, Gd. Forks |
| Duncan | McCrea | Thompson of McLean |
| Evans | McLear | Thoreson |
| Freeman | Moen of Benson | Traynor |
| Ganssle | Moen of Cavalier | Ward |
| Garden | Narum | Welford |
| Geidt | Nelson of McHenry | White |
| Gibbens | Nelson of Steele | Wisner |
| Goldammer | Nelson of Walsh | Wolbert |
| Hale | Nyhus | Young |
| Hanley | Paulson | Mr. Speaker |
| Hemmingson | Peart | |

Absent and not voting:

| Messrs.— | Messrs.— | Messrs.— |
|-----------------|----------------------|----------|
| Burnett | Fraine | Knox |
| Burns | Grant | Olson |
| Crawford | Johnson of Bottineau | Poe |
| Doyle of Foster | Kinney of McLean | Pound |

Messrs. Crawford and Grant being excused.
So the bill passed and the title was agreed to.

Senate Bill No. 131,

A bill for an act creating a state board of examiners; to regulate the practice of osteopathy in the state of North Dakota; to provide for licensing doctors of osteopathy, and to prescribe penalties for the violation of this act.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 58, nays 29, absent and not voting 8.

Those who voted in the affirmative were:

| Messrs.— | Messrs.— | Messrs.— |
|----------------|-------------|----------|
| Aasheim | Garden | Peart |
| Akesson | Geidt | Pendray |
| Anderson | Gibbins | Plath |
| Atwood | Hale | Ployhar |
| Baker of Cass | Hemmingson | Price |
| Baker of Stark | Hendrickson | Putnam |
| Bjorndahl | Homnes | Senour |

| | | |
|----------------------|--------------------|--------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Brusletten | Jewett | Sheils |
| Brynjolfson | Johnson of McLean | Sinclair |
| Chatfield | Johnson of Rolette | Skinner |
| Christenson | Kneeland | Skulason |
| Collins of Cass | Law | Storey |
| Collins of Gd. Forks | Lucke | Thompson of McLean |
| Cunningham | Martin | Thoreson |
| Davidson | McCrea | Traynor |
| Dibley | McLear | Welford |
| Doyle of Foster | Nelson of Steele | White |
| Doyle of McIntosh | Olson | Wisner |
| Evans | Paulson | Young |
| Freeman | | |

Those who voted in the negative were:

| | | |
|------------------|--------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Burns | Kinney of Richland | Pound |
| Duncan | Kremer | Schull |
| Fraine | Laithwaite | Sorlie |
| Ganssle | Linde | Steen |
| Goldammer | Moen of Benson | Streeter |
| Hanley | Moen of Cavalier | Thompson, Gd. Forks |
| Hill | Narum | Ward |
| Honey | Nelson of McHenry | Wolbert |
| Hughes | Nelson of Walsh | Mr. Speaker |
| Kinney of McLean | Nyhus | |

Absent and not voting:

| | | |
|----------|----------------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Burnett | Johnson of Bottineau | Poe |
| Crawford | Knox | Sgutt |
| Grant | Lindvig | |

Mr. White explained his vote.

Messrs. Crawford and Grant being excused.

So the bill passed and the title was agreed to.

Mr. White gave notice that at 2:30 tomorrow he would move to reconsider the vote by which Senate Bill No. 131 passed.

Senate Bill No. 116,

A bill for an act to amend and re-enact section 830 of the revised codes of 1905, relating to school house sites, how they may be obtained and the maximum area therefor.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 59, nays 23, absent and not voting 13.

Those who voted in the affirmative were:

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|----------------------|--------------------|
| Akesson | Homnes | Plath |
| Anderson | Honey | Ployhar |
| Baker of Stark | Hughes | Putnam |
| Brusletten | Jewett | Senour |
| Brynjulson | Johnson of Bottineau | Sheils |
| Burns | Johnson of McLean | Skinner |
| Chatfield | Kinney of McLean | Skulason |
| Christenson | Knox | Sorlie |
| Collins of Gd. Forks | Kremer | Steen |
| Cunningham | Law | Storey |
| Dibley | Laithwaite | Streeter |
| Doyle of Foster | Linde | Thompson of McLean |
| Duncan | Lindvig | Thoreson |
| Freeman | McLear | Traynor |
| Garden | Moen of Benson | Ward |
| Gibbens | Narum | White |
| Hale | Nelson of Walsh | Wisner |
| Hanley | Nyhus | Young |
| Hendrickson | Olson | Mr. Speaker |
| Hill | Peart | |

Those who voted in the negative were:

| Messrs.— | Messrs.— | Messrs.— |
|-------------------|--------------------|---------------------|
| Aasheim | Johnson of Rolette | Paulson |
| Atwood | Kinney of Richland | Pendray |
| Bjorndahl | Kneeland | Pound |
| Davidson | Lucke | Schull |
| Doyle of McIntosh | McCrea | Sinclair |
| Ganssle | Moen of Cavalier | Thompson, Gd. Forks |
| Geidt | Nelson of McHenry | Welford |
| Hemmingson | Nelson of Steele | |

Absent and not voting:

| Messrs.— | Messrs.— | Messrs.— |
|-----------------|-----------|----------|
| Baker of Cass | Fraine | Poe |
| Burnett | Goldammer | Price |
| Collins of Cass | Grant | Sgutt |
| Crawford | Martin | Wolbert |
| Evans | | |

Messrs. Crawford and Grant being excused.
So the bill passed and the title was agreed to.

Senate Bill No. 168,

A bill for an act to amend section 9151 of the revised codes of North Dakota, 1905, relating to having burglars' implements in possession.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 62, nays 18, absent and not voting 15.

Those who voted in the affirmative were:

| | | |
|----------------------|----------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Gibbins | Paulson |
| Akesson | Hale | Plath |
| Atwood | Honey | Ployhar |
| Baker of Cass | Hughes | Pound |
| Baker of Stark | Jewett | Putnam |
| Brusletten | Johnson of Bottineau | Senour |
| Brynjolfson | Kinney of Richland | Shells |
| Burns | Kneeland | Skinner |
| Chatfield | Knox | Skulason |
| Christenson | Law | Sorlie |
| Collins of Gd. Forks | Laithwaite | Streeter |
| Cunningham | Linde | Thompson, Gd. Forks |
| Dibley | Lindvig | Thompson of McLean |
| Doyle of McIntosh | Lucke | Thoreson |
| Duncan | McCrea | Traynor |
| Evans | Moen of Benson | Ward |
| Fraine | Narum | Welford |
| Freeman | Nelson of McHenry | White |
| Ganssle | Nelson of Steele | Wisner |
| Garden | Nelson of Walsh | Mr. Speaker |
| Geidt | Olson | |

Those who voted in the negative were:

| | | |
|-----------------|--------------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Anderson | Homness | Pendray |
| Bjorndahl | Johnson of McLean | Schull |
| Davidson | Johnson of Rolette | Sinclair |
| Doyle of Foster | Kinney of McLean | Steen |
| Hanley | McLear | Storey |
| Hemmingson | Nyhus | Young |

Absent and not voting:

| | | |
|-----------------|------------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Burnett | Hendrickson | Peart |
| Collins of Cass | Hill | Poe |
| Crawford | Kremer | Price |
| Goldammer | Martin | Stutt |
| Grant | Moen of Cavalier | Wolbert |

Messrs. Crawford and Grant being excused.
So the bill passed and the title was agreed to.

The committee on enrollment made the following report:

Mr. Speaker:

Your committee on enrollment have examined

House Bill No 6,

A concurrent resolution amending the constitution of the state of North Dakota, establishing and locating a state normal school in the city of Minot, county of Ward.

Also,

House Bill No. 95,

A bill for an act to amend section 7182 of the revised codes of 1905, relating to costs on appeal from justice court.

Also,

House Bill No. 156,

A bill for an act for the protection of game, fish, wild birds and fur bearing wild animals, and creating the offices of state district game and fish wardens, deputies, board of control, state fish commissioner, and defining their duties and jurisdiction.

And find the same correctly enrolled.

H. J. LINDE,
Chairman.

Mr. Linde moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The chief clerk announced that the speaker was about to sign

House Bill No 6,

A concurrent resolution amending the constitution of the state of North Dakota, establishing and locating a state normal school in the city of Minot, county of Ward.

Also,

House Bill No. 156,

A bill for an act for the protection of game, fish, wild birds and fur bearing wild animals, and creating the offices of state district game and fish wardens, deputies, board of control, state fish commissioner, and defining their duties

Also,

House Bill No. 95,

A bill for an act to amend section 7182 of the revised codes of 1905, relating to costs on appeal from justice court.

And the speaker signed the same in the presence of the house.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

**SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
March 4, 1909.**

Mr. Speaker:

I have the honor to inform you that the senate declines to concur in the house resolution to suspend joint rule No. 10.

Very respectfully,
J. W. FOLEY,
Secretary.

The chief clerk announced that the speaker was about to sign

Senate Bill No. 56,

A bill for an act to provide an appropriation for the current and contingent expenses and for permanent improvements for the institution for the feeble minded, at Grafton.

Also,

Senate Bill No. 68,

A bill for an act making appropriation for completing and furnishing dormitory, for establishing and changing heating plant, for grounds and walks, students' hospital and other equipment for the state normal school at Mayville, and for maintenance.

Also,

Senate Bill No. 70,

A bill for an act to provide for new buildings for the school for the deaf and dumb, located at Devils Lake, North Dakota and making an appropriation therefor.

Also,

Senate Bill No. 85,

A bill for an act to amend section 2795, chapter 30, of the revised codes of 1905 of the state of North Dakota, relating to special assessment by cities, for building of sidewalks and grading and improving streets.

And the speaker signed the same in the presence of the house.

THIRD READING OF SENATE BILLS.

Senate Bill No. 123,

A bill for an act declaring certain noxious weeds to be a public nuisance, and creating a commissioner of noxious weeds, providing for the manner of his appointment and prescribing his powers and duties, and providing penalties for failure to perform the same and providing penalties for failure to comply with his notice and orders.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 71, nays 8, absent and not voting 16.

Those who voted in the affirmative were:

| | | |
|----------------------|--------------------|--------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Hale | Olson |
| Akesson | Hanley | Paulson |
| Anderson | Hemmingson | Peart |
| Atwood | Hill | Pendray |
| Baker of Cass | Honey | Plath |
| Baker of Stark | Hughes | Ployhar |
| Bjorndahl | Jewett | Pound |
| Brusletten | Johnson of McLean | Putnam |
| Brynjulson | Kinney of Richland | Sgutt |
| Burns | Kneeland | Sheils |
| Chatfield | Knox | Sinclair |
| Christenson | Law | Skinner |
| Collins of Gd. Forks | Laithwaite | Skulason |
| Cunningham | Linde | Sorlie |
| Dibley | Lindvig | Steen |
| Doyle of McIntosh | Lucke | Streeter |
| Duncan | McCrea | Thompson of McLean |
| Evans | Moen of Benson | Thoreson |
| Fraine | Moen of Cavalier | Traynor |
| Ganssle | Narum | Ward |
| Garden | Nelson of McHenry | White |
| Geldt | Nelson of Steele | Wolbert |
| Gibbens | Nelson of Walsh | Mr. Speaker |
| Goldammer | Nyhus | |

Those who voted in the negative were:

| | | |
|--------------------|----------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Davidson | Kremer | Thompson, Gd. Forks |
| Homnes | McLear | Welford |
| Johnson of Rolette | Storey | |

Absent and not voting:

| | | |
|-----------------|----------------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Burnett | Hendrickson | Price |
| Collins of Cass | Johnson of Bottineau | Schull |
| Crawford | Kinney of McLean | Senour |
| Doyle of Foster | Martin | Wisner |
| Freeman | Poe | Young |
| Grant | | |

Messrs. Crawford and Grant being excused.
So the bill passed and the title was agreed to.

Senate Bill No. 170,

A bill for an act to amend chapter 161 of the session laws of 1907, relating to the boundaries of the Second, Eighth and Ninth judicial districts, and providing for terms of court in said districts.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 77, nays 0, absent and not voting 18.

Those who voted in the affirmative were:

| | | |
|----------------------|----------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Hughes | Pound |
| Akesson | Jewett | Price |
| Anderson | Johnson of Bottineau | Putnam |
| Atwood | Johnson of McLean | Schull |
| Baker of Cass | Johnson of Rolette | Senour |
| Bjorndahl | Kinney of McLean | Sgutt |
| Brusletten | Kinney of Richland | Sheils |
| Brynjulson | Kneeland | Sinclair |
| Chatfield | Kremer | Skinner |
| Christenson | Law | Skulason |
| Collins of Gd. Forks | Laithwaite | Sorlie |
| Cunningham | Linde | Steen |
| Davidson | Lindvig | Storey |
| Dibley | Lucke | Streeter |
| Doyle of McIntosh | McCrea | Thompson, Gd. Forks |
| Duncan | Moen of Benson | Thompson of McLean |
| Fraine | Moen of Cavalier | Thoreson |
| Ganssle | Narum | Traynor |
| Garden | Nelson of McHenry | Ward |
| Gibbens | Nelson of Steele | Welford |
| Goldammer | Nelson of Walsh | White |
| Hale | Nyhus | Wisner |
| Hemmingson | Olson | Wolbert |
| Hill | Paulson | Young |
| Homnes | Pendray | Mr. Speaker |
| Honey | Plath | |

Absent and not voting:

Messrs.—

Baker of Stark
Burnett
Burns
Collins of Cass
Crawford
Doyle of Foster

Messrs.—

Evans
Freeman
Geidt
Grant
Hanley
Hendrickson

Messrs.—

Knox
Martin
McLear
Peart
Ployhar
Poe

Messrs. Crawford and Grant being excused.
So the bill passed and the title was agreed to.

COURTESIES OF THE FLOOR.

The privileges of the floor were extended to J. A. Cotter, Dawson; A. E. Sevaried, W. H. Francis, Ruso; Mr. Clarke, Grand Forks; Geo. P. Jones, LaMoure county.

Mr. Price moved

That the house take a recess until 7:30 p. m.

Which motion prevailed, and

The house took a recess until 7:30 p. m.

W. D. AUSTIN,
Chief Clerk.

AFTER RECESS.

The house assembled at 7:30 o'clock p. m., pursuant to recess taken.

The speaker in the chair.

There being no objections, the house returned to the fifth order of business.

REPORTS OF STANDING COMMITTEES.

The committee on education made the following report:

Mr. Speaker:

Your committee on education to whom was referred Senate Bill No. 303,

A bill for an act to amend section 871 of the revised code of the state of North Dakota of 1905, relating to education.

Have had the same under consideration and recommend that the same do pass.

FRANK E. PLOYHAR,
Chairman.

Mr. Ployhar 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. Speaker:

Your committee on judiciary to whom was referred

Senate Bill No. 323,

A bill for an act to amend section 537 of the revised codes of 1905 of the state of North Dakota, relating to the bonds of notaries public.

Have had the same under consideration and recommend that the same be indefinitely postponed.

B. G. SKULASON,
Chairman.

Mr. Skulason moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Also,

Your committee on judiciary to whom was referred

Senate Bill No. 94,

A bill for an act to require foreign corporations authorized to do business in this state, to maintain an office or place of business in this state, and also file yearly corporation report.

Have had the same under consideration and recommend that the same be indefinitely postponed.

B. G. SKULASON,
Chairman.

Mr. Skulason moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Also,

Your committee on judiciary to whom was referred Senate Bill No. 337,

A bill for an act to prohibit the using of indecent, immoral, obscene or insulting language in the presence of or to any woman or child.

Have had the same under consideration and recommend that the same be indefinitely postponed.

B. G. SKULASON,
Chairman.

Mr. Skulason moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

The committee on municipal corporations made the following report:

Mr. Speaker:

Your committee on municipal corporations to whom was referred

Senate Bill No. 318,

A bill for an act to provide for paving, curbing, grading or improving the highways, streets or avenues in civil townships adjoining incorporated cities of not less than 6,000 inhabitants, and for the construction of a system of sewerage and water mains therein.

Have had the same under consideration and recommend that the same do pass.

F. G. KNEELAND,
Chairman.

Mr. Kneeland moved

That the report be adopted

Which motion prevailed, and

The report of the committee was adopted.

Mr. Price moved

That the report of the committee on Senate Bill No. 318 be indefinitely postponed.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Mr. Price moved

That the vote by which the committee report on Senate Bill No. 318 was indefinitely postponed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

The committee on school and public lands made the following report:

Mr. Speaker:

Your committee on school and public lands to whom was referred

Senate Bill No. 189,

A bill for an act repealing chapter 176, laws of 1903, being sections 216, 217, 218, 219, 220, 221, 222 and 223 of the revised codes of 1905, relating to the leasing of common school and other public lands for coal mining purposes.

Have had the same under consideration and recommend that the same be indefinitely postponed.

A. S. GIBBENS,
Chairman.

Mr. Gibbens moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

The committee on enrollment made the following report:

Mr. Speaker:

Your committee on enrollment have examined

House Bill No. 154,

A bill for an act to amend sections 2173 and 2174 of the revised codes of the state of North Dakota for 1905, relating to automobiles.

Also,

House Bill No. 165,

A bill for an act to amend section 533 of the 1905 revised codes of North Dakota relative to the authorization of officers to administer oaths.

Also,

House Bill No. 68,

A bill for an act to amend section 1513 of the revised codes of North Dakota for 1905, relating to the furnishing by county auditors of assessment books and blanks and lists of real property, and regulating time of meeting of assessors.

Also,

House Bill No. 70,

A bill for an act amending section 687 of the revised codes of 1905.

And find the same correctly enrolled.

H. J. LINDE,
Chairman.

Mr. Linde moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
March 4, 1909.

Mr. Speaker:

I have the honor to return herewith

House Bill No. 306,

A bill for an act creating and establishing an agricultural experiment station on the reform school grounds near Mandan, in Morton county, providing for its management and making an appropriation therefor:

Which the senate has amended as follows:

Strike out all of section 1, after the word "college," in line 7 of the engrossed bill.

And passed as amended.

Very respectfully,

J. W. FOLEY,
Secretary.

Mr. Hanley moved

That the house do now concur in the senate amendments to House Bill No. 306.

Which motion prevailed, and

The senate amendments were concurred in.

Mr. Hanley moved

That the rules be suspended and House Bill No. 306 as amended by the senate be placed upon its third reading and final passage.

Which motion prevailed

House Bill No. 306,

A bill for an act creating and establishing an agricultural experiment station on the reform school grounds near Mandan, in Morton 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 78, nays 9, absent and not voting 8.

Those who voted in the affirmative were:

Messrs.—

Akesson
Anderson
Atwood
Baker of Cass
Baker of Stark
Bjorndahl
Brusletten
Bryn,ulson
Burns
Chatfield
Christenson
Collins of Cass
Collins of Gd. Forks
Crawford
Cunningham
Davidson
Dibley
Doyle of Foster
Doyle of McIntosh
Duncan
Evans
Fraine
Freeman
Ganssle
Garden
Geidt

Messrs.—

Gibbens
Goldammer
Hale
Hanley
Hemmingson
Hendrickson
Hill
Homnes
Honey
Hughes
Jewett
Johnson of Bottineau
Johnson of McLean
Johnson of Rolette
Kinney of McLean
Kinney of Richland
Kneeland
Knox
Law
Linde
Lindvi
Martin
McCrea
McLear
Moen of Benson
Nelson of McHenry

Messrs.—

Nelson of Walsh
Olson
Paulson
Peart
Plath
Ployhar
Poe
Pound
Price
Putnam
Sgutt
Sheils
Sinclair
Skinner
Skulason
Sorlie
Storey
Streeter
Thompson of McLean
Thoreson
Traynor
Ward
Wisner
Wolbert
Young
Mr. Speaker

Those who voted in the negative were:

| | | |
|----------|------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Nelson of Steele | Steen |
| Lucke | Nyhus | Thompson, Gd. Forks |
| Narum | Pendray | Welford |

Absent and not voting:

| | | |
|----------|------------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Burnett | Laithwaite | Senour |
| Grant | Moen of Cavalier | White |
| Kremer | Schull | |

Mr. Grant being excused.

So the bill passed and the title was agreed to.

THIRD READING OF SENATE BILLS.

Senate Bill No. 124,

A bill for an act to amend section 2005 of the revised code of 1905.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 84, nays 2, absent and not voting 9.

Those who voted in the affirmative were:

| | | |
|----------------------|----------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Hemmingson | Peart |
| Akesson | Hendrickson | Pendray |
| Anderson | Hill | Plath |
| Baker of Cass | Homnes | Ployhar |
| Baker of Stark | Honey | Poe |
| Brusletten | Hughes | Pound |
| Brynjulson | Jewett | Price |
| Burns | Johnson of Bottineau | Putnam |
| Chatfield | Johnson of McLean | Schull |
| Christenson | Johnson of Rolette | Sgutt |
| Collins of Cass | Kinney of McLean | Sheils |
| Collins of Gd. Forks | Kneeland | Sinclair |
| Crawford | Knox | Skinner |
| Cunningham | Law | Skulason |
| Davidson | Linde | Sorlie |
| Dibley | Lindvig | Steen |
| Doyle of Foster | Lucke | Storey |
| Doyle of McIntosh | Martin | Streeter |
| Duncan | McCrea | Thompson, Gd. Forks |
| Elvans | McLear | Thompson of McLean |
| Fraine | Moen of Benson | Thoreson |
| Freeman | Moen of Cavalier | Traynor |
| Garden | Nelson of McHenry | Ward |
| Geidt | Nelson of Steele | Welford |
| Gibbens | Nelson of Walsh | Wisner |
| Goldammer | Nyhus | Wolbert |
| Hale | Olson | Young |
| Hanley | Paulson | Mr. Speaker |

Absent and not voting:

| | | |
|-----------|----------|--------------|
| Messrs.— | Messrs.— | Messrs.— |
| Atwood | Ganssle | Lait'hwaiite |
| Bjorndahl | Grant | Senour |
| Burnett | Kremer | White |

Messrs. Kinney of Richland and Narum voting in the negative.

Mr. Grant being excused.

So the bill passed and the title was agreed to.

The chief clerk announced that the speaker was about to sign

House Bill No. 70,

A bill for an act amending section 687 of the revised codes of 1905.

Also,

House Bill No. 68,

A bill for an act to amend section 1513 of the revised codes of North Dakota for 1905, relating to the furnishing by county auditors of assessment books and blanks and lists of real property, and regulating time of meeting of assessors.

Also,

House Bill No. 165,

A bill for an act to amend section 533 of the 1905 revised codes of North Dakota relative to the authorization of officers to administer oaths.

Also,

House Bill No. 154,

A bill for an act to amend sections 2173 and 2174 of the revised codes of the state of North Dakota for 1905, relating to automobiles.

And the speaker signed the same in the presence of the house.

THIRD READING OF SENATE BILLS.

Senate Bill No. 179,

A bill for an act repealing section 9733 of the revised codes for the year 1905, relating to arrests at night, and re-enacting 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 79, nays 7, absent and not voting 9.

Those who voted in the affirmative were:

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|----------------------|---------------------|
| Aasheim | Hill | Peart |
| Akesson | Homnes | Pendray |
| Anderson | Honey | Plath |
| Baker of Cass | Hughes | Ployhar |
| Baker of Stark | Jewett | Pound |
| Brusletten | Johnson of Bottineau | Price |
| Brynjulson | Johnson of McLean | Putnam |
| Burns | Johnson of Rolette | Senour |
| Chatfield | Kinney of McLean | Sgutt |
| Collins of Cass | Kinney of Richland | Shells |
| Collins of Gd. Forks | Kneeland | Skinner |
| Crawford | Knox | Skulason |
| Cunningham | Law | Sorlie |
| Davidson | Laithwaite | Steen |
| Dibley | Lindvig | Storey |
| Doyle of Foster | Lucke | Streeter |
| Duncan | Martin | Thompson, Gd. Forks |
| Evans | McCrea | Thompson of McLean |
| Fraine | McLear | Thoreson |
| Ganssle | Moen of Benson | Traynor |
| Garden | Moen of Cavalier | Ward |
| Geidt | Narum | Welford |
| Gibbens | Nelson of McHenry | Wisner |
| Goldammer | Nelson of Steele | Wolbert |
| Hale | Olson | Young |
| Hemmingson | Paulson | Mr. Speaker |
| Hendrickson | | |

Those who voted in the negative were:

| Messrs.— | Messrs.— | Messrs.— |
|-------------------|----------|-----------------|
| Bjorndahl | Hanley | Nelson of Walsh |
| Christenson | Kremer | Nyhus |
| Doyle of McIntosh | | |

Absent and not voting:

| Messrs.— | Messrs.— | Messrs.— |
|----------|----------|----------|
| Atwood | Grant | Schull |
| Burnett | Linde | Sinclair |
| Freeman | Poe | White |

Mr. Doyle of McIntosh explained his vote.

Mr. Grant being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 202,

A bill for an act fixing the salary of the clerk of the supreme court.

Was read the third time

Mr. Ployhar moved

That the further consideration of the bill be indefinitely postponed.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Senate Bill No. 229,

A bill for an act to amend chapter 128 of the laws of 1907, being an amendment to section 8983 of the revised codes of North Dakota, 1905, relating to minors not allowed in certain public places, and prescribing certain 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 65, nays 22, absent and not voting 8.

Those who voted in the affirmative were:

| | | |
|-------------------|----------------------|-------------|
| Messrs.— | Messrs.— | Messrs.— |
| Anderson | Hendrickson | Olson |
| Bjorndahl | Hill | Paulson |
| Brusletten | Homnes | Peart |
| Brynjulson | Honey | Pendray |
| Burns | Jewett | Pound |
| Chatfield | Johnson of Bottineau | Senour |
| Christenson | Kinney of McLean | Sgutt |
| Collins of Cass | Kinney of Richland | Sheils |
| Crawford | Kneeland | Sinclair |
| Cunningham | Knox | Skinner |
| Davidson | Kremer | Skulason |
| Doyle of McIntosh | Laithwaite | Sorlie |
| Duncan | Linde | Steen |
| Evans | Lindvig | Storey |
| Fraine | McCrea | Traynor |
| Ganssle | McLear | Ward |
| Garden | Moen of Benson | Welford |
| Geidt | Moen of Cavalier | White |
| Gibbens | Narum | Wisner |
| Goldammer | Nelson of Steele | Young |
| Hanley | Nelson of Walsh | Mr. Speaker |
| Hemmingson | Nyhus | |

Those who voted in the negative were:

| | | |
|----------------------|--------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Johnson of Rolette | Price |
| Akesson | Law | Putnam |
| Baker of Cass | Lucke | Streeter |
| Collins of Gd. Forks | Martin | Thompson, Gd. Forks |
| Dibley | Nelson of McHenry | Thompson of McLean |
| Doyle of Foster | Plath | Thoreson |
| Hale | Ployhar | Wolbert |
| Hughes | | |

Absent and not voting:

| | | |
|----------------|-------------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Atwood | Freeman | Poe |
| Baker of Stark | Grant | Schull |
| Burnett | Johnson of McLea: | |

Mr. Grant being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 183,

A bill for an act prohibiting drinking of intoxicating liquors on railroad trains in North Dakota; prescribing peace officer.

Was read the third time.

Mr. Skulason moved

That the further consideration of the bill be indefinitely postponed.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Senate Bill No. 41,

A bill for an act to amend section 4171 of the revised codes of 1905 of the state of North Dakota, relating to religious and charitable corporations.

Was read the third time.

Mr. Putnam moved

That the further consideration of the bill be indefinitely postponed.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Senate Bill No. 261,

A bill for an act to amend and re-enact section 76 of the revised codes of 1905, as amended by chapter 186 of the laws of 1907, prescribing the duties and authority of the commissioners of public printing, and making an appropriation for public printing and binding.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 79, nays 6, absent and not voting 10.

Those who voted in the affirmative were:

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|----------------------|---------------------|
| Aasheim | Honey | Poe |
| Akesson | Hughes | Pound |
| Anderson | Jewett | Price |
| Baker of Cass | Johnson of Bottineau | Putnam |
| Baker of Stark | Johnson of McLean | Schull |
| Brusletten | Johnson of Rolette | Senour |
| Brynjulson | Kinney of Richland | Sgutt |
| Burns | Kneeland | Shells |
| Chatfield | Knox | Sinclair |
| Collins of Cass | Linde | Skinner |
| Collins of Gd. Forks | Lucke | Skulason |
| Crawford | Martin | Sorlie |
| Cunningham | McLear | Steen |
| Dibley | Moen of Benson | Storey |
| Doyle of Foster | Moen of Cavalier | Streeter |
| Doyle of McIntosh | Narum | Thompson, Gd. Forks |
| Duncan | Nelson of McHenry | Thompson of McLean |
| Evans | Nelson of Steele | Thoreson |
| Fraine | Nelson of Walsh | Traynor |
| Ganssle | Nyhus | Ward |
| Garden | Olson | Welford |
| Geidt | Paulson | White |
| Gibbens | Peart | Wisner |
| Hale | Pendray | Wolbert |
| Hanley | Plath | Young |
| Hill | Ployhar | Mr. Speaker |
| Homnes | | |

Those who voted in the negative were:

| Messrs.— | Messrs.— | Messrs.— |
|-------------|-----------|------------------|
| Bjorndahl | Davidson | Hemmingson |
| Christenson | Goldammer | Kinney of McLean |

Absent and not voting:

| Messrs.— | Messrs.— | Messrs.— |
|----------|-------------|------------|
| Atwood | Hendrickson | Laithwaite |
| Burnett | Kremer | Lindvig |
| Freeman | Law | McCrea |
| Grant | | |

Mr. Grant being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 200,

A bill for an act to amend section 1 of chapter 255 of the laws of 1907, entitled an act to amend sections 3063 and 3133 of the revised codes of the state of North Dakota of 1905, relating to the powers of electors and supervisors in organized townships.

Was read the third time.

The roll was called and there were ayes 75, nays 9, absent and not voting 11.

Those who voted in the affirmative were:

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|----------------------|--------------------|
| Akesson | Hornes | Paulson |
| Anderson | Honey | Peart |
| Baker of Cass | Hughes | Pendray |
| Baker of Stark | Jewett | Plath |
| Bjorndahl | Johnson of Bottineau | Ployhar |
| Brusletten | Johnson of Rolette | Poe |
| Brynjulson | Kinney of McLean | Price |
| Burns | Kinney of Richland | Putnam |
| Chatfield | Kneeland | Schull |
| Christenson | Knox | Senour |
| Collins of Cass | Law | Sgutt |
| Collins of Gd. Forks | Laithwaite | Sinclair |
| Crawford | Linde | Skinner |
| Cunningham | Lindvig | Skulason |
| Davidson | McCrea | Sorlie |
| Dibley | Lucke | Steen |
| Doyle of McIntosh | Martin | Storey |
| Duncan | McLear | Streeter |
| Evans | Moen of Benson | Thompson of McLean |
| Garden | Moen of Cavalier | Thoreson |
| Geidt | Narum | Traynor |
| Gibbens | Nelson of McHenry | Ward |
| Hale | Nelson of Steele | White |
| Hanley | Nyhus | Wolbert |
| Hemmingson | Olson | Mr. Speaker |
| Hill | | |

Those who voted in the negative were:

| Messrs.— | Messrs.— | Messrs.— |
|-----------|---------------------|----------|
| Aasheim | Pound | Welford |
| Ganssle | Shells | Wisner |
| Goldammer | Thompson, Gd. Forks | Young |

Absent and not voting:

| Messrs.— | Messrs.— | Messrs.— |
|-----------------|-------------------|-----------------|
| Atwood | Freeman | Kremer |
| Burnett | Grant | McCrea |
| Doyle of Foster | Hendrickson | Nelson of Walsh |
| Fraïne | Johnson of McLean | |

Mr. Grant being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 125,

A bill for an act to amend section 645 of chapter 8 of the revised codes of 1905, relating to election booths, challenges and providing penalty for false swearing.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 78, nays 9, absent and not voting 8.

Those who voted in the affirmative were:

| | | |
|----------------------|----------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Anderson | Hanley | Olson |
| Atwood | Hemmingson | Paulson |
| Baker of Cass | Hill | Peart |
| Baker of Stark | Hommes | Poe |
| Bjorndahl | Honey | Price |
| Brusletten | Hughes | Putnam |
| Burns | Jewett | Schull |
| Chatfield | Johnson of Bottineau | Senour |
| Christenson | Johnson of McLean | Sgutt |
| Collins of Cass | Kinney of Richland | Shells |
| Collins of Gd. Forks | Kneeland | Sinclair |
| Crawford | Knox | Skinner |
| Cunningham | Law | Skulason |
| Davidson | Laithwaite | Sorlie |
| Dibley | Linde | Steen |
| Doyle of Foster | Lindvig | Storey |
| Doyle of McIntosh | Martin | Streeter |
| Duncan | McCrea | Thompson, Gd. Forks |
| Evans | McLear | Thoreson |
| Fraine | Moen of Benson | Traynor |
| Ganssle | Moen of Cavalier | Ward |
| Garden | Narum | Weiford |
| Geidt | Nelson of McHenry | White |
| Gibbens | Nelson of Steele | Wisner |
| Goldammer | Nelson of Walsh | Wolbert |
| Hale | Nyhus | Mr. Speaker |

Those who voted in the negative were:

| | | |
|------------|--------------------|--------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Johnson of Rolette | Pound |
| Akesson | Kinney of McLean | Thompson of McLean |
| Brynjulson | Kremer | Young |

Absent and not voting:

| | | |
|----------|-------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Burnett | Hendrickson | Plath |
| Freeman | Lucke | Ployhar |
| Grant | Pendray | |

Mr. Grant being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 157,

A bill for an act to amend and re-enact section 822 of the revised codes of North Dakota for the year 1905.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 66, nays 23, absent and not voting 6.

Those who voted in the affirmative were:

| | | |
|----------------------|----------------------|-------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Akesson | Goldammer | Moen of Cavalier |
| Atwood | Hale | Narum |
| Baker of Stark | Hanley | Nelson of McHenry |
| Bjorndahl | Hemmingson | Nelson of Walsh |
| Brusletten | Hill | Nyhus |
| Brynjolfson | Homnes | Olson |
| Burns | Honey | Plath |
| Chatfield | Hughes | Ployhar |
| Christenson | Jewett | Poe |
| Collins of Gd. Forks | Johnson of Bottineau | Putnam |
| Crawford | Johnson of Rolette | Schull |
| Cunningham | Kneeland | Senour |
| Davidson | Knox | Sgutt |
| Dibley | Kremer | Sheils |
| Doyle of Foster | Law | Streeter |
| Doyle of McIntosh | Laithwaite | Thoreson |
| Duncan | Linde | Welford |
| Evans | Lindvig | White |
| Ganssle | Iucke | Wisner |
| Garden | Martin | Wolbert |
| Geidt | McCrea | Young |
| Gibbins | Moen of Benson | Mr. Speaker |

Those who voted in the negative were:

| | | |
|--------------------|------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Nelson of Steele | Sorlie |
| Anderson | Paulson | Steen |
| Baker of Cass | Pendray | Storey |
| Collins of Cass | Pound | Thompson, Gd. Forks |
| Fraine | Price | Thompson of McLean |
| Johnson of McLean | Sinclair | Traynor |
| Kinney of McLean | Skinner | Ward |
| Kinney of Richland | Skulason | |

Absent and not voting:

| | | |
|----------|-------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Burnett | Grant | McLear |
| Freeman | Hendrickson | Peart |

Mr. Grant being excused.

So the bill passed and the title was agreed to.

Mr. Baker of Stark moved

That the vote by which Senate Bill No. 157 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

Mr. Streeter moved

That the vote by which Senate Bill No. 41 was indefinitely postponed be reconsidered.

Which motion prevailed.

Senate Bill No. 41,

A bill for an act to amend section 4171 of the revised code of 1905 of the state of North Dakota, relative to religious and charitable corporations.

Was read the third time

The question being on the final passage of the bill.

The roll was called and there were ayes 59, nays 22, absent and not voting 14.

Those who voted in the affirmative were:

| | | |
|----------------------|----------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Geidt | Olson |
| Akesson | Gibbens | Paulson |
| Baker of Cass | Hale | Pearl |
| Baker of Stark | Hemmingson | Ployhar |
| Bjorn Dahl | Hill | Price |
| Brusletten | Homnes | Putnam |
| Brynjulson | Honey | Schull |
| Burns | Hughes | Senour |
| Chatfield | Jewett | Sgutt |
| Christenson | Johnson of Bottineau | Skulason |
| Collins of Cass | Kinney of Richland | Storey |
| Collins of Gd. Forks | Knox | Streeter |
| Crawford | Law | Thompson, Gd. Forks |
| Cunningham | Laithwaite | Thoreson |
| Dibley | Linde | Traynor |
| Doyle of Foster | Martin | Ward |
| Doyle of McIntosh | McCrea | White |
| Duncan | Moen of Benson | Wisner |
| Fraine | Nelson of Steele | Mr. Speaker |
| Garden | Nelson of Walsh | |

Those who voted in the negative were:

| | | |
|--------------------|-------------------|--------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Anderson | Narum | Sinclair |
| Davidson | Nelson of McHenry | Skinner |
| Goldammer | Nyhus | Sorlie |
| Johnson of McLean | Pendray | Steen |
| Johnson of Rolette | Poe | Thompson of McLean |
| Kneeland | Pound | Welford |
| Kremer | Shells | Young |
| Lucke | | |

Absent and not voting:

| | | |
|----------|------------------|------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Atwood | Grant | McLear |
| Burnett | Hanley | Moen of Cavalier |
| Evans | Hendrickson | Plath |
| Freeman | Kinney of McLean | Wolbert |
| Ganssle | Lindvig | |

Mr. Streeter explained his vote.

Mr. Grant being excused.

So the bill passed and the title was agreed to.

Mr. Streeter moved

That the vote by which Senate Bill No. 41 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

Senate Bill No. 46,

A bill for an act to empower the school board of any district to establish and maintain free kindergartens for the instruction of children between four and six years of age.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 65, nays 17, absent and not voting 13.

Those who voted in the affirmative were:

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|--------------------|--------------------|
| Anderson | Goldammer | Peart |
| Atwood | Hale | Ployhar |
| Baker of Cass | Hanley | Poe |
| Baker of Stark | Hemmingson | Pound |
| Bjorndahl | Hommes | Price |
| Brynjulson | Honey | Putnam |
| Burns | Jewett | Schull |
| Chatfield | Johnson of McLean | Sgutt |
| Christenson | Kinney of Richland | Sheils |
| Collins of Cass | Kneeland | Skulason |
| Collins of Gd. Forks | Knox | Storey |
| Crawford | Lathwaite | Streeter |
| Cunningham | Linde | Thompson of McLean |
| Davidson | Lindvig | Traynor |
| Dibley | Lucke | Ward |
| Doyle of Foster | McCrea | Welford |
| Doyle of McIntosh | McLear | White |
| Evans | Moen of Benson | Wisner |
| Ganssle | Moen of Cavaller | Wolbert |
| Garden | Narum | Young |
| Geidt | Nelson of McHenry | Mr. Speaker |
| Gibbens | Nelson of Walsh | |

Those who voted in the negative were:

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|------------------|---------------------|
| Aasheim | Kremer | Sinclair |
| Akesson | Nelson of Steele | Skinner |
| Brusletten | Nyhus | Sorlie |
| Duncan | Olson | Steen |
| Hill | Pendray | Thompson, Gd. Forks |
| Johnson of Bottineau | Senour | |

Absent and not voting:**Messrs.—**

Burnett
Fraine
Freeman
Grant
Hendrickson

Messrs.—

Hughes
Johnson of Rolette
Kinney of McLean
Law

Messrs.—

Martin
Paulson
Plath
Thoreson

Mr. Grant being excused

So the bill passed and the title was agreed to.

Mr. Sheils moved

That the vote by which Senate Bill No. 46 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

Senate Bill No. 252,

A bill for an act to amend section 6 of chapter 95 of the session laws of 1907, being section 847 of the revised codes of North Dakota for 1905, relating to the tuition fund and enumeration.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 82, nays 0, absent and not voting 13.

Those who voted in the affirmative were:

Messrs.—

Aasheim
Akesson
Anderson
Atwood
Baker of Cass
Baker of Stark
Bjorndahl
Brusletten
Brynjulson
Burns
Chatfield
Christenson
Collins of Cass
Collins of Gd. Forks
Crawford
Cunningham
Davidson
Doyle of Foster
Doyle of McIntosh
Duncan
Evans
Fraine

Messrs.—

Hanley
Hemmingson
Hill
Homnes
Honey
Hughes
Jewett
Johnson of McLean
Johnson of Rolette
Kinney of Richland
Kneeland
Knox
Kremer
Laithwaite
Linde
Lindvig
Lucke
Martin
McCrea
McLear
Moen of Benson
Moen of Cavalier

Messrs.—

Paulson
Peart
Pendray
Ployhar
Poe
Pound
Price
Putnam
Schull
Senour
Sgutt
Shells
Sinclair
Skinner
Skulason
Sorlie
Steen
Storey
Streeter
Thompson of McLean
Thoreson
Traynor

| | | |
|-----------|-------------------|-------------|
| Messrs.— | Messrs.— | Messrs.— |
| Garden | Narum | Ward |
| Geidt | Nelson of McHenry | Wisner |
| Gibbens | Nelson of Steele | Wolbert |
| Goldammer | Nelson of Walsh | Young |
| Hale | Olson | Mr. Speaker |

Absent and not voting:

| | | |
|----------|----------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Burnett | Hendrickson | Plath |
| Dibley | Johnson of Bottineau | Thompson, Gd. Forks |
| Freeman | Kinney of McLean | Welford |
| Ganssle | Law | White |
| Grant | Nyhus | |

Mr. Grant being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 235,

A bill for an act to encourage professional spirit among teachers 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 68, nays 14, absent and not voting 13.

Those who voted in the affirmative were:

| | | |
|----------------------|--------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Aashelm | Hemmingson | Price |
| Akesson | Homnes | Putnam |
| Atwood | Honey | Skinner |
| Baker of Cass | Hughes | Schull |
| Brusletten | Jewett | Senour |
| Burns | Johnson of McLean | Sgutt |
| Chatfield | Johnson of Rolette | Sheils |
| Collins of Cass | Kinney of Richland | Sinclair |
| Collins of Gd. Forks | Kneeland | Skulason |
| Cunningham | Law | Storey |
| Davidson | Laithwaite | Streeter |
| Dibley | Linde | Thompson, Gd. Forks |
| Doyle of Foster | Martin | Thompson of McLean |
| Doyle of McIntosh | McCrea | Thoreson |
| Duncan | McLear | Traynor |
| Evans | Nelson of McHenry | Ward |
| Fraine | Nelson of Steele | Welford |
| Ganssle | Nelson of Walsh | White |
| Garden | Olson | Wisner |
| Geidt | Paulson | Wolbert |
| Gibbens | Ployhar | Young |
| Goldammer | Poe | Mr. Speaker |
| Hale | Pound | |

Those who voted in the negative were:

| Messrs.— | Messrs.— | Messrs.— |
|-------------|------------------|----------|
| Anderson | Hanley | Narum |
| Bjorndahl | Hill | Nyhus |
| Brynjulson | Lucke | Pendray |
| Christenson | Moen of Benson | Sorlie |
| Crawford | Moen of Cavalier | |

Absent and not voting:

| Messrs.— | Messrs.— | Messrs.— |
|----------------|----------------------|----------|
| Baker of Stark | Johnson of Bottineau | Lindvig |
| Burnett | Kinney of McLean | Peart |
| Freeman | Knox | Plath |
| Grant | Kremer | Steen |
| Hendrickson | | |

Mr. Grant being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 232,

A bill for an act to amend sections 894 and 895 of the revised codes of 1905.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 70, nays 11, absent and not voting 14.

Those who voted in the affirmative were:

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|--------------------|---------------------|
| Aasheim | Geidt | Nelson of Walsh |
| Akesson | Gibbins | Plath |
| Anderson | Goldammer | Poe |
| Atwood | Hale | Price |
| Baker of Cass | Hanley | Schull |
| Baker of Stark | Hemmingson | Senour |
| Bjorndahl | Hendrickson | Sgutt |
| Brusletten | Homnes | Sinclair |
| Brynjulson | Honey | Skinner |
| Burns | Jewett | Skulason |
| Chatfield | Johnson of Rolette | Steen |
| Christenson | Knox | Storey |
| Collins of Cass | Kremer | Streeter |
| Collins of Gd. Forks | Law | Thompson, Gd. Forks |
| Crawford | Laithwaite | Thompson of McLean |
| Cunningham | Linde | Thoreson |
| Davidson | Lindvig | Traynor |
| Dibley | Lucke | Ward |
| Doyle of McIntosh | Martin | Welford |
| Duncan | McCrea | Wisner |
| Evans | McLear | Wolbert |
| Fraine | Moen of Benson | Young |
| Ganssle | Nelson of McHenry | Mr. Speaker |
| Garden | | |

Those who voted in the negative were:

| | | |
|--------------------|------------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Doyle of Foster | Moen of Cavalier | Pound |
| Hill | Narum | Putnam |
| Hughes | Nyhus | Sheils |
| Kinney of Richland | Olson | |

Absent and not voting:

| | | |
|----------------------|------------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Burnett | Kinney of McLean | Pendray |
| Freeman | Kneeland | Ployhar |
| Grant | Nelson of Steele | Sorlie |
| Johnson of Bottineau | Paulson | White |
| Johnson of McLean | Peart | |

Mr. Grant being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 237,

A bill for an act to amend section 777 of the revised codes of 1905, as amended by chapter 205 of the session laws of North Dakota for 1907.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 61, nays 20, absent and not voting 14.

Those who voted in the affirmative were:

| | | |
|----------------------|----------------------|--------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Akesson | Homnes | Paulson |
| Anderson | Honey | Peart |
| Atwood | Hughes | Plath |
| Baker of Cass | Jewett | Poe |
| Baker of Stark | Johnson of Bottineau | Pound |
| Chatfield | Johnson of McLean | Putnam |
| Collins of Gd. Forks | Johnson of Rolette | Schull |
| Cunningham | Kinney of McLean | Stutt |
| Davidson | Kneeland | Sheils |
| Dibley | Kremer | Sinclair |
| Doyle of Foster | Law | Skinner |
| Duncan | Laithwaite | Skulason |
| Evans | Linde | Storey |
| Garden | Lindvig | Thompson of McLean |
| Geidt | Lucke | Traynor |
| Gibbens | Moen of Cavalier | Welford |
| Hale | Nelson of McHenry | White |
| Hanley | Nelson of Steele | Wisner |
| Hemmingson | Nelson of Walsh | Wolbert |
| Hendrickson | Olson | Mr. Speaker |
| Hill | | |

Those who voted in the negative were:

| | | |
|-------------------|--------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Ganssle | Pendray |
| Bjorndahl | Kinney of Richland | Steen |
| Brusletten | Martin | Streeter |
| Brynjulson | McCrea | Thompson, Gd. Forks |
| Burns | Moen of Benson | Ward |
| Christenson | Narum | Young |
| Doyle of McIntosh | Nyhus | |

Absent and not voting:

| | | |
|-----------------|-----------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Burnett | Goldammer | Price |
| Collins of Cass | Grant | Senour |
| Crawford | Knox | Sorlie |
| Fraine | McLear | Thoreson |
| Freeman | Ployhar | |

Mr. Davidson explained his vote.

Mr. Streeter explained his vote.

Mr. Grant being excused.

So the bill passed and the title was agreed to.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
March 4, 1909.

Mr. Speaker:

I have the honor to return herewith

House Bill No. 190,

A bill for an act providing for the office of chief justice of the supreme court, and prescribing the duties of the Chief Justice.

Also,

House Bill No. 231,

A bill for an act to amend section 9650 of the revised codes of 1905, relating to bastardy proceedings.

Also,

House Bill No. 248,

A bill for an act to amend sections 2405, 2407, 2408 and 2409 of the revised codes of the state of North Dakota for 1905, relating to the authorization of public improvements

in counties, and providing for the levying of taxes to aid in the construction of the same.

Also,

House Bill No. 249,

A bill for an act to amend section 10,245 of the revised codes of North Dakota for 1905, relating to the place where the board of pardons shall hold its sessions.

Also,

House Bill No. 285,

A bill for an act to amend section 2589 of the revised codes of 1905, relating to the fees of county court.

Also,

House Bill No. 96,

A bill for an act authorizing the state engineer, on the approval of the governor, to receive and receipt to the secretary of state for all the field notes, maps, records and other papers appertaining to land titles within the state of North Dakota, and for such other property and records as the government may direct to be turned over to the state when all of the public surveys in the state of North Dakota shall have been completed.

Also,

House Bill No. 177,

A bill for an act providing for the creating, establishing and maintaining of a biological station on the shore of Devils Lake in Ramsey county, North Dakota, for the control of such station and work associated therewith, appointment of directors of such station and its associated work, prescribing the duties of such directors.

Also,

House Bill No. 181,

A bill for an act to amend section 3153 and the repeal of section 3154 of the revised codes of 1905, relating to meetings of township board of auditors.

Also,

House Bill No. 125,

A bill for an act entitled: "An act giving holders of contracts for the purchase of state lands the right to bring act-

ions in the courts in certain cases with reference thereto, and providing for the protection of the interest of the state in such property when taken by railways for right of way or other purposes, and providing for the release of the claim of the state thereto.”

Also,

House Bill No. 131,

A bill for an act making it the duty of the board of university and school lands to accept payment in full and issue patent for any school or institution lands required by any person, firm or corporation holding contract therefor, for townsite purposes.

Which the senate has passed unchanged.

Also,

Mr. Speaker:

I have the honor to return herewith

House Bill No. 97,

A bill for an act to amend section 4177 of the revised codes of North Dakota for the year 1905, for the purpose of encouraging the formation of athletic associations and bands of musicians.

Which the senate has amended as follows:

Strike out the balance of line 18 of the printed bill after the word “players.”

Strike out all of line 19 and the word “corporation” in line 20, and insert in lieu thereof the following:

“The sum of twenty-five dollars for the first twenty-five thousand dollars or fraction thereof of capital stock of said corporation and the sum of fifty dollars for twenty-five thousand dollars up to fifty thousand dollars of the capital stock of such corporation.”

And passed as amended.

Also,

Mr. Speaker:

I have the honor to return herewith

House Bill No. 276,

A bill for an act creating the eleventh judicial district of North Dakota, changing the boundaries of the third and

fifth and sixth judicial districts and providing for terms of court in each of said districts.

Which the senate has amended as follows:

That in the engrossed bill, after the word "districts" in the title thereof, add the following, "and authorizing and empowering the governor to appoint a judge in and for the Eleventh district."

In line 2 of section 1 of the engrossed bill, strike out the words "LaMoure and Logan" and in place thereof insert the following words, "Griggs, Eddy and Wells."

In line 2 of section 2 of the engrossed bill, strike out the words "Eddy and Wells," and insert after the word "Stutsman" the following, "LaMoure and Logan."

In line 3 of section 3 of engrossed bill, strike out the words "Eddy and Wells," and after the word "Foster" add "LaMoure and Logan."

Strike out the first four lines on page 2 of engrossed bill, and insert in place thereof the following: "In Eddy county on the second Monday of May and November of each year."

"In Wells county on the first Monday of February and July of each year."

Strike out lines 9 and 10 on page 2 of the engrossed bill, referring to terms of court in Eddy county.

Strike out lines 13 and 14 on page 2 of the engrossed bill, referring to terms of court in Wells county.

After line 16 of page 2 of the engrossed bill, providing for terms of court in Stutsman county, add the following:

"In LaMoure county on the first Monday of February and the fourth Monday of September of each year."

"In Logan county on the fourth Monday of February and the first Monday of November of each year."

Strike out the words "section 6" on page 2 of the engrossed bill, and insert in lieu thereof "section 7."

After section 5 of the engrossed bill add the following:

"Section 6. It shall be the duty of the governor of this state immediately upon this bill becoming a law forthwith to appoint some competent and qualified person to fill the office of district judge in the Eleventh judicial district, which person so appointed shall be at said time a resident and elector of the territory included in said Eleventh district."

Strike out the words "section 7" on page 3 of the engrossed bill, and insert in lieu thereof the words "section 8."

And passed as amended.

Very respectfully,

J. W. FOLEY.

Secretary.

THIRD READING OF SENATE BILLS.

Senate Bill No. 234,

A bill for an act to amend sections 811, 822, 829, 832, 882, 883, of the revised code of 1905, pertaining 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 41, nays 36, absent and not voting 18.

Those who voted in the affirmative were:

| | | |
|----------------------|----------------------|--------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Akesson | Gibbens | Martin |
| Baker of Stark | Goldammer | McLear |
| Burns | Hale | Nelson of Walsh |
| Chatfield | Hanley | Pearl |
| Collins of Gd. Forks | Hemmingson | Poe |
| Crawford | Homes | Senour |
| Cunningham | Honey | Skulason |
| Davidson | Hughes | Thompson of McLean |
| Dibley | Jewett | Traynor |
| Doyle of McIntosh | Johnson of Bottineau | White |
| Duncan | Johnson of McLean | Wisner |
| Fraine | Kneeland | Wolbert |
| Garden | Knox | Mr. Speaker |
| Geidt | Law | |

Those who voted in the negative were:

| | | |
|--------------------|-------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Lindvig | Schull |
| Anderson | Lucke | Shells |
| Atwood | McCrea | Sinclair |
| Bjorndahl | Moen of Benson | Skinner |
| Brusletten | Narum | Sorlie |
| Brynjulson | Nelson of McHenry | Steen |
| Christenson | Nelson of Steele | Storey |
| Doyle of Foster | Nyhus | Streeter |
| Johnson of Rolette | Paulson | Thompson, Gd. Forks |
| Kinney of McLean | Pendray | Thoreson |
| Kinney of Richland | Pound | Ward |
| Kremer | Putnam | Young |

Absent and not voting:

| | | |
|-----------------|------------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Baker of Cass | Grant | Olson |
| Burnett | Hendrickson | Plath |
| Collins of Cass | Hill | Ployhar |
| Evans | Laithwaite | Price |
| Freeman | Linde | Sgutt |
| Ganssle | Moen of Cavalier | Welford |

Mr. McCrea explained his vote.

Mr. Grant being excused.

So the bill was lost.

Senate Bill No. 191,

A bill for an act authorizing state institutions to contract for the purchase of school, state institution or other public lands, in accordance with the terms as now provided by law.

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 65, absent and not voting 9.

Those who voted in the affirmative were:

| | | |
|-----------------|----------------------|--------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Anderson | Honey | Sheils |
| Chatfield | Hughes | Storey |
| Doyle of Foster | Johnson of Bottineau | Streeter |
| Garden | Martin | Thompson of McLean |
| Gibbins | Putnam | Thoreson |
| Hanley | Senour | Traynor |
| Homnes | Sgutt | White |

Those who voted in the negative were:

| | | |
|----------------------|--------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Hendrickson | Olson |
| Atwood | Hill | Paulson |
| Baker of Cass | Johnson of McLean | Peart |
| Baker of Stark | Johnson of Rolette | Pendray |
| Brusletten | Kinney of McLean | Plath |
| Brynjolfson | Kinney of Richland | Poe |
| Burns | Kneeland | Pound |
| Christenson | Knox | Price |
| Collins of Gd. Forks | Kremer | Schull |
| Crawford | Law | Sinclair |
| Cunningham | Linde | Skinner |
| Davidson | Lindvig | Skulason |
| Dibley | Lucke | Sorlie |
| Doyle of McIntosh | McCrea | Steen |
| Duncan | McLear | Thompson, Gd. Forks |
| Evans | Moen of Benson | Ward |
| Fraine | Moen of Cavalier | Welford |
| Ganssle | Narum | Wisner |

Messrs.—
Geidt
Goldammer
Hale
Hemmingson

Messrs.—
Nelson of McHenry
Nelson of Steele
Nelson of Walsh
Nyhus

Messrs.—
Wolbert
Young
Mr. Speaker

Absent and not voting:

Messrs.—
Akesson
Bjorndahl
Burnett

Messrs.—
Collins of Cass
Freeman
Grant

Messrs.—
Jewett
Laithwaite
Ployhar

Mr. Streeter explained his vote.

Mr. Wolbert explained his vote.

Mr. Grant being excused.

So the bill was lost.

Mr. Wolbert gave notice that he would at 2:30 o'clock p. m. tomorrow move to reconsider the vote by which Senate Bill No. 191 was lost.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
March 4, 1909.

Mr. Speaker:

I have the honor to return herewith

House Bill No. 98,

A bill for an act to amend section 2884, article 7, chapter 31, of the revised codes of the state of North Dakota for 1905, relating to powers and duties of village officers.

Also,

House Bill No. 100,

A bill for an act to amend section 8403 of the 1905 revised codes of North Dakota, relating to service of garnishment summons.

Also,

House Bill No. 208,

A bill for an act to prohibit the printing, publishing, circulating or distributing of advertisements or advertis-

ing matter relating to the treatment or cure of venereal diseases or disorders or diseases of the sexual organs, or relating to any medicines, drugs, drug compounds, appliances or means for causing miscarriage or abortion, or regulating or re-establishing suppressed menses, and providing punishment for the violation of this act.

Which the senate has passed unchanged.

Also,

Mr. Speaker:

I have the honor to return herewith
House Bill No. 205,

A bill for an act providing for the appointment of a committee for the purpose of drafting and reporting the inconsistencies, contradictions and omissions of the school laws of the state of North Dakota, and appropriate money therefor.

Which the senate has amended as follows:

Amend the title to read as follows:

“For an act providing for the appointment of a committee for the purpose of drafting and reporting the inconsistencies, contradictions and omissions of the school laws of the state of North Dakota, and appropriate money therefor.”

In line 3, section 1, strike out “four” and insert “five” in lieu thereof.

In line 5, section 1, strike out “two” and insert “three” in lieu thereof.

Strike out “it” in line 6, section 1; all of lines 7, 8, 9, 10 and 11, and word “votes” in line 12, same section.

After the word “act,” line 14, section 1, insert “as hereafter provided.”

Strike out all of section 2 and number section 3 section 2. and section 4 section 3.

And passed as amended.

Very respectfully,
J. W. FOLEY,
Secretary.

Senate Bill No. 83,

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.

Mr. Nelson of Steele moved

That the further consideration of the bill be indefinitely postponed.

The question being on the final passage of the bill.

Which motion was lost.

The roll was called and there were ayes 80, nays 5, absent and not voting 10.

Those who voted in the affirmative were:

| | | |
|----------------------|----------------------|--------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Hemmingson | Peart |
| Akesson | Hill | Pendray |
| Atwood | Homnes | Plath |
| Baker of Cass | Honey | Ployhar |
| Baker of Stark | Hughes | Pound |
| Bjorndahl | Jewett | Putnam |
| Brusletten | Johnson of Bottineau | Schull |
| Brynjolfson | Johnson of McLean | Senour |
| Burns | Kinney of McLean | Sgutt |
| Chatfield | Kinney of Richland | Shells |
| Christenson | Kneeland | Sinclair |
| Collins of Cass | Knox | Skinner |
| Collins of Gd. Forks | Kremer | Skulason |
| Crawford | Law | Sorlie |
| Cunningham | Laithwaite | Storey |
| Davidson | Linde | Streeter |
| Dibley | Lindvig | Thompson of McLean |
| Doyle of Foster | Lucke | Thoreson |
| Duncan | Martin | Traynor |
| Evans | McCrea | Ward |
| Ganssle | Moen of Benson | Welford |
| Garden | Narum | White |
| Geidt | Nelson of McHenry | Wisner |
| Gibbins | Nelson of Walsh | Wolbert |
| Goldammer | Nyhus | Young |
| Hale | Olson | Mr. Speaker |
| Hanley | Paulson | |

Those who voted in the negative were:

| | | |
|-------------------|------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Anderson | Nelson of Steele | Thompson, Gd. Forks |
| Doyle of McIntosh | Steen | |

Absent and not voting:

| | | |
|----------|--------------------|------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Burnett | Hendrickson | Moen of Cavalier |
| Fraine | Johnson of Rolette | Poe |
| Freeman | McLear | Price |
| Grant | | |

Mr. Grant being excused.

So the bill passed and the title was agreed to.

Mr. McCrea moved

That the vote by which Senate Bill No. 83 passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Senate Bill No. 24,

An act to amend section 1582 of the revised codes of North Dakota for the year 1905, relating to the redemption of real estate.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 63, nays 18, absent and not voting 14.

Those who voted in the affirmative were:

| Messrs.— | Messrs.— | Messrs.— |
|-------------------|--------------------|---------------------|
| Aasheim | Geldt | Nelson of McHenry |
| Akesson | Goldammer | Nelson of Steele |
| Atwood | Hale | Nelson of Walsh |
| Baker of Stark | Hanley | Nyhus |
| Bjorndahl | Hemmingson | Paulson |
| Brusletten | Homnes | Pendray |
| Brynjolfson | Hughes | Poe |
| Burns | Jewett | Putnam |
| Chatfield | Johnson of McLean | Schull |
| Christenson | Johnson of Rolette | Sgutt |
| Collins of Cass | Kinney of McLean | Sheils |
| Crawford | Kneeland | Skulason |
| Cunningham | Knox | Sorlic |
| Davidson | Kremer | Steen |
| Dibley | Law | Streeter |
| Doyle of McIntosh | Laithwaite | Thompson, Gd. Forks |
| Duncan | Linde | Thompson of McLean |
| Evens | Lindvig | Thoreson |
| Fraine | Lucke | Welford |
| Ganssle | Martin | Young |
| Garden | Moen of Cavalier | Mr. Speaker |

Those who voted in the negative were:

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|--------------------|----------|
| Anderson | Kinney of Richland | Skinner |
| Baker of Cass | McCrea | Storey |
| Collins of Gd. Forks | Narum | Traynor |
| Gibbins | Pound | Ward |
| Hill | Price | White |
| Honey | Senour | Wisner |

Absent and not voting:

| | | |
|-----------------|----------------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Burnett | Johnson of Bottineau | Plath |
| Doyle of Foster | McLear | Ployhar |
| Freeman | Moen of Benson | Sinclair |
| Grant | Olson | Wolbert |
| Hendrickson | Peart | |

Mr. Grant being excused.

So the bill passed and the title was agreed to.

Mr. Duncan moved

That the vote by which Senate Bill No. 24 passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Mr. Doyle of Foster moved

That the vote by which Senate Bill No. 202 was indefinitely postponed be reconsidered.

Mr. Ployhar moved

That the motion to reconsider be laid on the table.

Which motion was lost.

The question being on the motion to reconsider Senate Bill No. 202.

The same prevailed.

Senate Bill No. 202,

A bill for an act fixing the salary of the clerk 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 47, nays 41, absent and not voting 7.

Those who voted in the affirmative were:

| | | |
|----------------------|----------------------|--------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Atwood | Hanley | Nelson of Walsh |
| Baker of Stark | Homnes | Schull |
| Brusletten | Honey | Senour |
| Burns | Hughes | Sgutt |
| Chatfield | Jewett | Shells |
| Christenson | Johnson of Bottineau | Skulason |
| Collins of Cass | Kinney of Richland | Streeter |
| Collins of Gd. Forks | Kneeland | Thompson of McLean |
| Cunningham | Knox | Traynor |
| Dibley | Kremer | Ward |
| Doyle of Foster | Linde | Welford |

| | | |
|----------|-------------------|-------------|
| Messrs.— | Messrs.— | Messrs.— |
| Duncan | Martin | White |
| Evans | McCrea | Wisner |
| Fraine | McLear | Wolbert |
| Gibbens | Nelson of McHenry | Mr. Speaker |
| Hale | Nelson of Steele | |

Those who voted in the negative were:

| | | |
|-------------------|--------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Johnson of McLean | Plath |
| Akesson | Johnson of Rolette | Ployhar |
| Anderson | Kinney of McLean | Poe |
| Baker of Cass | Law | Price |
| Brynjulson | Laithwaite | Putnam |
| Crawford | Lindvig | Sinclair |
| Davidson | Lucke | Skinner |
| Doyle of McIntosh | Moen of Benson | Sorlie |
| Garden | Moen of Cavalier | Steen |
| Geidt | Narum | Storey |
| Goldammer | Nyhus | Thompson, Gd. Forks |
| Hemmingson | Olson | Thoreson |
| Hendrickson | Paulson | Young |
| Hill | Pendray | |

Absent and not voting:

| | | |
|-----------|----------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Bjorndahl | Ganssle | Pearl |
| Burnett | Grant | Pound |
| Freeman | | |

Mr. Grant being excused.
So the bill was lost.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
March 4, 1909.

Mr. Speaker:

I have the honor to return herewith

House Bill No. 194,

A bill for an act, providing for a jury to be official witnesses of the execution of persons executed at the state penitentiary, providing for guards to act as death watch over condemned prisoners, and fixing the executioner's fee.

Also an appropriation to defray all expenses incurred in connection with the execution of a condemned man.

Which the senate has amended as follows:

In line 3, section 1 of the engrossed bill, after the word "men" insert "one of whom shall be a regularly licensed physician."

And passed as amended.

Also,

Mr. Speaker:

I have the honor to return herewith

House Bill No. 228,

A bill for an act to amend section 1574 of the revised codes of 1905, relating to auditor's notice of tax sale.

Also,

House Bill No. 162,

A bill for an act to regulate the public service of stallions of North Dakota.

Also,

House Bill No. 5,

A bill for an act to amend section 4494 of the revised codes of the state of North Dakota for 1905, relating to the time of the election of directors of county mutual fire insurance companies.

Which the senate has passed unchanged.

Very respectfully,
J. W. FOLEY,
Secretary.

THIRD READING OF SENATE BILLS.

Senate Bill No. 339,

A bill for an act to provide for making the state treasurer, and his successors, the treasurer of the state penitentiary and twine plant, and defining his duties in relation thereto, and relating to the duties and powers of the state emergency board in connection therewith.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 90, nays 0, absent and not voting 5.

Those who voted in the affirmative were:

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|----------------------|---------------------|
| Aasheim | Hemmingson | Peart |
| Akesson | Hill | Pendray |
| Anderson | Homnes | Plath |
| Atwood | Honey | Ployhar |
| Baker of Cass | Hughes | Poe |
| Baker of Stark | Jewett | Pound |
| Bjorndahl | Johnson of Bottineau | Price |
| Brusletten | Johnson of McLean | Putnam |
| Brynjulson | Johnson of Rolette | Schull |
| Burns | Kinney of McLean | Senour |
| Chatfield | Kinney of Richland | Sgutt |
| Christenson | Kneeland | Shells |
| Collins of Cass | Knox | Sinclair |
| Collins of Gd. Forks | Kremer | Skinner |
| Crawford | Law | Skulason |
| Cunningham | Laithwaite | Sorlie |
| Davidson | Linde | Steen |
| Dibley | Lindvig | Storey |
| Doyle of Foster | Lucke | Streeter |
| Doyle of McIntosh | Martin | Thompson, Gd. Forks |
| Duncan | McCrea | Thompson of McLean |
| Evans | McLear | Thoreson |
| Fraine | Moen of Benson | Traynor |
| Ganssle | Moen of Cavalier | Ward |
| Garden | Narum | Welford |
| Geidt | Nelson of McHenry | White |
| Gibbens | Nelson of Steele | Wisner |
| Goldammer | Nelson of Walsh | Wolbert |
| Hale | Nyhus | Young |
| Hanley | Olson | Mr. Speaker |

Absent and not voting:

| Messrs.— | Messrs.— | Messrs.— |
|----------|-------------|----------|
| Burnett | Grant | Paulson |
| Freeman | Hendrickson | |

Mr. Grant being excused.

So the bill passed and the title was agreed to.

Mr. Skulason gave notice that tomorrow at 2 o'clock p. m. he would move to reconsider the vote by which Senate Bill No. 234 was lost.

Senate Bill No. 308.

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.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 78, nays 2, absent and not voting 15.

Those who voted in the affirmative were:

| | | |
|----------------------|----------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Hale | Nyhus |
| Akesson | Hemmingson | Olson |
| Anderson | Hill | Poe |
| Atwood | Homnes | Pound |
| Baker of Cass | Honey | Price |
| Baker of Stark | Hughes | Putnam |
| Bjorndahl | Jewett | Schull |
| Brusletten | Johnson of Bottineau | Senour |
| Brynjolfson | Johnson of McLean | Sgutt |
| Burns | Johnson of Rolette | Sheils |
| Chatfield | Kinney of McLean | Sinclair |
| Christenson | Kinney of Richland | Skinner |
| Collins of Cass | Kneeland | Skulason |
| Collins of Gd. Forks | Knox | Sorlie |
| Crawford | Kremer | Streeter |
| Cunningham | Law | Thompson, Gd. Forks |
| Davidson | Linde | Thompson of McLean |
| Dibley | Lindvig | Thoreson |
| Doyle of McIntosh | McCrea | Traynor |
| Duncan | McLear | Ward |
| Evans | Moen of Benson | Welford |
| Fraine | Moen of Cavalier | White |
| Ganssle | Narum | Wisner |
| Garden | Nelson of McHenry | Wolbert |
| Gibbias | Nelson of Steele | Young |
| Goldammer | Nelson of Walsh | Mr. Speaker |

Absent and not voting:

| | | |
|-----------------|-------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Burnett | Hanley | Pearl |
| Doyle of Foster | Hendrickson | Pendray |
| Freeman | Laithwaite | Plath |
| Geidt | Lucke | Ployhar |
| Grant | Paulson | Steen |

Messrs. Martin and Storey voting in the negative.

Mr. Grant being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 278,

A bill for an act, entitled an act to amend section 9758 of the state of North Dakota, relating to preliminary examinations.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 83, nays 2, absent and not voting 10.

Those who voted in the affirmative were:

| | | |
|----------------------|----------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Hale | Olson |
| Akesson | Hanley | Paulson |
| Anderson | Hemmingson | Pearl |
| Atwood | Hill | Pendray |
| Baker of Cass | Homnes | Pound |
| Baker of Stark | Honey | Price |
| Bjorndahl | Hughes | Putnam |
| Brusletten | Jewett | Senour |
| Brynjulson | Johnson of Bottineau | Sheils |
| Burns | Johnson of McLean | Sinclair |
| Chatfield | Johnson of Rolette | Skinner |
| Christenson | Kinney of McLean | Skulason |
| Collins of Cass | Kinney of Richland | Sorlie |
| Collins of Gd. Forks | Kneeland | Steen |
| Crawford | Knox | Storey |
| Cunningham | Law | Streeter |
| Davidson | Linde | Thompson, Gd. Forks |
| Dibley | Lucke | Thompson of McLean |
| Doyle of Foster | Martin | Thoreson |
| Doyle of McIntosh | McCrea | Traynor |
| Duncan | McLear | Ward |
| Evans | Moen of Benson | Welford |
| Fraine | Moen of Cavalier | White |
| Ganssle | Narum | Wisner |
| Garden | Nelson of McHenry | Wolbert |
| Geidt | Nelson of Steele | Young |
| Gibbens | Nelson of Walsh | Mr. Speaker |
| Goldammer | Nyhus | |

Absent and not voting:

| | | |
|-------------|------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Burnett | Laithwaite | Ployhar |
| Freeman | Lindig | Poe |
| Grant | Plath | Sgutt |
| Hendrickson | | |

Messrs. Kremer and Schull voting in the negative.
Mr. Grant being excused.
So the bill passed and the title was agreed to.

Senate Bill No. 225,

A bill for an act defining the tenth judicial district, and providing for terms of court therein.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 80, nays 1, absent and not voting 14.

Those who voted in the affirmative were:

| | | |
|----------|-----------|------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Goldammer | Nelson of Steele |
| Akesson | Hale | Nelson of Walsh |

| | | |
|----------------------|----------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Anderson | Hanley | Nyhus |
| Atwood | Hemmingson | Olson |
| Baker of Cass | Hendrickson | Paulson |
| Baker of Stark | Hill | Pendray |
| Bjorndahl | Hommes | Plath |
| Brusletten | Hughes | Pound |
| Brynjulson | Johnson of Bottineau | Price |
| Burns | Johnson of McLean | Schull |
| Chatfield | Johnson of Rolette | Senour |
| Christenson | Kinney of McLean | Sgutt |
| Collins of Cass | Kneeland | Sinclair |
| Collins of Gd. Forks | Knox | Sorlie |
| Crawford | Kremer | Steen |
| Cunningham | Law | Storey |
| Davidson | Laithwaite | Streeter |
| Dibbley | Linde | Thompson, Gd. Forks |
| Doyle of Foster | Lindvig | Thompson of McLean |
| Doyle of McIntosh | Lucke | Thoreson |
| Duncan | Martin | Welford |
| Evans | McCrea | White |
| Frairie | McLear | Wisner |
| Ganssle | Moen of Benson | Wolbert |
| Garden | Moen of Cavalier | Young |
| Geldt | Narum | Mr. Speaker |
| Gibbens | Nelson of McHenry | |

Absent and not voting:

| | | |
|----------|--------------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Burnett | Kinney of Richland | Skinner |
| Freeman | Peart | Skulason |
| Grant | Ployhar | Traynor |
| Honey | Putnam | Ward |
| Jewett | Shells | |

Mr. Poe voted in the negative.

Mr. Grant being excused.

So the bill passed and the title was agreed to.

Mr. Chatfield moved

That the vote by which Senate Bill No[225 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

Senate Bill No. 205,

A bill for an act to amend section 8288 of the revised codes of 1905 of the state of North Dakota, relating to the increased jurisdiction of the county courts, and providing for abolishing the same.

Was read the third time.

Mr. Linde moved

That the further consideration of the bill be indefinitely postponed.

Which motion was lost.

The question being on the final passage of the bill.

The roll was called and there were ayes 62, nays 24, absent and not voting 9.

Those who voted in the affirmative were:

| | | |
|----------------------|----------------------|--------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Akesson | Hanley | Ployhar |
| Anderson | Hemmingson | Poe |
| Baker of Cass | Hill | Pound |
| Bjorndahl | Homnes | Price |
| Brusletten | Honey | Putnam |
| Brynjulson | Johnson of Bottineau | Senour |
| Christenson | Johnson of McLean | Sheils |
| Collins of Cass | Johnson of Rolette | Sinclair |
| Collins of Gd. Forks | Kinney of McLean | Sorlie |
| Crawford | Kinney of Richland | Steen |
| Cunningham | Knox | Storey |
| Doyle of Foster | Law | Streeter |
| Doyle of McIntosh | Laithwaite | Thompson of McLean |
| Duncan | Moen of Cavalier | Traynor |
| Evans | Narum | Ward |
| Frairie | Nelson of Steele | Welford |
| Ganssie | Nelson of Walsh | White |
| Garden | Nyhus | Wolbert |
| Geidt | Pearl | Young |
| Gibbens | Pendray | Mr. Speaker |
| Goldammer | Plath | |

Those who voted in the negative were:

| | | |
|----------------|----------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Kneeland | Moen of Benson |
| Atwood | Kremer | Nelson of McHenry |
| Baker of Stark | Linde | Olson |
| Burns | Lindvig | Schull |
| Chatfield | Lucke | Sgutt |
| Davidson | Mart'n | Skinner |
| Hughes | McCrea | Skulason |
| Jewett | McLear | Thompson, Gd. Forks |

Absent and not voting:

| | | |
|----------|-------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Burnett | Grant | Paulson |
| Dibley | Hale | Thoreson |
| Freeman | Hendrickson | Wisner |

Mr. Grant being excused.

So the bill passed and the title was agreed to.

Mr. Sheils moved

That the vote by which Senate Bill No. 205 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

Senate Bill No. 238,

A bill for an act to amend section 8478 of chapter 5 of the justice code of the revised codes of North Dakota for 1905, relating to change of venue and number of such changes, and granting a change of venue to state and defendant alike.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 81, nays 6, absent and not voting 8.

Those who voted in the affirmative were:

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|----------------------|---------------------|
| Aasheim | Hemmingson | Plath |
| Akesson | Hill | Ployhar |
| Anderson | Homnes | Poe |
| Baker of Stark | Honey | Pound |
| Bjorndahl | Jewett | Price |
| Brusletten | Johnson of Bottineau | Putnam |
| Brynjulson | Johnson of McLean | Schull |
| Chatfield | Johnson of Rolette | Senour |
| Christenson | Kinney of McLean | Sgutt |
| Collins of Cass | Kinney of Richland | Sheils |
| Collins of Gd. Forks | Knox | Sinclair |
| Crawford | Law | Skinner |
| Cunningham | Laithwaite | Skulason |
| Davidson | Linde | Sorlie |
| Dibley | Lindvig | Steen |
| Doyle of Foster | McCrea | Storey |
| Doyle of McIntosh | McLear | Streeter |
| Duncan | Moen of Benson | Thompson, Gd. Forks |
| Evans | Moen of Cavalier | Thompson of McLean |
| Fraine | Narum | Traynor |
| Ganssle | Nelson of McHenry | Ward |
| Garden | Nelson of Steele | Welford |
| Geidt | Nelson of Walsh | White |
| Gibbens | Nyhus | Wisner |
| Goldammer | Olson | Wolbert |
| Hale | Peart | Young |
| Hanley | Pendray | Mr. Speaker |

Those who voted in the negative were:

| Messrs.— | Messrs.— | Messrs.— |
|----------|-------------|----------|
| Atwood | Hendrickson | Kneeland |
| Burns | Hughes | Lucke |

Absent and not voting:**Messrs.—**

Baker of Cass
Burnett
Freeman

Messrs.—

Grant
Kremer
Martin

Messrs.—

Paulson
Thoreson

Mr. Grant being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 220,

A bill for an act to amend sections 2825 and 2826 of the revised codes of the state of North Dakota for 1905, and chapter 47 of the session laws of the state of North Dakota for 1907, relating to the extension of corporate limits of cities, and to provide a method of procedure for the extension of corporate limits 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 58, nays 18, absent and not voting 19.

Those who voted in the affirmative were:

Messrs.—

Akesson
Atwood
Bake. of Cass
Brusletten
Chatfield
Collins of Gd. Forks
Crawford
Cunningham
Dibley
Doyle of McIntosh
Duncan
Evans
Fraine
Ganssle
Garden
Geidt
Gibbens
Goldammer
Hale
Hanley

Messrs.—

Hemmingson
Hill
Homnes
Honey
Jewett
Johnson of McLean
Johnson of Rolette
Kinney of McLean
Kueeland
Knox
Kremer
Law
Lucke
Martin
Moen of Cavalier
Nelson of McHenry
Nelson of Steele
Nelson of Walsh
Nyhus

Messrs.—

Olson
Paulson
Poe
Pound
Price
Schull
Senour
Shells
Skulason
Storey
Streeter
Thompson, Gd. Forks
Thompson of McLean
Thoreson
Traynor
Ward
Welford
Wisner
Young

Those who voted in the negative were:

| Messrs.— | Messrs.— | Messrs.— |
|-------------|--------------------|-------------|
| Aasheim | Davidson | Narum |
| Anderson | Hendrickson | Pendray |
| Bjorndahl | Hughes | Putnam |
| Brynjulson | Kinney of Richland | Skinner |
| Burns | McCrea | Sorlie |
| Christenson | Moer of Benson | Mr. Speaker |

Absent and not voting:

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|------------|----------|
| Baker of Stark | Laithwaite | Ployhar |
| Burnett | Linde | Sgutt |
| Collins of Cass | Lindvig | Sinclair |
| Doyle of Foster | McLear | Steen |
| Freeman | Peart | White |
| Grant | Plath | Wolbert |
| Johnson of Bottineau | | |

Mr. Grant being excused.

So the bill passed and the title was agreed to.

Mr. Chatfield moved

That the vote by which Senate Bill No. 220 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

Senate Bill No. 193,

A bill for an act to amend section 8089 of the revised codes of 1905 of North Dakota, relating to the exemption of personal property and the disposition thereof in the matter of estates pending in the county court.

Was read the third time.

Mr. Fraine moved

That the further consideration of the bill be indefinitely postponed.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Senate Bill No. 71,

A bill for an act amending the constitution of the state of North Dakota, empowering the legislative assembly to provide by law for the erection, leasing, purchasing and operating terminal elevators, in the states of Minnesota and Wisconsin or either.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 80, nays 4, absent and not voting 11.

Those who voted in the affirmative were:

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|--------------------|---------------------|
| Aasheim | Hendrickson | Pearl |
| Akesson | Hill | Pendray |
| Atwood | Homnes | Ployhar |
| Baker of Cass | Hughes | Poe |
| Bjorndahl | Jewett | Pound |
| Brusletten | Johnson of McLean | Price |
| Brynjulson | Johnson of Rolette | Putnam |
| Burns | Kinney of McLean | Schull |
| Chatfield | Kinney of Richland | Sgutt |
| Christenson | Kneeland | Sheils |
| Collins of Cass | Knox | Sinclair |
| Collins of Gd. Forks | Law | Skinner |
| Crawford | Laithwaite | Skulason |
| Cunningham | Lindvig | Sorlie |
| Davidson | Lucke | Steen |
| Doyle of Foster | Martin | Storey |
| Duncan | McCrea | Streeter |
| Evans | McLear | Thompson, Gd. Forks |
| Fraine | Moen of Benson | Thompson of McLean |
| Ganssle | Moen of Cavalier | Thoreson |
| Garden | Narum | Traynor |
| Geidt | Nelson of McHenry | Ward |
| Gibbens | Nelson of Steele | Welford |
| Goldammer | Nelson of Walsh | Wisner |
| Hale | Nyhus | Wolbert |
| Hanley | Olson | Mr. Speaker |
| Hemmingson | Paulson | |

Those who voted in the negative were:

| | | |
|-------------------|----------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Anderson | Kremer | Young |
| Doyle of McIntosh | | |

Absent and not voting:

| | | |
|----------------|----------------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Baker of Stark | Grant | Plath |
| Burnett | Honey | Senour |
| Dibley | Johnson of Bottineau | White |
| Freeman | Linde | |

Mr. Grant being excused.

So the bill passed and the title was agreed to.

Mr. Schull moved

That the vote by which Senate Bill No. 71 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

Senate Bill No. 120,

A bill for an act to amend sections 1034, 1035 and 1036 of the revised codes of 1905, relating to education, as amended by chapter 99 of the session laws of 1907.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 79, nays 1, absent and not voting 15.

Those who voted in the affirmative were:

| | | |
|---------------|-------------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Hemmingson | Pendray |
| Akesson | Hendrickson | Poe |
| Anderson | Hill | Pound |
| Atwood | Homnes | Price |
| Baker of Cass | Honey | Putnam |
| Bjorndahl | Hughes | Schull |
| Brusletten | Jewett | Senour |
| Brynjulson | Johnson of McLean | Sgutt |

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|--------------------|--------------------|
| Burns | Kinney of McLean | Shells |
| Chatfield | Kinney of Richland | Sinclair |
| Christenson | Kneeland | Skinner |
| Collins of Gd. Forks | Kremer | Skulason |
| Crawford | Law | Sorlie |
| Cunningham | Laithwaite | Steen |
| Davidson | Lindvig | Storey |
| Dibley | Lucke | Streeter |
| Doyle of McIntosh | Martin | Thompson of McLean |
| Duncan | McCrea | Thoreson |
| Fraine | Moen of Benson | Traynor |
| Evans | Moen of Cavalier | Ward |
| Ganssle | Narum | Welford |
| Garden | Nelson of McHenry | White |
| Goldt | Nelson of Steele | Wisner |
| Gibbens | Nyhus | Wolbert |
| Goldammer | Paulson | Young |
| Hale | Peart | Mr. Speaker |
| Hanley | | |

Absent and not voting:

| Messrs.— | Messrs.— | Messrs.— |
|-----------------|----------------------|-----------------|
| Baker of Stark | Grant | McLear |
| Burnett | Johnson of Bottineau | Nelson of Walsh |
| Collins of Cass | Johnson of Rolette | Olson |
| Doyle of Foster | Knox | Plath |
| Freeman | Linde | Ployhar |

Thompson of Grand Forks voted in the negative.

Mr. Grant being excused.

So the bill passed and the title was agreed to.

Mr. Laithwaite moved

That the vote by which Senate Bill No. 120 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

Senate Bill No. 243,

A bill for an act making an appropriation to pay P. O. Fossom, George Platzer, janitors; A. Glorvick, messenger;

and C. J. Hutchinson, clerk, of the tenth legislative assembly for services rendered during that session.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 60, nays 26, absent and not voting 9.

Those who voted in the affirmative were:

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|--------------------|---------------------|
| Aasheim | Hughes | Schull |
| Akesson | Johnson of Rolette | Senour |
| Atwood | Kneeland | Sgutt |
| Baker of Cass | Knox | Sinclair |
| Burns | Law | Skulason |
| Chatfield | Laithwaite | Sorlie |
| Collins of Cass | Linde | Steen |
| Collins of Gd. Forks | Lindvig | Storey |
| Crawford | Martin | Streeter |
| Cunningham | McCrea | Thompson, Gd. Forks |
| Doyle of Foster | McLear | Thompson of McLean |
| Doyle of McIntosh | Moen of Cavalier | Thoreson |
| Duncan | Narum | Traynor |
| Evan: | Nelson of McHenry | War. |
| Fraine | Nelson of Walsh | Welford |
| Ganssle | Nyhus | White |
| Geidt | Olson | Wisner |
| Hale | Peart | Wolbert |
| Hanley | Price | Young |
| Honey | Putnam | Mr. Speaker |

Those who voted in the negative were:

| Messrs.— | Messrs.— | Messrs.— |
|-------------|----------------------|------------------|
| Anderson | Hendrickson | Moen of Benson |
| Bjorndahl | Hill | Nelson of Steele |
| Brusletten | Homnes | Paulson |
| Brynjulson | Jewett | Pendray |
| Christenson | Johnson of Bottineau | Poe |
| Garden | Johnson of McLean | Pound |
| Gibbens | Kinney of McLean | Sheils |
| Goldammer | Kremer | Skinner |
| Hemmingson | Lucke | |

Absent and not voting:

| Messrs.— | Messrs.— | Messrs.— |
|----------------|----------|--------------------|
| Baker of Stark | Dibley | Kinney of Richland |
| Burnett | Freeman | Plath |
| Davidson | Grant | Ployhar |

Mr. Grant being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 127,

A bill for an act to divide the state of North Dakota into congressional districts, and defining the boundaries thereof.

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 52, absent and not voting 7.

Those who voted in the affirmative were:

| Messrs.— | Messrs.— | Messrs.— |
|-------------|----------------------|---------------------|
| Atwood | Johnson of Bottineau | Price |
| Bjorndahl | Johnson of McLean | Senour |
| Burns | Kinney of McLean | Sgutt |
| Chatfield | Law | Skinner |
| Christenson | Laithwaite | Skulason |
| Davidson | Linde | Thompson, Gd. Forks |
| Evans | Lucke | Thompson of McLean |
| Garden | McLear | Thoreson |
| Hanley | Moen of Benson | Traynor |
| Hendrickson | Nelson of Steele | Welford |
| Homnes | Ployhar | Young |
| Jewett | Poe | Mr. Speaker |

Those who voted in the negative were:

| Messrs.— | Messrs.— | Messrs.— |
|-----------------|--------------------|----------|
| Aasheim | Hemmingson | Olson |
| Akesson | Hill | Paulson |
| Anderson | Honey | Peart |
| Baker of Cass | Hughes | Pendray |
| Brusletten | Johnson of Rolette | Plath |
| Brynjulson | Kinney of Richland | Pound |
| Collins of Cass | Kneeland | Schull |

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|-------------------|----------|
| Collins of Gd. Forks | Knox | Shells |
| Crawford | Kremer | Sinclair |
| Cunningham | Lindvig | Sorlie |
| Dibley | Martin | Steen |
| Duncan | McCrea | Storey |
| Fraine | Moen of Cavalier | Streeter |
| Ganssle | Narum | Ward |
| Geidt | Nelson of McHenry | White |
| Gibbens | Nelson of Walsh | Wisner |
| Goldammer | Nyhus | Wolbert |
| Hale | | |

Absent and not voting:

| Messrs.— | Messrs.— | Messrs.— |
|-----------------|-------------------|----------|
| Baker of Stark | Doyle of McIntosh | Grant |
| Burnett | Freeman | Putnam |
| Doyle of Foster | | |

Mr. Schull explained his vote.

Mr. Grant being excused.

So the bill was lost.

Mr. Schull gave notice that he would at 2:30 o'clock tomorrow move to reconsider the vote by which Senate Bill No. 127 was lost.

Senate Bill No. 296,

A bill for an act to amend section 460 of the revised codes of North Dakota for 1905, relating to the supreme court reports, how printed, and number

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 84, nays 0, absent and not voting 11.

Those who voted in the affirmative were:

| Messrs.— | Messrs.— | Messrs.— |
|----------|-------------|----------|
| Aasheim | Hemmingson | Pendray |
| Akesson | Hendrickson | Plath |
| Anderson | Hill | Ployhar |

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|--------------------|---------------------|
| Atwood | Homnes | Poe |
| Baker of Cass | Honey | Pound |
| Bjorndahl | Hughes | Price |
| Brusletten | Johnson of McLean | Schull |
| Brynjulson | Johnson of Rolette | Senour |
| Burns | Kinney of McLean | Stutt |
| Chatfield | Kinney of Richland | Sheils |
| Christenson | Kneeland | Sinclair |
| Collins of Cass | Knox | Skinner |
| Collins of Gd. Forks | Kremer | Skulason |
| Crawford | Law | Sorlie |
| Cunningham | Linde | Steen |
| Davidson | Lindvig | Storey |
| Dibley | Lucke | Streeter |
| Doyle of Foster | McCrea | Thompson, Gd. Forks |
| Duncan | McLear | Thompson of McLean |
| Evans | Moen of Benson | Thoreson |
| Fraine | Moen of Cavalier | Traynor |
| Ganssle | Narum | Ward |
| Garden | Nelson of McHenry | Welford |
| Geidt | Nelson of Steele | White |
| Gibbens | Nelson of Walsh | Wisner |
| Goldammer | Nyhus | Woltert |
| Hale | Olson | Young |
| Hanley | Paulson | Mr. Speaker |

Absent and not voting:

| Messrs.— | Messrs.— | Messrs.— |
|-------------------|----------------------|----------|
| Baker of Stark | Grant | Martin |
| Burnett | Jewett | Peart |
| Doyle of McIntosh | Johnson of Bottineau | Putnam |
| Freeman | Laithwaite | |

Mr. Grant being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 128,

A bill for an act for the creation of a serum institute for the manufacture and distribution of such agents as may be useful and necessary in the eradication, prevention and control of tuberculosis, glanders, hog cholera, black-leg and other infectious and contagious diseases.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 81, nays 0, absent and not voting 14.

Those who voted in the affirmative were:

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|--------------------|--------------------|
| Aasheim | Hanley | Peart |
| Akesson | Hemmingson | Pendray |
| Anderson | Hendrickson | Ployhar |
| Atwood | Hill | Poe |
| Baker of Cass | Homnes | Pound |
| Bjorndahl | Honey | Price |
| Brusletten | Hughes | Putnam |
| Brynjalson | Jewett | Schull |
| Chatfield | Johnson of McLean | Senour |
| Christenson | Johnson of Rolette | Sgutt |
| Collins of Cass | Kinney of McLean | Sheils |
| Collins of Gd. Forks | Kinney of Richland | Sinclair |
| Crawford | Kneeland | Skinner |
| Cunningham | Law | Skulason |
| Davidson | Laithwaite | Sorlie |
| Dibley | Linde | Storey |
| Doyle of Foster | Lucke | Streeter |
| Doyle of McIntosh | McCrea | Thompson of McLean |
| Duncan | McLear | Thoreson |
| Evans | Moen of Benson | Traynor |
| Fraine | Moen of Cavalier | Ward |
| Ganssle | Narum | Welford |
| Garden | Nelson of McHenry | White |
| Geidt | Nelson of Steele | Wisner |
| Gibbens | Nelson of Walsh | Wolbert |
| Goldammer | Olson | Young |
| Hale | Paulson | Mr. Speaker |

Absent and not voting:

| Messrs.— | Messrs.— | Messrs.— |
|----------------|----------------------|---------------------|
| Baker of Stark | Johnson of Bottineau | Nyhus |
| Burnett | Knox | Plath |
| Burns | Kremer | Steen |
| Freeman | Lindvig | Thompson, Gd. Forks |
| Grant | Martin | |

Mr. Grant being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 298,

A bill for an act to amend and re-enact section 9015 of the revised codes of North Dakota for 1905, validating marriages performed without authority or where licenses have been issued by a clerk of 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 86, nays 0, absent and not voting 9.

Those who voted in the affirmative were:

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|----------------------|---------------------|
| Aashelm | Hendrickson | Pendray |
| Akesson | Hill | Plath |
| Anderson | Hommes | Ployhar |
| Atwood | Honey | Poe |
| Baker of Cass | Hughes | Pound |
| Bjorndahl | Jewett | Price |
| Brusletten | Johnson of Bottineau | Schull |
| Brynjulson | Johnson of McLean | Senour |
| Burns | Kinney of McLean | Sgutt |
| Chatfield | Kinney of Richland | Shells |
| Christenson | Kneeland | Sinclair |
| Collins of Cass | Knox | Skinner |
| Collins of Gd. Forks | Kremer | Skulason |
| Crawford | Law | Sorlie |
| Cunningham | Laithwaite | Steen |
| Davidson | Linde | Storey |
| Dibley | Lucke | Streeter |
| Doyle of Foster | Martin | Thompson, Gd. Forks |
| Doyle of McIntosh | McCrea | Thompson of McLean |
| Duncan | McLear | Thoreson |
| Fraine | Moen of Benson | Traynor |
| Ganssle | Moen of Cavalier | Ward |
| Garden | Narum | Welford |
| Geidt | Nelson of McHenry | White |
| Gibbens | Nelson of Steele | Wisner |
| Goldammer | Nelson of Walsh | Wolbert |
| Hale | Nyhus | Young |
| Hanley | Olson | Mr. Speaker |
| Hemmingson | Peart | |

Absent and not voting:

| Messrs.— | Messrs.— | Messrs.— |
|----------------|--------------------|----------|
| Baker of Stark | Freeman | Lindvig |
| Burnett | Grant | Paulson |
| Evans | Johnson of Rolette | Putnam |

Mr. Grant being excused.

So the bill passed and the title was agreed to.

There being no objections, the house returned to the fifth order of business.

REPORTS OF STANDING COMMITTEES.

The committee on temperance made the following report

Mr. Speaker:

A majority of the committee on temperance to whom was referred

Senate Bill No. 8,

A bill for an act to regulate the sale of intoxicating liquors for medicinal, sacramental, scientific and mechanical purposes.

Have had the same under consideration and recommend that the same be indefinitely postponed.

E. L. GARDEN,
Chairman.

Also,

A minority of your committee on temperance to whom was referred

Senate Bill No. 8,

A bill for an act to regulate the sale of intoxicating liquors for medicinal, sacramental, scientific and mechanical purposes.

Have had the same under consideration and recommend that the same do pass.

E. L. GARDEN,
KNUTE BJORND AHL,
L. L. BRUSLETTEN,
JAMES HILL.

Mr. Garden moved

That the minority report of the committee on Senate Bill No. 8 be adopted.

Which motion prevailed, and

The minority report of the committee was adopted.

FIRST AND SECOND READING OF SENATE BILLS.

Senate Bill No. 331,

A bill for an act defining the crime of indecent assault, and prescribing the punishment therefor.

Was read the first and second times and

Referred to the committee on judiciary.

Senate Bill No. 329,

A bill for an act defining a prostitute, and prescribing the punishment therefor.

Was read the first and second times and

Referred to the committee on judiciary.

Senate Bill No. 167,

A bill for an act requiring corporations or individuals operating railroads to construct cattle guards on private roads; certain other crossings; keeping such guards or crossings in repair, and providing penalty for violations of the provisions of this act.

Was read the first and second times and
Referred to the committee on railroads.

Senate Bill No. 311.

A bill for an act to enable cities in this state that may adopt or have adopted the commission form of government as provided in chapter 45 of the laws of 1907, to recall incompetent or dishonest elective officers by vote of the people; also providing for the initiative and referendum in city matters, defining the form of the petition required in the law and prescribing the manner in which a city which may adopt or has adopted the commission plan may return to the former system.

Was read the first and second times and
Referred to the committee on municipal corporations.

Senate Bill No. 326,

A bill for an act to amend section 536 of the revised codes of 1905, relating to notaries public.

Was read the first and second times and
Referred to the committee on judiciary.

Senate Bill No. 328,

A bill for an act to amend chapter 179 of the session laws of North Dakota, approved March 2, 1907, entitled 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; such amendments to provide for a levy of not to exceed 3 mills on the dollar in any one year, and by limiting the right to issue bonds to cases where authorized by the vote of the electors, and by adding a new section giving the park board power to plant and protect trees in public streets and highways.

Was read the first and second times and
Referred to the committee on state affairs

Senate Bill No. 249,

A bill for an act to amend chapter 145 of the laws of 1907, an act to prohibit the issuance of non-participating policies by certain life insurance companies.

Was read the first and second times and

Referred to the committee on insurance.

Senate Bill No. 244,

A bill for an act authorizing domestic life insurance companies to issue certain kinds and classes of insurance policies, and repealing chapter 145 of the 1907 session laws of the state of North Dakota.

Was read the first and second times and

Referred to the committee on insurance.

Mr. Price moved

That the rules be suspended and the house return to the seventh order of business.

Which motion was lost.

COURTESIES OF THE FLOOR.

The privileges of the floor were extended to J. T. Flock, T. Wallace, E. D. Wallace, J. Bryant, Page.

Mr. Skulason moved

That the house take a recess until 10 o'clock tomorrow.

Which motion prevailed, and

The house took a recess until 10 o'clock tomorrow.

W. D. AUSTIN,
Chief Clerk.

FIFTY-NINTH DAY AFTER RECESS

AND

SIXTIETH DAY

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,

March 5, 1909.

The house assembled at 10 o'clock a. m., pursuant to recess taken.

There being no objections the house returned to the 5th order of business.

REPORTS OF STANDING COMMITTEES.

The committee on appropriations made the following report:

Mr. Speaker:

Your committee on appropriations to whom was referred Senate Bill No. 242,

A bill for an act making an appropriation for the current and contingent expenses of the state reform school at Mandan.

Have had the same under consideration and recommend that the same do pass.

S. N. PUTNAM,
Chairman.

Mr. Putnam 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. Speaker:

Your committee on judiciary to whom was referred

Senate Bill No. 329,

A bill for an act defining a prostitute, and prescribing the punishment therefor.

Have had the same under consideration and recommend that the same be amended as follows:

By striking out after the word "ill-fame" in line 3 of engrossed bill all of line 3, 4 and all of line 5 prior to the word "or".

And when so amended recommend the same do pass.

B. G. SKULASON,
Chairman.

Mr. Skulason moved

That the rules be suspended and the report of the committee be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on judiciary to whom was referred

Senate Bill No. 326,

A bill for an act to amend section 536 of the revised codes of 1905, relating to notaries public.

Have had the same under consideration and recommend that the same be indefinitely postponed.

B. G. SKULASON,
Chairman.

Mr. Skulason moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Also,

Your committee on judiciary to whom was referred

Senate Bill No. 331,

A bill for an act defining the crime of indecent assault, and prescribing the punishment therefor.

Have had the same under consideration and recommend that the same be indefinitely postponed.

B. G. SKULASON,
Chairman.

Mr. Skulason moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

The committee on insurance made the following report:

Mr. Speaker:

Your committee on insurance to whom was referred

Senate Bill No. 244,

A bill for an act authorizing domestic life insurance companies to issue certain kinds and classes of insurance policies, and repealing chapter 145 of the 1907 session laws of the state of North Dakota.

Have had the same under consideration and recommend that the same be indefinitely postponed.

JOHN A. HONEY,
Chairman.

Mr. Honey moved

That the report be adopted.

Which motion prevailed, and

That the further consideration of the bill was indefinitely postponed.

Also,

Your committee on insurance to whom was referred

Senate Bill No. 249,

A bill for an act to amend chapter 145 of the laws of 1907, an act to prohibit the issuance of non-participating policies by certain life insurance companies.

Have had the same under consideration and recommend that the same do pass.

JOHN A. HONEY,
Chairman.

Mr. Honey 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. Speaker:

Your committee on railroads to whom was referred

Senate Bill No. 167,

A bill for an act requiring corporations or individuals operating railroads to construct cattle guards on private roads; certain other crossings; keeping such guards or crossings in repair, and providing penalty for violations of the provisions of this act.

Have had the same under consideration and recommend that the same be amended as follows:

In line 6, of the printed bill after the word "agent" insert the following: "provided that all cattle guards required by law to be constructed in this state shall before being installed be approved by the commissioners of railroad."

And when so amended recommend the same do pass.

G. A. WHITE,
Chairman.

Mr. White moved
That the rules be suspended and the report of the committee be adopted.

Which motion prevailed, and
The report of the committee was adopted.

The committee on enrollment made the following report:

Mr. Speaker:

Your committee on enrollment have examined

House Bill No. 125,

A bill for an act entitled: "An act giving holders of contracts for the purchase of state lands the right to bring actions in the courts in certain cases with reference thereto,

and providing for the protection of the interest of the state in such property when taken by railways for right of way or other purposes, and providing for the release of the claim of the state thereto."

Also,

House Bill No. 96,

A bill for an act authorizing the state engineer, on the approval of the governor, to receive and receipt to the secretary of state for all the field notes, maps, records and other papers appertaining to land titles within the state of North Dakota, and for such other property and records as the government may direct to be turned over to the state when all of the public surveys in the state of North Dakota shall have been completed.

Also,

House Bill No. 306,

A bill for an act creating and establishing an agricultural experiment station on the reform school grounds near Mandan, in Morton county, providing for its management and making an appropriation therefor.

And find the same correctly enrolled.

H. J. LINDE,
Chairman.

Mr. Linde moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The chief clerk announced that the speaker was about to sign

House Bill No. 306,

A bill for an act creating and establishing an agricultural experiment station on the reform school grounds near Mandan, in Morton county, providing for its management and making an appropriation therefor.

Also,

House Bill No. 96,

A bill for an act authorizing the state engineer, on the approval of the governor, to receive and receipt to the sec-

retary of state for all the field notes, maps, records and other papers appertaining to land titles within the state of North Dakota, and for such other property and records as the government may direct to be turned over to the state when all of the public surveys in the state of North Dakota shall have been completed.

Also,

House Bill No. 125,

A bill for an act entitled: "An act giving holders of contracts for the purchase of state lands the right to bring actions in the courts in certain cases with reference thereto, and providing for the protection of the interests of the state in such property when taken by railways for right of way or other purposes, and providing for the release of the claim of the state thereto."

And the speaker signed the same in the presence of the house.

THIRD READING OF SENATE BILLS.

Senate Bill No. 93,

A bill for an act authorizing the sale of a certain portion of the land granted by the United States government for a memorial park and burial ground of soldiers killed at the battle of White Stone Hill, and to provide how the moneys arising from such sale shall be expended.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 74, nays 4, absent and not voting 17.

Those who voted in the affirmative were:

| | | |
|-----------------|----------------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Akesson | Hill | Paulson |
| Anderson | Homnes | Peart |
| Atwood | Honey | Pendray |
| Baker of Cass | Jewett | Plath |
| Baker of Stark | Johnson of Bottineau | Ployhar |
| Bjorndahl | Johnson of McLean | Pound |
| Brusletten | Johnson of Rolette | Putnam |
| Brynjuison | Kinney of Richland | Sheils |
| Chatfield | Kneeland | Sinclair |
| Christenson | Knox | Skinner |
| Collins of Cass | Law | Skulason |

| | | |
|----------------------|-------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Collins of Gd. Forks | Laithwaite | Steen |
| Crawford | Linde | Storey |
| Cunningham | Lindvig | Streeter |
| Doyle of McInfosh | Lucke | Thompson, Gd. Forks |
| Duncan | Martin | Thompson of McLean |
| Evans | McCrea | Traynor |
| Fraine | McLear | Ward |
| Ganssle | Moen of Benson | Welford |
| Garden | Moen of Cavalier | White |
| Geidt | Narum | Wisner |
| Goldammer | Nelson of McHenry | Wolbert |
| Hale | Nelson of Steele | Young |
| Hanley | Nelson of Walsh | Mr. Speaker |
| Hemmingson | Nyhus | |

Those who voted in the negative were:

| | | |
|----------|-----------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Doyle of Foster | Kremer |
| Davidson | | |

Absent and not voting:

| | | |
|----------|------------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Burnett | Hendrickson | Schull |
| Burns | Hughes | Senour |
| Dibley | Kinney of McLean | Sgutt |
| Freeman | Olson | Sorlie |
| Gibbens | Poe | Thoreson |
| Grant | Price | |

Mr. Grant being excused.

So the bill passed and the title was agreed to.

REPORTS OF STANDING COMMITTEES.

The committee on enrollment made the following report:

Mr. Speaker:

Your committee on enrollment have examined

House Bill No. 90,

A bill for an act to amend section 2600 of the revised codes of 1905, and to repeal section 2601 of the revised codes of 1905.

Also,

House Bill No. 182,

A bill for an act to amend section 3141 of the revised codes of 1905, relating to bond to be given by clerks of civil townships.

Also,

House Bill No. 66,

A bill for an act to amend section 8049 of the revised codes of North Dakota of 1905, relating to the bonds of executors, administrators and guardians.

And find the same correctly enrolled.

H. J. LINDE,
Chairman.

Mr. Linde moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The chief clerk announced that the speaker was about to sign

House Bill No. 90,

A bill for an act to amend section 2600 of the revised codes of 1905 and to repeal section 2601 of the revised codes of 1905.

Also,

House Bill No. 182,

A bill for an act to amend section 3141 of the revised codes of 1905, relating to bond to be given by clerks of civil townships.

Also,

House Bill No. 66,

A bill for an act to amend section 8049 of the revised codes of North Dakota of 1905, relating to the bonds of executors, administrators and guardians.

And the speaker signed the same in the presence of the house.

THIRD READING OF SENATE BILLS.

Senate Bill No. 117,

A bill for an act to provide for instruction in military science at the state normal-industrial school, located at Ellendale.

Was read the third time

The question being on the final passage of the bill.

The roll was called and there were ayes 68, nays 2, absent and not voting 25.

Those who voted in the affirmative were:

| | | |
|----------------------|--------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Hanley | Nelson of Steele |
| Akesson | Hill | Nyhus |
| Anderson | Homnes | Peart |
| Baker of Cass | Honey | Pendray |
| Baker of Stark | Jewett | Ployhar |
| Brusletten | Johnson of McLean | Pound |
| Brynjulson | Johnson of Rolette | Putnam |
| Chatfield | Kinney of Richland | Sheils |
| Christenson | Kneeland | Sinclair |
| Collins of Cass | Knox | Skinner |
| Collins of Gd. Forks | Kremer | Skulason |
| Crawford | Law | Steen |
| Cunningham | Laithwaite | Storey |
| Davidson | Linde | Streeter |
| Doyle of Foster | Lindvig | Thompson, Gd. Forks |
| Doyle of McIntosh | Lucke | Thompson of McLean |
| Duncan | Martin | Traynor |
| Evans | McCrea | Ward |
| Ganssle | McLear | Welford |
| Garden | Moen of Benson | Wolbert |
| Geidt | Moen of Cavalier | Young |
| Goldammer | Narum | Mr. Speaker |
| Hale | Nelson of McHenry | |

Absent and not voting:

| | | |
|------------|----------------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Atwood | Hendrickson | Price |
| Burnett | Hughes | Schull |
| Burns | Johnson of Bottineau | Senour |
| Dibley | Kinney of McLean | Sgutt |
| Fraine | Nelson of Walsh | Sorlie |
| Freeman | Olson | Thoreson |
| Gibbens | Plath | White |
| Grant | Poe | Wisner |
| Hemmingson | | |

Messrs. Bjorndahl and Paulson voting in the negative.

Mr. Grant being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 114,

A concurrent resolution for an act to amend section 158 of the constitution of the state of North Dakota, governing the sale of school lands to railroad companies.

Was read the third time.

The question being on the final passage of the bill;

The roll was called and there were ayes 64, nays 2, absent and not voting 29.

Those who voted in the affirmative were:

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|--------------------|---------------------|
| Aasheim | Hendrickson | Pendray |
| Akesson | Hill | Plath |
| Anderson | Homnes | Ployhar |
| Baker of Cass | Honey | Pound |
| Bjorndahl | Jewett | Putnam |
| Brusletten | Johnson of McLean | Shells |
| Brynjulson | Kinney of Richland | Sinclair |
| Chatfield | Kneeland | Skinner |
| Christenson | Knox | Skulason |
| Collins of Gd. Forks | Law | Steen |
| Crawford | Laithwaite | Storey |
| Cunningham | Lucke | Streeter |
| Davidson | Martin | Thompson, Gd. Forks |
| Doyle of Foster | Moen of Cavalier | Thompson of McLean |
| Duncan | Narum | Traynor |
| Evans | Nelson of McHenry | Ward |
| Fraine | Nelson of Steele | Welford |
| Ganssle | Nelson of Walsh | Wisner |
| Garden | Nyhus | Wolbert |
| Geidt | Olson | Young |
| Hale | Paulson | Mr. Speaker |
| Hemmingson | | |

Absent and not voting:

| Messrs.— | Messrs.— | Messrs.— |
|-----------------|----------------------|----------|
| Atwood | Hanley | Pearl |
| Baker of Stark | Hughes | Poe |
| Burnett | Johnson of Bottineau | Price |
| Burns | Kinney of McLean | Schull |
| Collins of Cass | Kremer | Senour |
| Dibley | Linde | Sgutt |
| Freeman | Lindvig | Sorlie |
| Gibbens | McCrea | Thoreson |
| Goldammer | McLear | White |
| Grant | Moen of Benson | |

Messrs. Doyle of McIntosh and Johnson of Rolette voting in the negative.

Mr. Grant being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 199,

A bill for an act to amend section 3054 of the revised codes of North Dakota for 1905, relating to the division of organized townships.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 71, nays 1, absent and not voting 23.

Those who voted in the affirmative were:

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|--------------------|---------------------|
| Aasheim | Hale | Paulson |
| Akesson | Hemmingson | Peart |
| Anderson | Hendrickson | Pendray |
| Baker of Cass | Homnes | Ployhar |
| Baker of Stark | Honey | Poe |
| Bjorndahl | Jewett | Pound |
| Brusletten | Johnson of Rolette | Price |
| Brynjolfson | Kinney of Richland | Putnam |
| Chatfield | Knox | Sheils |
| Christenson | Kremer | Sinclair |
| Collins of Cass | Law | Skinner |
| Collins of Gd. Forks | Laithwaite | Skulason |
| Crawford | Lindvig | Steen |
| Cunningham | Lucke | Storey |
| Davidson | Martin | Streeter |
| Doyle of Foster | McCrea | Thompson, Gd. Forks |
| Doyle of McIntosh | Moen of Benson | Thompson of McLean |
| Duncan | Moen of Cavalier | Traynor |
| Evans | Narum | Ward |
| Fraine | Nelson of McHenry | Wisner |
| Ganssle | Nelson of Steele | Wolbert |
| Garden | Nelson of Walsh | Young |
| Geidt | Nyhus | Mr. Speaker |
| Goldammer | Olson | |

Absent and not voting:

| Messrs.— | Messrs.— | Messrs.— |
|----------|----------------------|----------|
| Atwood | Hill | Plath |
| Burnett | Hughes | Schull |
| Burns | Johnson of Bottineau | Senour |
| Dibley | Johnson of McLean | Sgutt |
| Freeman | Kinney of McLean | Sorlie |
| Gibbins | Kneeland | Thoreson |
| Grant | Linde | White |
| Hanley | McLear | |

Mr. Welford voting in the negative.

Mr. Grant being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 188,

A bill for an act authorizing the state engineer to grant permits for the appropriation of flood waters of draws, coulees or streams and water courses, which for the greater part of the year flow less than one-third of one cubic foot per second.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 79, nays 1, absent and not voting 15.

Those who voted in the affirmative were:

| Messrs.— | Messrs.— | Messrs.— |
|-------------------|--------------------|---------------------|
| Aasheim | Hill | Pendray |
| Akesson | Homnes | Plath |
| Anderson | Honey | Ployhar |
| Baker of Cass | Johnson of McLean | Poe |
| Baker of Stark | Johnson of Rolette | Pound |
| Brusletten | Kinney of McLean | Price |
| Brynjulson | Kinney of Richland | Putnam |
| Burns | Kneeland | Senour |
| Chatfield | Knox | Shells |
| Christenson | Kremer | Sinclair |
| Collins of Cass | Law | Skinner |
| Crawford | Linde | Skulason |
| Cunningham | Lindvig | Sorlie |
| Davidson | Lucke | Steen |
| Dibley | Martin | Storey |
| Doyle of Foster | McCrea | Streeter |
| Doyle of McIntosh | McLear | Thompson, Gd. Forks |
| Duncan | Moen of Benson | Thompson of McLean |
| Evans | Moen of Cavalier | Traynor |
| Fraine | Narum | Ward |
| Ganssle | Nelson of McHenry | Welford |
| Garden | Nelson of Steele | White |
| Geidt | Nelson of Walsh | Wisner |
| Goldammer | Nyhus | Wolbert |
| Hale | Paulson | Youn ; |
| Hanley | Peart | Mr. Speaker |
| Hemmingson | | |

Absent and not voting:

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|----------------------|------------|
| Atwood | Grant | Laithwaite |
| Burnett | Hendrickson | Olson |
| Collins of Gd. Forks | Hughes | Schull |
| Freeman | Jewett | Skutt |
| Gibbens | Johnson of Bottineau | Thoreson |

Mr. Bjorndahl voting in the negative.

Mr. Grant being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 11,

A concurrent resolution amending the constitution of the state of North Dakota, establishing and locating a state normal school in the city of Minot, county of Ward.

Was read the third time.

Mr. Chatfield moved

That the further consideration of the bill be indefinitely postponed.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Senate Bill No. 30,

A bill for an act authorizing cities incorporated under the laws of this state to regulate and fix the rates to be charged by persons, firms or corporations furnishing water, light, or other public service or utility to such cities and the inhabitants thereof.

Was read the third time.

Mr. Doyle of Foster asked unanimous consent to amend the bill.

There being no objections Mr. Doyle of Foster offered the following amendment and moved its adoption:

Strike out the house amendments.

Which motion prevailed, and

The amendment was adopted,

The question being on the final passage of the bill as amended.

The roll was called and there were ayes 81, nays 0, absent and not voting 14.

Those who voted in the affirmative were:

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|--------------------|---------------------|
| Aasheim | Hanley | Pendray |
| Akesson | Hemmingson | Plath |
| Anderson | Hill | Ployhar |
| Baker of Cass | Hommel | Poe |
| Baker of Stark | Honey | Pound |
| Bjorndahl | Jewett | Price |
| Brusletten | Johnson of McLean | Putnam |
| Brynjulson | Johnson of Rolette | Senour |
| Burns | Kinney of McLean | Sgutt |
| Chatfield | Kinney of Richland | Shells |
| Christenson | Kneeland | Sinclair |
| Collins of Cass | Law | Skinner |
| Collins of Gd. Forks | Laithwaite | Skulason |
| Crawford | Linde | Sorlie |
| Cunningham | Lindvig | Steen |
| Davidson | Lucke | Storey |
| Dibley | McCrea | Streeter |
| Doyle of Foster | McLear | Thompson, Gd. Forks |
| Doyle of McIntosh | Moen of Benson | Thompson of McLean |
| Duncan | Moen of Cavalier | Traynor |
| Evans | Narum | Ward |
| Fraine | Nelson of McHenry | Welford |
| Ganssle | Nelson of Steele | White |
| Geldt | Nelson of Walsh | Wisner |
| Gibbens | Nyhus | Wolbert |
| Goldammer | Paulson | Young |
| Hale | Peart | Mr. Speaker |

Absent and not voting:

Messrs.—

Atwood
Burnett
Freeman
Garden
Grant

Messrs.—

Hendrickson
Hughes
Johnson of Bottineau
Knox
Kremer

Messrs.—

Martin
Olson
Schull
Thoreson

Mr. Grant being excused.

So the bill passed and the title was agreed to.

The speaker called Mr. Skulason to the chair.

The committee on enrollment made the following report:

Mr. Speaker:

Your committee on enrollment have examined

House Bill No. 131,

A bill for an act making it the duty of the board of university and school lands to accept payment in full and issue patent for any school or institution lands required by any person, firm or corporation holding contract therefor, for townsite purposes.

Also,

House Bill No. 98,

A bill for an act to amend section 2884, article 7, chapter 31, of the revised codes of the state of North Dakota for 1905, relating to powers and duties of village officers.

Also,

House Bill No. 177,

A bill for an act providing for the creating, establishing and maintaining of a biological station on the shore of Devils Lake in Ramsey county, North Dakota, for the control of such station and work associated therewith, appointment of directors of such station and its associated work, prescribing the duties of such directors.

Also,

House Bill No. 100,

For an act to amend section 8403 of the 1905 revised codes of North Dakota relating to service of all garnish summons.

Also,

House Bill No. 190,

A bill for an act providing for the office of chief justice of the supreme court, and prescribing the duties of the Chief Justice.

Also,

House Bill No. 181,

A bill for an act to amend section 3153 and the repeal of section 3154 of the revised codes of 1905, relating to meetings of township board of auditors.

Also,

House Bill No. 249,

A bill for an act to amend section 10,245 of the revised codes of North Dakota for 1905, relating to the place where the board of pardons shall hold its sessions.

And find the same correctly enrolled.

H. J. LINDE,
Chairman.

Mr. Linde moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

THIRD READING OF SENATE BILLS.

That the rules be suspended and Senate Bill No. 8, be placed upon its third reading and final passage.

Which motion was lost.

The speaker in the chair.

The chief clerk announced that the speaker was about to sign

House Bill No. 98,

A bill for an act to amend section 2884, article 7, chapter 31, of the revised codes of the state of North Dakota for 1905, relating to powers and duties of village officers.

Also,

House Bill No. 131,

A bill for an act making it the duty of the board of university and school lands to accept payment in full and issue patent for any school or institution lands required by any person, firm or corporation holding contract therefor, for townsite purposes.

Also,

House Bill No. 177,

A bill for an act providing for the creating, establishing and maintaining of a biological station on the shore of Devils Lake in Ramsey county, North Dakota, for the control of such station and work associated therewith, appointment of directors of such station and its associated work, prescribing the duties of such directors.

Also,

House Bill No. 181,

A bill for an act to amend section 3153 and the repeal of section 3154 of the revised codes of 1905, relating to meetings of township board of auditors.

Also,

House Bill No. 190,

A bill for an act providing for the office of chief justice of the supreme court, and prescribing the duties of the Chief Justice.

Also,

House Bill No. 249,

A bill for an act to amend section 10,245 of the revised codes of North Dakota for 1905, relating to the place where the board of pardons shall hold its sessions.

Also,

House Bill No. 100,

A bill for an act to amend section 8403 of the 1905 revised codes of North Dakota, relating to service of garnishment summons.

And the speaker signed the same in the presence of the house.

THIRD READING OF SENATE BILLS.

Senate Bill No. 271,

A bill for an act regulating sanitary conditions in barbershops, hairdressing and manicuring parlors, and providing penalties for the violation of this act.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 79, nays 0, absent and not voting 16.

Those who voted in the affirmative were:

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|----------------------|---------------------|
| Akesson | Hemmingson | Peart |
| Anderson | Hendrickson | Pendray |
| Atwood | Hill | Plath |
| Baker of Cass | Homnes | Ployhar |
| Baker of Stark | Honey | Poe |
| Bjorndahl | Hughes | Pound |
| Brusletten | Jewett | Price |
| Brynjulson | Johnson of Bottineau | Putnam |
| Burns | Johnson of McLean | Senour |
| Chatfield | Johnson of Rolette | Sinclair |
| Christenson | Kinney of McLean | Skinner |
| Collins of Cass | Kinney of Richland | Skulason |
| Collins of Gd. Forks | Kneeland | Sorlie |
| Crawford | Knox | Steen |
| Cunningham | Kremer | Storey |
| Davidson | Law | Streeter |
| Dibley | Laithwaite | Thompson, Gd. Forks |
| Doyle of Foster | Linde | Thompson of McLean |
| Doyle of McIntosh | Martin | Thoreson |
| Duncan | Moen of Benson | Traynor |
| Evans | Moen of Cavalier | Ward |
| Fraine | Nelson of McHenry | Welford |
| Ganssle | Nelson of Steele | Wisner |
| Garden | Nelson of Walsh | Wolbert |
| Geidt | Nyhus | Young |
| Gibbens | Paulson | Mr. Speaker |
| Goldammer | | |

Absent and not voting:

| Messrs.— | Messrs.— | Messrs.— |
|----------|----------|----------|
| Aasheim | Lindvig | Olson |
| Burnett | Lucke | Schull |
| Freeman | McCrea | Sgutt |
| Grant | McLear | Sheils |
| Hale | Narum | White |
| Hanley | | |

Mr. Grant being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 276,

A bill for an act to establish a legislative drafting bureau in connection with the legislative reference department of the state library commission.

Was read the third time

The question being on the final passage of the bill.

The roll was called and there were ayes 79, nays 2, absent and not voting 14.

Those who voted in the affirmative were:

| | | |
|----------------------|--------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Hendrickson | Pendray |
| Akesson | Hill | Plath |
| Anderson | Homnes | Ployhar |
| Atwood | Honey | Poe |
| Baker of Cass | Hughes | Pound |
| Baker of Stark | Jewett | Price |
| Bjorndahl | Johnson of McLean | Putnam |
| Brusletten | Johnson of Rolette | Senour |
| Brynjulson | Kinney of McLean | Shells |
| Burns | Kinney of Richland | Sinclair |
| Chatfield | Kneeland | Skinner |
| Christenson | Knox | Skulason |
| Collins of Gd. Forks | Kremer | Sorlie |
| Cunningham | Law | Steen |
| Davidson | Laithwaite | Storey |
| Doyle of McIntosh | Linde | Streeter |
| Duncan | Lindvig | Thompson, Gd. Forks |
| Evans | McLear | Thompson of McLean |
| Fraine | Moen of Benson | Traynor |
| Ganssle | Narum | Ward |
| Garden | Nelson of McHenry | Weiford |
| Geidt | Nelson of Steele | White |
| Gibbens | Nelson of Walsh | Wisner |
| Goldammer | Nyhus | Wolbert |
| Hale | Paulson | Young |
| Hanley | Peart | Mr. Speaker |
| Hemmingson | | |

Absent and not voting:

| | | |
|-----------------|----------------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Burnett | Grant | Olson |
| Collins of Cass | Johnson of Bottineau | Schull |
| Dibley | Martin | Sgutt |
| Doyle of Foster | McCrea | Thoreson |
| Freeman | Moen of Cavaller | |

Messrs. Crawford and Lucke voting in the negative.

Mr. Grant being excused.

So the bill passed and the title was agreed to.

The committee on enrollment made the following report:

Mr. Speaker:

Your committee on enrollment have examined:

House Bill No. 208,

A bill for an act to prohibit the printing, publishing, circulating or distributing of advertisements or advertising matter relating to the treatment or cure of venereal diseases or disorders or diseases of the sexual organs, or relating to any medicines, drugs, drug compounds, appliances or means for causing miscarriage or abortion, or regulating or re-establishing suppressed menses, and providing punishment for the violation of this act.

Also,

House Bill No. 285,

A bill for an act to amend section 2589 of the revised codes of 1905, relating to the fees of county court.
And find the same correctly enrolled.

H. J. LINDE,
Chairman.

Mr. Linde moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The chief clerk announced that the speaker was about to sign

House Bill No. 208,

A bill for an act to prohibit the printing, publishing, circulating or distributing of advertisements or advertising matter relating to the treatment or cure of venereal diseases or disorders or diseases of the sexual organs, or relating to any medicines, drugs, drug compounds, appliances or means for causing miscarriage or abortion, or regulating or re-establishing suppressed menses, and providing punishment for the violation of this act.

Also,

House Bill No. 285,

A bill for an act to amend section 2589 of the revised codes of 1905, relating to the fees of county court.

And the speaker signed the same in the presence of the house.

THIRD READING OF SENATE BILLS.

Senate Bill No. 184,

A bill for an act to prevent the setting of fires by threshing engines, engines in sawmills and all stationary engines that exhaust through the smoke stack.

Was read the third time.

Mr. Skulason moved

That the further consideration of the bill be indefinitely postponed.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Senate Bill No. 206,

A bill for an act regulating the closing of pool and billiard halls, bowling alleys and temperance saloons, and providing penalties for the violation thereof.

Was read the third time.

Mr. Baker of Cass moved

That the further consideration of the bill be indefinitely postponed.

Which motion was lost.

The question being on the final passage of the bill.

The roll was called and there were ayes 43, nays 36, absent and not voting 16.

Those who voted in the affirmative were:

| | | |
|-------------------|----------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Anderson | Hill | Nyhus |
| Bjorndahl | Homnes | Pendray |
| Brusletten | Honey | Ployhar |
| Brynfulson | Jewett | Poe |
| Chatfield | Johnson of Bottineau | Putnam |
| Christenson | Johnson of Rolette | Shells |
| Crawford | Kinney of McLean | Sinclair |
| Cunningham | Kinney of Richland | Skinner |
| Davidson | Knox | Thompson, Gd. Forks |
| Doyle of McIntosh | Laithwaite | Traynor |
| Duncan | Moen of Benson | Ward |
| Ganssle | Moen of Cavaller | Welford |
| Garden | Nelson of Steele | Wisner |
| Gibbins | Nelson of Walsh | Mr. Speaker |
| Hemmingson | | |

Those who voted in the negative were:

| | | |
|----------------------|-------------------|--------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Geidt | Nelson of McHenry |
| Akesson | Goldammer | Pound |
| Atwood | Hale | Price |
| Baker of Cass | Hanley | Senour |
| Baker of Stark | Hughes | Skulason |
| Burns | Johnson of McLean | Sorlie |
| Collins of Cass | Kneeland | Steen |
| Collins of Gd. Forks | Kremer | Streeter |
| Dibley | Law | Thompson of McLean |
| Doyle of Foster | Lindvig | White |
| Elvans | McLear | Wolbert |
| Fraine | Narum | Young |

Absent and not voting:

| | | |
|-------------|----------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Burnett | Martin | Plath |
| Freeman | McCrea | Schull |
| Grant | Olson | Sgutt |
| Hendrickson | Paulson | Storey |
| Linde | Peart | Thoreson |
| Lucke | | |

Mr. Grant being excused.

So the bill was lost.

Mr. Streeter moved

That the vote by which Senate Bill No. 206 was lost be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

Senate Bill No. 338,

A bill for an act to amend section 18 of an act, entitled a bill for an act creating certain territory now within the school township of Brightwood, Richland county, D. T., as an independent school district, to be known as Brightwood Independent School District No. 1, Richland 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 77, nays 0, absent and not voting 18.

Those who voted in the affirmative were:

| | | |
|---------------|------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Hemmingson | Plath |
| Akesson | Hill | Ployhar |
| Anderson | Homnes | Poe |
| Atwood | Honey | Pound |
| Baker of Cass | Hughes | Price |

| | | |
|----------------------|--------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Baker of Stark | Jewett | Putnam |
| Bjorndahl | Johnson of McLean | Senour |
| Brusletten | Kinney of McLean | Sgutt |
| Brynjulson | Kinney of Richland | Sheils |
| Burns | Kneeland | Sinclair |
| Chatfield | Law | Skulason |
| Christenson | Laithwaite | Sorlie |
| Collins of Cass | Linde | Steen |
| Collins of Gd. Forks | Lindvig | Storey |
| Crawford | Lucke | Streeter |
| Cunningham | McCrea | Thompson, Gd. Forks |
| Dibley | McLear | Thompson of McLean |
| Doyle of McIntosh | Moen of Benson | Traynor |
| Duncan | Moen of Cavalier | Ward |
| Evans | Narum | Welford |
| Ganssle | Nelson of McHenry | White |
| Garden | Nelson of Steele | Wisner |
| Geidt | Nelson of Walsh | Wolbert |
| Gibbens | Nyhus | Young |
| Goldammer | Paulson | Mr. Speaker |
| Hale | Pendray | |

Absent and not voting:

| | | |
|-----------------|----------------------|-----------------|
| Messrs.— | Messrs.— | Messrs.— |
| Burnett | Hanley | Martin |
| Davidson | Hendrickson | Olson |
| Doyle of Foster | Johnson of Bottineau | Pearl |
| Fraine | Johnson of Rolette | Schull |
| Freeman | Knox | Skinner |
| Grant | Kremer | Thoreson |

Mr. Grant being excused.

So the bill passed and the title was agreed to.

Mr. Ployhar moved

That the house do now concur in the senate amendments to House Bill No. 205.

Which motion prevailed, and

The amendments were concurred in

House Bill No. 205,

A bill for an act providing for the appointment of a committee for the purpose of drafting and reporting the inconsistencies, contradictions and omissions of the school laws of the state of North Dakota, and appropriate money therefor.

Was read the third time

The question being called on the final passage of the bill, as amended by the senate;

The roll was called and there were ayes 82, nays 0, absent and not voting 12.

Those who voted in the affirmative were:

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|--------------------|---------------------|
| Akesson | Hill | Peart |
| Anderson | Homnes | Pendray |
| Atwood | Honey | Plath |
| Baker of Cass | Hughes | Ployhar |
| Baker of Stark | Jewett | Poe |
| Bjorndahl | Johnson of McLean | Pound |
| Brusletten | Johnson of Rolette | Price |
| Brynjulson | Kinney of McLean | Putnam |
| Burns | Kinney of Richland | Senour |
| Christenson | Kneeland | Sgutt |
| Collins of Cass | Knox | Sheils |
| Collins of Gd. Forks | Kremer | Sinclair |
| Crawford | Law | Skinner |
| Cunningham | Laithwaite | Skulason |
| Dibley | Linde | Sorlie |
| Doyle of Foster | Lindvig | Steen |
| Doyle of McIntosh | Lucke | Storey |
| Duncan | Martin | Thompson, Gd. Forks |
| Evans | McCrea | Thompson of McLean |
| Fraine | McLear | Traynor |
| Ganssle | Moen of Benson | Ward |
| Garden | Moen of Cavalier | Welford |
| Geldt | Narum | White |
| Gibbens | Nelson of McHenry | Wisner |
| Goldammer | Nelson of Steele | Wolbert |
| Hale | Nelson of Walsh | Young |
| Hanley | Paulson | Mr. Speaker |
| Hemmingson | | |

Absent and not voting:

| Messrs.— | Messrs.— | Messrs.— |
|-----------|----------------------|----------|
| Aasheim | Grant | Olson |
| Burnett | Hendrickson | Schull |
| Chatfield | Johnson of Bottineau | Streeter |
| Davidson | Nyhus | Thoreson |
| Freeman | | |

Mr. Grant being excused.

So the bill passed and the title was agreed to.

Mr. Senour moved

That the house do now concur in the senate amendments to House Bill No. 97,

Which motion prevailed, and

The amendments were concurred in

House Bill No. 97,

A bill for an act to amend section 4177 of the revised codes of North Dakota for the year 1905, for the purpose of encouraging the formation of athletic associations and bands of musicians.

Was read the third time.

The question being on the final passage of the bill as amended by the senate.

The roll was called and there were ayes 83, nays 0, absent and not voting 12.

Those who voted in the affirmative were:

| | | |
|----------------------|--------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Akesson | Hendrickson | Pearl |
| Anderson | Hill | Pendray |
| Atwood | Homes | Ployhar |
| Baker of Cass | Honey | Poe |
| Baker of Stark | Hughes | Pound |
| Bjorndahl | Jewett | Price |
| Brusletten | Johnson of McLean | Putnam |
| Brynjulson | Kinney of McLean | Sencur |
| Burns | Kinney of Richland | Sheils |
| Chatfield | Kneeland | Sinclair |
| Christenson | Knox | Skinner |
| Collins of Cass | Kremer | Skulason |
| Collins of Gd. Forks | Law | Sorlie |
| Crawford | Laithwaite | Steen |
| Cunningham | Linde | Storey |
| Davidson | Lindvig | Streeter |
| Dibley | Lucke | Thompson, Gd. Forks |
| Doyle of McIntosh | Martin | Thompson of McLean |
| Duncan | McLear | Thoreson |
| Evans | Moen of Benson | Traynor |
| Fraine | Moen of Cavalier | Ward |
| Ganssle | Narum | Welford |
| Garden | Nelson of McHenry | White |
| Geidt | Nelson of Steele | Wisner |
| Gibbens | Nelson of Walsh | Wolbert |
| Goldammer | Nyhus | Young |
| Hanley | Olson | Mr. Speaker |
| Hemmingson | Paulson | |

Absent and not voting:

| | | |
|-----------------|----------------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Grant | McCrea |
| Burnett | Hale | Plath |
| Doyle of Foster | Johnson of Bottineau | Schull |
| Freeman | Johnson of Rolette | Sgutt |

Mr. Grant being excused.

So the bill passed and the title was agreed to

Mr. Ployhar moved

That the house do now concur in the senate amendments to House Bill No. 194

Which motion prevailed, and

The amendments were concurred in

House Bill No. 194,

A bill for an act, providing for a jury to be official witnesses of the execution of persons executed at the state

penitentiary, providing for guards to act as death watch over condemned prisoners, and fixing the executioner's fee.

Also an appropriation to defray all expenses incurred in connection with the execution of a condemned man.

Was read the third time.

The question being on the final passage of the bill as amended by the senate.

The roll was called and there were ayes 67, nays 2, absent and not voting 26.

Those who voted in the affirmative were:

| | | |
|----------------------|--------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Akesson | Hemmingson | Olson |
| Anderson | Homnes | Paulson |
| Atwood | Honey | Ployhar |
| Baker of Cass | Hughes | Pound |
| Bjorndahl | Jewett | Price |
| Brusletten | Johnson of McLean | Putnam |
| Brynjulson | Johnson of Rolette | Senour |
| Burns | Kinney of McLean | Shells |
| Chatfield | Kinney of Richland | Sinclair |
| Christenson | Kneeland | Skinner |
| Collins of Cass | Law | Skulason |
| Collins of Gd. Forks | Laithwaite | Sorlie |
| Crawford | Linde | Steen |
| Cunningham | Lindvig | Thompson, Gd. Forks |
| Davidson | Lucke | Thompson of McLean |
| Doyle of McIntosh | McLear | Ward |
| Duncan | Moen of Benson | Welford |
| Evans | Moen of Cavalier | White |
| Ganssle | Narum | Wisner |
| Garden | Nelson of McHenry | Wolbert |
| Geidt | Nelson of Steele | Young |
| Gibbens | Nelson of Walsh | Mr. Speaker |
| Goldammer | | |

Absent and not voting:

| | | |
|-----------------|----------------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Hendrickson | Pendray |
| Baker of Stark | Hill | Plath |
| Burnett | Johnson of Bottineau | Poe |
| Dibley | Knox | Schull |
| Doyle of Foster | Kremer | Sgutt |
| Fraine | Martin | Streeter |
| Freeman | McCrea | Thoreson |
| Grant | Nyhus | Traynor |
| Hale | Peart | |

Messrs. Hanley and Storey voting in the negative.

Mr. Grant being excused.

So the bill passed and the title was agreed to.

The chief clerk announced that the speaker was about to sign

Senate Bill No. 118,

A bill for an act making it unlawful for any person, firm, association, copartnership or corporation doing business in the state to purchase grains at different weight for the bushel than is fixed by law, or to take or accept any dockage on grains not docked at the terminal markets of Minnesota and Wisconsin.

Also,

Senate Bill No. 76,

A bill for an act to amend chapter 133 of the laws of North Dakota of 1907, relating to appropriations to the state historical society of North Dakota.

Also,

Senate Bill No. 73,

A bill for an act to provide for the making of improvements at the North Dakota school of forestry, to assist in the maintenance thereof and for other purposes and making appropriations therefor.

Also,

Senate Bill No. 60,

A bill for an act prohibiting the marriage of white persons to negro persons; prohibiting negro man and white woman, or negro woman and white man occupying same room; prohibiting adultery or fornication between whites and negroes; prohibiting the issuing of marriage licenses for white persons to negro persons; prohibiting the performance of the marriage ceremony between white persons and negroes; prescribing penalties for violations of the provisions of this act, and defining a negro person.

Also,

Senate Bill No. 10,

A bill for an act defining the duties of the register of deeds relating to foreclosure of mortgages on real property by advertisement, and prescribing the penalty for violating the same.

Also,

Senate Bill No. 4,

A bill for an act, entitled an act to appropriate the sum of ninety thousand (90,000) dollars, or as much thereof as may be necessary to indemnify persons who have lost animals from the disease known as glanders.

Also,

Senate Bill No. 124,

A bill for an act to amend section 2005 of the revised code of 1905.

Also,

Senate Bill No. 162,

A bill for an act to amend and re-enact section 344 of article 17 of the revised code of North Dakota of 1905, relating to qualifications of embalmers of dead human bodies, and the duties and relations for the shipment thereof.

Also,

Senate Bill No. 156,

A bill for an act providing for the election of justices of the peace and constables in election precincts, comprising one or more unorganized townships, on petition of ten or more qualified electors of such precinct.

Also,

Senate Bill No. 154,

A bill for an act to amend section 6710 of the revised codes of 1905, relating to holidays.

Also,

Senate Bill No. 126,

A bill for act making appropriation for the Valley City normal school, located in Valley City, Barnes county, N. D.

Also,

Senate Bill 104,

For an act to provide for the maintenance of the state normal industrial school located at Ellendale and for making necessary improvements and providing appropriations therefor.

And the speaker signed the same in the presence of the house.

THIRD READING OF SENATE BILLS.

Senate Bill No. 274,

A bill for an act to amend chapter 151 of the laws of 1907; an act to require the annual apportionment and accounting of surplus of life insurance companies as to policies heretofore issued.

Was read the third time

The question being on the final passage of the bill.

The roll was called and there were ayes 80, nays 0, absent and not voting 15.

Those who voted in the affirmative were:

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|----------------------|--------------------|
| Aasheim | Hale | Nelson of Walsh |
| Akesson | Hanley | Olson |
| Anderson | Hemmingson | Paulson |
| Atwood | Hendrickson | Pearl |
| Baker of Cass | Hill | Plath |
| Bjorndahl | Homnes | Ployhar |
| Brusletten | Honey | Poe |
| Brynjolfson | Hughes | Pound |
| Burnett | Jewett | Price |
| Burns | Johnson of Bottineau | Putnam |
| Chatfield | Johnson of McLean | Sheils |
| Christenson | Johnson of Rolette | Sinclair |
| Collins of Cass | Kinney of McLean | Skinner |
| Collins of Gd. Forks | Kinney of Richland | Skulason |
| Crawford | Kneeland | Sorlie |
| Cunningham | Knox | Steen |
| Davidson | Law | Storey |
| Dibley | Laithwaite | Thompson of McLean |
| Doyle of Foster | Linde | Thoreson |
| Doyle of McIntosh | Lindvig | Ward |
| Duncan | Lucke | Welford |
| Evans | McLear | White |
| Ganssle | Moen of Benson | Wisner |
| Garden | Moen of Cavalier | Wolbert |
| Geidt | Narum | Young |
| Gibbins | Nelson of McHenry | Mr. Speaker |
| Goldammer | Nelson of Steele | |

Absent and not voting:

| Messrs.— | Messrs.— | Messrs.— |
|----------------|----------|---------------------|
| Baker of Stark | Martin | Senour |
| Fraine | McCrea | Sgutt |
| Freeman | Nyhus | Streeter |
| Grant | Pendray | Thompson, Gd. Forks |
| Kremer | Schull | Traynor |

Mr. Grant being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 340,

A bill for an act to compel the proper and permanent marking of tuberculosis cattle when shown or proven to be by the so called "tuberculin" test.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 67, nays 4, absent and not voting 24.

Those who voted in the affirmative were:

| | | |
|----------------------|----------------------|-------------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Honey | Pendray |
| Akesson | Hughes | Plath |
| Anderson | Jewett | Poe |
| Baker of Cass | Johnson of Bottineau | Pound |
| Brusletten | Johnson of McLean | Price |
| Burnett | Kinney of McLean | Putnam |
| Burns | Kinney of Richland | Sheils |
| Chatfield | Kneeland | Sinclair |
| Collins of Gd. Forks | Knox | Skinner |
| Crawford | Law | Skulason |
| Cunningham | Linde | Sorlie |
| Davidson | Lindvig | Steen |
| Dibley | Lucke | Storey |
| Doyle of McIntosh | McCrea | Streeter |
| Garden | Narum | Traynor |
| Geidt | Nelson of McHenry | Ward |
| Gibbens | Nelson of Steele | Welford |
| Hale | Nelson of Walsh | White |
| Hanley | Nyhus | Wisner |
| Hemmingson | Olson | Wolbert |
| Hendrickson | Paulson | Young |
| Hill | Peart | Mr. Speaker |
| Homnes | | |

Those who voted in the negative were:

| | | |
|-------------|----------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Christenson | Moen of Benson | Thompson, Gd. Forks |
| Duncan | | |

Absent and not voting:

| | | |
|-----------------|--------------------|--------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Atwood | Freeman | McLear |
| Baker of Stark | Ganssle | Moen of Cavalier |
| Bjorndahl | Goldammer | Ployhar |
| Brynjulson | Grant | Schull |
| Collins of Cass | Johnson of Rolette | Senour |
| Doyle of Foster | Kremer | Sgutt |
| Evans | Laithwaite | Thompson of McLean |
| Fraine | Martin | Thoreson |

Mr. Grant being excused.

So the bill passed and the title was agreed to.

The chief clerk announced that the speaker was about to sign

Senate Bill No. 261,

A bill for an act to amend and re-enact section 76 of the revised codes of 1905, as amended by chapter 186 of the laws of 1907, prescribing the duties and authority of the commissioners of public printing, and making an appropriation for public printing and binding.

Also,

Senate Bill No. 229,

A bill for an act to amend chapter 128 of the laws of 1907, being an amendment to section 8983 of the revised codes of North Dakota, 1905, relating to minors not allowed in certain public places, and prescribing certain penalties for the violation thereof.

Also,

Senate Bill No. 200,

A bill for an act to amend section 1 of chapter 255 of the laws of 1907, entitled an act to amend sections 3063 and 3133 of the revised codes of the state of North Dakota of 1905, relating to the powers of electors and supervisors in organized townships.

Also,

Senate Bill No. 157,

A bill for an act to amend and re-enact section 822 of of the revised codes of North Dakota for the year 1905.

Also,

Senate Bill No. 125,

A bill for an act to amend section 645 of chapter 8 of the revised codes of 1905, relating to election booths, challenges and providing penalty for false swearing.

Also,

Senate Bill No. 116,

A bill for an act to amend and re-enact section 830 of the revised codes of 1905, relating to school house sites, how they may be obtained and the maximum area therefor.

Also,

Senate Bill No. 96,

A bill for an act, entitled an act creating a fund and providing for the disbursement thereof, for pensions and relief by fireman's relief associations, in cities, towns and villages.

Also,

Senate Bill No. 81,

A bill for an act making appropriation for the current and contingent expenses of the state penitentiary, and for making permanent improvements and additions thereto.

Also,

Senate Bill No. 67,

A bill for an act providing for the sanitation of bakeries, canneries, packing houses, slaughter houses, dairies, creameries, cheese factories, confectioneries, restaurants, hotels, groceries, meat markets and all other food producing establishments, manufactories, or other places where food is prepared, manufactured, packed, stored, sold or distributed, and vehicles in which food is placed for transportation, regulating the health of operatives, employees, clerks, drivers and all other persons working on the premises who handle the material from which food is prepared or the finished product; defining food; regulating the wholesomeness of food manufactured, prepared, packed, stored, sold, distributed or transported, and defining the duties of the food commissioner of the North Dakota government agricultural experiment station, and providing penalties for the violation thereof.

Also,

Senate Bill No. 46,

A bill for an act to empower the school board of any district to establish and maintain free kindergartens for the instruction of children between four and six years of age

Also,

Senate Bill No. 41,

A bill for an act to amend section 4171 of the revised codes of 1905 of the state of North Dakota, relating to religious and charitable corporations.

Also,

Senate Bill No. 20,

A bill for an act to amend sections 7083 and 7085 of the revised codes of the state of North Dakota for the year 1905, relating to the method of renewing liens and judgments and providing for renewing the same without suit for an additional term of ten years and allowing execution thereon after renewal.

Also, .

Senate Bill No. 179,

A bill for an act repealing section 9733 of the revised codes for the year 1905, relating to arrests at night, and re-enacting the same.

And the speaker signed the same in the presence of the house.

THIRD READING OF SENATE BILLS.

Senate Bill No. 303,

A bill for an act to amend section 871 of the revised code of the state of North Dakota of 1905, 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 60, nays 9, absent and not voting 26.

Those who voted in the affirmative were:

| | | |
|----------------------|----------------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Geidt | Olson |
| Akesson | Gibbens | Paulson |
| Anderson | Goldammer | Peart |
| Atwood | Hanley | Plath |
| Baker of Cass | Hemmingson | Poe |
| Brusletten | Hendrickson | Pound |
| Brynjulson | Homnes | Price |
| Burnett | Honey | Sheils |
| Burns | Hughes | Sinclair |
| Chatfield | Johnson of Bottineau | Skulason |
| Christenson | Johnson of McLean | Sorlie |
| Collins of Gd. Forks | Johnson of Rolette | Streeter |
| Crawford | Kinney of McLean | Traynor |
| Cunningham | Kneeland | Ward |
| Davidson | Laithwaite | Welford |
| Dibley | Linde | White |
| Doyle of Foster | McCrea | Wisner |
| Duncan | Moen of Benson | Wolbert |

Messrs.—
 Evans
 Ganssle

Messrs.—
 Moen of Cavalier
 Nelson of Walsh

Messrs.—
 Young
 Mr. Speaker

Those who voted in the negative were:

Messrs.—
 Kinney of Richland
 Narum
 Nelson of Steele

Messrs.—
 Nyhus
 Putnam
 Skinner

Messrs.—
 Steen
 Storey
 Thompson, Gd. Forks

Absent and not voting:

Messrs.—
 Baker of Stark
 Bjorndahl
 Collins of Cass
 Doyle of McIntosh
 Fraine
 Freeman
 Garden
 Grant
 Hale

Messrs.—
 Hill
 Jewett
 Knox
 Kremer
 Law
 Lindvig
 Lucke
 Martin
 McLearn

Messrs.—
 Nelson of McHenry
 Pendray
 Ployhar
 Schull
 Senour
 Sgutt
 Thompson of McLean
 Thoreson

Mr. Hanley explained his vote.

Mr. Grant being excused.

So the bill passed and the title was agreed to.

The committee on enrollment made the following report:

Mr. Speaker:

Your committee on enrollment have examined:

House Bill No. 248,

A bill for an act to amend sections 2405, 2407, 2408 and 2409 of the revised codes of the state of North Dakota for 1905, relating to the authorization of public improvements in counties, and providing for the levying of taxes to aid in the construction of the same.

Also,

House Bill No. 231,

A bill for an act to amend section 9650 of the revised codes of 1905, relating to bastardy proceedings.

And find the same correctly enrolled.

H. J. LINDE,
 Chairman.

Mr. Linde moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The chief clerk announced that the speaker was about to sign

House Bill No. 248,

A bill for an act to amend sections 2405, 2407, 2408 and 2409 of the revised codes of the state of North Dakota for 1905, relating to the authorization of public improvements in counties, and providing for the levying of taxes to aid in the construction of the same.

Also,

House Bill No. 231,

A bill for an act to amend section 9650 of the revised codes of 1905, relating to bastardy proceedings.

And the speaker signed the same in the presence of the House.

THIRD READING OF SENATE BILLS.

Senate Bill No. 283,

A bill for an act, entitled an act to amend section 8893, 8894, 8895 and 8896 of the revised codes of North Dakota, defining rape and prescribing 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 62, nays 5, absent and not voting 28.

Those who voted in the affirmative were:

| | | |
|----------------------|--------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Hendrickson | Paulson |
| Akesson | Hill | Peart |
| Anderson | Homnes | Poe |
| Baker of Cass | Honey | Pound |
| Brusletten | Hughes | Price |
| Brynjulson | Johnson of McLean | Putnam |
| Burnett | Johnson of Rolette | Sheils |
| Chatfield | Kinney of McLean | Skinner |
| Collins of Cass | Kinney of Richland | Skulason |
| Collins of Gd. Forks | Kneeland | Steen |
| Crawford | Knox | Storey |
| Davidson | Laithwaite | Streeter |
| Dibley | Lind | Thompson, Gd. Forks |
| Duncan | Lindvig | Traynor |
| Gansle | Lucke | Ward |
| Garden | Moen of Benson | Welford |
| Geidt | Narum | White |

| | | |
|------------|------------------|-------------|
| Messrs.— | Messrs.— | Messrs.— |
| Goldammer | Nelson of Steele | Wisner |
| Hale | Nelson of Walsh | Wolbert |
| Hanley | Nyhus | Mr. Speaker |
| Hemmingson | Olson | |

Those who voted in the negative were:

| | | |
|------------|----------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Cunningham | Pendray | Sorlie |
| Gibbens | Sinclair | |

Absent and not voting:

| | | |
|-------------------|----------------------|-------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Atwood | Grant | Nelson of McHenry |
| Baker of Stark | Jewett | Plath |
| Bjorndahl | Johnson of Bottineau | Ployhar |
| Burns | Kremer | Schull |
| Christenson | Law | Senour |
| Doyle of Foster | Martin | Sgutt |
| Doyle of McIntosh | McCrea | Thompson of McLea |
| Evans | McLear | Thoreson |
| Fraine | Moen of Cavalier | Young |
| Freeman | | |

Mr. Grant being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 290.

A bill for an act requiring a stationary metal fire escape to be attached to the outside of each one and every school room located above the first story of all school houses in this state having more than one story, designating those whose duty it shall be to have said fire escapes installed, prescribing the time within which said fire escapes shall be installed and prescribing the punishment for a 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 74, nays 1, absent and not voting 20.

Those who voted in the affirmative were:

| | | |
|----------------|-------------|------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Goldammer | Nelson of Steele |
| Akesson | Hale | Nelson of Walsh |
| Anderson | Hanley | Nyhus |
| Atwood | Hemmingson | Olson |
| Baker of Cass | Hendrickson | Paulson |
| Baker of Stark | Hill | Pendray |
| Brusletten | Homnes | Plath |
| Brynjulson | Honey | Ployhar |
| Burnett | Jewett | Pound |

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|----------------------|-------------|
| Chatfield | Johnson of Bottineau | Price |
| Christenson | Johnson of McLean | Putnam |
| Collins of Cass | Johnson of Rolette | Shells |
| Collins of Gd. Forks | Kinney of McLean | Sinclair |
| Crawford | Kinney of Richland | Skinner |
| Cunningham | Kneeland | Skulason |
| Davidson | Knox | Sorlie |
| Dibley | Law | Storey |
| Doyle of Foster | Laithwaite | Streeter |
| Doyle of McIntosh | Linde | Traynor |
| Duncan | Lindvig | Ward |
| Evans | Lucke | Welford |
| Ganssle | McCrea | Wolbert |
| Garden | Moen of Benson | Young |
| Geidt | Moen of Cavalier | Mr. Speaker |
| Gibbens | Narum | |

Absent and not voting:

| Messrs.— | Messrs.— | Messrs.— |
|-----------|-------------------|---------------------|
| Bjorndahl | McLear | Steen |
| Fraire | Nelson of McHenry | Thompson, Gd. Forks |
| Freeman | Pearl | Thompson of McLean |
| Grant | Poe | Thoreson |
| Hughes | Schull | White |
| Kremer | Senour | Wisner |
| Martin | Sgutt | |

Mr. Burns voting in the negative.

Mr. Grant being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 341,

A bill for an act authorizing the board of trustees of public property of North Dakota to operate a good road experimental station at Bismarck, North Dakota; authorizing the employment of the inmates of the North Dakota state penitentiary upon the construction and maintenance of experimental roads; authorizing the board of trustees of public property to accept federal aid and private contributions in the construction of experimental roads and authorizing the state engineer to supervise the construction and maintenance of all roads and designating where experimental roads shall be built.

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 44, absent and not voting 15.

Those who voted in the affirmative were:

| Messrs.— | Messrs.— | Messrs.— |
|-----------------|----------------------|--------------------|
| Anderson | Hughes | Sgutt |
| Baker of Cass | Johnson of Bottineau | Sheils |
| Baker of Stark | Johnson of McLean | Skinner |
| Crawford | Kinney of Richland | Streeter |
| Doyle of Foster | Kneeland | Thompson of McLean |
| Evans | Knox | Traynor |
| Ganssle | Linde | Ward |
| Garden | Lucke | Welford |
| Gibbins | Moen of Benson | White |
| Hale | Moen of Cavalier | Wolbert |
| Hanley | Price | Young |
| Honey | Senour | Mr. Speaker |

Those who voted in the negative were:

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|--------------------|---------------------|
| Aasheim | Geidt | Olson |
| Akesson | Goldammer | Paulson |
| Atwood | Hemmingson | Pendray |
| Brusletten | Hill | Plath |
| Brynjolfson | Homnes | Ployhar |
| Burnett | Jewett | Pound |
| Burns | Johnson of Rolette | Putnam |
| Chatfield | Law | Sinclair |
| Christenson | Lindvig | Skulason |
| Collins of Cass | McCrea | Sorlie |
| Collins of Gd. Forks | McLear | Steen |
| Cunningham | Narum | Storey |
| Dibley | Nelson of Steele | Thompson, Gd. Forks |
| Doyle of McIntosh | Nelson of Walsh | Wisner |
| Duncan | Nyhus | |

Absent and not voting:

| Messrs.— | Messrs.— | Messrs.— |
|-----------|------------------|-------------------|
| Bjorndahl | Hendrickson | Nelson of McHenry |
| Davidson | Kinney of McLean | Peart |
| Fraine | Kremer | Poe |
| Freeman | Laithwaite | Schull |
| Grant | Martin | Thoreson |

Mr. Grant being excused.

So the bill was lost.

There being no objections the house returned to the 5th order of business.

REPORT OF STANDING COMMITTEES.

The committee on state affairs made the following report:

Mr. Speaker:

Your committee on state affairs to whom was referred

Senate Bill No. 328,

A bill for an act to amend chapter 179 of the session laws of North Dakota, approved March 2, 1907, entitled 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; such amendments to provide for a levy of not to exceed 3 mills on the dollar in any one year, and by limiting the right to issue bonds to cases where authorized by the vote of the electors, and by adding a new section giving the park board power to plant and protect trees in public streets and highways.

Have had the same under consideration and recommend that the same do pass.

W. J. PRICE,
Chairman.

Mr. Price 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. Speaker:

Your committee on appropriations to whom was referred
Senate Bill No. 345,

A joint resolution for the appointment of North Dakota experts to sit with Minnesota boards of appeals, and providing an appropriation therefor.

Have had the same under consideration and recommend that the same do pass.

S. N. PUTNAM,
Chairman.

Mr. Putnam 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. Speaker:

Your committee on municipal corporations to whom was referred

Senate Bill No. 311.

A bill for an act to enable cities in this state that may adopt or have adopted the commission form of government as provided in chapter 45 of the laws of 1907, to recall incompetent or dishonest elective officers by vote of the people; also providing for the initiative and referendum in city matters, defining the form of the petition required in the law and prescribing the manner in which a city which may adopt or has adopted the commission plan may return to the former system.

Have had the same under consideration and recommend that the same be indefinitely postponed.

F. G. KNEELAND,
Chairman.

Mr. Kneeland moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

The committee on highways, bridges and ferries made the following report:

Mr. Speaker:

Your committee on highways, bridges and ferries to whom was referred

House Bill No. 318,

A bill for an act providing for the betterment of public highways by creating the offices of county superintendent of roads and township road inspector, abolishing the offices of road supervisor and overseer of highways, providing for compensation of holders of offices created, prescribing duties and powers pertaining to such offices, fixing official bond, repealing sections 1386, 1387, 1389, 1390, 1392, 1393, 1394, 1395, 1396, 1397, 1399, 1403, 1410, 1411, 1412, 1413, 1414, 1417, 1422, 1424, 1426, 1428, 1429, 1430, 1431, 1432, 1433, 1434, 1435, 1436, 1437, 1438, 1439, 1440, 1444 and 1445 of the revised codes of North Dakota for 1905, amending sections 1360, 1388, 1398, 1402, 1404, 1405, 1408, 1415, 1418, 1419, 1421, 1423, 1425, 1427, 1441, 1442, 1443, 3062 and 3209 of the revised codes of North Dakota for 1905, chapter 253 of the session laws of North Dakota for 1907, and placing certain restrictions on the road inspector and expenditure of road tax funds.

Have had the same under consideration and recommend that the same be indefinitely postponed.

F. E. DIBLEY,
Chairman.

Mr. Dibley moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Also,

Your committee on highways, bridges and ferries to whom was referred

Senate Bill No. 33,

A bill for an act to amend section two (2) of chapter forty-two (42) of the session laws of 1907, (same being section 1380 of the revised codes of 1905.) relating to locating, building and repairing of bridges.

Have had the same under consideration and recommend that the same be indefinitely postponed.

F. E. DIBLEY,
Chairman.

Mr. Dibley moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,
March 5, 1909.

Mr. Speaker:

I have the honor to return herewith

House Bill No. 351,

A bill for an act to provide a military code of the state of North Dakota.

Which the senate has passed unchanged.

Very respectfully,

J. W. FOLEY,
Secretary.

Mr. Baker of Cass moved
That the house do now adjourn.
Which motion prevailed, and
The house adjourned.

W. D. AUSTIN,
Chief Clerk.

SIXTIETH DAY

**HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,**

March 5, 1909.

The house assembled at 2 o'clock p. m., pursuant to adjournment.

The speaker presiding.

Prayer by the chaplain.

Roll call.

All members present except Messrs. Freeman and Grant, who were excused.

REFERENCE OF THE JOURNAL.

The committee on revision and correction of the journal made the following report:

Mr. Speaker:

Your committee on revision and correction of the journal have carefully examined the journal of the fifty-ninth day and recommend that the same be corrected as follows:

On page 11, in the roll call on Senate Bill No. 4, insert the name of "Laithwaite" after that of "Law".

On page 12, strike out all of line 5.

On page 15 of the Appendix, insert after the word "necessarily" in line 5, the following: "annoyed and hampered it in the performance of its duties."

On page 16, line 27, change the name "Fred J. Trainor" to "Fred J. Traynor".

And when so corrected recommend that the same be approved.

**S. J. DOYLE,
Chairman.**

Mr. Doyle moved
That the report be adopted.

**Which motion prevailed, and
The report of the committee was adopted.**

MOTIONS AND RESOLUTIONS.

Mr. Streeter offered the following resolution and moved its adoption:

Resolved, that the speaker be directed to appoint the chief clerk and three assistant clerks to correct the journal of the 60th day, and to compare the journal of the session with the written journal, they to receive the sum of \$6.00 per day for the time necessary to complete same.

The speaker and chief clerk are hereby authorized and directed to sign the necessary vouchers for their services.

**Which motion prevailed, and
The resolution was adopted.**

The speaker appointed as a committee to revise and correct the journal of the 60th day: W. D. Austin, chief clerk, John Murphy, J. I. Roop and J. E. Buttrick.

Mr. Skulason offered the following resolution and moved its adoption.

WHEREAS, There are several reports of state departments and institutions of great public interest that have not been printed in time to be placed on the desks of members before adjournment;

Resolved, That the secretary of state be requested to forward to the address of each member of the legislature such documents as they may be entitled to receive as the same come from the public printer; also copies of the last day's Journals, and as soon as the bills in the governor's hands shall have been disposed of a complete list of the titles of all bills that shall become laws or may have been disapproved; also that in addition to the distribution of the Blue Book already provided for, there shall be sent one copy to each public and each graded school library in the state and the chief clerk of the house and the secretary of the senate and each elective officer of the two houses shall be entitled to a copy of the same.

**Which motion prevailed, and
The resolution was adopted.**

Bismarck, N. D. Mar. 4, 1909.

To the Hon. William Howard Taft,
Washington, D. C.

We, the House of Representatives of the state of North Dakota, in eleventh legislative session assembled, send you our heartiest congratulations and happy felicitations upon this, your inauguration as President of the United States

and hope, with you, for continued peace, prosperity and National happiness.

U. L. BURDICK, Speaker,
S. HENDRICKSON,
GEO. P. HOMNES,
J. H. FRAINE,

Committee.

Mr. Fraine moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Mr. Narum introduced the following resolution and moved its adoption:

WHEREAS, N. O. Nelson and Theo. Helberg, the messengers of the House for the Eleventh Legislative Assembly, have been compelled, in the performance of their duties to ride frequently each day on the street car, and

WHEREAS, The said N. O. Nelson and the said Theo. Helberg have been compelled to pay out of their own moneys their fares for so riding; now, therefore, be it

Resolved, By the House of Representatives of the Eleventh Legislative Assembly, that the said N. O. Nelson and Theo. Helberg be paid the sum of twenty (\$20.00) dollars each to compensate them for the money so expended, and that the same be charged to the general expense account of the House of Representatives.

Which motion was lost and

The resolution was not adopted.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,

March 5, 1909.

I have the honor to return herewith

House Bill No. 317,

A bill for an act to amend section 2 of chapter 174 of the session laws of North Dakota for 1907, entitled an act making an appropriation towards paying deficiency or debts on armories already constructed, or towards the construction of armories for the various military companies of the state of North Dakota, and for the creating of a board of armory supervisors, and defining its duties, for the transfer of armories upon the mustering out of any military

organization enumerated, and defining the duties of the state treasurer in carrying out the provisions of this act.

Also,

House Bill No. 99,

A bill for an act making appropriations for the current and contingent expenses of the state reform school of North Dakota, and for making permanent improvements thereto.

Also,

House Bill No. 234,

A bill for an act providing for the creating of a state tuberculosis exhibition, for the control of such exhibition and for making an appropriation therefor.

Also,

House Bill No. 87,

A bill for an act to provide an appropriation for the current and contingent expenses and for permanent improvements for the institution for feeble minded at Grafton.

Also,

House Bill No. 378,

A bill for an act, entitled an act providing that any city shall be authorized to install upon any of its streets or avenues any special system of street lighting, and to assess the cost thereof or any part thereof against the property directly benefitted thereby.

Also,

House Bill No. 388,

A bill for an act to require telephone exchanges to contract with telephone toll lines, for the greater convenience of the public in transmitting telegraphic messages.

Also,

House Bill No. 314,

A bill for an act to extend the right of suffrage to women on questions pertaining solely to the prohibition or regulation of the sale or importation of intoxicating liquors.

Also,

House Bill No. 191,

A bill for an act to amend section 422 of the revised codes of 1905, relating to vacancies in office.

Also,

House Bill No. 18,

A bill for an act, entitled an act to amend section 155 of chapter 4 of the political code of the state of North Dakota, and all acts or parts of acts amendatory thereof, providing for the investment of moneys belonging to the permanent funds of the common schools, university, school of mines, reform school, agricultural college, school for the deaf and dumb, normal schools and all other permanent funds derived from the sale of public lands or any other source belonging to the school divisions of the state.

Also,

House Bill No. 112,

A bill for an act to regulate dealers in nursery stock and their agents and salesmen in the state of North Dakota, and to provide a nursery inspector.

Also,

House Bill No. 365,

A bill for an act to prescribe the manner in which money shall be paid out of the interest and income fund or each separate institution, and out of the one mill tax fund (educational) of each separate institution.

Which the senate has indefinitely postponed.

Also,

Mr. Speaker:

I have the honor to return herewith

House Bill No. 278,

A bill for an act fixing the liability of a bank to its depositor for payment of forged or raised checks.

Which the senate has amended as follows:

Passed without the emergency clause.

Also,

Mr. Speaker:

I have the honor to return herewith:

House Bill No. 200,

A bill for an act to amend section 4, chapter 140 of the 1907 session laws of the state of North Dakota, relating to insurance.

Also,

House Bill No. 257,

A bill for an act to amend section 4429 of the revised codes of 1905, relating to the capital stock of insurance companies.

Also,

House Bill No. 262,

A bill for an act repealing section 4465 of the revised codes of 1905, relating to the limit of risks of fire insurance companies in any one town or city.

Also,

House Bill No. 114,

A bill for an act to amend chapter 189 of the session laws of 1907.

Also,

House Bill No. 171,

A bill for an act to amend section 3195 of the revised codes of the state of North Dakota for the year 1905 relating to the fees of pound master and providing for advertising estrays according to chapter 117 of the session laws of the year 1907.

Also,

House Bill No. 167,

A bill for an act to permit the construction of cattleways under public highways; regulating the construction of same, and prescribing duties of road supervisors in relation thereto.

Also,

House Bill No. 233,

A bill for an act to define what is an official newspaper.

Also,

House Bill No. 146,

A concurrent resolution amending section 158 of the constitution of the state of North Dakota, providing for the purchase of and sale of school and public lands.

Which the senate has passed unchanged.

Also,

Mr. Speaker:

I have the honor to return herewith:

House Bill No. 204,

A bill for an act prohibiting the locking or obstructing of railroad crossings on rural highways or on village or city streets by railroad companies or their employes, by allowing cars, engines, or train of cars to stand on such crossings for a longer period than five minutes at any one time, and providing penalties for violations of this act.

Which the senate has amended as follows:

In line 6 of section 1 of original bill, strike out "ten" and insert in lieu thereof "fifteen."

Add as section 3: "The provisions of this act do not apply to cities, towns or villages that have or may have ordinances covering the same."

And passed as amended.

Very respectfully,
J. W. FOLEY,
Secretary.

The chief clerk announced that the speaker was about to sign

Senate Bill No. 168,

A bill for an act to amend section 9151 of the revised codes of North Dakota, 1905, relating to having burglars' implements in possession.

Also,

Senate Bill No. 170,

A bill for an act to amend chapter 161 of the session laws of 1907, relating to the boundaries of the Second, Eighth and Ninth judicial districts, and providing for terms of court in said districts.

Also,

Senate Bill No. 252,

A bill for an act to amend section 6 of chapter 95 of the session laws of 1907, being section 847 of the revised codes of North Dakota for 1905, relating to the tuition fund and enumeration.

Also,

Senate Bill No. 298,

A bill for an act to amend and re-enact section 9015 of the revised codes of North Dakota for 1905, validating marriages performed without authority or where licenses have been issued by a clerk of the county court.

Also,

Senate Bill No. 271,

A bill for an act regulating sanitary conditions in barbershops, hairdressing and manicuring parlors, and providing penalties for the violation of this act.

Also,

Senate Bill No. 237,

A bill for an act to amend section 777 of the revised codes of 1905, as amended by chapter 205 of the session laws of North Dakota for 1907.

Also,

Senate Bill No. 235,

A bill for an act to encourage professional spirit among teachers in this state.

Also,

Senate Bill No. 232,

A bill for an act to amend sections 894 and 895 of the revised codes of 1905.

Also,

Senate Bill No. 225,

A bill for an act defining the tenth judicial district, and providing for terms of court therein.

Also,

Senate Bill No. 199,

A bill for an act to amend section 3054 of the revised codes of North Dakota for 1905, relating to the division of organized townships.

Also,

Senate Bill No. 123,

A bill for an act declaring certain noxious weeds to be a public nuisance, and creating a commissioner of noxious weeds, providing for the manner of his appointment and prescribing his powers and duties, and providing penalties for failure to perform the same and providing penalties for failure to comply with his notice and orders.

Also,

Senate Bill No. 83,

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.

And the speaker signed the same in the presence of the House.

MOTIONS AND RESOLUTIONS.

Mr. Skulason moved

That the vote by which Senate Bill No. 234 was lost, be reconsidered.

Which motion prevailed.

Senate Bill No. 234,

A bill for an act to amend sections 811, 822, 829, 832, 882, 883, of the revised code of 1905, pertaining 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 69, nays 13, absent and not voting 13.

Those who voted in the affirmative were:

| | | |
|----------------------|----------------------|--------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Homnes | Peart |
| Atwood | Honey | Pendray |
| Baker of Cass | Hughes | Plath |
| Baker of Stark | Jewett | Ployhar |
| Brynjulson | Johnson of Bottineau | Poe |
| Burns | Johnson of McLean | Pound |
| Collins of Cass | Johnson of Rolette | Price |
| Collins of Gd. Forks | Kinney of McLean | Putnam |
| Cunningham | Kinney of Richland | Sgutt |
| Davidson | Kneeland | Shells |
| Dibley | Knox | Skulason |
| Doyle of Foster | Law | Sorlie |
| Doyle of McIntosh | Laithwaite | Storey |
| Duncan | Linde | Streeter |
| Fraire | Lindvig | Thompson of McLean |
| Garden | Lucke | Traynor |
| Geidt | Martin | Ward |
| Gibbens | McCrea | Welford |
| Hale | McLear | White |
| Hanley | Moen of Benson | Wisner |
| Hemmingson | Nelson of McHenry | Wolbert |
| Hendrickson | Nelson of Steele | Young |
| Hill | Paulson | Mr. Speaker |

Those who voted in the negative were:

| | | |
|------------|-----------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Akesson | Goldammer | Sinclair |
| Anderson | Narum | Skinner |
| Bjorndahl | Nyhus | Steen |
| Brusletten | Senour | Thompson, Gd. Forks |
| Crawford | | |

Absent and not voting:

| | | |
|-------------|------------------|-----------------|
| Messrs.— | Messrs.— | Messrs.— |
| Burnett | Ganssle | Nelson of Walsh |
| Chatfield | Grant | Olson |
| Christenson | Kremer | Schull |
| Evans | Moen of Cavalier | Thoreson |
| Freeman | | |

Messrs. Freeman and Grant being excused.

So the bill passed and the title was agreed to.

Mr. Skulason moved

That the vote by which Senate Bill No. 234 passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

There being no objections, Senate Bill No. 202 was reconsidered.

Senate Bill No. 202,

A bill for an act fixing the salary of the clerk 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 72, nays 13, absent and not voting 10.

Those who voted in the affirmative were:

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|----------------------|--------------------|
| Aasheim | Gibbens | Nelson of McHenry |
| Akesson | Hale | Peart |
| Anderson | Hanley | Plath |
| Atwood | Hendrickson | Ployhar |
| Baker of Cass | Hill | Pound |
| Baker of Stark | Homnes | Price |
| Brusletten | Honey | Putnam |
| Brynjulfson | Hughes | Senour |
| Burns | Jewett | Sgutt |
| Chatfield | Johnson of Bottineau | Sheils |
| Christenson | Johnson of McLean | Sinclair |
| Collins of Cass | Johnson of Rolette | Skinner |
| Collins of Gd. Forks | Kinney of McLean | Skulason |
| Cunningham | Kinney of Richland | Sorlie |
| Davidson | Kneeland | Storey |
| Dibley | Knox | Streeter |
| Doyle of Foster | Law | Thompson of McLean |
| Doyle of McIntosh | Linde | Traynor |
| Duncan | Lindvig | Ward |
| Evans | Martin | Welford |
| Fraine | McCrea | Wisner |
| Ganssle | McLear | Wolbert |
| Garden | Moen of Benson | Young |
| Geidt | Moen of Cavalier | Mr. Speaker |

Those who voted in the negative were:

| Messrs.— | Messrs.— | Messrs.— |
|------------|------------------|---------------------|
| Bjorndahl | Narum | Paulson |
| Crawford | Nelson of Steele | Poe |
| Goldammer | Nyhus | Thompson, Gd. Forks |
| Hemmingson | Olson | Thoreson |
| Lucke | | |

Absent and not voting:

| | | |
|----------|-----------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Burnett | Laithwaite | Schull |
| Freeman | Nelson of Walsh | Steen |
| Grant | Pendray | White |
| Kremer | | |

Messrs. Freeman and Grant being excused.

So the bill passed and the title was agreed to.

Mr. Kneeland moved

That the house do now concur in the senate amendments to House Bill No. 276

Mr. Chatfield moved

The previous question

Which motion prevailed

The question being upon the question to concur in the senate amendments to House Bill No. 276.

The same prevailed, and

The amendments were concurred in.

House Bill No. 276,

A bill for an act creating the Eleventh judicial district of North Dakota, changing the boundaries of the Third and Fifth and Sixth judicial districts, and providing for terms of court in each of said districts.

Was read the third time.

The question being on the final passage of the bill as amended by the senate.

The roll was called and there were ayes 50, nays, 25, absent and not voting 20.

Those who voted in the affirmative were:

| | | |
|-------------------|--------------------|--------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Atwood | Jewett | Poe |
| Baker of Cass | Johnson of McLean | Pound |
| Baker of Stark | Johnson of Rolette | Price |
| Bjorn Dahl | Kinney of McLean | Sgutt |
| Brusletten | Kinney of Richland | Sheils |
| Brynjulson | Kneeland | Sinclair |
| Burns | Knox | Skulason |
| Chatfield | Laithwaite | Sorlie |
| Christenson | Linde | Steen |
| Crawford | Lindvig | Storey |
| Cunningham | McLear | Thompson of McLean |
| Doyle of McIntosh | Moen of Benson | Traynor |
| Evans | Moen of Cavalier | Ward |
| Geidt | Nelson of McHenry | White |
| Gibbens | Nelson of Walsh | Wisner |
| Hanley | Pendray | Mr. Speaker |
| Homnes | Ployhar | |

Those who voted in the negative were:

| | | |
|----------------------|------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Akesson | Hale | Peart |
| Collins of Cass | Hemmingson | Plath |
| Collins of Gd. Forks | Hill | Putnam |
| Davidson | Kremer | Senour |
| Dibley | Lucke | Thompson, Gd. Forks |
| Doyle of Foster | Narum | Welford |
| Duncan | Nelson of Steele | Wolbert |
| Fraine | Paulson | Young |
| Goldammer | | |

Absent and not voting:

| | | |
|----------|----------------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Hendrickson | Nyhus |
| Anderson | Honey | Olson |
| Burnett | Hughes | Schull |
| Freeman | Johnson of Bottineau | Skinner |
| Ganssle | Law | Streeter |
| Garden | Martin | Thoreson |
| Grant | McCrea | |

Messrs. Freeman and Grant being excused.

So the bill was lost.

Mr. Doyle of Foster moved

That the vote by which House Bill No. 276 was lost, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Mr. Skulason moved

That the vote by which Senate Bill No. 341 was lost be reconsidered

Which motion prevailed and

Senate Bill No. 341,

A bill for an act authorizing the board of trustees of public property of North Dakota to operate a good road experimental station at Bismarck, North Dakota; authorizing the employment of the inmates of the North Dakota state penitentiary upon the construction and maintenance of experimental roads; authorizing the board of trustees of public property to accept federal aid and private contributions in the construction of experimental roads and authorizing the state engineer to supervise the construction and maintenance of all roads and designating where experimental roads shall be built.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 67, nays 18, absent and not voting 10.

Those who voted in the affirmative were:

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|----------------------|--------------------|
| Aasheim | Hill | Olson |
| Akesson | Homnes | Peart |
| Atwood | Honey | Ployhar |
| Baker of Cass | Hughes | Pound |
| Baker of Stark | Jewett | Price |
| Chatfield | Johnson of Bottineau | Putnam |
| Collins of Cass | Johnson of McLean | Senour |
| Collins of Gd. Forks | Kinney of McLean | Sgutt |
| Crawford | Kinney of Richland | Sheils |
| Cunningham | Kneeland | Sinclair |
| Dibley | Knox | Skinner |
| Doyle of Foster | Law | Skulason |
| Doyle of McIntosh | Laithwaite | Streeter |
| Duncan | Linde | Thompson of McLean |
| Evans | Lindvig | Traynor |
| Fraine | Lucke | Ward |
| Ganssle | Martin | Welford |
| Garden | McCrea | White |
| Geidt | McLear | Wisner |
| Gibbens | Moen of Benson | Wolbert |
| Hale | Nelson of McHenry | Young |
| Hanley | Nelson of Walsh | Mr. Speaker |
| Hendrickson | | |

Those who voted in the negative were:

| Messrs.— | Messrs.— | Messrs.— |
|-------------|--------------------|---------------------|
| Bjorndahl | Hemmingson | Pendray |
| Brusletten | Johnson of Rolette | Plath |
| Brynjulson | Moen of Cavalier | Poe |
| Burns | Narum | Steen |
| Christenson | Nelson of Steele | Storey |
| Davidson | Nyhus | Thompson, Gd. Forks |

Absent and not voting:

| Messrs.— | Messrs.— | Messrs.— |
|-----------|----------|----------|
| Anderson | Grant | Schull |
| Burnett | Kremer | Sorlie |
| Freeman | Paulson | Thoreson |
| Goldammer | | |

Messrs. Freeman and Grant being excused.

So the bill passed and the title was agreed to.

Mr. Streeter moved

That the vote by which Senate Bill No. 341 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

There being no objections the house returned to the 14th order of business.

THIRD READING OF SENATE BILLS.

Senate Bill No. 342,

A bill for an act to amend and re-enact section 796 of the revised codes of North Dakota for the year 1905, providing for the legalizing of the organization of school districts.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 84, nays 1, absent and not voting 10.

Those who voted in the affirmative were:

| | | |
|----------------------|----------------------|--------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Hale | Olson |
| Akesson | Hanley | Peart |
| Anderson | Hemmingson | Pendray |
| Atwood | Hendrickson | Plath |
| Baker of Cass | Hill | Ployhar |
| Baker of Stark | Homnes | Poe |
| Bjorndahl | Honey | Pound |
| Brusletten | Hughes | Price |
| Bryn, ulson | Jewett | Putnam |
| Burns | Johnson of Bottineau | Senour |
| Chatfield | Johnson of McLean | Sgutt |
| Christenson | Johnson of Rolette | Sheils |
| Collins of Cass | Kinney of McLean | Sinclair |
| Collins of Gd. Forks | Kinney of Richland | Skinner |
| Crawford | Kneeland | Skulason |
| Cunningham | Law | Sorlie |
| Davidson | Laithwaite | Steen |
| Dibley | Linde | Storey |
| Doyle of McIntosh | Lindvi | Streeter |
| Duncan | Lucke | Thompson of McLean |
| Evans | Martin | Thoreson |
| Fraine | McLear | Traynor |
| Ganssle | Moen of Benson | Ward |
| Garden | Moen of Cavalier | White |
| Geidt | Narum | Wisner |
| Gibbens | Nelson of McHenry | Wolbert |
| Goddammer | Nelson of Steele | Young |
| Grant | Nyhus | Mr. Speaker |

Absent and not voting:

| | | |
|-----------------|-----------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Burnett | Kremer | Paulson |
| Doyle of Foster | McCrea | Schull |
| Freeman | Nelson of Walsh | Welford |
| Knox | | |

Mr. Thompson of Grand Forks voting in the negative.

Messrs. Freeman and Grant being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 317,

A bill for an act to provide for the cancellation of legally recorded brands in the office 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 82, nays 2, absent and not voting 11.

Those who voted in the affirmative were:

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|----------------------|---------------------|
| Akesson | Hale | Nyhus |
| Anderson | Hanley | Paulson |
| Atwood | Hemmingson | Plath |
| Baker of Cass | Hendrickson | Ployhar |
| Baker of Stark | Homnes | Poe |
| Bjorndahl | Honey | Pound |
| Brusletten | Hughes | Price |
| Brynjulson | Jewett | Putnam |
| Chatfield | Johnson of Bottineau | Sheils |
| Christenson | Johnson of Rolette | Sinclair |
| Collins of Cass | Kinney of McLean | Skinner |
| Collins of Gd. Forks | Kinney of Richland | Skulason |
| Crawford | Kneeland | Sorlie |
| Cunningham | Knox | Steen |
| Davidson | Law | Storey |
| Dibley | Laithwaite | Streeter |
| Doyle of Foster | Linde | Thompson, Gd. Forks |
| Doyle of McIntosh | Lindvig | Thompson of McLean |
| Duncan | Lucke | Thoreson |
| Evans | Martin | Traynor |
| Fraine | McCrea | Ward |
| Ganssle | McLear | Welford |
| Garden | Moen of Cavalier | White |
| Geidt | Narum | Wisner |
| Gibbens | Nelson of McHenry | Wolbert |
| Goldammer | Nelson of Steele | Young |
| Grant | Nelson of Walsh | Mr. Speaker |

Absent and not voting:

| Messrs.— | Messrs.— | Messrs.— |
|----------|----------|----------|
| Aasheim | Kremer | Schull |
| Burnett | Olson | Senour |
| Burns | Peart | Sgutt |
| Freeman | Pendray | |

Messrs. Johnson of McLean and Moen of Benson voting in the negative.

Messrs. Freeman and Grant being excused.

So the bill passed and the title was agreed to.

REPORTS OF STANDING COMMITTEES.

The committee on enrollment made the following report:
Mr. Speaker:

Your committee on enrollment have examined:

House Bill No. 374,

A bill for an act to provide for the completing of the audit and examination of the books and records in the state penitentiary and twine plant, and for the perpetuation of the record of such audit and examination and for installing and completeing an adequate system of books and records for said institutions.

Also,

House Bill No. 194,

A bill for an act, providing for a jury to be official witnesses of the execution of persons executed at the state penitentiary, providing for guards to act as death watch over condemned prisoners, and fixing the executioner's fee.

Also an appropriation to defray all expenses incurred in connection with the execution of a condemned man.

Also,

House Bill No. 205,

A bill for an act providing for the revision and compilation of the school laws of the state of North Dakota, and appropriate money therefor.

Also,

House Bill No. 97,

A bill for an act to amend section 4177 of the revised codes of North Dakota for the year 1905, for the purpose of encouraging the formation of athletic associations and bands of musicians.

And find the same correctly enrolled.

H. J. LINDE,

Chairman.

Mr. Linde moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The chief clerk announced that the speaker was about to sign

House Bill No. 205,

A bill for an act providing for the appointment of a committee for the purpose of drafting and reporting the inconsistencies, contradictions and omissions of the school laws of the state of North Dakota, and appropriate money therefor.

Also,

House Bill No. 97,

A bill for an act to amend section 4177 of the revised codes of North Dakota for the year 1905, for the purpose of encouraging the formation of athletic associations and bands of musicians.

Also,

House Bill No. 374,

A bill for an act to provide for the completing of the audit and examination of the books and records in the state penitentiary and twine plant and for the perpetuation of the record of such audit and examination and for installing and completing an adequate system of books and records for said institutions.

Also,

House Bill No. 194,

A bill for an act providing for a jury to be official witnesses of the execution of persons executed at the state penitentiary; providing for guards to act as death watch over condemned prisoners; and fixing the executioner's fee. Also an appropriation to defray all expenses incurred in connection with the execution of a condemned man.

And the speaker signed the same in the presence of the House.

THIRD READING OF SENATE BILLS.

Senate Bill No. 8,

A bill for an act to regulate the sale of intoxicating liquors for medicinal, sacramental, scientific and mechanical purposes.

Was read the third time.

Mr. Davidson moved

The previous question.

The question being shall the previous question be put

The same prevailed.

The question being on the final passage of the bill.

The roll was called and there were ayes 43, nays 42, absent and not voting 10.

Those who voted in the affirmative were:

| | | |
|-------------------|----------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Anderson | Hill | Ployhar |
| Atwood | Homnes | Poe |
| Baker of Cass | Hughes | Price |
| Bjorndahl | Johnson of Bottineau | Putnam |
| Brusletten | Johnson of McLean | Sinclair |
| Crawford | Law | Sorlie |
| Cunningham | Lindvig | Storey |
| Dibley | Lucke | Thompson, Gd. Forks |
| Doyle of Foster | Moen of Benson | Thompson of McLean |
| Doyle of McIntosh | Moen of Cavaller | Thoreson |
| Duncan | Nelson of McHenry | Welford |
| Garden | Nelson of Steele | White |
| Geidt | Peart | Wolbert |
| Gibbens | Pendray | Mr. Speaker |
| Goldammer | | |

Those who voted in the negative were:

| | | |
|----------------------|--------------------|-----------------|
| Messrs.— | Messrs.— | Messrs.— |
| Akesson | Hemmingson | Nelson of Walsh |
| Baker of Stark | Hendrickson | Nyhus |
| Brynjulson | Honey | Paulson |
| Burns | Jewett | Plath |
| Chatfield | Johnson of Rolette | Pound |
| Christenson | Kinney of McLean | Senour |
| Collins of Cass | Kinney of Richland | Sheils |
| Collins of Gd. Forks | Knox | Skinner |
| Davidson | Kremer | Skulason |
| Evans | Laithwaite | Streeter |
| Fraine | Linde | Traynor |
| Ganssle | McCrea | Ward |
| Hale | McLear | Wisner |
| Hanley | Narum | Young |

Absent and not voting:

| | | |
|----------|----------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Kneeland | Schull |
| Burnett | Martin | Sgutt |
| Freeman | Olson | Steen |
| Grant | | |

Messrs. Freeman and Grant being excused.

So the bill was lost.

Mr. McCrea moved

That the vote by which Senate Bill No. 8 was lost be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Senate Bill No. 130,

A bill for an act defining, creating and regulating corporations, and to amend sections 4165, 4169, 4173, 4175, 4176, 4177, 4178, 4185, 4186, 4200 4217 and 4224 of the revised code of 1905 relating to corporations.

Was read the third time.

Mr. Hanley moved

That the further consideration of the bill be indefinitely postponed.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Mr. Hanley moved

That the vote by which Senate Bill No. 130 was lost be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 316,

A bill for an act creating and establishing an agricultural experiment station, to be located at or near the city of Harvey, in Wells county, in connection with the North Dakota agricultural college at Fargo, and under the direction of the board of directors of said college, and making an appropriation therefor.

Was read the third time.

Mr. Senour moved

That the further consideration of the bill be indefinitely postponed

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Senate Bill No. 282,

A bill for an act, entitled an act to amend chapter 41 of the session laws of the state of North Dakota, enacted by the tenth session of the legislative assembly of said state, relating to bounties for tree planting.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 68, nays 3, absent and not voting 24.

Those who voted in the affirmative were:

| | | |
|----------------------|----------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Akesson | Hill | Pound |
| Anderson | Homnes | Price |
| Baker of Cass | Honey | Putnam |
| Baker of Stark | Hughes | Senour |
| Brusletten | Jewett | Sheils |
| Brynjulson | Johnson of Bottineau | Sinclair |
| Burns | Johnson of McLean | Skinner |
| Christenson | Johnson of Rolette | Skulason |
| Collins of Gd. Forks | Kinney of McLean | Sorlie |
| Crawford | Kinney of Richland | Steen |
| Cunningham | Knox | Storey |
| Dibley | Law | Streeter |
| Doyle of McIntosh | Lindvig | Thompson, Gd. Forks |
| Duncan | Lucke | Thompson of McLean |
| Fraine | Martin | Thoreson |
| Ganssle | McLear | Traynor |
| Geidt | Moen of Benson | Ward |
| Gibbens | Moen of Cavalier | Welford |
| Goldammer | Nelson of McHenry | Wisner |
| Hale | Nelson of Walsh | Wolbert |
| Hanley | Nyhus | Young |
| Hemmingson | Plath | Mr. Speaker |
| Hendrickson | Poe | |

Those who voted in the negative were:

| | | |
|----------|------------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Atwood | Nelson of Steele | Paulson |

Absent and not voting:

| | | |
|-----------------|------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Freeman | Narum |
| Bjorndahl | Garden | Olson |
| Burnett | Grant | Pearl |
| Chatfield | Kneeland | Pendray |
| Collins of Cass | Kremer | Ployhar |
| Davidson | Laithwaite | Schull |
| Doyle of Foster | Linde | Sgutt |
| Evans | McCrea | White |

Messrs. Freeman and Grant being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 310,

A bill for an act to amend section 2249 of the revised codes of 1905, providing for storage receipts to be given to public warehousemen, establishing a standard form, and providing a penalty for its nonobservance.

Was read the third time.

Mr. Akessen moved

That the further consideration of the bill be indefinitely postponed.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Senate Bill No. 226,

A bill for an act to amend and re-enact sections 1287, 1288, and 1289 of the revised codes of North Dakota, for the year 1905, relating to insurance of public buildings.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 74, nays 1, absent and not voting 20.

Those who voted in the affirmative were:

| | | |
|----------------------|----------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Akesson | Hornes | Poe |
| Anderson | Hughes | Pound |
| Atwood | Jewett | Price |
| Baker of Cass | Johnson of Bottineau | Putnam |
| Baker of Stark | Johnson of McLean | Senour |
| Brusletten | Johnson of Rolette | Sgutt |
| Brynjulson | Kinney of McLean | Sheils |
| Collins of Gd. Forks | Kinney of Richland | Sinclair |
| Crawford | Knox | Skinner |
| Cunningham | La.7 | Skulason. |
| Davidson | Laithwaite | Sordie |
| Dibley | Lindvig | Steen |
| Doyle of Foster | Lucke | Storey |
| Doyle of McIntosh | Martin | Streeter |
| Duncan | McLear | Thompson, Gd. Forks |
| Evans | Moen of Benson | Thompson of McLean |
| Ganssle | Moen of Cavalier | Thoreson |
| Geidt | Narum | Traynor |
| Gibbens | Nelson of McHenry | Ward |
| Goldammer | Nelson of Steele | Welford |
| Hale | Nelson of Walsh | Wisner |
| Hanley | Paulson | Wolbert |
| Hemmingson | Peart | Young |
| Hendrickson | Pendray | Mr. Speaker |
| Hill | Plath | |

Absent and not voting:

| | | |
|-----------------|----------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Freeman | McCrea |
| Bjorndahl | Garden | Nyhus |
| Burnett | Grant | Olson |
| Chatfield | Honey | Ployhar |
| Christenson | Kneeland | Schull |
| Collins of Cass | Kremer | White |
| Fraine | Linde | |

Mr. Burns voting in the negative.
 Messrs. Freeman and Grant being excused.
 So the bill passed and the title was agreed to.

Senate Bill No. 268,

A bill for an act authorizing the trustees of the institution for feeble minded, to transport, at the expense of the state, inmates whose parents or guardian has removed from the state to the residence of such parent or guardian without the state, and providing 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 74, nays 0, absent and not voting 21.

Those who voted in the affirmative were:

| | | |
|----------------------|----------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Akesson | Hanley | Paulson |
| Anderson | Hemmingson | Peart |
| Atwood | Hendrickson | Pendray |
| Baker of Cass | Hill | Plath |
| Bjorndahl | Homnes | Poe |
| Brusletten | Hughes | Pound |
| Brynjolfson | Jewett | Price |
| Burns | Johnson of Bottineau | Putnam |
| Christenson | Johnson of McLean | Senour |
| Collins of Gd. Forks | Johnson of Rolette | Sinclair |
| Crawford | Kinney of McLean | Skinner |
| Cunningham | Kinney of Richland | Skulason |
| Davidson | Kneeland | Sorlie |
| Dibley | Law | Steen |
| Doyle of Foster | Lindvig | Storey |
| Doyle of McIntosh | Lucke | Streeter |
| Duncan | Martin | Thompson, Gd. Forks |
| Evans | McLear | Thompson of McLean |
| Fraine | Moen of Benson | Thoreson |
| Ganssle | Moen of Cavalier | Traynor |
| Garden | Narum | Wisner |
| Geidt | Nelson of McHenry | Wolbert |
| Gibbins | Nelson of Steele | Young |
| Goldammer | Nelson of Walsh | Mr. Speaker. |
| Hale | Nyhus | |

Absent and not voting:

| | | |
|-----------------|------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Honey | Ployhar |
| Baker of Stark | Knox | Schull |
| Burnett | Kremer | Sgutt |
| Chatfield | Laithwaite | Sheils |
| Collins of Cass | Linde | Ward |
| Freeman | McCrea | Welford |
| Grant | Olson | White |

Messrs. Freeman and Grant being excused.
So the bill passed and the title was agreed to.

Senate Bill No. 37,

A bill for an act for an appropriation for the improvement and maintenance of the experimental work, provided for in section 1118 of the revised codes of North Dakota, to determine the milling values of wheat, the baking properties produced therefrom, and the chemical composition thereof.

Was read the third time

Mr. Skulason moved

That the further consideration of the bill be indefinitely postponed.

Which motion was lost.

The question being on the final passage of the bill.

The roll was called and there were ayes 50, nays 28, absent and not voting 17.

Those who voted in the affirmative were:

| | | |
|-----------------|----------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Akesson | Honey | Peart |
| Baker of Cass | Hughes | Plath |
| Christenson | Jewett | Poe |
| Collins of Cass | Johnson of Bottineau | Pound |
| Crawford | Johnson of Rolette | Price |
| Cunningham | Kinney of McLean | Putnam |
| Dibley | Kneeland | Senour |
| Doyle of Foster | Knox | Shells |
| Duncan | Kremer | Storey |
| Evans | Law | Streeter |
| Ganssle | Lindvig | Thompson, Gd. Forks |
| Garden | Martin | Thompson of McLean |
| Gibbins | Moen of Benson | Thoreson |
| Hale | Moen of Cavalier | Welford |
| Hanley | Nelson of Walsh | Wisner |
| Hill | Olson | Wolbert |
| Homnes | Paulson | |

Those who voted in the negative were:

| | | |
|-------------------|--------------------|-------------|
| Messrs.— | Messrs.— | Messrs.— |
| Anderson | Hendrickson | Sinclair |
| Bjorndahl | Kinney of Richland | Skinner |
| Brusletten | Lucke | Skulason |
| Brynjolfson | McCrea | Sorlie |
| Burns | Narum | Steen |
| Davidson | Nelson of McHenry | Traynor |
| Doyle of McIntosh | Nelson of Steele | Ward |
| Geidt | Nyhus | Young |
| Goldammer | Pendray | Mr. Speaker |
| Hemmingson | | |

Absent and not voting:

| | | |
|----------------------|-------------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Fraine | McLear |
| Atwood | Freeman | Ployhar |
| Baker of Stark | Grant | Schull |
| Burnett | Johnson of McLean | Sgutt |
| Chatfield | Laithwaite | White |
| Collins of Gd. Forks | Linde | |

Messrs. Freeman and Grant being excused.
So the bill passed and the title was agreed to.

Senate Bill No. 242,

A bill for an act making an appropriation for the current and contingent expenses of the state reform school at Mandan.

Was read the third time

The question being on the final passage of the bill.

The roll was called and there were ayes 74, nays 1, absent and not voting 20.

Those who voted in the affirmative were:

| | | |
|----------------------|----------------------|--------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Akesson | Hill | Peart |
| Baker of Cass | Homnes | Pendray |
| Bjorndahl | Honey | Plath |
| Brusletten | Hughes | Poe |
| Brynjulson | Jewett | Pound |
| Burns | Johnson of Bottineau | Price |
| Christenson | Johnson of McLean | Putnam |
| Collins of Cass | Johnson of Rolette | Senour |
| Collins of Gd. Forks | Kinney of McLean | Sgutt |
| Crawford | Kinney of Richland | Sheils |
| Cunningham | Kneeland | Skinner |
| Dibley | Knox | Skulason |
| Doyle of Foster | Kremer | Sorlie |
| Duncan | Law | Steen |
| Evans | Linde | Storey |
| Fraine | Lucke | Streeter |
| Ganssle | Martin | Thompson of McLean |
| Garden | McCrea | Thoreson |
| Geidt | McLear | Traynor |
| Gibbens | Moen of Benson | Ward |
| Goldammer | Moen of Cavalier | Welford |
| Hale | Narum | Wisner |
| Hanley | Nelson of McHenry | Wolbert |
| Hemmingson | Nelson of Steele | Young |
| Hendrickson | Paulson | Mr. Speaker |

Absent and not voting:

| | | |
|----------|----------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Freeman | Olson |
| Anderson | Grant | Ployhar |

| | | |
|-----------------|-----------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Atwood | Laithwaite | Schull |
| Baker of Stark | Lindvig | Sinclair |
| Burnett | Nelson of Walsh | Thompson, Gd. Forks |
| Chatfield | Nyhus | White |
| Davidson | | |

Mr. Doyle of McIntosh voting in the negative.
 Messrs. Freeman and Grant being excused.
 So the bill passed and the title was agreed to.

Senate Bill No. 264,

A bill for an act amending section 1165 of the revised codes of 1905, the same being amended and embraced in chapter 237 of the laws of 1907, relating to the inmates of the institution for the feeble minded.

Was read the third time.

Mr. Kinney of McLain moved

That the further consideration of the bill be indefinitely postponed.

Which motion was lost.

The question being on the final passage of the bill.

The roll was called and there were ayes 77, nays 5, absent and not voting 13.

Those who voted in the affirmative were:

| | | |
|----------------------|--------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Akesson | Hendrickson | Plath |
| Atwood | Hill | Poe |
| Baker of Cass | Homnes | Pound |
| Baker of Stark | Honey | Price |
| Bjorndahl | Hughes | Putnam |
| Brusletten | Jewett | Senour |
| Brynjulson | Johnson of McLean | Sgutt |
| Burns | Johnson of Rolette | Shells |
| Chatfield | Kinney of McLain | Sinclair |
| Christenson | Kinney of Richland | Skinner |
| Collins of Cass | Kneeland | Skulason |
| Collins of Gd. Forks | Linde | Sorlie |
| Crawford | Lindvig | Steen |
| Cunningham | Lucke | Storey |
| Davidson | Martin | Streeter |
| Dibley | McCrea | Thompson, Gd. Forks |
| Duncan | McLear | Thompson of McLean |
| Evans | Moen of Benson | Thoreson |
| Fraine | Moen of Cavalier | Traynor |
| Ganssle | Narum | Ward |
| Garden | Nelson of McHenry | Welford |
| Geldt | Nelson of Steele | Wisner |
| Gibbens | Nelson of Walsh | Wolbert |
| Goldammer | Paulson | Young |
| Hanley | Peart | Mr. Speaker |
| Hemmingson | Pendray | |

Those who voted in the negative were:

| | | |
|-------------------|----------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Anderson | Knox | Olson |
| Doyle of McIntosh | Nyhus | |

Absent and not voting:

| | | |
|-----------------|----------------------|------------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Hale | Laithwaite |
| Burnett | Johnson of Bottineau | Ployhar |
| Doyle of Foster | Kremer | Schull |
| Freeman | Law | White |
| Grant | | |

Messrs. Freeman and Grant being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 221,

A bill for an act to provide for the printing and distribution of Farmers' Institute Annuals 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 79, nays 0, absent and not voting 16.

Those who voted in the affirmative were:

| | | |
|----------------------|--------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Akesson | Hemmingson | Paulson |
| Anderson | Hendrickson | Peart |
| Atwood | Hill | Pendray |
| Baker of Cass | Hommes | Poe |
| Baker of Stark | Honey | Pound |
| Bjorndahl | Hughes | Price |
| Brusletten | Jewett | Putnam |
| Brynjulson | Johnson of McLean | Senour |
| Burns | Johnson of Rolette | Sgutt |
| Chatfield | Kinney of McLean | Shells |
| Collins of Cass | Kinney of Richland | Sinclair |
| Collins of Gd. Forks | Knox | Skinner |
| Crawford | Law | Skulason |
| Cunningham | Laithwaite | Sorlie |
| Davidson | Linde | Steen |
| Dibley | Lindvig | Storey |
| Doyle of McIntosh | Lucke | Streeter |
| Duncan | Martin | Thompson, Gd. Forks |
| Evans | McCrea | Thompson of McLean |
| Fraine | McLear | Traynor |
| Ganssle | Moen of Benson | Ward |
| Garden | Moen of Cavalier | Welford |
| Geldt | Narum | Wisner |
| Gibbens | Nelson of McHenry | Wolbert |
| Goldammer | Nelson of Steele | Young |
| Hale | Nelson of Walsh | Mr. Speaker |
| Hanley | | |

Absent and not voting:

| | | |
|-----------------|----------------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Johnson of Bottineau | Plath |
| Burnett | Kneeland | Ployhar |
| Christenson | Kremer | Schull |
| Doyle of Foster | Nyhus | Thoreson |
| Freeman | Olson | White |
| Grant | | |

Messrs. Freeman and Grant being excused.

So the bill passed and the title was agreed to.

The committee on enrollment made the following report:

Mr. Speaker:

Your committee on enrollment have examined:

House Bill No. 162,

A bill for an act to regulate the public service of stallions of North Dakota.

Also,

House Bill No. 233,

A bill for an act to define what is an official newspaper.

Also,

House Bill No. 228,

A bill for an act to amend section 1574 of the revised codes of 1905, relating to auditor's notice of tax sale.

Also,

House Bill No. 114,

A bill for an act to amend chapter 189 of the session laws of 1907.

And find the same correctly enrolled.

H. J. LINDE,
Chairman.

Mr. Linde moved

That the report be adopted

Which motion prevailed, and

The report of the committee was adopted.

The chief clerk announced that the speaker was about to sign

House Bill No. 162,
A bill for an act to regulate the public service of stallions
of North Dakota.

Also,

House Bill No. 233,

A bill for an act to define what is an official newspaper.

Also,

House Bill No. 228,

A bill for an act to amend section 1574 of the revised
codes of 1905, relating to auditor's notice of tax sale.

Also,

House Bill No. 114,

A bill for an act to amend chapter 189 of the session laws
of 1907.

And the speaker signed the same in the presence of the
House.

THIRD READING OF SENATE BILLS.

Senate Bill No. 246,

A bill for an act to require domestic life insurance com-
panies to make a deposit of securities with the insurance
commissioner.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 49, nays 26, ab-
sent and not voting 20.

Those who voted in the affirmative were:

Messrs.—

Akesson
Atwood
Baker of Cass
Baker of Stark
Bjorndahl
Brynjulson
Chatfield
Christenson
Collins of Cass
Collins of Gd. Forks

Messrs.—

Garden
Geidt
Gibbens
Goldammer
Homnes
Jewett
Kinney of Richland
Knox
Law
Linda

Messrs.—

Nelson of Steele
Nelson of Walsh
Nyhus
Peart
Price
Putnam
Senour
Sgutt
Skulason
Sorlie

| | | |
|-------------------|-------------------|-------------|
| Messrs.— | Messrs.— | Messrs.— |
| Crawford | Lucke | Ward |
| Davidson | Martin | Wisner |
| Dibley | McLear | Wolbert |
| Doyle of McIntosh | Moen of Benson | Young |
| Duncan | Moen of Cavalier | Mr. Speaker |
| Evans | Narum | |
| Fraine | Nelson of McHenry | |

Those who voted in the negative were:

| | | |
|-----------------|--------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Anderson | Honey | Pound |
| Brusletten | Hughes | Skinner |
| Cunningham | Johnson of McLean | Steen |
| Doyle of Foster | Johnson of Rolette | Storey |
| Ganssle | Kinney of McLean | Thompson, Gd. Forks |
| Hanley | Laithwaite | Thompson of McLean |
| Hemmingson | Paulson | Traynor |
| Hendrickson | Pendray | Welford |
| Hill | Poe | |

Absent and not voting:

| | | |
|----------------------|----------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Kneeland | Schull |
| Burnett | Kremer | Sheils |
| Burns | Lindvig | Sinclair |
| Freeman | McCrea | Streeter |
| Grant | Olson | Thoreson |
| Hale | Plath | White |
| Johnson of Bottineau | Ployhar | |

Messrs. Freeman and Grant being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 321,

A bill for an act to amend section 4464 of the revised codes of North Dakota for 1905.

Was read the third time.

Mr. Hanley moved

That the further consideration of the bill be indefinitely postponed.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Senate Bill No. 187,

A bill for an act to amend section 4429 of the revised codes of 1905, relating to the capital stock of insurance companies.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 42, nays 22, absent and not voting 31.

Those who voted in the affirmative were:

| | | |
|-----------------|--------------------|-----------------|
| Messrs.— | Messrs.— | Messrs.— |
| Akesson | Garden | Nelson of Walsh |
| Atwood | Geidt | Plath |
| Baker of Cass | Goldammer | Poe |
| Baker of Stark | Hemmingson | Pound |
| Brynjulson | Hendrickson | Price |
| Chatfield | Hill | Putnam |
| Christenson | Hornes | Senour |
| Collins of Cass | Honey | Skinner |
| Crawford | Johnson of McLean | Streeter |
| Davidson | Johnson of Rolette | Thoreson |
| Dibley | Law | Traynor |
| Doyle of Foster | Linde | Wisner |
| Duncan | McLear | Young |
| Evans | Nelson of McHenry | |

Those who voted in the negative were:

| | | |
|--------------------|------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Anderson | Martin | Sorlie |
| Brusletten | Moen of Benson | Storey |
| Gibbens | Moen of Cavalier | Thompson, Gd. Forks |
| Hughes | Narum | Thompson of McLean |
| Kinney of McLean | Nelson of Steele | Ward |
| Kinney of Richland | Nyhus | Welford |
| Knox | Paulson | Mr. Speaker |
| Lucke | Skulason | |

Absent and not voting:

| | | |
|----------------------|----------------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Hale | Pendray |
| Bjorndahl | Hanley | Ployhar |
| Burnett | Jewett | Schull |
| Burns | Johnson of Bottineau | Sgutt |
| Collins of Gd. Forks | Kneeland | Sheils |
| Cunningham | Kremer | Sinclair |
| Doyle of McIntosh | Laithwaite | Steen |
| Fraine | Lindvig | White |
| Freeman | McCrea | Wolbert |
| Ganssle | Olson | |
| Grant | Peart | |

Messrs. Freeman and Grant being excused.

So the bill was lost.

The chief clerk announced that the speaker was about to sign.

Senate Bill No. 338,

A bill for an act to amend section 18 of an act, entitled a bill for an act creating certain territory now within the school township of Brightwood, Richland county, D. T., as an independent school district, to be known as Brightwood Independent School District No. 1, Richland county, North

Also,

Senate Bill No. 308.

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.

Also,

Senate Bill No. 30,

A bill for an act authorizing cities incorporated under the laws of this state to regulate and fix the rates to be charged by persons, firms or corporations furnishing water, light, or other public service or utility to such cities and the inhabitants thereof.

Also,

Senate Bill No. 117,

A bill for an act to provide for instruction in military science at the state normal-industrial school, located at Ellendale.

Also,

Senate Bill No. 120,

A bill for an act to amend sections 1034, 1035 and 1036 of the revised codes of 1905, relating to education, as amended by chapter 99 of the session laws of 1907.

Also,

Senate Bill No. 128,

A bill for an act for the creation of a serum institute for the manufacture and distribution of such agents as may be useful and necessary in the eradication, prevention and control of tuberculosis, glanders, hog cholera, black-leg and other infectious and contagious diseases.

Also,

Senate Bill No. 238,

A bill for an act to amend section 8478 of chapter 5 of the justice code of the revised codes of North Dakota for 1905, relating to change of venue and number of such

changes, and granting a change of venue to state and defendant alike.

Also,

Senate Bill No. 276,

A bill for an act to establish a legislative drafting bureau in connection with the legislative reference department of the state library commission.

Also,

Senate Bill No. 274,

A bill for an act to amend chapter 151 of the laws of 1907; an act to require the annual apportionment and accounting of surplus of life insurance companies as to policies heretofore issued.

Also,

Senate Bill No. 296,

A bill for an act to amend section 460 of the revised codes of North Dakota for 1905, relating to the supreme court reports, how printed, and number.

Also,

Senate Bill No. 303,

A bill for an act to amend section 871 of the revised code of the state of North Dakota of 1905, relating to education.

And the speaker signed the same in the presence of the House.

Senate Bill No. 247,

A bill for an act to authorize the insurance commissioner to accept the deposit of securities from domestic life insurance companies.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 47, nays 27, absent and not voting 21.

Those who voted in the affirmative were:

Messrs.—
Akesson
Atwood

Messrs.—
Geidt
Goldammer

Messrs.—
Nelson of Walsh
Nyhus

| | | |
|-------------------|----------------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Baker of Cass | Hale | Plath |
| Baker of Stark | Hendrickson | Poe |
| Bjorndahl | Hill | Price |
| Brynjolfson | Homnes | Putnam |
| Burns | Jewett | Senour |
| Chatfield | Johnson of Bottineau | Sinclair |
| Christenson | Knox | Skinner |
| Collins of Cass | Law | Skulason |
| Crawford | Linde | Sorlie |
| Dibley | Lindvig | Storey |
| Doyle of McIntosh | Lucke | Streeter |
| Duncan | McCrea | Wisner |
| Evans | Narum | Wolbert |
| Fraine | Nelson of McHenry | |

Those who voted in the negative were:

| | | |
|------------|--------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Anderson | Johnson of McLean | Pound |
| Brusletten | Johnson of Rolette | Sheils |
| Cunningham | Laithwaite | Thompson, Gd. Forks |
| Ganssle | Martin | Thompson of McLean |
| Gibbins | McLear | Traynor |
| Hanley | Moen of Benson | Ward |
| Hemmingson | Nelson of Steele | Welford |
| Honey | Paulson | Young |
| Hughes | Pendray | Mr. Speaker |

Absent and not voting:

| | | |
|----------------------|--------------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Grant | Peart |
| Burnett | Kinney of McLean | Ployhar |
| Collins of Gd. Forks | Kinney of Richland | Schull |
| Davidson | Kneeland | Sgutt |
| Doyle of Foster | Kremer | Steen |
| Freeman | Moen of Cavalier | Thoreson |
| Garden | Olson | White |

Messrs. Freeman and Grant being excused.

So the bill was lost.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,

March 5, 1909.

Mr. Speaker:

I have the honor to return herewith
House Bill No. 283,

A bill for an act to amend sections 9354, 9355, 9356, 9357, 9358, 9359, 9360, 9361, 9362, 9363, of the revised codes of

1905, and any acts amendatory thereof, and to re-enact sections 9364 and 9365 of said code, regulating the sale of intoxicating liquors by druggists who are registered pharmacists; and to provide a method of such sales, and of granting and revoking of permits.

Which the senate has passed unchanged.

Very respectfully,
J. W. FOLEY,
Secretary.

THIRD READING OF SENATE BILLS.

Senate Bill No. 324,

A bill for an act making it unlawful for any person to receive the proceeds or earnings of any woman engaged in prostitution.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 81, nays 0, absent and not voting 14.

Those who voted in the affirmative were:

| | | |
|----------------------|--------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Akesson | Hanley | Nyhus |
| Anderson | Hemmingson | Paulson |
| Atwood | Hendrickson | Peart |
| Baker of Cass | Hill | Pendray |
| Baker of Stark | Homnes | Poe |
| Bjorndahl | Honey | Pound |
| Brusletten | Hughes | Price |
| Brynjulson | Jewett | Putnam |
| Burns | Johnson of McLean | Senour |
| Chatfield | Johnson of Rolette | Shells |
| Christenson | Kinney of McLean | Sinclair |
| Collins of Cass | Kinney of Richland | Skinner |
| Collins of Gd. Forks | Kneeland | Skulason |
| Crawford | Kremer | Sorlie |
| Cunningham | Law | Steen |
| Davidson | Laithwaite | Storey |
| Dibley | Lindvig | Streeter |
| Doyle of Foster | Lucke | Thompson, Gd. Forks |
| Doyle of McIntosh | Martin | Thompson of McLean |
| Duncan | McCrea | Thoreson |
| Evans | McLear | Traynor |
| Fraine | Moen of Benson | Ward |
| Ganssle | Moen of Cavalier | Welford |
| Garden | Narum | Wisner |
| Geidt | Nelson of McHenry | Wolbert |
| Gibbens | Nelson of Steele | Young |
| Hale | Nelson of Walsh | Mr. Speaker |

Absent and not voting:

| Messrs.— | Messrs.— | Messrs.— |
|-----------|----------------------|----------|
| Aasheim | Johnson of Bottineau | Ployhar |
| Burnett | Knox | Schull |
| Freeman | Linde | Sgutt |
| Goldammer | Olson | White |
| Grant | Plath | |

Messrs. Freeman and Grant being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 197,

A bill for an act to amend section 6 of chapter 76 of the laws of North Dakota, 1907, relating to contingent fund for state's attorney.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 81, nays 0, absent and not voting 14.

Those who voted in the affirmative were:

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|--------------------|---------------------|
| Akeson | Hale | Nyhus |
| Anderson | Hanley | Paulson |
| Atwood | Hemmingson | Pendray |
| Baker of Cass | Hendrickson | Plath |
| Baker of Stark | Homes | Poe |
| Bjorndahl | Honey | Price |
| Brusletten | Hughes | Pound |
| Brynjulson | Jewett | Putnam |
| Burns | Johnson of McLean | Senour |
| Chatfield | Kinney of McLean | Sheils |
| Christenson | Kinney of Richland | Sinclair |
| Collins of Cass | Kneeland | Skinner |
| Collins of Gd. Forks | Knox | Skulason |
| Crawford | Kremer | Sorlie |
| Cunningham | Law | Steen |
| Davidson | Laithwaite | Storey |
| Dibley | Lindvig | Streeter |
| Doyle of Foster | Lucke | Thompson, Gd. Forks |
| Doyle of McIntosh | Martin | Thompson of McLean |
| Duncan | McCrea | Thoreson |
| Evans | McLear | Traynor |
| Fraine | Moen of Benson | Ward |
| Ganssle | Moen of Cavalier | Welford |
| Garden | Narum | Wisner |
| Geidt | Nelson of McHenry | Wolbert |
| Gibbens | Nelson of Steele | Young |
| Goldammer | Nelson of Walsh | Mr. Speaker |

Absent and not voting:

| Messrs.— | Messrs.— | Messrs.— |
|----------|----------------------|----------|
| Aasheim | Johnson of Bottineau | Ployhar |
| Burnett | Johnson of Rolette | Schull |
| Freeman | Linde | Sgutt |
| Grant | Olson | White |
| Hill | Peart | |

Messrs. Freeman and Grant being excused.
So the bill passed and the title was agreed to.

Senate Bill No. 332,

A bill for an act defining the crime of detention of a woman in a house of ill-fame against her will, and prescribing 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 83, nays 0, absent and not voting 12.

Those who voted in the affirmative were:

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|----------------------|---------------------|
| Akesson | Hanley | Peart |
| Anderson | Hemmingson | Pendray |
| Atwood | Hendrickson | Plath |
| Baker of Cass | Hill | Ployhar |
| Baker of Stark | Homnes | Poe |
| Bjorndahl | Hughes | Pound |
| Brusletten | Jewett | Price |
| Brynjulson | Johnson of Bottineau | Putnam |
| Burns | Johnson of McLean | Senour |
| Chatfield | Johnson of Rolette | Sgutt |
| Christenson | Kinney of McLean | Sheils |
| Collins of Cass | Knox | Sinclair |
| Collins of Gd. Forks | Law | Skinner |
| Crawford | Laithwaite | Skulason |
| Cunningham | Linde | Sorlie |
| Davidson | Lindvig | Steen |
| Dibley | Lucke | Storey |
| Doyle of Foster | Martin | Streeter |
| Doyle of McIntosh | McCrea | Thompson, Gd. Forks |
| Duncan | McLear | Thompson of McLean |
| Evans | Moen of Benson | Thoreson |
| Fraine | Moen of Cavalier | Traynor |
| Ganssle | Narum | Ward |
| Garden | Nelson of McHenry | Wisner |
| Geidt | Nelson of Steele | Wolbert |
| Gibbens | Nelson of Walsh | Young |
| Goldammer | Nyhus | Mr. Speaker |
| Hale | Paulson | |

Absent and not voting:

| Messrs.— | Messrs.— | Messrs.— |
|----------|--------------------|----------|
| Aasheim | Honey | Oison |
| Burnett | Kinney of Richland | Schull |
| Freeman | Kneeland | Welford |
| Grant | Kremer | White |

Messrs. Freeman and Grant being excused.
So the bill passed and the title was agreed to.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

**SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,**

March 5, 1909.

Mr. Speaker:

I have the honor to return herewith:

House Bill No. 348,

A bill for an act fixing the salary of the secretary of the board of railroad commissioners and requiring them to reside at the capital city.

Which the senate has amended as follows:

In line 3 section 1, of engrossed bill change "\$2400.00" to "\$2,000.00".

And passed as amended.

Very respectfully,
J. W. FOLEY,
Secretary.

Senate Bill No. 327,

A bill for an act to amend section 8899 of the revised codes of North Dakota of 1905, defining the offence of inveigling into house of prostitution and prescribing the punishment therefor.

Was read the third time.

Mr. Hughes moved

That the further consideration of the bill be indefinitely postponed.

Which motion was lost.

The question being on the final passage of the bill.

The roll was called and there were ayes 78, nays 2, absent and not voting 15.

Those who voted in the affirmative were:

| | | |
|----------------|----------------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Akesson | Hale | Peart |
| Anderson | Hanley | Pendray |
| Atwood | Hemmingson | Plath |
| Baker of Stark | Hendrickson | Poe |
| Bjorndahl | Hill | Pound |
| Brusletten | Homnes | Price |
| Brynjulson | Honey | Putnam |
| Burns | Jewett | Senour |
| Chatfield | Johnson of Bottineau | Shells |
| Christenson | Johnson of McLean | Sinclair |

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|-------------------|---------------------|
| Collins of Cass | Kinney of McLean | Skinner |
| Collins of Gd. Forks | Knox | Skulason |
| Crawford | Law | Sorlie |
| Cunningham | Laithwaite | Steen |
| Davidson | Lindvig | Storey |
| Dibley | Locke | Streeter |
| Doyle of Foster | Martin | Thompson, Gd. Forks |
| Doyle of McIntosh | McCrea | Thompson of McLean |
| Duncan | McLear | Thoreson |
| Evans | Moen of Cavaller | Traynor |
| Fraine | Narum | Ward |
| Ganssle | Nelson of McHenry | Welford |
| Garden | Nelson of Steele | Wisner |
| Geidt | Nelson of Walsh | Wolbert |
| Gibbens | Nyhus | Young |
| Goldammer | Paulson | Mr. Speaker |

Absent and not voting:

| Messrs.— | Messrs.— | Messrs.— |
|---------------|--------------------|----------|
| Aashelm | Kinney of Richland | Olson |
| Baker of Cass | Kneeland | Ployhar |
| Burnett | Kremer | Schull |
| Freeman | Linde | Sgutt |
| Grant | Moen of Benson | White |

Messrs. Hughes and Johnson of Rolette voting in the negative.

Messrs. Freeman and Grant being excused.

So the bill passed and the title was agreed to.

Mr. Price moved

That the house concur in the senate amendments to House Bill No. 348.

Which motion prevailed, and

The amendments were concurred in

House Bill No. 348,

A bill for an act fixing the salary of the secretary of the board of railroad commissioners and requiring them to reside at the capital city.

Was read the third time.

The question being on the final passage of the bill as amended by the senate.

The roll was called and there were ayes 81, nays 1, absent and not voting 13.

Those who voted in the affirmative were:

| Messrs.— | Messrs.— | Messrs.— |
|---------------|-------------|----------|
| Akesson | Hanley | Nyhus |
| Anderson | Hemmingson | Paulson |
| Atwood | Hendrickson | Peart |
| Baker of Cass | Hill | Pendray |

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|----------------------|--------------------|
| Baker of Stark | Homes | Plath |
| Bjorndahl | Honey | Pound |
| Brusletten | Hughes | Price |
| Brynjulson | Johnson of Bottineau | Putnam |
| Burns | Johnson of McLean | Senour |
| Chatfield | Johnson of Rolette | Sgutt |
| Christenson | Kinney of McLean | Shells |
| Collins of Cass | Kinney of Richland | Sinclair |
| Collins of Gd. Forks | Knox | Skinner |
| Crawford | Kremer | Skulason |
| Cunningham | Law | Sorlie |
| Davidson | Laithwaite | Steen |
| Dibley | Linde | Storey |
| Doyle of Foster | Lindvig | Streete. |
| Doyle of McIntosh | Lucke | Thompson of McLean |
| Duncan | Martin | Thoreson |
| Evans | McCrea | Traynor |
| Fraine | McLear | Ward |
| Garden | Moen of Benson | Welford |
| Geidt | Narum | Wisner |
| Gibbens | Nelson of McHenry | Wolbert |
| Goldammer | Nelson of Steele | Young |
| Hale | Nelson of Walsh | Mr. Speaker |

Absent and not voting:

| Messrs.— | Messrs.— | Messrs.— |
|----------|------------------|----------|
| Aasheim | Jewett | Ployhar |
| Burnett | Kneeland | Poe |
| Freeman | Moen of Cavalier | Schull |
| Ganssle | Olson | White |
| Grant | | |

Mr. Thompson of Grand Forks voting in the negative.

Messrs. Freeman and Grant being excused.

So the bill passed and the title was agreed to.

Mr. Chatfield moved that the vote by which Senate Bill No. 130 was lost be reconsidered

Which motion was lost.

House Bill No. 330,

A bill for an act declaring all cities heretofore attempted to be incorporated under the provisions of section 2632 of the revised codes of 1905 to have been duly incorporated and validating all acts done and contracts made under such incorporation.

Was read the third time.

Mr. Fraine moved

That the further consideration of the bill be indefinitely postponed.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Senate Bill No. 325,

A bill for an act to amend section 2335 of the revised codes of the state of North Dakota of 1905, relating to the transcribing of records in newly organized counties.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 77, nays 0, absent and not voting 18.

Those who voted in the affirmative were:

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|--------------------|---------------------|
| Akesson | Hill | Plath |
| Anderson | Homnes | Poe |
| Atwood | Honey | Pound |
| Baker of Cass | Hughes | Price |
| Baker of Stark | Johnson of McLean | Putnam |
| Bjorndahl | Johnson of Rolette | Senour |
| Brusletten | Kinney of McLean | Sgutt |
| Brynjulson | Kinney of Richland | Shells |
| Burns | Kneeland | Sinclair |
| Chatfield | Knox | Skinner |
| Christenson | Law | Skulason |
| Collins of Cass | Laithwaite | Sorlie |
| Collins of Gd. Forks | Lindvig | Steen |
| Crawford | Lucke | Storey |
| Cunningham | Martin | Streeter |
| Davidson | McCrea | Thompson, Gd. Forks |
| Dibley | McLear | Thompson of McLean |
| Doyle of McIntosh | Moen of Benson | Thoreson |
| Duncan | Moen of Cavalier | Traynor |
| Fraine | Narum | Ward |
| Garden | Nelson of McHenry | White |
| Gibbens | Nelson of Steele | Wisner |
| Hale | Nyhus | Wolbert |
| Hanley | Paulson | Young |
| Hemmingson | Peart | Mr. Speaker |
| Hendrickson | Pendray | |

Absent and not voting:

| Messrs.— | Messrs.— | Messrs.— |
|-----------------|----------------------|-----------------|
| Aasheim | Geidt | Linde |
| Burnett | Goldammer | Nelson of Walsh |
| Doyle of Foster | Grant | Olson |
| Evans | Jewett | Ployhar |
| Freeman | Johnson of Bottineau | Schull |
| Ganssle | Kremer | Welford |

Messrs. Freeman and Grant being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 176,

A concurrent resolution for an amendment to the constitution for a state hail insurance department and making

the commissioner of agriculture and labor also the commissioner of state hail insurance, prescribing rules, regulations and duties of all officers and persons connected therewith, prescribing how taxes for same shall be levied and collected and how expenses and indemnity for losses by hail shall be paid.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 40, nays 42, absent and not voting 13.

Those who voted in the affirmative were:

| Messrs.— | Messrs.— | Messrs.— |
|-------------|----------------------|---------------------|
| Anderson | Hill | Moen of Cavalier |
| Bjorndahl | Homnes | Narum |
| Brusletten | Jewett | Nelson of Steele |
| Brynjulson | Johnson of Bottineau | Nelson of Walsh |
| Chatfield | Johnson of McLean | Nyhus |
| Crawford | Johnson of Rolette | Sgutt |
| Duncan | Kinney of McLean | Skinner |
| Evans | Knox | Steen |
| Fraine | Law | Thompson, Gd. Forks |
| Garden | Laithwaite | Thompson of McLean |
| Gibbens | Linde | Thoreson |
| Goldammer | Lucke | Traynor |
| Hanley | Martin | |
| Hendrickson | Moen of Benson | |

Those who voted in the negative were:

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|-------------------|-------------|
| Akesson | Hemmingson | Price |
| Atwood | Honey | Putnam |
| Baker of Cass | Hughes | Senour |
| Baker of Stark | Lindvig | Sinclair |
| Burns | McCrea | Skulason |
| Christenson | McLear | Sorlie |
| Collins of Cass | Nelson of McHenry | Storey |
| Collins of Gd. Forks | Paulson | Streeter |
| Cunningham | Peart | Ward |
| Dibley | Pendray | Welford |
| Doyle of McIntosh | Plath | Wisner |
| Ganssle | Ployhar | Wolbert |
| Geidt | Poe | Young |
| Hale | Pound | Mr. Speaker |

Absent and not voting:

| Messrs.— | Messrs.— | Messrs.— |
|-----------------|--------------------|----------|
| Aasheim | Grant | Schull |
| Burnett | Kinney of Richland | Shells |
| Davidson | Kneeland | White |
| Doyle of Foster | Kremer | |
| Freeman | Olson | |

Messrs. Freeman and Grant being excused.
So the bill was lost.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,

March 5, 1909.

Mr. Speaker:

I have the honor to return herewith:

House Bill No. 207,

A bill for an act to regulate the employment of child labor and to prescribe penalties for violation of this act.

Which the senate has amended as follows:

Section 6, line 7 of printed bill, strike out the word "sixty" where it appears before the word "days" and insert in lieu thereof the word "twenty".

Section 7, line 3 of the printed bill, strike out the word "forty-eight" where it appears after the word "than" and insert in lieu thereof the word "sixty".

And passed as amended.

Very respectfully,

J. W. FOLEY,
Secretary.

Mr. Skulason moved

That the house do now concur in the senate amendments to House Bill No. 207

Which motion prevailed, and

The amendments were concurred in

House Bill No. 207,

A bill for an act to regulate the employment of child labor and to prescribe penalties for violation of this act.

Was read the third time.

The question being on the final passage of the bill as amended by the senate.

The roll was called and there were ayes 83, nays 0, absent and not voting 12.

Those who voted in the affirmative were:

| | | |
|----------------------|--------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Akesson | Hanley | Nyhus |
| Anderson | Hemmingson | Paulson |
| Atwood | Hendrickson | Feart |
| Baker of Cass | Hill | Plath |
| Baker of Stark | Homnes | Poe |
| Bjorndahl | Honey | Pound |
| Brusletten | Hughes | Price |
| Brynjulson | Jewett | Putnam |
| Burns | Johnson of McLean | Senour |
| Chatfield | Johnson of Rolette | Sheils |
| Christenson | Kinney of McLean | Sinclair |
| Collins of Cass | Kinney of Richland | Skinner |
| Collins of Gd. Forks | Kneeland | Skulason |
| Crawford | Knox | Sorlie |
| Cunningham | Kremer | Steen |
| Davidson | Law | Storey |
| Dibley | Laithwaite | Streeter |
| Doyle of Foster | Lindvig | Thompson, Gd. Forks |
| Doyle of McIntosh | Lucke | Thompson of McLean |
| Duncan | Martin | Thoreson |
| Evans | McCrea | Traynor |
| Fraine | McLear | Ward |
| Ganssle | Moen of Benson | Welford |
| Garden | Moen of Cavalier | Wisner |
| Geidt | Narum | Wolbert |
| Gibbens | Nelson of McHenry | Young |
| Goldammer | Nelson of Steele | Mr. Speaker |
| Hale | Nelson of Walsh | |

Absent and not voting:

| | | |
|----------|----------------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Johnson of Bottineau | Ployhar |
| Burnett | Linde | Schull |
| Freeman | Olson | Stutt |
| Grant | Pendray | White |

Messrs. Freeman and Grant being excused.
So the bill passed and the title was agreed to.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,

March 5, 1909.

Mr. Speaker:

I have the honor to inform you that the senate declines to concur in the house amendments to Senate Bill No. 283 and asks for a committee of conference, and the president has

named as such conferees on the part of the senate, Messrs. Koffel, Purcell, and Bessesen.

Also,

Mr. Speaker:

I have the honor to inform you that the senate declines to concur in the house amendments to Senate Bill No. 220 and asks for a committee of conference, and the President has named as such conferees on the part of the senate, Messrs. Neal, Gilbert and Wallin.

Very respectfully,

J. W. FOLEY,
Secretary.

The speaker appointed as a conference committee on House Bill No. 283, Messrs. Anderson, Hughes and McLearn.

The speaker appointed as a conference committee on House Bill No. 220, Messrs. Kneeland, Chatfield, and Baker of Cass.

THIRD READING OF SENATE BILLS.

Senate Bill No. 284,

A bill for an act, entitled an act to regulate the sale and offering for sale of mining stocks or shares within the state of North Dakota, and to provide 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 82, nays 0, absent and not voting 13.

Those who voted in the affirmative were:

| | | |
|----------------------|--------------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Akesson | Hemmingson | Paulson |
| Anderson | Hendrickson | Peart |
| Atwood | Hill | Pendray |
| Baker of Cass | Homnes | Plath |
| Baker of Stark | Honey | Poe |
| Bjorndahl | Hughes | Pound |
| Brusletten | Jewett | Price |
| Brynjulson | Johnson of McLean | Putnam |
| Burns | Johnson of Rolette | Senour |
| Chatfield | Kinney of McLean | Sgutt |
| Christenson | Kinney of Richland | Shells |
| Collins of Cass | Kneeland | Sinclair |
| Collins of Gd. Forks | Knox | Skinner |

| | | |
|-------------------|-------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Crawford | Kremer | Skulason |
| Cunningham | Law | Sorlie |
| Davidson | Laithwaite | Steen |
| Dibley | Linde | Storey |
| Doyle of McIntosh | Lindvig | Streeter |
| Duncan | Lucke | Thompson, Gd. Forks |
| Evans | Martin | Thompson of McLean |
| Fraine | McCrea | Thoreson |
| Ganssle | McLear | Ward |
| Garden | Moen of Benson | Welford |
| Geidt | Nelson of McHenry | Wisner |
| Gibbens | Nelson of Steele | Wolbert |
| Goldammer | Nelson of Walsh | Young |
| Hale | Nyhus | Mr. Speaker |
| Hanley | | |

Absent and not voting:

| | | |
|-----------------|----------------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Johnson of Bottineau | Ployhar |
| Burnett | Moen of Cavalier | Schull |
| Doyle of Foster | Narum | Traynor |
| Freeman | Olson | White |
| Grant | | |

Messrs. Freeman and Grant being excused.
So the bill passed and the title was agreed to.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,

March 5, 1909.

Mr. Speaker:

I have the honor to return herewith:

House Bill No. 108,

A bill for an act providing for the inspection of refined petroleum oils and gasoline. Defining ports of entry. Appointment of oil inspector and deputies and fixing the salary of the same.

Which the senate has amended as follows:

Strike out all of lines 40 and 41 in section 1, page 3 of the printed bill.

Section 3 of the printed bill strike out the word "inspection" where it appears at end of line 9 and insert in lieu thereof the word "general"; in line 10 of same section

strike out the word "of" where it appears after the word "funds."

Section 3, line 14, strike out the words "oil inspection" and insert in lieu thereof the word "general."

After line 8, subdivision one, section five of printed bill, page 6, add the following: "Subdivision No. the following:

"Subdivision 2. After being subjected to inspection as herein provided, and having withstood all inspection tests any such so inspected oil having a gravity of 48 degrees or better may be colored red."

Change numbers of subdivisions "2" and "3" of section 5 to read as follows, "3" and "4".

On page 6, line 18 of printed bill, strike out the words "the statute" and insert in lieu thereof "this act."

After line 8, page 6, add the following: "Subdivision No. 5. All such low gravity oil shall when sold in packages, or from tank wagons, be plainly marked 42 degrees gravity oil, and such marks or labels shall conform approximately to the following description, viz: The words '42 degrees gravity oil,' and such marks or labels, shall when appearing on barrels or any container other than tank wagons, be made up of letters not less than two inches square each and same words shall appear on tank wagons from which such specified oil is sold in letters not less than three inches square each, and such sign or label shall be so placed on such tank wagon as to be plainly readable from both sides of tank wagon on which it may appear. Further provided, that the marks or labels herein described shall not appear on any container, barrel or tank wagon, unless such container, barrel or tank wagon shall contain the particular grade of oil for which this particular mark or label is intended."

Subdivision 7, section 5: "All storage receptacles from which illuminating oils subject to inspection under the provisions of this act are sold at retail shall have labels attached to the spout or faucet from which such oils are drawn, which labels shall plainly designate the approximate gravity of the oils so drawn as either 42 degrees or 46 degrees or 48 degrees as the case may be."

Change number of subdivisions 4 and 5 of section 5, printed bill, to correspond with new subdivisions.

In line 37, page 6, of printed bill, after the word "duration" insert a comma and the following words, "consuming 95 per cent of the oil."

In line 47, page 7 of printed bill, strike out the word "flash" where it appears after the word "to" and insert in lieu thereof the word "color."

In line 59, same page, insert the word "any" after the word "such" and before the word corporation."

In line 69, page 8 of printed bill, strike out the words "per cent" and insert in lieu thereof "degrees."

In line 15, page 12 of the printed bill, strike out the word "the" where it appears after the word "adulterate" and insert in lieu thereof the word "with."

Page 12, section 12, line 2 of printed bill, strike out the word "thirty" and insert in lieu thereof the word "ninety".

Section 15, line 2 of printed bill, strike out the words "oil inspection" where they appear and insert in lieu thereof the word "general."

In line 3 of same section strike out the words "inspection of oil" and insert in lieu thereof the words "inspector of oils." "Emergency clause lost."

And passed as amended.

Very respectfully,

J. W. FOLEY,

Secretary.

Mr. Wolbert moved

That the house do not concur in the senate amendments to House Bill No. 108 and the speaker appoint a conference committee of three,

Which motion prevailed, and

The speaker appointed as conference committee on House Bill 108, Messrs. Sorlie, Wolbert and Garden.

Senate Bill No. 269,

A bill or an act establishing a county hail insurance department, prescribing rules, regulations and duties of all officers and persons connected therewith, prescribing how taxes for same shall be levied and collected, and how expenses and indemnity for losses by hail shall be paid.

Was read the third time.

Mr. Baker of Cass moved

That the further consideration of the bill be indefinitely postponed.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Senate Bill No. 335,

A bill for an act defining the crime of assault and battery with intent to do great bodily harm, and prescribing the punishment therefor.

Was read the third time.

Mr. Sorlie moved

That the further consideration of the bill be indefinitely postponed.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

The chief clerk announced that the speaker was about to sign.

Senate Bill No. 71,

A bill for an act amending the constitution of the state of North Dakota, empowering the legislative assembly to provide by law for the erection, leasing, purchasing and operating terminal elevators, in the states of Minnesota and Wisconsin or either.

Also,

Senate Bill No. 24,

An act to amend section 1582 of the revised codes of North Dakota for the year 1905, relating to the redemption of real estate.

Also,

Senate Bill No. 278,

A bill for an act, entitled an act to amend section 9758 of the state of North Dakota, relating to preliminary examinations.

Also,

Senate Bill No. 243,

A bill for an act making an appropriation to pay P. O. Fossom, George Platzer, janitors; A. Glorvick, messenger; and C. J. Hutchinson, clerk, of the tenth legislative assembly for services rendered during that session.

Also,

Senate Bill No. 188,

A bill for an act authorizing the state engineer to grant permits for the appropriation of flood waters of draws, coulees or streams and water courses, which for the greater part of the year flow less than one-third of one cubic foot per second.

Also,

Senate Bill No. 93,

A bill for an act authorizing the sale of a certain portion of the land granted by the United States government for a memorial park and burial ground of soldiers killed at the battle of White Stone Hill, and to provide how the moneys arising from such sale shall be expended.

And the speaker signed the same in the presence of the House.

Senate Bill No. 329.

A bill for an act defining a prostitute, and prescribing the punishment therefor:

Was read the third time.

Mr. Sorlie moved

That the further consideration of the bill be indefinitely postponed.

Which motion was lost.

The question being on the final passage of the bill.

The roll was called and there were ayes 62, nays 10, absent and not voting 23.

Those who voted in the affirmative were:

| | | |
|-------------------|--------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Anderson | Hemmingson | Peart |
| Atwood | Hendrickson | Pendray |
| Baker of Stark | Hill | Ployhar |
| Bjorndahl | Homnes | Poe |
| Brusletten | Honey | Pound |
| Brynjulson | Hughes | Putnam |
| Christenson | Jewett | Sheils |
| Collins of Cass | Johnson of McLean | Sinclair |
| Crawford | Johnson of Rolette | Skinner |
| Cunningham | Kinney of McLean | Skulason |
| Davidson | Knox | Storey |
| Dibley | Law | Streeter |
| Doyle of Foster | Laithwaite | Thompson, Gd. Forks |
| Doyle of McIntosh | McCrea | Thompson of McLean |

| Messrs.— | Messrs.— | Messrs.— |
|----------|-------------------|-------------|
| Duncan | Moen of Benson | Traynor |
| Fraine | Moen of Cavalier | Ward |
| Ganssle | Narum | Wisner |
| Garden | Nelson of McHenry | Wolbert |
| Geidt | Nelson of Steele | Young |
| Gibbens | Nelson of Walsh | Mr. Speaker |
| Hanley | Paulson | |

Those who voted in the negative were:

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|----------|----------|
| Akesson | Kremer | Martin |
| Burns | Lindvig | Price |
| Collins of Gd. Forks | Lucke | Sorlie |
| Hale | | |

Absent and not voting:

| Messrs.— | Messrs.— | Messrs.— |
|---------------|----------------------|----------|
| Aasheim | Johnson of Bottineau | Schull |
| Baker of Cass | Kinney of Richland | Senour |
| Burnett | Kneeland | Sgutt |
| Chatfield | Linde | Steen |
| Evans | McLear | Thoreson |
| Freeman | Nyhus | Welford |
| Goldammer | Olson | White |
| Grant | Plath | |

Messrs. Freeman and Grant being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 167,

A bill for an act requiring corporations or individuals operating railroads to construct cattle guards on private roads; certain other crossings: keeping such guards or crossings in repair, and providing penalty for violations of the provisions of this act.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 70, nays 3, absent and not voting 22.

Those who voted in the affirmative were:

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|--------------------|----------|
| Akesson | Hemmingson | Pendray |
| Anderson | Hendrickson | Plath |
| Baker of Stark | Hill | Ployhar |
| Bjorndahl | Homnes | Poe |
| Brusletten | Honey | Pound |
| Brynjulson | Hughes | Price |
| Burns | Johnson of McLean | Putnam |
| Christenson | Johnson of Rolette | Senour |
| Collins of Cass | Kinney of McLean | Sgutt |
| Collins of Gd. Forks | Kinney of Richland | Sinclair |

| Messrs.— | Messrs.— | Messrs.— |
|-------------------|------------------|--------------------|
| Crawford | Knox | Skulason |
| Cunningham | Kremer | Sordie |
| Davidson | Law | Steen |
| Doyle of Foster | Linde | Storey |
| Doyle of McIntosh | Lindvig | Streeter |
| Duncan | Martin | Thompson of McLean |
| Evans | Moen of Benson | Thoreson |
| Ganssle | Moen of Cavalier | Traynor |
| Garden | Narum | Ward |
| Geidt | Nelson of Steele | Welford |
| Gibbens | Nelson of Walsh | Wisner |
| Goldammer | Nyhus | Wolbert |
| Hale | Paulson | Mr. Speaker |
| Hanley | Peart | |

Those who voted in the negative were:

| Messrs.— | Messrs.— | Messrs.— |
|----------|-------------------|----------|
| Fraine | Nelson of McHenry | Young |

Absent and not voting:

| Messrs.— | Messrs.— | Messrs.— |
|---------------|----------------------|---------------------|
| Aasheim | Grant | McLear |
| Atwood | Jewett | Olson |
| Baker of Cass | Johnson of Bottineau | Schull |
| Burnett | Kneeland | Sheils |
| Chatfield | Laithwaite | Skinner |
| Dibley | Lucke | Thompson, Gd. Forks |
| Freeman | McCrea | White |

Messrs. Freeman and Grant being excused.

So the bill passed and the title was agreed to.

The committee on enrollment made the following report:
Mr. Speaker:

Your committee on enrollment respectfully report that the following house bills

House Bill No. 24,

A bill for an act to amend section 19 of chapter 169 of the laws of 1907, entitled "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."

Also,

House Bill No. 166,

An act making an appropriation to meet the deficiency incurred by the state live stock sanitary board in carrying out the purposes of chapter 169 of session laws of 1907.

Also,

House Bill No. 11,

A bill for an act making an appropriation for the purchase and installing of a clock in the house chamber.

Also,

House Bill No. 30,

A bill for an act amending section 8366 of the revised codes of North Dakota for 1905, relating to service by publication of summons in justice courts.

Also,

House Bill No. 44,

A concurrent resolution amending the constitution of the state of North Dakota, relating to the term of office of the judges of the supreme court.

Also,

House Bill No. 8,

A concurrent resolution for an amendment to the constitution of the state of North Dakota, creating the office of justice of the peace and fixing and providing for the jurisdiction thereof.

Also,

House Bill No. 48,

A bill for an act to authorize the board of trustees or directors of the state university and school of mines, the state agricultural college, the state school of forestry, the North Dakota academy of science, the state industrial school and the various state normal schools of the state of North Dakota to lease portions of the compuses of said institutions to societies and organizations of students and graduates thereof; and legalizing such leases heretofore made.

Also,

House Bill No. 63,

For an act to amend sections 1, 2, 3, 4, 6, and 14 of chapter 135 of the laws of 1907.

Also,

House Bill No. 12,

A bill for an act authorizing counties to issue bonds or warrants to procure seed grain for needy farmers resident therein.

Also,

House Bill No. 25,

A bill for an act to amend section 2439 of the 1907 session laws, relating to sinking funds and the duty of county commissioners pertaining thereto.

Also,

House Bill No. 116,

A bill for an act to amend section 473 of the revised codes of North Dakota of 1905, relating to the boundaries and terms of court in the fifth judicial district.

Also,

House Bill No. 65,

A bill for an act relating to evidence regarding the chain of title to real estate.

Also,

House Bill No. 69,

A bill for an act to amend section 8184 of the revised codes of North Dakota for 1905, relating to the commissions to be allowed administrators and executors when no provision is made in the will.

Also,

House Bill No. 68,

A bill for an act to amend section 1513 of the revised codes of North Dakota for 1905, relating to the furnishing by county auditors of assessment books and blanks and lists of real property, and regulating time of meeting of assessors.

Also,

House Bill No. 154,

A bill for an act to amend sections 2173 and 2174 of the revised codes of the state of North Dakota for 1905, relating to automobiles.

Also,

House Bill No. 70,

A bill for an act amending section 687 of the revised codes of 1905.

Also,

House Bill No. 156,

A bill for an act for the protection of game, fish, wild birds and fur bearing wild animals, and creating the offices of state district game and fish wardens, deputies, board of control, state fish commissioner, and defining their duties and jurisdiction.

Also,

House Bill No. 66,

A bill for an act to amend section 8049 of the revised codes of North Dakota of 1905, relating to the bonds of executors, administrators and guardians.

Also,

House Bill No. 231,

A bill for an act to amend section 9650 of the revised codes of 1905, relating to bastardy proceedings.

Also,

House Bill No. 208,

A bill for an act to prohibit the printing, publishing, circulating or distributing of advertisements or advertising matter relating to the treatment or cure of venereal diseases or disorders or diseases of the sexual organs, or relating to any medicines, drugs, drug compounds, appliances or means for causing miscarriage or abortion, or regulating or re-establishing suppressed menses, and providing punishment for the violation of this act.

Also,

House Bill No. 90,

A bill for an act to amend section 2600 of the revised codes of 1905 and to repeal section 2601 of the revised codes of 1905.

Also,

House Bill No. 181,

A bill for an act to amend section 3153 and the repeal of section 3154 of the revised codes of 1905, relating to meetings of township board of auditors.

Also,

House Bill No. 131,

A bill for an act making it the duty of the board of university and school lands to accept payment in full and issue patent for any school or institution lands required by any person, firm or corporation holding contract therefor, for townsite purposes.

Also,

House Bill No. 306,

A bill for an act creating and establishing an agricultural experiment station on the reform school grounds near Mandan, in Morton county, providing for its management and making an appropriation therefor.

Also,

House Bill No. 95,

A bill for an act to amend section 7182 of the revised codes of 1905, relating to costs on appeal from justice court.

Also,

House Bill No. 190,

A bill for an act providing for the office of chief justice of the supreme court, and prescribing the duties of the Chief Justice.

Also,

House Bill No. 249,

A bill for an act to amend section 10,245 of the revised codes of North Dakota for 1905, relating to the place where the board of pardons shall hold its sessions.

Also,

House Bill No. 177,

A bill for an act providing for the creating, establishing and maintaining of a biological station on the shore of Dev-

ils Lake in Ramsey county, North Dakota, for the control of such station and work associated therewith, appointment of directors of such station and its associated work, prescribing the duties of such directors.

Also,

House Bill No. 100,

For an act to amend section 8403 of the 1905 revised codes of North Dakota relating to service of all garnish summons.

Also,

House Bill No. 98,

A bill for an act to amend section 2884, article 7, chapter 31, of the revised codes of the state of North Dakota for 1905, relating to powers and duties of village officers.

Also,

House Bill No 6,

A concurrent resolution amending the constitution of the state of North Dakota, establishing and locating a state normal school in the city of Minot, county of Ward.

Also,

House Bill No. 165,

A bill for an act to amend section 533 of the 1905 revised codes of North Dakota relative to the authorization of officers to administer oaths.

Also,

House Bill No. 182,

A bill for an act to amend section 3141 of the revised codes of 1905, relating to bond to be given by clerks of civil townships.

Also,

House Bill No. 125,

A bill for an act entitled: "An act giving holders of contracts for the purchase of state lands the right to bring actions in the courts in certain cases with reference thereto, and providing for the protection of the interests of the state

in such property when taken by railways for right of way or other purposes, and providing for the release of the claim of the state thereto."

Also,

House Bill No. 96,

A bill for an act authorizing the state engineer, on the approval of the governor, to receive and receipt to the secretary of state for all the field notes, maps, records and other papers appertaining to land titles within the state of North Dakota, and for such other property and records as the government may direct to be turned over to the state when all of the public surveys in the state of North Dakota shall have been completed.

Also,

House Bill No. 248,

A bill for an act to amend sections 2405, 2407, 2408 and 2409 of the revised codes of the state of North Dakota for 1905, relating to the authorization of public improvements in counties, and providing for the levying of taxes to aid in the construction of the same.

Also,

House Bill No. 46,

A bill for an act relating to the execution and acknowledgment by a member of a partnership of instruments affecting liens upon real estate.

Also,

House Bill 71,

A bill for an act to provide for a greater publicity of the finances of the state.

Have been duly delivered to the governor for his approval.

H. J. LINDE,
Chairman.

Mr. Linde moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

THIRD READING OF SENATE BILLS.

Senate Bill No. 249,

A bill for an act to amend chapter 145 of the laws of 1907, an act to prohibit the issuance of non-participating policies by certain life insurance companies.

Was read the third time.

Mr. Martin moved

That the further consideration of the bill be indefinitely postponed.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

The committee on enrollment made the following report:
Mr. Speaker:

Your committee on enrollment have examined:

House Bill No. 167,

A bill for an act to permit the construction of cattle-ways under public highways; regulating the construction of same, and prescribing duties of road supervisors in relation thereto.

Also,

House Bill No. 5,

A bill for an act to amend section 4494 of the revised codes of the state of North Dakota for 1905, relating to the time of the election of directors of county mutual fire insurance companies.

Also,

House Bill No. 200,

A bill for an act to amend section 4, chapter 140 of the 1907 session laws of the state of North Dakota, relating to insurance.

Also,

House Bill No. 257,

A bill for an act to amend section 4429 of the revised codes of 1905, relating to the capital stock of insurance companies.

Also,

House Bill No. 262,

A bill for an act repealing section 4465 of the revised codes of 1905, relating to the limit of risks of fire insurance companies in any one town or city.

Also,

House Bill No. 278,

A bill for an act fixing the liability of a bank to its depositor for payment of forged or raised checks.

And find the same correctly enrolled.

H. J. LINDE,
Chairman.

Mr. Linde moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The chief clerk announced that the speaker was about to sign

House Bill No. 278,

A bill for an act fixing the liability of a bank to its depositor for payment of forged or raised checks.

Also,

House Bill No. 262,

A bill for an act repealing section 4465 of the revised codes of 1905, relating to the limit of risks of fire insurance companies in any one town or city.

Also,

House Bill No. 257,

A bill for an act to amend section 4429 of the revised codes of 1905, relating to the capital stock of insurance companies.

Also,

House Bill No. 200,

A bill for an act to amend section 4, chapter 140 of the 1907 session laws of the state of North Dakota, relating to insurance.

Also,

House Bill No. 5,

A bill for an act to amend section 4494 of the revised codes of the state of North Dakota for 1905, relating to the time of the election of directors of county mutual fire insurance companies.

Also,

House Bill No. 167,

A bill for an act to permit the construction of cattleways under public highways; regulating the construction of same, and prescribing duties of road supervisors in relation thereto.

And the speaker signed the same in the presence of the house.

THIRD READING OF SENATE BILLS.

Senate Bill No. 212,

A bill for an act to establish regular sessions for the state board of railway commissioners, and fixing the time, manner and place where such sessions shall be held, and otherwise defining their powers and duties; also defining the duties of the attorney general in relation thereto.

Was read the third time.

Mr. Hale moved

That the further consideration of the bill be indefinitely postponed.

Which motion was lost.

The question being on the final passage of the bill.

The roll was called and there were ayes 51, nays 26, absent and not voting 18.

Those who voted in the affirmative were:

Messrs.—

Akesson
Baker of Cass
Baker of Stark
Bjorndahl
Brynjulsor
Chatfield
Collins of Gd. Forks
Cunningham
Davidson

Messrs.—

Hendrickson
Hill
Homnes
Honey
Hughes
Jewett
Johnson of Bottineau
Johnson of McLean
Johnson of Rolette

Messrs.—

Ployhar
Poe
Price
Putnam
Sgutt
Sheils
Skinner
Skulason
Storey

| | | |
|-----------------|-------------------|--------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Dibley | Kinney of McLean | Thompson of McLean |
| Duncan | Law | Thoreson |
| Evans | Laithwaite | Traynor |
| Fraine | Linde | Welford |
| Garden | Lucke | Wisner |
| Gibbens | Martin | Wolbert |
| Hanley | Narum | Young |
| Hemmingson | Nelson of McHenry | Mr. Speaker |

Those who voted in the negative were:

| | | |
|--------------------|------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Brusletten | Knox | Pendray |
| Christenson | Kremer | Pound |
| Crawford | Lindvig | Sinclair |
| Doyle of McIntosh | McCrea | Sorlie |
| Ganssle | Moen of Benson | Steen |
| Geidt | Moen of Cavaller | Streeter |
| Goldammer | Nelson of Steele | Thompson, Gd. Works |
| Hale | Nelson of Walsh | Ward |
| Kinney of Richland | Paulson | |

Absent and not voting:

| | | |
|-----------------|-----------------|-----------------|
| Messrs.— | Messrs.— | Messrs.— |
| Aashelm | Doyle of Foster | Olson |
| Anderson | Freeman | Peart |
| Atwood | Grant | Plath |
| Burnett | Kneeland | Schull |
| Burns | McLear | Senour |
| Collins of Cass | Nyhus | White |

Messrs. Freeman and Grant being excused.

So the bill passed and the title was agreed to.

Mr. Fraine moved

That the vote by which Senate Bill No. 249 was indefinitely postponed be reconsidered

Which motion was lost.

Senate Bill No. 328,

A bill for an act to amend chapter 179 of the session laws of North Dakota, approved March 2, 1907, entitled 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; such amendments to provide for a levy of not to exceed 3 mills on the dollar in any one year, and by limiting the right to issue bonds to cases where authorized by the vote of the electors, and by adding a new section giving the park board power to plant and protect trees in public streets and highways.

Was read the third time.

The question being on the final passage of the bill.
The roll was called and there were ayes 77, nays 0, absent
and not voting 18.

Those who voted in the affirmative were:

| | | |
|----------------------|----------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Akesson | Hill | Plath |
| Anderson | Homnes | Ployhar |
| Baker of Cass | Honey | Poe |
| Baker of Stark | Hughes | Pound |
| Bjorndahl | Jewett | Price |
| Brusletten | Johnson of Bottineau | Putnam |
| Brynjulson | Johnson of McLean | Senour |
| Burns | Johnson of Rolette | Sgutt |
| Chatfield | Kinney of Richland | Sheils |
| Christenson | Kneeland | Sinclair |
| Collins of Cass | Kremer | Skinner |
| Collins of Gd. Forks | Linde | Skulason |
| Crawford | Lindvig | Sorlie |
| Cunningham | Lucke | Storey |
| Dibley | Martin | Streeter |
| Doyle of Foster | McCrea | Thompson, Gd. Forks |
| Doyle of McIntosh | Moen of Benson | Thompson of McLean |
| Duncan | Moen of Cavalier | Thoreson |
| Fraine | Narum | Traynor |
| Ganssle | Nelson of McHenry | Ward |
| Garden | Nelson of Steele | Welford |
| Geidt | Nelson of Walsh | Wisner |
| Gibbens | Nyhus | Wolbert |
| Hale | Paulson | Young |
| Hemmingson | Pearl | Mr. Speaker |
| Hendrickson | Pendray | |

Absent and not voting:

| | | |
|----------|------------------|------------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Goldammer | Laitlwaite |
| Atwood | Grant | McLear |
| Burnett | Hanley | Olson |
| Davidson | Kinney of McLean | Schull |
| Evans | Knox | Steen |
| Freeman | Law | White |

Messrs. Freeman and Grant being excused.
So the bill passed and the title was agreed to.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER.
BISMARCK, NORTH DAKOTA,
March 5, 1909.

Mr. Speaker:

I have the honor to inform you that the president has

named as senate conferees on House Bill 108, Messrs. Crane, Koffel and Kennedy.

Very respectfully,

J. W. FOLEY,
Secretary.

Mr. Nyhus moved

That the house do now concur in the senate amendments to House Bill No. 204.

Which motion prevailed, and

The amendments were concurred in.

House Bill No. 204,

A bill for an act prohibiting the locking or obstructing of railroad crossings on rural highways or on village or city streets by railroad companies or their employes, by allowing cars, engines, or train of cars to stand on such crossings for a longer period than five minutes at any one time, and providing penalties for violations of this act.

Was read the third time.

The question being on the final passage of the bill as amended by the senate;

The roll was called and there were ayes 78, nays 0, absent and not voting 17.

Those who voted in the affirmative were:

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|--------------------|---------------------|
| Akesson | Hale | Nyhus |
| Anderson | Hanley | Olson |
| Atwood | Hemmingson | Pendray |
| Baker of Cass | Hendrickson | Plath |
| Baker of Stark | Hill | Ployhar |
| Bjorndahl | Hommes | Poe |
| Brusletten | Honey | Pound |
| Brynjulson | Hughes | Price |
| Burns | Jewett | Putnam |
| Chatfield | Johnson of McLean | Schull |
| Christenson | Johnson of Rolette | Sheils |
| Collins of Cass | Kinney of Richland | Sinclair |
| Collins of Gd. Forks | Kneeland | Skinner |
| Crawford | Knox | Skulason |
| Cunningham | Kremer | Steen |
| Davidson | Law | Storey |
| Dibley | Lindvig | Streeter |
| Doyle of McIntosh | Lucke | Thompson, Gd. Forks |
| Duncan | Martin | Thompson of McLean |
| Evans | McCrea | Thoreson |
| Fraine | McLear | Ward |
| Ganssle | Moen of Benson | White |
| Garden | Moen of Cavalier | Wisner |
| Geidt | Narum | Wolbert |

| | | |
|-----------|-------------------|-------------|
| Messrs.— | Messrs.— | Messrs.— |
| Gibbens | Nelson of McHenry | Young |
| Goldammer | Nelson of Steele | Mr. Speaker |

Absent and not voting:

| | | |
|----------------------|------------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Kinney of McLean | Senour |
| Burnett | Laithwaite | Sgutt |
| Doyle of Foster | Linde | Sordie |
| Freeman | Nelson of Walsh | Traynor |
| Grant | Paulson | Welford |
| Johnson of Bottineau | Peart | |

Messrs. Freeman and Grant being excused.
So the bill passed and the title was agreed to.

COMMUNICATION FROM THE SECRETARY OF STATE.

Mr. Skulason moved

That the communication from the secretary of state be not printed in the journal,

Which motion prevailed.

Mr. Hale moved

That the communication be messaged back to the secretary of state with instructions to make any further report that he may see fit.

Which motion prevailed.

COURTESIES OF THE FLOOR.

The privileges of the floor were extended to E. B. Miller, J. I. Miller, Steele, Carl Rustand.

Mr. Chatfield moved

That the house take a recess until 8 o'clock p. m., this evening.

Which motion prevailed, and

The house took a recess until 8 o'clock p. m. this evening.

W. D. AUSTIN,
Chief Clerk.

AFTER RECESS.

The house assembled at 8 o'clock pursuant to recess taken.
The chief clerk announced that the speaker was about to sign

Senate Bill No. 202,

A bill for an act fixing the salary of the clerk of the supreme court.

And the speaker signed the same in the presence of the house.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,

March 5, 1909.

Mr. Speaker:

I have the honor to transmit herewith the following concurrent resolution:

A concurrent resolution memorializing the members of our congressional delegation to use their best endeavor to postpone construction charges for United States reclamation irrigation projects in North Dakota for a period of five (5) years.

WHEREAS, there are in northwest North Dakota three irrigation projects operating under the provisions of the United States Reclamation Act, and

WHEREAS, By the terms of said act the owners of land under those projects who will get the benefits of irrigation are compelled to repay to the United States the cost of construction, operation and maintenance of said projects in ten annual installments, and

WHEREAS, The construction and operation of said irrigation projects will cost much more than was estimated at the time the said land owners entered into a contract with the United States government for the reclamation of said land, and

WHEREAS, The expenses of preparing said land for irrigation, the digging of ditches, putting in of flumes and other expenses are so great as to work a hardship on the new settlers under said projects, these being in a large majority, unless an extension of time for the payment of such charges is given, and

WHEREAS, Efforts have been made to allow the said settlers additional time in which to repay to the government the cost of said construction, operation and maintenance; therefore

Be it Resolved by the Senate of the State of North Dakota, the House of Representatives concurring:

That our members of congress be earnestly requested to use their efforts to secure a postponement of all construction charges for said irrigation projects for a period of five (5) years, and

Resolved, That a duly certified copy of this resolution be, by the secretary of the senate, forwarded to each member of the North Dakota delegation in congress.

Which the senate has adopted and your favorable consideration is respectfully requested.

Also,

Mr. Speaker:

I have the honor to transmit herewith the following concurrent resolution:

Be it Resolved by the Senate of the State of North Dakota, the House of Representatives concurring:

WHEREAS, By a concurrent resolution adopted on the 25th day of January, 1909, being the 21st day of the eleventh legislative session, a joint committee was appointed to investigate charges of mismanagement, corruption and mismanagement in the conduct of the affairs of the State Penitentiary and Twine Plant, and

WHEREAS, Mr. George Schnepfer was appointed or detailed to act as the stenographer and secretary of said committee, and did enter upon the performance of his duties, and

WHEREAS, Said committee has concluded its labors and reported, and has reported to the Legislative Assembly that the said George Schnepfer has during the thirty days of his work as secretary of said committee performed a large amount of extra work by working nights, Sundays and holidays, and has recommended that some action be taken to compensate said George Schnepfer for such extra work, and

WHEREAS, It appears that said George Schnepfer should be compensated in accordance with the recommendations of said committee, now, therefore, be it

Resolved, That said George Schnepfer be allowed and paid for extra work performed for said committee in addition to his regular per diem the sum of one hundred and fifty dollars, to be audited and paid in the same manner as the other compensation of stenographers of the house and senate are paid.

Which the senate has adopted and your favorable consideration is respectfully requested.

Also,

Mr. Speaker:

I have the honor to transmit herewith the following concurrent resolution:

WHEREAS, The report of the special committee upon the investigation of the affairs of the penitentiary shows that considerable sums of money have from time to time been misappropriated, or unauthorizedly expended by persons connected with the management thereof, and by their associates, and apparently lost to the state; now, therefore,

Be It Resolved by the Senate of the State of North Dakota, the House of Representatives concurring:

That the Attorney General be and he is hereby authorized and directed to take appropriate steps to recover all of such moneys, the recovery of which may not be barred by the statute of limitations.

Which the senate has adopted and your favorable consideration is respectfully requested.

Also,

Mr. Speaker:

I have the honor to transmit herewith the following concurrent resolution

Resolved, By the Senate of the State of North Dakota, the House of Representatives thereof concurring:

That the Governor, Secretary of State and State Auditor are hereby created a committee of three to complete the unfinished work of the State Penitentiary Investigation Committee. Such committee is hereby clothed with the same powers and authority as was conferred upon said Penitentiary Investigation Committee by this Assembly.

Said committee of three to finish their work as soon as possible and to mail a copy of their report to each and every member of this legislature.

It shall be the duty of the Attorney General to act as the attorney for the committee herein named.

Which the senate has adopted and your favorable consideration is respectfully requested.

Also,

Mr. Speaker:

I have the honor to return herewith:

House Bill No. 327,

A bill for an act to create a state board of control, and to provide for the management and control of the soldiers' home, the charitable, reformatory and penal institutions of the state, and to provide for supervisory powers over the state educational institutions, and to make an appropriation therefor, and for the defining of certain offenses, and providing penalties therefor.

Which the senate has amended as follows:

In line 11, section 8, page 7, lines 4, 5, 8 and 10, section 9, page 7, line 12, section 23, page 18, line 4, section 36, page 25, of the printed bill, strike out the figures "1909" and insert "1911". Strike out the emergency act.

In line 3, page 1 of printed bill strike out the word "eleventh" and insert in lieu thereof the word "twelfth". Line 11, page 1, printed bill after word "respectively" insert the words "from and after their confirmation by the senate of said twelfth legislative assembly."

And passed as amended.

Also,

Mr. Speaker:

I have the honor to return herewith:

House Bill No. 379,

A bill for an act, entitled an act providing that any city shall be authorized to install upon any of its streets or avenues any special system of street lighting, and to assess the cost thereof or any part thereof against the property directly benefitted thereby.

Also,

House Bill No. 307,

A bill for an act to create a bureau of the department of agriculture and labor, to be known as the dairy department; to provide for the appointment of a dairy commissioner and an assistant dairy commissioner; fixing their compensation; defining their powers and duties; prescribing rules for the regulation of the manufacture and sale of dairy products; prescribing penalties for violations; providing a license for creameries, manufacturers of butter and cheese, stations and cream buyers throughout the state, and making an appropriation for the purposes of this act.

Also,

House Bill No. 316,

A bill for an act creating and establishing an agricultural experiment station, to be located at or near the city of Harvey, in Wells county, in connection with the North Dakota agricultural college at Fargo, and under the direction of the board of directors of said college, and making an appropriation therefor.

Also,

House Bill No. 294,

A bill for an act to amend section 150 of the revised codes of the state of North Dakota of 1905, relating to the appointment of deputies of the state examiner.

Which the senate has passed unchanged.

Also,

Mr. Speaker:

I have the honor to return herewith:

House Bill No. 117,

A bill for an act to amend section 9366 of the revised code of North Dakota, as amended by chapter 191 of the laws of 1907, defining intoxicating liquors, so that the same shall read as follows:

Which the senate has amended as follows:

In line 4 of printed bill strike out the word "malt."

And passed as amended.

Also,

House Bill No. 305,

A bill for an act authorizing and requiring the board of railway commissioners to establish grades on grain and to appoint agents at terminal points of Duluth and Minneapolis for the benefit of shippers of grain in this state, and providing for their compensation, and appropriating funds for the purpose of carrying out the provisions of this act.

Which the senate has amended as follows:

Amend the title by striking out the words "appoint agents" in the second line thereof and in place thereof insert the words "receive reports from the expert representatives," and by striking out all words after the word "state" in the fourth line thereof.

Strike out section two and insert in lieu thereof the following: "It shall be the duty of the expert representatives at the terminal points of Minneapolis and Duluth appointed by law to sit with the Minnesota Board of Grain Appeals, and to act as representatives of the grain shippers of North Dakota and look after their interests in all matters relating to the inspection, weighing, grading and docketing of grain shipped from North Dakota, so far as the same may not be inconsistent with the laws of Minnesota or the rules and regulations of the railroad and warehouse commission of Minnesota. Said agents shall report all complaints and grievances to the board of railroad commissioners of this state which shall receive all such reports and shall use all proper means to correct and remedy the same."

Strike out sections three, four and five.
And passed as amended.

Very respectfully,

J. W. FOLEY,
Secretary.

Mr. Jewett moved

That the house do now concur in the senate concurrent resolution relating to irrigation.

Which motion prevailed.

Mr. Hale moved

That the house do concur in the senate concurrent resolution relating to Mr. George Schnipper

Which motion prevailed and

The resolution was concurred in

Mr. Traynor moved

That the house do now concur in the senate concurrent resolution, relating to the special committee on penitentiary investigation.

Which motion prevailed, and

The resolution was concurred in.

Mr. Hale moved

That the house do now concur in the senate concurrent resolution relating to the committee on the state penitentiary committee.

Which motion prevailed, and

The resolution was concurred in.

Mr. Hanley moved

That the house do now concur in the senate amendments to House Bill No. 305.

Which motion prevailed, and

The amendments were adopted.

House Bill No. 305,

A bill for an act authorizing and requiring the board of railway commissioners to establish grades on grain and to appoint agents at terminal points of Duluth and Minneapolis for the benefit of shippers of grain in this state, and providing for their compensation, and appropriating funds for the purpose of carrying out the provisions of this act.

Was read the third time.

The question being on the final passage of the bill as amended by the senate;

The roll was called and there were ayes 75, nays 0, absent and not voting 20.

Those who voted in the affirmative were:

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|----------------------|---------------------|
| Akesson | Hendrickson | Peart |
| Anderson | Hill | Pendray |
| Atwood | Honey | Plath |
| Baker of Cass | Hughes | Ployhar |
| Baker of Stark | Jewett | Putnam |
| Brusletten | Johnson of Bottineau | Senour |
| Brynjolfson | Johnson of McLean | Sgutt |
| Burns | Kinney of McLean | Shells |
| Chatfield | Kinney of Richland | Sinclair |
| Christenson | Kneeland | Skinner |
| Collins of Cass | Knox | Skulason |
| Collins of Gd. Forks | Law | Sorlie |
| Cunningham | Laithwaite | Steen |
| Davidson | Linde | Storey |
| Doyle of Foster | Lucke | Streeter |
| Doyle of McIntosh | Martin | Thompson, Gd. Forks |
| Duncan | McCrea | Thompson of McLean |
| Evans | McLear | Thoreson |
| Fraine | Moen of Benson | Traynor |
| Ganssle | Narum | Ward |
| Garden | Nelson of McHenry | Welford |
| Gibbins | Nelson of Steele | Wisner |
| Hale | Nelson of Walsh | Wolbert |
| Hanley | Nyhus | Young |
| Hemmingson | Paulson | Mr. Speaker |

Absent and not voting:

| Messrs.— | Messrs.— | Messrs.— |
|-----------|--------------------|----------|
| Aasheim | Goldammer | Olson |
| Bjorndahl | Grant | Poe |
| Burnett | Homnes | Pound |
| Crawford | Johnson of Rolette | Price |
| Dibley | Kremer | Schull |
| Freeman | Lindvig | White |
| Geidt | Moen of Cavalier | |

Messrs. Freeman and Grant being excused.

So the bill passed and the title was agreed to.

The committee on enrollment made the following report:

Mr. Speaker:

Your committee on enrollment respectfully report that:

House Bill No. 205,

A bill for an act providing for the appointment of a committee for the purpose of drafting and reporting the inconsistencies, contradictions and omissions of the school laws of the state of North Dakota, and appropriate money therefor.

Also,

House Bill No. 194,

A bill for an act, providing for a jury to be official witnesses of the execution of persons executed at the state penitentiary, providing for guards to act as death watch over condemned prisoners, and fixing the executioner's fee.

Also,

House Bill No. 374,

A bill for an act to provide for the completing of the audit and examination of the books and records in the state penitentiary and twine plant, and for the perpetuation of the record of such audit and examination and for installing and completing an adequate system of books and records for said institutions.

Were delivered to the governor for his approval at the hour of 4:30 p. m. March 5, 1909.

H. J. LINDE,
Chairman.

The committee on enrollment made the following report:
Mr. Speaker:

Your committee on enrollment have examined:

House Bill No. 146,

A concurrent resolution amending section 158 of the constitution of the state of North Dakota, providing for the purchase of and sale of school and public lands.

Also,

House Bill No. 171,

A bill for an act to amend section 3195 of the revised codes of the state of North Dakota for the year 1905 relating to the fees of pound master and providing for advertising estrays according to chapter 117 of the session laws of the year 1907.

Also,

House Bill No. 348,

A bill for an act fixing the salary of the secretary of the board of railroad commissioners and requiring them to reside at the capital city.

Also,

House Bill No. 204,

A bill for an act prohibiting the locking or obstructing of railroad crossings on rural highways or on village or city streets by railroad companies or their employes, by allowing cars, engines, or train of cars to stand on such crossings for a longer period than five minutes at any one time, and providing penalties for violations of this act.

And find the same correctly enrolled.

H. J. LINDE,
Chairman.

Mr. Linde moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on enrollment made the following report:

Mr. Speaker:

Your committee on enrollment respectfully report that:

House Bill No. 24,

A bill for an act to amend section 19 of chapter 169 of the laws of 1907, entitled "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."

Also,

House Bill No. 166,

An act making an appropriation to meet the deficiency incurred by the state live stock sanitary board in carrying out the purposes of chapter 169 of session laws of 1907.

Have been duly delivered to the governor for his approval.

H. J. LINDE,
Chairman.

Mr. Linde moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Senate Bill No. 345,

A joint resolution for the appointment of North Dakota experts to sit with Minnesota boards of appeals, and providing 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 76, nays 0, absent and not voting 19.

Those who voted in the affirmative were:

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|----------------------|---------------------|
| Akesson | Hemmingson | Peart |
| Anderson | Hendrickson | Pendray |
| Atwood | Hill | Plath |
| Baker of Cass | Hornes | Ployhar |
| Baker of Stark | Honey | Poe |
| Brusletten | Hughes | Putnam |
| Brynjolfson | Jewett | Senour |
| Burns | Johnson of Bottineau | Shells |
| Chatfield | Johnson of McLearn | Sinclair |
| Christenson | Kinney of McLean | Skinner |
| Collins of Cass | Kinney of Richland | Skulason |
| Collins of Gd. Forks | Kneeland | Sorlie |
| Crawford | Knox | Steen |
| Cunningham | Law | Storey |
| Davidson | Laitwaite | Streeter |
| Doyle of Foster | Linde | Thompson, Gd. Forks |
| Doyle of McIntosh | Lucke | Thompson of McLean |
| Duncan | Martin | Thoreson |
| Evans | McCrea | Traynor |
| Fraine | McLearn | Ward |
| Ganssle | Moen of Benson | Wisner |
| Garden | Narum | Wolbert |
| Geidt | Nelson of McHerry | Young |
| Gibbins | Nelson of Steele | Mr. Speaker |
| Hale | Nelson of Walsh | |
| Hanley | Paulson | |

Absent and not voting:

| Messrs.— | Messrs.— | Messrs.— |
|-----------|--------------------|----------|
| Aasheim | Johnson of Rolette | Price |
| Bjorndahl | Kremer | Schull |
| Burnett | Lindvig | Sgutt |
| Dibley | Moen of Cavalier | Welford |
| Freeman | Nyhus | White |
| Goldammer | Olson | |
| Grant | Pound | |

Messrs. Freeman and Grant being excused.

So the bill passed and the title was agreed to.

The chief clerk announced that the speaker was about to sign

House Bill No. 348,

A bill for an act fixing the salary of the secretary of the board of railroad commissioners and requiring them to reside at the capital city.

Also,

House Bill No. 171,

A bill for an act to amend section 3195 of the revised codes of the state of North Dakota for the year 1905 relating to the fees of pound master and providing for advertising estrays according to chapter 117 of the session laws of the year 1907.

Also,

House Bill No. 146,

A concurrent resolution amending section 158 of the constitution of the state of North Dakota, providing for the purchase of and sale of school and public lands.

Also,

House Bill No. 204,

A bill for an act prohibiting the locking or obstructing of railroad crossings on rural highways or on village or city streets by railroad companies or their employes, by allowing cars, engines, or train of cars to stand on such crossings for a longer period than five minutes at any one time, and providing penalties for violations of this act.

And the speaker signed the same in the presence of the house.

Mr. Kneeland moved

That the house do now concur in the senate amendments to House Bill No. 327.

Which motion prevailed, and

The amendments were concurred in.

House Bill No. 327,

A bill for an act to create a state board of control, and to provide for the management and control of the soldiers' home, the charitable, reformatory and penal institutions of the state, and to provide for supervisory powers over the state educational institutions, and to make an appropriation therefor, and for the defining of certain offenses, and providing penalties therefor

Was read the third time.

The question being on the final passage of the bill as amended by the senate;

The roll was called and there were ayes 69, nays 1, absent and not voting 25.

Those who voted in the affirmative were:

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|----------------------|---------------------|
| Akesson | Hill | Peart |
| Anderson | Honey | Pendray |
| Atwood | Hughes | Plath |
| Baker of Cass | Jewett | Ployhar |
| Brusletten | Johnson of Bottineau | Poe |
| Brynjolfson | Johnson of McLean | Putnam |
| Burns | Kinney of McLean | Senour |
| Chatfield | Kinney of Richland | Sheils |
| Collins of Cass | Kneeland | Sinclair |
| Collins of Gd. Forks | Knox | Skinner |
| Cunningham | Law | Skulason |
| Davidson | Laithwaite | Sorlie |
| Doyle of McIntosh | Linde | Steen |
| Duncan | McCrea | Storey |
| Evans | McLear | Streeter |
| Ganssle | Moen of Benson | Thompson, Gd. Forks |
| Garden | Moen of Cavalier | Thoreson |
| Geidt | Narum | Traynor |
| Gibbins | Nelson of McHenry | Ward |
| Hale | Nelson of Steele | Welford |
| Hanley | Nelson of Walsh | Wisner |
| Hemmingson | Nyhus | Young |
| Hendrickson | Paulson | Mr. Speaker |

Absent and not voting:

| Messrs.— | Messrs.— | Messrs.— |
|-----------------|--------------------|--------------------|
| Aasheim | Freeman | Olson |
| Baker of Stark | Goldammer | Pound |
| Bjorn Dahl | Grant | Price |
| Burnett | Homnes | Schull |
| Christenson | Johnson of Rolette | Sgutt |
| Crawford | Kremer | Thompson of McLean |
| Dibley | Lindvig | White |
| Doyle of Foster | Lucke | Wolbert |
| Fraine | | |

Mr. Martin voting in the negative.

Messrs. Freeman and Grant being excused.

So the bill passed and the title was agreed to.

The chief clerk announced that the speaker was about to sign

Senate Bill No. 242,

A bill for an act making an appropriation for the current and contingent expenses of the state reform school at Mandan.

Also,

Senate Bill No. 317,

A bill for an act to provide for the cancellation of legally recorded brands in the office of the commissioner of agriculture and labor.

And the speaker signed the same in the presence of the house.

Mr. McCrea moved

That the house do now concur in the senate amendments to House Bill No. 117.

Which motion prevailed, and

The amendments were concurred in.

House Bill No. 117,

A bill for an act to amend section 9366 of the revised code of North Dakota, as amended by chapter 191 of the laws of 1907, defining intoxicating liquors, so that the same shall read as follows:

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 63, nays 4, absent and not voting 28.

Those who voted in the affirmative were:

| | | |
|----------------------|--------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Akesson | Honey | Poe |
| Anderson | Jewett | Pound |
| Atwood | Johnson of McLean | Putnam |
| Baker of Cass | Kinney of Richland | Senour |
| Baker of Stark | Kneeland | Sheils |
| Brusletten | Knox | Sinclair |
| Brynjolfson | Law | Skinner |
| Chatfield | Laithwaite | Skulason |
| Christenson | Linde | Sorlie |
| Collins of Cass | Lucke | Steen |
| Collins of Gd. Forks | Martin | Storey |
| Crawford | McCrea | Streeter |
| Cunningham | McLear | Thompson, Gd. Forks |
| Davidson | Moen of Benson | Thompson of McLean |
| Doyle of McIntosh | Narum | Traynor |
| Duncan | Nelson of McHenry | Ward |
| Ganssle | Nelson of Walsh | Welford |
| Garden | Nyhus | Wisner |
| Gibbins | Peart | Wolbert |
| Hale | Pendray | Young |
| Hemmingson | Plath | Mr. Speaker |
| Hendrickson | | |

Those who voted in the negative were:

| | | |
|------------------|------------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Evans | Nelson of Steele | Paulson |
| Kinney of McLean | | |

Absent and not voting:

| | | |
|-----------|-----------|------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Goldammer | Lindvig |
| Bjorndahl | Grant | Moen of Cavalier |

| | | |
|-----------------|----------------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Burnett | Hanley | Olson |
| Burns | Hill | Ployhar |
| Dibley | Homnes | Price |
| Doyle of Foster | Hughes | Schull |
| Fraine | Johnson of Bottineau | Sgutt |
| Freeman | Johnson of Rolette | Thoreson |
| Geidt | Kremer | White |

Messrs. Freeman and Grant being excused.

So the bill passed and the title was agreed to.

Mr. Chatfield moved

That the house recall Senate Bill No. 130 from the senate.

Which motion prevailed.

REPORT OF CONFERENCE COMMITTEE.

The conference committee made the following report:

Mr. Speaker:

Your conference committee to whom was referred
House Bill No. 108,

A bill for an act providing for the inspection of refined petroleum oils and gasoline. Defining ports of entry. Appointment of oil inspector and deputies and fixing the salary of the same.

Have the same under consideration and recommend that we do concur in the senate amendments.

O. J. SORLIE, Chairman,
G. W. WOLBERT,
E. L. GARDEN,
MAYNARD CRANE,
THEODORE KOFFEL,
JAMES KENNEDY,

Committee.

Mr. Shiels moved

That the report of the conference committee on House Bill No. 108 be adopted.

Which motion prevailed, and

The report of the committee was adopted.

House Bill No. 108,

A bill for an act providing for the inspection of refined petroleum oils and gasoline. Defining ports of entry. Appointment of oil inspector and deputies and fixing the salary 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 67, nays 8, absent and not voting 20.

Those who voted in the affirmative were:

| | | |
|----------------------|----------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Akesson | Hill | Ployhar |
| Anderson | Honey | Poe |
| Atwood | Hughes | Pound |
| Baker of Cass | Johnson of Bottineau | Price |
| Bjorndahl | Johnson of McLean | Putnam |
| Brusletten | Kinney of McLean | Senour |
| Brynjolfson | Kneeland | Shells |
| Christenson | Knox | Skinner |
| Collins of Cass | Law | Skulason |
| Collins of Gd. Forks | Laithwaite | Sorlie |
| Crawford | Linde | Steen |
| Cunningham | Lucke | Storey |
| Davidson | McCrea | Streeter |
| Doyle of McIntosh | Moen of Benson | Thompson, Gd. Forks |
| Duncan | Narum | Thompson of McLean |
| Evans | Nelson of McHenry | Thoreson |
| Fraine | Nelson of Steele | Traynor |
| Ganssle | Nelson of Walsh | Ward |
| Garden | Nyhus | Welford |
| Goldammer | Paulson | Wisner |
| Hale | Peart | Wolbert |
| Hendrickson | Plath | Mr. Speaker |
| Hemmingson | | |

Those who voted in the negative were:

| | | |
|--------------------|----------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Burns | Martin | Sinclair |
| Hanley | McLear | Young |
| Kinney of Richland | Pendray | |

Absent and not voting:

| | | |
|-----------------|--------------------|------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Coidt | Lindvig |
| Baker of Stark | Gibbins | Moen of Cavalier |
| Burnett | Grant | Olson |
| Chatfield | Homnes | Schull |
| Dibley | Jewett | Sgutt |
| Doyle of Foster | Johnson of Rolette | White |
| Freeman | Kremer | |

Messrs. Freeman and Grant being excused.

So the bill passed and the title was agreed to.

SUPPLEMENTARY COMMUNICATION FROM THE SECRETARY OF STATE.

The following communication was received from the secretary of state:

OFFICE OF SECRETARY OF STATE,
BISMARCK, NORTH DAKOTA,

March 5, 1909.

House of Representatives, Eleventh Legislative Assembly, State of North Dakota :

SIRS—I am in receipt of a notification from W. D. Austin, chief clerk, notifying me of the return of my communication to your body, with the further notification stating that I may make such other report as I see fit.

I herewith submit a supplementary report, in which I am endeavoring to state nothing but bare impersonal facts.

In this supplementary report I have closely followed my original communication, except I have stricken out a great many words and phrases which your body objects to as being a reflection.

I am frankly desirous of having this appear in the House Journal, and therefore I have taken particular pains to so amend the original communication that I do not see how any fair minded man can possibly object to the statements made herein.

The Trustees of Public Property consist of the Governor, Secretary of state and state auditor, and this board as a matter of fact has authorized the incurring of every bill for legislative and state office supplies during the past two years (except for printing, which comes under the approval of commissioners of public printing and auditing board). The statement made, therefore, in the report, that the legislative supply bill in question "was never authorized by the board of trustees of public property and was purchased by Secretary of State Blaisdell without authority of law" is untrue.

It has been the custom to distribute a part of the orders for these kind of supplies among local Bismarck dealers. The fact that nearly all of the state deputies have business interests outside their official capacities is so well known that it is a novelty for any one "discovering" that the various state boards have and probably will continue to patronize various local Bismarck concerns with which there is a possibility of a state official employe having an interest therein. Trustees of public property (which includes the secretary of state as one of its members) has never passed on the prices of any of these bills, but the secretary of state does receipt for what supplies come to his office and keeps track of where they go. The state auditing board (of which the secretary of state is not a member) passes direct on the prices rendered in the bills and this is the special and original power of said auditing board. It is their business and does not concern the secretary of state.

Remember that the trustees furnish the supplies but do not nor any of its members as such, pass on the prices, and the secretary of state does not, and will not on his own responsibility approve of any prices. This fact I wish to emphasize. I have in this instance lately examined the prices referred to by the committee and also the prices they submit, and their prices are certainly not only very far from being accurate, but in certain instances absolutely untrue. I am not passing on the questionability of office deputies and employes being interested in local Bismarck business enterprises of various sorts, and which concerns are so often soliciting various state boards for business, however, this fact is well known and it is far from being a "discovery."

I also note the committee's position in fixing upon the secretary of state the entire responsibility of the trustees of public property for supplies authorized by said trustees, and yet the committee admits that the auditing board has allowed similar bills in past times at similar figures for supplies furnished as follows, "*the prices charged the state in this instance*

do not differ materially from prices previously charged for this class of supplies." I will further say that during my administration for the first time in the history of the state, I have kept a record of legislative and state supplies left in my department, and can inform any member what the various department have had, and what the members of the 10th and 11th legislative assemblies have had. I would be glad to have any member inspect these systems introduced by me two years ago.

The committee's report shows our department with not enough session laws on hand and with too many revised codes. This inventory was started and never completed by them, and anyway is untrue. With reference to printing bills, I have to state that these bills are approved first by the state printer and then approved by the commissioners of public printing.

Chapter 185, Laws of 1907 (which see) provides that printing shall be done in the state providing it can be done within fifteen per cent of what it would cost outside the state. Undoubtedly printing is somewhat more expensive when done within the state. The suggested printing estimates of the committee are wrong. The commissioners of public printing are desirous of not shutting out the small job plants in the state where such printing can be done within fifteen per cent of what it can be done for outside of the state as provided by said Chapter 185.

At a very late date was this resolution calling for an investigation of various state offices made. No attempt has been made to examine any other office by the committee. It is possible that we have some departments that may need examinations, and whether so or not, I am heartily in favor of examinations by investigation committees in addition to those of the state examiner, whose printed report of the various departments are easily at hand and are on your desks before you.

Any member who will give this department a visit before or after the session closes or who desires any information will confer a favor on the state department by notifying me.

Your attention is called to the last biennial report of this department which is before you on your desks. Two of the committee were in this department about three-quarters of an hour and hastily and partially checked over some codes and session laws. They then went to the state auditor's office and there looked over some bill incurred through the two boards (trustees of public property and commissioners of public printing), and made out the report which is first, considerably irrelevant as to the secretary of state; second, untrue, and third, most unjust.

Your attention is directed to the following comments of the state examiner on his last examination of the secretary of state's office:

"To Hon. John Burke, Governor of North Dakota:

SIR: I herewith submit to you the following report concerning the records and financial accounts of the secretary of state as shown by my examination on July 20th, 1908.

System of keeping records and accounts (Good).

Clerical work on books (Good)."

If this the original reply of mine and this supplementary reply of the eleventh hour is considered late, how late is to be considered the report spread on the records of the House Journal of March 2d, with no opportunity given me to officially refute the same save as herewith expressed?

Respectfully submitted,

ALFRED BLAISDELL,
Secretary of State.

Mr. Skulason moved

That the communication from the secretary of state be printed in the journal of the house.

Which motion prevailed.

REPORT OF CONFERENCE COMMITTEE.

Mr. Speaker:

Your conference committee to whom was referred:

Senate Bill No. 283,

A bill for an act, entitled an act to amend section 8893, 8894, 8895 and 8896 of the revised codes of North Dakota, defining rape and prescribing punishment therefor.

Have had the same under consideration and recommend that the house recede from its amendments.

THEODORE KOFFEL,
W. E. PURCELL,
H. J. BESSESEN,
BERNT ANDERSON,
T. D. HUGHES,
JOHN McLEAR,

Committee.

Mr. Anderson moved

That the report of the conference committee be adopted

Which motion prevailed, and

The report of the committee was adopted.

REPORTS OF STANDING COMMITTEES.

The committee on temperance made the following report

Mr. Speaker:

Your committee on temperance to whom was referred

Senate Bill No. 107,

A bill for an act to provide for the better enforcement of the laws against the manufacture and sale of intoxicating liquors, providing for inspection, testing and analysis of said beverages, prescribing a penalty for the violation and charging the North Dakota government agricultural experiment station with the enforcement thereof.

Have had the same under consideration and recommend that the same be amended as follows:

In section 7, page 7 line 12 of printed bill strike out figures "50.00" and insert in lieu thereof the figures "10.00".

In section 7, page 7, line 12 of printed bill strike out fig-

ures "15.00" and insert in lieu thereof the figures "10.00".

And when so amended recommend the same do pass.

E. L. GARDEN,
Chairman.

Mr. Garden moved

That the rules be suspended and the report of the committee be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Mr. Baker of Cass moved

That the further consideration of Senate Bill No. 107 be indefinitely postponed.

Roll call demanded.

The question being on the motion to indefinitely postpone

The roll was called and there were ayes 28, nays 47, absent and not voting 20.

Those who voted in the affirmative were:

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|--------------------|--------------------|
| Baker of Cass | Hughes | Nelson of McHenry |
| Baker of Stark | Johnson of McLean | Nyhus |
| Chatfield | Kinney of Richland | Olson |
| Christenson | Kremer | Paulson |
| Collins of Gd. Forks | Law | Plath |
| Fraime | Martin | Price |
| Gibbens | McLear | Senour |
| Goldammer | Moen of Cavalier | Streeter |
| Hanley | Narum | Thompson of McLean |
| Hendrickson | | |

Those who voted in the negative were:

| Messrs.— | Messrs.— | Messrs.— |
|-------------------|----------------------|---------------------|
| Akesson | Johnson of Bottineau | Putnam |
| Atwood | Kinney of McLean | Sheils |
| Bjorndahl | Kneeland | Sinclair |
| Brusletten | Knox | Skinner |
| Brynjulson | Laithwaite | Skulason |
| Collins of Cass | Linde | Steen |
| Cunningham | Lucke | Storey |
| Doyle of McIntosh | McCrea | Thompson, Gd. Forks |
| Duncan | Moen of Benson | Thoreson |
| Evans | Nelson of Steele | Traynor |
| Garden | Nelson of Walsh | Ward |
| Hemmingson | Peart | Welford |
| Hill | Pendray | Wisner |
| Homnes | Ployhar | Wolbert |
| Honey | Poe | Mr. Speaker |
| Jewett | Pound | |

Absent and not voting:

| Messrs.— | Messrs.— | Messrs.— |
|----------|-----------------|----------|
| Aasheim | Doyle of Foster | Lindvig |
| Anderson | Freeman | Schull |

| | | |
|----------|--------------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Burnett | Ganssle | Sgutt |
| Burns | Geldt | Sorlie |
| Crawford | Grant | White |
| Davidson | Hale | Young |
| Dibley | Johnson of Rolette | |

Messrs. Freeman and Grant being excused.
So the motion was lost.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,

March 5, 1909.

Mr. Speaker:

I have the honor to return herewith
House Bill No. 284,

A bill for an act regulating the practice in county courts having increased jurisdiction, and all matters relating thereto; fixing the terms of court, compensation of judges and clerks and other officers of said courts and their duties, and repealing sections 8289 and 8319 inclusive, of the revised codes of 1905 of North Dakota, and chapter 68, laws of 1907.

Which the senate has passed unchanged.

Also,

Mr. Speaker:

I have the honor to return herewith:

House Bill No. 213,

A bill for an act creating, establishing and locating a fish hatchery and fish cultural station at Fish lake, Birchwood park, in Rolette county, North Dakota, and providing for its management, and making an appropriation therefor.

Which the senate has amended as follows:

In line 3 of the title, strike out the words "and providing for its management."

After the word "state" in line 7 of section 1 of the printed bill, insert the following, "provided, that this fish hatchery shall not be established nor its work undertaken unless

a suitable tract of land be donated free of charge by warranty deed to the state of North Dakota."

Strike out all of sections 2, 3, 4, 5, 6, and 7, renumber section 8 as section 2.

In section 2 of the printed bill as re-numbered strike out the following in lines 6, 7 and 8, "and three thousand (3,000) dollars per annum thereafter for maintaining and distributing the product of said hatchery."

At the end of said bill add the following:

"Sec. 3. Emergency.) Whereas, an emergency exists in this that it is for the best interest of the state to make the product of this fish hatchery available as soon as possible, therefore, this act shall be in force from and after its passage and approval."

And passed as amended.

Also,

Mr. Speaker:

I have the honor to return Senate Bill No. 130 as requested by the house.

Very respectfully,

J. W. FOLEY,
Secretary.

Senate Bill No. 107,

A bill for an act to provide for the better enforcement of the laws against the manufacture and sale of intoxicating liquors, providing for inspection, testing and analysis of said beverages, prescribing a penalty for the violation and charging the North Dakota government agricultural experiment station 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 61, nays 16, absent and not voting 18.

Those who voted in the affirmative were:

Messrs.—

Anderson
Atwood
Baker of Stark
Bjorndahl
Brusletten
Brynjulson
Burns
Chatfield
Christenson

Messrs.—

Hendrickson
Hill
Honey
Jewett
Johnson of Bottineau
Johnson of McLean
Kinney of McLean
Kinney of Richland
Kneeland

Messrs.—

Poe
Pound
Putnam
Senour
Shells
Sinclair
Skinner
Skulason
Sorlie

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|------------------|---------------------|
| Collins of Cass | Knox | Steen |
| Collins of Gd. Forks | Law | Storey |
| Cunningham | Laithwaite | Thompson, Gd. Forks |
| Davidson | Lucke | Thompson of McLean |
| Doyle of McIntosh | McLear | Thoreson |
| Duncan | Moen of Benson | Traynor |
| Evans | Nelson of Steele | Ward |
| Garden | Paulson | Welford |
| Gibbens | Peart | Wisner |
| Goldammer | Pendray | Wolbert |
| Hale | Ployhar | Mr. Speaker |
| Hemmingson | | |

Those who voted in the negative were:

| Messrs.— | Messrs.— | Messrs.— |
|-----------------|-------------------|-----------------|
| Akesson | Hughes | Nelson of Walsh |
| Baker of Cass | Kremer | Nyhus |
| Doyle of Foster | Martin | Plath |
| Fraine | Narum | Price |
| Ganssie | Nelson of McHenry | Streeter |
| Hanley | | |

Absent and not voting:

| Messrs.— | Messrs.— | Messrs.— |
|----------|--------------------|------------------|
| Aasheim | Grant | Moen of Cavalier |
| Burnett | Homnes | Olson |
| Crawford | Johnson of Rolette | Schull |
| Dibley | Linde | Sgutt |
| Freeman | Lindvig | White |
| Geidt | McCrea | Young |

Messrs. Freeman and Grant being excused.
So the bill passed and the title was agreed to.

Mr. Garden moved

That the vote by which Senate Bill No. 107 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed

Mr. Hale moved

That the house do now concur in the senate amendments to House Bill No. 213.

Which motion prevailed, and

The amendments were concurred in.

House Bill No. 213,

A bill for an act creating, establishing and locating a fish hatchery and fish cultural station at Fish lake, Birchwood park, in Rolette county, North Dakota, and providing for its management, and making an appropriation therefor.

Was read the third time.

The question being on the final passage of the bill as amended by the senate;

The roll was called and there were ayes 83, nays 2, absent and not voting 10.

Those who voted in the affirmative were :

| | | |
|----------------------|----------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Akesson | Hemmingson | Pendray |
| Anderson | Hendrickson | Plath |
| Atwood | Hill | Ployhar |
| Baker of Cass | Homes | Poe |
| Baker of Stark | Honey | Pound |
| Bjorndahl | Hughes | Price |
| Brusletten | Jewett | Putnam |
| Burns | Johnson of Bottineau | Senour |
| Chatfield | Johnson of McLean | Sgutt |
| Christenson | Kinney of McLean | Sheils |
| Collins of Cass | Kinney of Richland | Sinclair |
| Collins of Gd. Forks | Kneeland | Skinner |
| Crawford | Knox | Skulason |
| Cunningham | Law | Sorlie |
| Davidson | Laithwaite | Steen |
| Dibley | Linde | Storey |
| Doyle of Foster | Lucke | Streeter |
| Doyle of McIntosh | Martin | Thompson, Gd. Forks |
| Duncan | McCrea | Thompson of McLean |
| Evans | McLear | Thoreson |
| Fraine | Moen of Benson | Traynor |
| Ganssle | Moen of Cavalier | Ward |
| Garden | Nelson of McHenry | Welford |
| Geidt | Nelson of Steele | Wisner |
| Gibbens | Nelson of Walsh | Wolbert |
| Goldammer | Nyhus | Young |
| Hale | Paulson | Mr. Speaker |
| Hanley | Peart | |

Absent and not voting :

| | | |
|----------|--------------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Johnson of Rolette | Olson |
| Burnett | Kremer | Schull |
| Freeman | Lindvig | White |
| Grant | | |

Messrs. Brynjulson and Narum voting in the negative.

Messrs. Freeman and Grant being excused.

So the bill passed and the title was agreed to.

The committee on enrollment made the following report:
Mr. Speaker:

Your committee on enrollment respectfully report that:
House Bill No. 278,

A bill for an act fixing the liability of a bank to its depositor for payment of forged or raised checks.

Also,

House Bill No. 200,

A bill for an act to amend section 4, chapter 140 of the 1907 session laws of the state of North Dakota, relating to insurance.

Also,

House Bill No. 167,

A bill for an act to permit the construction of cattleways under public highways; regulating the construction of same, and prescribing duties of road supervisors in relation thereto.

Also,

House Bill No. 233,

A bill for an act to define what is an official newspaper.

Also,

House Bill No. 114,

A bill for an act to amend chapter 189 of the session laws of 1907.

Also,

House Bill No. 228,

A bill for an act to amend section 1574 of the revised codes of 1905, relating to auditor's notice of tax sale.

Also,

House Bill No. 162,

A bill for an act to regulate the public service of stallions of North Dakota.

Also,

House Bill No. 5,

A bill for an act to amend section 4494 of the revised codes of the state of North Dakota for 1905, relating to the time of the election of directors of county mutual fire insurance companies.

Also,

House Bill No. 262,

A bill for an act repealing section 4465 of the revised codes of 1905, relating to the limit of risks of fire insurance companies in any one town or city.

Also,

House Bill No. 257,

A bill for an act to amend section 4429 of the revised codes of 1905, relating to the capital stock of insurance companies.

Were delivered to the governor for his approval at the hour of 9 p. m., March 5, 1909.

H. J. LINDE,
Chairman.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,

March 5, 1909.

Mr. Speaker:

I have the honor to return herewith

House Bill No. 83,

A bill for an act entitled an act to prohibit the use of four wheel cabooses, known as dinky cabooses, on all railroad trains operated in the state of North Dakota; to prevent the use of box cars as cabooses and to fix the minimum size and manner of construction of all cars used as cabooses and fixing the penalties for violation of this act.

Which the senate has amended as follows:

In lines 1 and 2 of section 1, strike out "the first day of November, A. D. 1909," and insert in lieu thereof "the first day of July, A. D. 1910."

And passed as amended.

Also,

Mr. Speaker:

I have the honor to return herewith

House Bill No. 36,
A bill to amend section 1787 of the revised codes of North
Dakota, 1905.

Which the senate has passed unchanged.

Very respectfully,
J. W. FOLEY,
Secretary.

Mr. Skulason moved
That the House recall Senate Bill No. 247 from the sen-
ate.

Which motion was lost.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,

March 5, 1909.

Mr. Speaker:

I have the honor to return herewith
House Bill No. 134,

A bill for an act making an appropriation to pay legal
expenses and disbursements incurred by the government
agricultural experiment station of the North Dakota agri-
cultural college, in defending the suit brought to annul the
"Pure Paint Law" of this state.

Which the senate has amended as follows:

Change the figures in section 1 of said bill to read "one
thousand nine hundred eighty-one dollars and ninety-five
cents.

And passed as amended.

Very respectfully,
J. W. FOLEY,
Secretary.

The committee on enrollment made the following report:

Mr. Speaker:

Your committee on enrollment have examined
House Bill No. 379,

A bill for an act, entitled an act providing that any city
shall be authorized to install upon any of its streets or ave-

nues any special system of street lighting, and to assess the cost thereof or any part thereof against the property directly benefitted thereby.

Also,

House Bill No. 207,

A bill for an act to regulate the employment of child labor and to prescribe penalties for violations of this act.

Also,

House Bill No. 316,

A bill for an act creating and establishing an agricultural experiment station, to be located at or near the city of Harvey, in Wells county, in connection with the North Dakota agricultural college at Fargo, and under the direction of the board of directors of said college, and making an appropriation therefor.

And find the same correctly enrolled.

H. J. LINDE,
Chairman.

Mr. Linde moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The chief clerk announced that the speaker was about to sign

House Bill No. 316,

A bill for an act creating and establishing an agricultural experiment station, to be located at or near the city of Harvey, in Wells county, in connection with the North Dakota agricultural college at Fargo, and under the direction of the board of directors of said college, and making an appropriation therefor.

Also,

House Bill No. 379,

A bill for an act, entitled an act providing that any city shall be authorized to install upon any of its streets or avenues any special system of street lighting, and to assess the cost thereof or any part thereof against the property directly benefitted thereby.

Also,

House Bill No. 207,

A bill for an act to regulate the employment of child labor and to prescribe penalties for violations of this act.

And the speaker signed the same in the presence of the house.

The committee on enrollment made the following report:
Mr. Speaker:

Your committee on enrollment respectfully report that:

House Bill No. 171,

A bill for an act to amend section 3195 of the revised codes of the state of North Dakota for the year 1905 relating to the fees of pound master and providing for advertising estrays according to chapter 117 of the session laws of the year 1907.

Also,

House Bill No. 146,

A concurrent resolution amending section 158 of the constitution of the state of North Dakota, providing for the purchase of and sale of school and public lands.

Also,

House Bill No. 204,

A bill for an act prohibiting the locking or obstructing of railroad crossings on rural highways or on village or city streets by railroad companies or their employes, by allowing cars, engines, or train of cars to stand on such crossings for a longer period than five minutes at any one time, and providing penalties for violations of this act.

Also,

House Bill No. 348,

A bill for an act fixing the salary of the secretary of the board of railroad commissioners and requiring him to reside at the capital city.

Were delivered to the governor for his approval at the hour of 9:15 P. M., March 5, 1909.

H. J. LINDE,
Chairman.

The committee on enrollment made the following report:
Mr. Speaker:

Your committee on enrollment have examined:

House Bill No. 294,

A bill for an act to amend section 150 of the revised codes of the state of North Dakota of 1905, relating to the appointment of deputies of the state examiner.

Also,

House Bill No. 283,

A bill for an act to amend sections 9354, 9355, 9356, 9357, 9358, 9359, 9360, 9361, 9362, 9363, of the revised codes of 1905, and any acts amendatory thereof, and to re-enact sections 9364 and 9365 of said code, regulating the sale of intoxicating liquors by druggists who are registered pharmacists; and to provide a method of such sales, and of granting and revoking of permits.

And find the same correctly enrolled.

H. J. LINDE,
Chairman.

Mr. Linde moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The chief clerk announced that the speaker was about to sign.

Senate Bill No. 339,

A bill for an act to provide for making the state treasurer, and his successors, the treasurer of the state penitentiary and twine plant, and defining his duties in relation thereto, and relating to the duties and powers of the state emergency board in connection therewith.

Also,

Senate Bill No. 268,

A bill for an act authorizing the trustees of the institution for feeble minded, to transport, at the expense of the state, inmates whose parents or guardian has removed from the state to the residence of such parent or guardian without the state, and providing an appropriation therefor.

Also,

Senate Bill No. 37,

A bill for an act for an appropriation for the improvement and maintenance of the experimental work, provided for in section 1118 of therevised codes of North Dakota, to determine the milling values of wheat, the baking properties produced therefrom, and the chemical composition thereof.

Also,

Senate Bill No. 114,

A concurrent resolution for an act to amend section 158 of the constitution of the state of North Dakota, governing the sale of school lands to railroad companies.

Also,

Senate Bill No. 205,

A bill for an act to amend section 8288 of the revised codes of 1905 of the state of North Dakota, relating to the increased jurisdiction of the county courts, and providing for abolishing the same.

Also,

Senate Bill No. 340,

A bill for an act to compel the proper and permanent marking of tuberculosis cattle when shown or proven to be by the so called "tuberculin" test.

Also,

Senate Bill No. 324,

A bill for an act making it unlawful for any person to receive the proceeds or earnings of any woman engaged in prostitution.

Also,

Senate Bill No. 282,

A bill for an act, entitled an act to amend chapter 41 of the session laws of the state of North Dakota, enacted by the tenth session of the legislative assembly of said state, relating to bounties for tree planting.

Also,

Senate Bill No. 290.

A bill for an act requiring a stationary metal fire escape to be attached to the outside of each one and every school room located above the first story of all school houses in this state having more than one story, designating those whose duty it shall be to have said fire escapes installed, prescribing the time within which said fire escapes shall be installed and prescribing the punishment for a violation thereof.

Also,

Senate Bill No. 325,

A bill for an act to amend section 2335 of the revised codes of the state of North Dakota of 1905, relating to the transcribing of records in newly organized counties.

Also,

Senate Bill No. 327,

A bill for an act to amend section 8899 of the revised codes of North Dakota of 1905, defining the offence of inveigling into house of prostitution and prescribing the punishment therefor.

Also,

Senate Bill No. 131,

A bill for an act creating a state board of examiners; to regulate the practice of osteopathy in the state of North Dakota; to provide for licensing doctors of osteopathy, and to prescribe penalties for the violation of this act.

Also,

Senate Bill No. 197,

A bill for an act to amend section 6 of chapter 76 of the laws of North Dakota, 1907, relating to contingent fund for state's attorney.

Also,

Senate Bill No. 226,

A bill for an act to amend and re-enact sections 1287, 1288, and 1289 of the revised codes of North Dakota, for the year 1905, relating to insurance of public buildings.

Also,

Senate Bill No. 221,

A bill for an act to provide for the printing and distribution of Farmers' Institute Annuals and making an appropriation therefor.

Also,

Senate Bill No. 341,

A bill for an act authorizing the board of trustees of public property of North Dakota to operate a good road experimental station at Bismarck, North Dakota; authorizing the employment of the inmates of the North Dakota state penitentiary upon the construction and maintenance of experimental roads; authorizing the board of trustees of public property to accept federal aid and private contributions in the construction of experimental roads and authorizing the state engineer to supervise the construction and maintenance of all roads and designating where experimental roads shall be built.

Also,

Senate Bill No. 332,

A bill for an act defining the crime of detention of a woman in a house of ill-fame against her will, and prescribing the punishment therefor.

Also,

Senate Bill No. 264,

A bill for an act amending section 1165 of the revised codes of 1905, the same being amended and embraced in chapter 237 of the laws of 1907, relating to the inmates of the institution for the feeble minded.

Also,

Senate Bill No. 234,

A bill for an act to amend sections 811, 822, 829, 832, 882, 883, of the revised code of 1905, pertaining to education.

Also,

Senate Bill No. 342,

A bill for an act to amend and re-enact section 796 of the revised codes of North Dakota for the year 1905, pro-

viding for the legalizing of the organization of school districts.

And the speaker signed the same in the presence of the house.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,

March 4, 1909.

I have the honor to return herewith

House Bill No. 145,

A bill for an act for an appropriation to reimburse Professor E. F. Ladd for disbursements and expenses incurred in the enforcement of the pure food laws.

Which the senate has amended as follows:

Change the figures in section one of said bill to read "two thousand one hundred seventy-one dollars and twenty-three cents."

And passed as amended.

Very respectfully,
J. W. FOLEY,
Secretary.

Mr. Putnam moved

That the house do now concur in the senate amendments to House Bill No. 145,

Which motion prevailed, and

The amendments were concurred in.

House Bill No. 145,

A bill for an act for an appropriation to reimburse Professor E. F. Ladd for disbursements and expenses incurred in the enforcement of the pure food laws.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 81, nays 1, absent and not voting 13.

Those who voted in the affirmative were:

Messrs.—
Akesson
Anderson

Messrs.—
Hemmington
Hendricks

Messrs.—
Peart
Pendray

| | | |
|----------------------|----------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Atwood | Hill | Plath |
| Baker of Cass | Homnes | Ployhar |
| Baker of Stark | Honey | Poe |
| Bjorndahl | Hughes | Pound |
| Brusletten | Jewett | Price |
| Brynjulson | Johnson of Bottineau | Putnam |
| Burnett | Johnson of McLean | Senour |
| Burns | Johnson of Rolette | Sgutt |
| Chatfield | Kinney of McLean | Sheils |
| Christenson | Kinney of Richland | Skinner |
| Collins of Cass | Kneeland | Skulason |
| Collins of Gd. Forks | Knox | Sorlie |
| Crawford | Law | Steen |
| Cunningham | Laithwaite | Storey |
| Davidson | Linde | Streeter |
| Dibley | Lindvig | Thompson, Gd. Forks |
| Doyle of McIntosh | McCrea | Thompson of McLean |
| Duncan | McLear | Thoreson |
| Evans | Moen of Benson | Traynor |
| Fraine | Moen of Cavalier | Ward |
| Ganssle | Nelson of McHenry | Welford |
| Garden | Nelson of Steele | Wisner |
| Geidt | Nelson of Walsh | Wolbert |
| Hale | Nyhus | Young |
| Hanley | Paulson | Mr. Speaker |

Absent and not voting:

| | | |
|-----------------|----------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Grant | Olson |
| Doyle of Foster | Kremer | Schu1 |
| Freeman | Lucke | Sindair |
| Gibbins | Narum | White |
| Goldammer | | |

Mr. Martin voting in the negative.

Messrs. Freeman and Grant being excused.

So the bill passed and the title was agreed to.

Mr. Garden moved

That the vote by which Senate Bill No. 269 was lost be reconsidered.

Which motion was lost.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,

March 5, 1909.

Mr. Speaker:

I have the honor to return herewith

House Bill No. 143,

A bill for an act entitled an act to redistrict the state of North Dakota into senatorial districts and apportion the senators and representatives therein.

Which the senate has amended as follows:

Sec. 1, page . . line 5, strike out "one" insert "three."

Page 1 line 21, strike out the last word "one" and insert "two".

Page 9 in 48 district, strike out "three" and insert "two".

And passed as amended.

Very respectfully,

J. W. FOLEY.

Secretary.

Mr. Chatfield moved

That the House do now concur in the senate amendments to House Bill No. 143.

Which motion was lost.

Mr. Sorlie moved

That the house do not concur in the senate amendments to House Bill No. 143.

Which motion prevailed, and

The senate amendments were not concurred in.

The committee on enrollment made the following report:

Mr. Speaker:

Your committee on enrollment respectfully report that:

House Bill No. 316,

A bill for an act creating and establishing an agricultural experiment station, to be located at or near the city of Harvey, in Wells county, in connection with the North Dakota agricultural college at Fargo, and under the direction of the board of directors of said college, and making an appropriation therefor.

Also,

House Bill No. 207,

A bill for an act to regulate the employment of child labor and to prescribe penalties for violation of this act.

Also,

House Bill No. 294,

A bill for an act to amend section 150 of the revised codes of the state of North Dakota of 1905, relating to the appointment of deputies of the state examiner.

Also,

House Bill No. 283,

A bill for an act to amend sections 9354, 9355, 9356, 9357, 9358, 9359, 9360, 9361, 9362, 9363, of the revised codes of 1905, and any acts amendatory thereof, and to re-enact sections 9364 and 9365 of said code, regulating the sale of intoxicating liquors by druggists who are registered pharmacists; and to provide a method of such sales, and of granting and revoking of permits.

Also,

House Bill No. 379,

A bill for an act, entitled an act providing that any city shall be authorized to install upon any of its streets or avenues any special system of street lighting, and to assess the cost thereof or any part thereof against the property directly benefitted thereby.

Were delivered to the governor for his approval at the hour of 9:30 P. M. March 5, 1909.

H. J. LINDE,
Chairman.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,

March 5, 1909.

Mr. Speaker:

I have the honor to return herewith
House Bill No. 383,

A bill for an act to amend section 4210 of the revised codes of North Dakota for 1905, relating to dividends and limitations of indebtedness of corporations.

Which the senate has passed unchanged.

Also,

Mr. Speaker:

I have the honor to return herewith

House Bill No. 334,

A bill for an act to amend section 909 of the revised codes of North Dakota for 1905, relating to contracts involving the expenditure of school funds.

Which the senate has amended as follows:

In line 4 of the printed bill strike out "professional" and insert in lieu thereof "architects."

And passed as amended.

Very respectfully,

J. W. FOLEY,
Secretary.

Mr. Sorlie moved

That the speaker appoint a conference committee consisting of three members on House Bill No. 143.

Which motion prevailed, and

The speaker appointed as such conference committee Messrs. Sorlie, Chatfield and Johnson of Bottineau.

The committee on enrollment made the following report:

Mr. Speaker:

Your committee on enrollment have examined

House Bill No. 351,

A bill for an act to provide a military code of the state of North Dakota.

And find the same correctly enrolled.

H. J. LINDE,
Chairman.

Mr. Linde moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The chief clerk announced that the speaker was about to sign

House Bill No. 351,

A bill for an act to provide a military code of the state of North Dakota.

And the speaker signed the same in the presence of the House.

Mr. Streeter moved

That as a testimony of the able manner in which the speaker has presided over this body that he be presented with the chair in which he has sat during this session.

Which motion prevailed.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,

March 5, 1909.

Mr. Speaker:

I have the honor to inform you that the president has appointed as conference committee on House Bill 143 Messrs. Simpson, Gilbert and Rice.

Also,

Mr. Speaker:

I have the honor to return herewith

House Bill No. 178,

A bill for an act making an appropriation for the improvement, betterment, conservation and preservation of the Rock Island Military Wood Reesrvation in Ramsey County, North Dakota.

Also,

House Bill No. 251,

A bill for an act appropriating money to provide for the erection, equipment and maintenance of a biological station at Devils Lake, North Dakota, and to carry on its associated work.

Which the senate has passed unchanged.

Also,

Mr. Speaker:

I have the honor to return herewith

House Bill No. 296,

A bill for an act to amend and re-enact article 10 of chapter 32 of the revised codes of 1905; relating to free public libraries.

Which the senate has amended as follows:

Strike out "revised" and insert in lieu thereof "political."

Change section 1 to 2972, section 2 to 2973, section 3 to 2974, section 4 to 2975, section 5 to 2976, section 6 to 2977, section 7 and 8 to 2978.

And passed as amended.

Very respectfully,

J. W. FOLEY,
Secretary.

Mr. Skulason moved

That the house concur in the senate amendments to House Bill No. 296.

Which motion prevailed, and

The amendments were concurred in.

House Bill No. 296,

A bill for an act to amend and re-enact article 10 of chapter 32 of the revised codes of 1905; relating to free public libraries.

Was read the third time.

The question being on the final passage of the bill as amended by the senate;

The roll was called and there were ayes 77, nays 0, absent and not voting 18.

Those who voted in the affirmative were:

Messrs.—

Akesson
Anderson
Atwood
Baker of Cass
Bjorndahl
Brusletten
Brynjulson
Burns
Chatfield
Christenson
Collins of Cass
Collins of Gd. Forks
Crawford
Cunningham
Davidson
Dibley

Messrs.—

Hanley
Hemmingson
Hendrickson
Hill
Hommes
Honey
Hughes
Jewett
Kinney of McLean
Kinney of Richland
Kneeland
Knox
Law
Lalthwaite
Linde
Lindvig

Messrs.—

Paulson
Peart
Plath
Poe
Pound
Price
Senour
Sheils
Sinclair
Skinner
Skulason
Sorlie
Steen
Storey
Streeter
Thompson, Gd. Forks.

| | | |
|-------------------|-------------------|--------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Doyle of McIntosh | Lucke | Thompson of McLean |
| Duncan | Martin | Thoreson |
| Ewans | McCrea | Traynor |
| Fraine | McLear | Ward |
| Ganssle | Moen of Benson | Welford |
| Garden | Moen of Cavalier | Wisner |
| Geidt | Nelson of McHenry | Wolbert |
| Gibbens | Nelson of Steele | Young |
| Goldammer | Nelson of Walsh | Mr. Speaker |
| Hale | Nyhus | |

Absent and not voting:

| | | |
|-----------------|----------------------|-----------------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Johnson of Bottineau | Pendray |
| Baker of Stark | Johnson of McLean | Ploybar |
| Burnett | Johnson of Rolette | Putnam |
| Doyle of Foster | Kremer | Schull |
| Freeman | Narum | Sgutt |
| Grant | Olson | White |

Messrs. Freeman and Grant being excused.

So the bill passed and the title was agreed to.

Mr. Davidson moved

That the house do now concur in the senate amendments to House Bill No. 83.

Which motion prevailed, and

The amendments were concurred in.

House Bill No. 83,

A bill for an act entitled an act to prohibit the use of four wheel cabooses, known as dinky cabooses, on all railroad trains operated in the state of North Dakota; to prevent the use of box cars as cabooses and to fix the minimum size and manner of construction of all cars used as cabooses and fixing the penalties for violation of this act.

Was read the third time.

The question being on the final passage of the bill as amended by the senate.

The roll was called and there were ayes 79, nays 0, absent and not voting 16.

Those who voted in the affirmative were:

| | | |
|-----------------|--------------------|-----------------|
| Messrs.— | Messrs.— | Messrs.— |
| Akesson | Hanley | Nelson of Walsh |
| Anderson | Hemmingson | Nyhus |
| Atwood | Hendrickson | Paulson |
| Baker of Cass | Hill | Peart |
| Baker of Stark | Homnes | Pendray |
| Bjorndahl | Honey | Poe |
| Brusletten | Hughes | Pound |
| Brynjolfson | Jewett | Price |
| Burns | Johnson of Rolette | Senour |

| | | |
|----------------------|--------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Chatfield | Kinney of McLean | Shells |
| Christenson | Kinney of Richland | Sinclair |
| Collins of Cass | Kneeland | Skinner |
| Collins of Gd. Forks | Knox | Skulason |
| Crawford | Law | Steen |
| Cunningham | Laithwaite | Storey |
| Davidson | Lindc | Streeter |
| Doyle of McIntosh | Lindvig | Thompson, Gd. Forks |
| Duncan | Lucke | Thompson of McLean |
| Evans | Martin | Thoreson |
| Fraine | McCrea | Traynor |
| Freeman | McLear | Ward |
| Ganssle | Moen of Benson | Welford |
| Garden | Moen of Cavalier | Wisner |
| Geidt | Narum | Wolbert |
| Gibbins | Nelson of McHenry | Young |
| Goldammer | Nelson of Steele | Mr. Speaker |
| Hale | | |

Absent and not voting:

| | | |
|----------------------|-------------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Johnson of McLean | Putnam |
| Burnett | Kremer | Schull |
| Dibley | Olson | Sgutt |
| Doyle of Foster | Plath | Sorlie |
| Grant | Ployhar | White |
| Johnson of Bottineau | | |

Messrs. Freeman and Grant being excused.
So the bill passed and the title was agreed to.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,

March 5, 1909.

Mr. Speaker:

I have the honor to return herewith:

House Bill No. 236,

A bill for an act to amend section 651 of the revised codes of the state of North Dakota for 1905.

Also,

House Bill No. 370,

A bill for an act to amend section 9 of an act, entitled 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 same being chapter 109 of the session laws of 1907.

Which the senate has passed unchanged.

Also,

Mr. Speaker:

I have the honor to return herewith
House Bill No. 340,

A bill for an act to authorize the superintendent of public instruction and presidents of the state normal schools to arrange a course of study for the state normal schools, to provide for the rural schools of North Dakota.

Which the senate has amended as follows:

In line 3 of printed bill, after the word "schools" insert "president of the North Dakota Agricultural college and president of the Ellendale normal training school."

In line 1, section 1 after the word schools, insert North Dakota Agricultural college and Ellendale normal training school."

And passed as amended.

Very respectfully,

J. W. FOLEY,

Secretary.

Mr. Skulason moved

That the house do not concur in the senate amendments to house bill No. 340.

Which motion prevailed.

Mr. McCrea moved

That the speaker appoint a conference committee on House Bill No. 340.

Which motion prevailed, and

The speaker appointed on such committee Messrs. Traynor, Skulason and Chatfield.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,

March 5, 1909.

Mr. Speaker:

I have the honor to return herewith:

House Bill No. 143,

A bill for an act entitled an act to redistrict the state of North Dakota into senatorial districts and apportion the senators and representatives therein.

Which the senate has amended as follows:

Strike out word "one" in line 5 section 1 and insert "three".

And passed as amended.

Very respectfully,

J. W. FOLEY,
Secretary.

Mr. Speaker:

Your committee appointed as conference committee on

House Bill No. 143,

A bill for an act entitled an act to redistrict the state of North Dakota into senatorial districts and apportion the senators and representatives therein.

Recommend that the senate recede from their amendments.

O. J. SORLIE,
MATT JOHNSON,
M. M. CHATFIELD,
L. A. SIMPSON,
C. D. RICE,
E. A. GILBERT,

Committee.

Mr. Chatfield moved

That the report of the conference committee be adopted.

Which motion prevailed, and

The report of the committee was adopted.

House Bill No. 143.

A bill for an act entitled an act to redistrict the state of North Dakota into senatorial districts and apportion the senators and representatives therein.

Was read the third time

The question being on the final passage of the bill as amended by the senate.

The roll was called and there were ayes 82, nays 0, absent and not voting 13.

Those who voted in the affirmative were:

| | | |
|----------------------|----------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Akesson | Hendrickson | Nelson of Walsh |
| Anderson | Hill | Nyhus |
| Atwood | Homnes | Olson |
| Baker of Cass | Honey | Paulson |
| Baker of Stark | Hughes | Pendray |
| Brusletten | Jewett | Ployhar |
| Brynjulson | Johnson of Bottineau | Poe |
| Burnett | Johnson of McLean | Pound |
| Burns | Johnson of Rolette | Price |
| Chatfield | Kinney of McLean | Senour |
| Christenson | Kinney of Richland | Sheils |
| Collins of Cass | Kneeland | Sinclair |
| Collins of Gd. Forks | Knox | Skinner |
| Crawford | Kremer | Skulason |
| Cunningham | Law | Sorlie |
| Davidson | Laithwaite | Storey |
| Dibley | Linde | Streeter |
| Doyle of McIntosh | Lindvig | Thompson, Gd. Forks |
| Duncan | Lucke | Thompson of McLean |
| Ewans | Martin | Thoreson |
| Fraine | McCrea | Traynor |
| Freeman | McLear | Ward |
| Garden | Moen of Benson | Welford |
| Geidt | Moen of Cavalier | Wisner |
| Gibbens | Narum | Wolbert |
| Hale | Nelson of McHenry | Young |
| Hanley | Nelson of Steele | Mr. Speaker |
| Hemmingson | | |

Absent and not voting:

| | | |
|-----------------|----------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Grant | Schull |
| Bjorndahl | Peart | Sgutt |
| Doyle of Foster | Plath | Steen |
| Ganssle | Putnam | White |
| Goldammer | | |

Messrs. Freeman and Grant being excused.

So the bill passed and the title was agreed to.

Mr. Chatfield moved

That the vote by which House Bill No. 143 passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA.

March 5, 1909.

Mr. Speaker:

I have the honor to return herewith

House Bill No. 101,

A bill for an act prohibiting liquor dealers, brewers and wholesale liquor houses from advertising or having agents in this state for the purpose of soliciting orders for intoxicating liquors.

Which the senate has passed unchanged.

Very respectfully,

J. W. FOLEY,
Secretary.

The chief clerk announced that the speaker was about to sign

Senate Bill No. 220,

A bill for an act to amend sections 2825 and 2826 of the revised codes of the state of North Dakota for 1905, and chapter 47 of the session laws of the state of North Dakota for 1907, relating to the extension of corporate limits of cities, and to provide a method of procedure for the extension of corporate limits of cities.

Also,

Senate Bill No. 167,

A bill for an act requiring corporations or individuals operating railroads to construct cattle guards on private roads; certain other crossings; keeping such guards or crossings in repair, and providing penalty for violations of the provisions of this act.

Also,

Senate Bill No. 246,

A bill for an act to require domestic life insurance companies to make a deposit of securities with the insurance commissioner.

Also,

Senate Bill No. 284,

A bill for an act, entitled an act to regulate the sale and offering for sale of mining stocks or shares within the state of North Dakota, and to provide penalties for the violation thereof.

And the speaker signed the same in the presence of the House.

The committee on enrollment made the following report:
Mr. Speaker:

Your committee on enrollment have examined:

House Bill No. 307,

A bill for an act to create a bureau of the department of agriculture and labor, to be known as the dairy department; to provide for the appointment of a dairy commissioner and an assistant dairy commissioner; fixing their compensation; defining their powers and duties; prescribing rules for the regulation of the manufacture and sale of dairy products; prescribing penalties for violations; providing a license for creameries, manufacturers of butter and cheese, stations and cream buyers throughout the state, and making an appropriation for the purposes of this act.

Also,

House Bill No. 117,

A bill for an act to amend section 9366 of the revised code of North Dakota, as amended by chapter 191 of the laws of 1907, defining intoxicating liquors, so that the same shall read as follows:

And find the same correctly enrolled.

H. J. LINDE,
Chairman.

Mr. Linde moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The chief clerk announced that the speaker was about to sign

House Bill No. 307,

A bill for an act to create a bureau of the department of agriculture and labor, to be known as the dairy department; to provide for the appointment of a dairy commissioner and an assistant dairy commissioner; fixing their compensation; defining their powers and duties; prescribing rules for the regulation of the manufacture and sale of dairy products; prescribing penalties for violations; providing a license for creameries, manufacturers of butter

and cheese, stations and cream buyers throughout the state, and making an appropriation for the purposes of this act.

Also,

House Bill No. 117,

A bill for an act to amend section 9366 of the revised code of North Dakota, as amended by chapter 191 of the laws of 1907, defining intoxicating liquors, so that the same shall read as follows:

And the speaker signed the same in the presence of the House.

Mr. Wolbert offered the following resolution and moved its adoption:

Resolved, that on page 11, last section on the appendix to our house journal of March 4, 1909 the words "positively vicious" be stricken out and the word "poor" be inserted in lieu thereof; and that on page 12, all of line one after the figures "\$15,000.00" and of lines two and three be stricken out. This is done in deference to the record of the last session of the legislature as shown by the following record in the journal:

Senate Bill No. 114,

(Page 1195) March 7, 1907, house journal. Passed by a vote of 89 ayes and 1 nay.

Senate Journal

(Page 369) February 16, 1907. Senate Bill No. 114 passed—36 ayes and nays none.

Which motion prevailed and

The resolution was adopted.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,

March 5, 1909.

Mr. Speaker:

I have the honor to return herewith:

House Bill No. 61,

A bill for an act to amend section 2802 of the revised codes of North Dakota, relating to publication of notice

of special assessment list by city auditor, and to provide for the method of procedure in perfecting appeals from acts of the special assessment commission for cities.

Also,

House Bill No. 159,

A bill for an act entitled an act to amend section 2206 of the revised codes of the state of North Dakota for the year 1905 relating to the fees to be paid by Hawkers and Peddlers.

Which the senate has passed unchanged.

Also,

Mr. Speaker:

I have the honor to return herewith:

House Bill No. 380,

A bill for an act to amend, repeal and re-enact section 15, chapter 45 of the laws of 1907, relating to commission system for government of cities.

Which the senate has amended as follows:

Strike out all of section "one" and insert after word "follows" the following:

The board of city commissioners shall consist of five members and shall be elected by the legal and qualified electors of the city at large and in a manner following: Each elector shall be allowed and entitled to vote for five duly qualified persons for said office. The person receiving the highest number of votes cast for the same, shall be declared the president, the four persons receiving the next highest number of votes cast in order shall be declared the commissioners elect.

And passed as amended.

Very respectfully,

J. W. FOLEY,

Secretary.

Mr. Hanley moved

That the house do not concur in the senate amendments to House Bill No. 380.

Which motion prevailed.

Mr. Hanley moved

That the speaker appoint a conference committee consisting of three members on House Bill No. 380.

Which motion prevailed, and

The speaker appointed on such committee Messrs. Hanley, Chatfield and Wolbert.

The chief clerk announced that the speaker was about to sign.

Senate Bill No. 329,

A bill for an act defining a prostitute, and prescribing the punishment therefor.

Also,

Senate Bill No. 212,

A bill for an act to establish regular sessions for the state board of railway commissioners, and fixing the time, manner and place where such sessions shall be held, and otherwise defining their powers and duties; also defining the duties of the attorney general in relation thereto.

And the speaker signed the same in the presence of the House.

The committee on enrollment made the following report:

Mr. Speaker:

Your committee on enrollment have examined:

House Bill No. 213,

A bill for an act creating, establishing and locating a fish hatchery and fish cultural station at Fish lake, Birchwood park, in Rolette county, North Dakota, and providing for its management, and making an appropriation therefor.

And find the same correctly enrolled.

H. J. LINDE,
Chairman.

Mr. Linde moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The chief clerk announced that the speaker was about to sign

House Bill No. 213,

A bill for an act creating, establishing and locating a fish hatchery and fish cultural station at Fish lake, Birch-

wood park, in Rolette county, North Dakota, and providing for its management, and making an appropriation therefor.

And the speaker signed the same in the presence of the House.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,

March 5, 1909.

Mr. Speaker:

I have the honor to inform you that the president has appointed as senate conferees on House Bill No. 340, Messrs. Stevens, McDonald and Rice.

Also,

Mr. Speaker:

I have the honor to return herewith

House Bill No. 158,

A bill for an act, to provide indeterminate sentences of persons convicted of certain crimes; providing for a board of experts empowered to prescribe suitable rules of conduct and treatment; and to determine how and when a person sentenced under this act shall be paroled or released; and providing for a parole officer.

Also,

House Bill No. 157,

A bill for an act to provide for probation for persons convicted of felonies and misdemeanors.

Also,

House Bill No. 315,

A bill for an act appropriating to F. M. Baker, assistant states' attorney of Stark county, \$450 attorney's fees for services rendered in the unorganized territory attached to Stark county for judicial purposes during the years 1905, 1906 and 1907.

Also,

House Bill No. 345,

A bill for an act providing that all state banks shall be known and designated by an official number.

Which the senate has passed unchanged.

Very respectfully,

J. W. FOLEY,
Secretary.

REPORT OF CONFERENCE COMMITTEE.

Mr. Speaker:

The conference committee appointed to confer on House Bill No. 340 respectfully report that the house refuses to concur in the senate amendments and we therefore recommend that the senate do recede from its amendments.

B. G. SKULASON,
FRED J. TRAYNOR,
MARK M. CHATFIELD,
J. E. STEEN.
C. D. RICE,
A. McDONALD.

Committee.

Mr. Chatfield moved

That the report of the conference committee be adopted.

Which motion prevailed, and

The report of the committee was adopted.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,

March 5, 1909.

Mr. Speaker:

I have the honor to return herewith

House Bill No. 369,

A bill for an act to appropriate a sum of money for the maintenance and conservation of the state park at Fort Abercrombie.

Also,

House Bill No. 245,

A bill for an act to appropriate money for the use of the board of university and school lands in the payment of assessments for benefits made for drainage purposes against unsold common school and institution lands within the state.

Which the senate has passed unchanged.

Also,

Mr. Speaker:

I have the honor to inform you that the president of the senate has named as senate conferees on House Bill 380, Messrs. Kennedy, Welch and Trimble.

Also,

Mr. Speaker:

I have the honor to return herewith

House Bill No. 110,

A bill for an act requiring state officials to reside at the capitol and to provide adequate compensation.

Which the senate has amended as follows:

Line 2, section 1 of engrossed bill, strike out "two" and insert "one". Line 3 strike out "2000" and insert "1000."

Line 7, section 2, engrossed bill strike out "one thousand" and insert "five hundred" strike out figures "1000" and insert "500".

Strike out all of sections 2, 3 and 4.

And passed as amended.

Very respectfully,

J. W. FOLEY,

Secretary.

Mr. Skulason moved

That the house do not concur in the senate amendments to House Bill No. 110.

Which motion prevailed.

Mr. Skulason moved

That the speaker appoint a conference committee of three on House Bill No. 110.

Which motion prevailed, and

The speaker appointed on such conference committee, Messrs. Gibbens, Cunningham and Baker of Stark.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

**SENATE CHAMBER,
BISMARCK, NORTH DAKOTA,**

March 5, 1909.

Mr. Speaker:

I have the honor to inform you that the senate has adopted the report of the conference committee on House Bill 340 and passed the bill as recommended by the committee.

Also,

Mr. Speaker:

I have the honor to return herewith

House Bill No. 372,

A bill for an act, entitled an act prohibiting the use, sale or purchase of any device known as a silencer to be used on any fire arm.

Which the senate has passed unchanged.

Also,

Mr. President:

I have the honor to return herewith

House Bill No. 292,

A bill for an act to amend section 1129 of the revised codes of North Dakota for the year 1905, relating to the agricultural and geological survey and appropriation therefor.

Which the senate has amended as follows:

That the words "five thousand" be stricken out and the words "two thousand five hundred" inserted in lieu thereof.

That after the word "survey" in line 8 of the printed bill, be added the following: "Provided, expressly, that the said money so appropriated, shall first be used and expended in the prosecution of surveys, tests, analyses and other work provided for in section 1123 of the revised codes of 1905 upon the lands of the sub-experimental stations and demonstration farms of the agricultural college, now in existence or to be established during the year 1909, it

being the purpose of this act to provide for such work at the different points in the state where such sub-stations and demonstration farms are located, before the funds hereby appropriated can be used for general survey purposes.”

And passed as amended.

Very respectfully,
J. W. FOLEY,
Secretary.

Mr. Duncan moved

That the house do now concur in the senate amendments to House Bill No. 292.

Which motion prevailed, and

The amendments were concurred in.

House Bill No. 292,

A bill for an act to amend section 1129 of the revised codes of North Dakota for the year 1905, relating to the agricultural and geological survey and appropriation therefor.

Was read the third time.

The question being on the final passage of the bill as amended by the senate.

The roll was called and there were ayes 85, nays 2, absent and not voting 8.

Those who voted in the affirmative were:

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|----------------------|---------------------|
| Akesson | Hendrickson | Nyhus |
| Anderson | Hill | Paulson |
| Atwood | Hommes | Pearl |
| Baker of Cass | Honey | Pendray |
| Baker of Stark | Hughes | Plath |
| Brusletten | Jewett | Ployhar |
| Brynjulson | Johnson of Bottineau | Poe |
| Burns | Johnson of McLean | Pound |
| Chatfield | Johnson of Rolette | Price |
| Christenson | Kinney of McLean | Putnam |
| Collins of Cass | Kinney of Richland | Senour |
| Collins of Gd. Forks | Kneeland | Sgutt |
| Crawford | Knox | Sheils |
| Cunningham | Kremer | Sinclair |
| Davidson | Law | Skinner |
| Dibley | Laithwaite | Sorlie |
| Doyle of Foster | Lindvig | Steen |
| Doyle of McIntosh | Linde | Storey |
| Duncan | Lucke | Streeter |
| Evans | Martin | Thompson, Gd. Forks |
| Fraine | McCrea | Thompson of McLean |
| Ganssle | McLear | Thoreson |

| | | |
|------------|-------------------|-------------|
| Messrs.— | Messrs.— | Messrs.— |
| Garden | Moen of Benson | Ward |
| Geidt | Moen of Cavalier | Welford |
| Gibbens | Narum | Wisner |
| Goldammer | Nelson of McHenry | Wolbert |
| Hale | Nelson of Steele | Young |
| Hanley | Nelson of Walsh | Mr. Speaker |
| Hemmingson | | |

Absent and not voting:

| | | |
|-----------|----------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Aasheim | Freeman | Schull |
| Bjorndahl | Grant | White |
| Burnett | Olson | |

Messrs. Skulason and Traynor voting in the negative.
 Messrs. Freeman and Grant being excused.
 So the bill passed and the title was agreed to.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
 BISMARCK, NORTH DAKOTA,

March 5, 1909.

Mr. Speaker:

I have the honor to return herewith

House Bill No. 349,

A bill for an act to amend section 889 of the revised codes of 1905.

Which the senate has passed unchanged.

Also,

Mr. Speaker:

I have the honor to inform you the president of the senate has named as conferees to House Bill No. 110 Messrs. Purcell, Gilbert and Davis.

Very respectfully,

J. W. FOLEY,
 Secretary.

The committee on enrollment made the following report:

Mr. Speaker:

Your committee on enrollment respectfully report that:

House Bill 117,

A bill for an act to amend section 9366 of the revised code of North Dakota, as amended by chapter 191 of the laws of 1907, defining intoxicating liquors, so that the same shall read as follows:

Also,

House Bill No. 307,

A bill for an act to create a bureau of the department of agriculture and labor, to be known as the dairy department; to provide for the appointment of a dairy commissioner and an assistant dairy commissioner; fixing their compensation; defining their powers and duties; prescribing rules for the regulation of the manufacture and sale of dairy products; prescribing penalties for violations; providing a license for creameries, manufacturers of butter and cheese, stations and cream buyers throughout the state, and making an appropriation for the purposes of this act.

Also,

House Bill No. 351,

A bill for an act to provide a military code of the state of North Dakota.

Also,

House Bill No. 213,

A bill for an act creating, establishing and locating a fish hatchery and fish cultural station at Fish lake, Birchwood park, in Rolette county, North Dakota, and providing for its management, and making an appropriation therefor.

Were delivered to the governor for his approval at the hour of 10:30 p. m. March 5, 1909.

H. J. LINDE,
Chairman.

Mr. Sorlie moved

That House Bill No. 143 be recalled from the enrollment committee.

Which motion prevailed.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
Bismarck, North Dakota,

March 5, 1909.

Mr. Speaker:

I have the honor to return herewith:

House Bill No. 355,

A bill for an act to amend section 8405 of the revised codes of 1905, relating to garnishment proceedings in justice courts.

Also,

House Bill No. 346,

A bill for an act to amend and re-enact section 1515 of the political code of 1905, relating to the organization of assessors' districts and townships, vacancies in such township and districts, and the compensation of assessors.

Also,

House Bill No. 272,

A bill for an act to amend section 2242 of the revised codes for 1905; relating to the handling, weighing and storing of grain, and providing for the revoking of warehouse licenses.

Which the senate has passed unchanged.

Very respectfully,

J. W. FOLEY,
Secretary.

The speaker called Mr. Traynor to the chair.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
Bismarck, North Dakota,

March 5, 1909.

Mr. Speaker:

I have the honor to transmit herewith the following concurrent resolution:

Whereas, the Blue Book contains general information of the greatest public interest and should be widely distributed, therefore, be it

Resolved by the Senate, the House of Representatives Concurring:

That, in addition to the distribution already provided for, each public and each high and graded school library in the state be entitled to one copy, and also that the secretary of the senate and the chief clerk of the house and each elective officer of the two houses be entitled to single copies of the same.

Which the senate has adopted and your favorable consideration is respectfully requested.

Very respectfully,
J. W. FOLEY,
Secretary.

Mr. Skulason moved

That the house do not concur in the senate concurrent resolution relating to the blue book.

Which motion prevailed, and

The resolution was not concurred in.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
Bismarek, North Dakota,

March 5, 1909.

Mr. Speaker:

I have the honor to return herewith the following concurrent resolution:

Resolved by the Senate of the Eleventh Legislative Assembly, the House of Representatives Concurring:

That copies of the journals of each house for the last day be mailed to each member of this legislature at his home address, by the secretary of state.

Which the senate has adopted and your favorable consideration is respectfully requested.

Very respectfully,
J. W. FOLEY,
Secretary.

The speaker in the chair.

Mr. Skulason moved

That the house do not concur in the senate concurrent resolution relating to journals to be mailed.

Which motion prevailed, and

The concurrent resolution was not concurred in.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
Bismarck, North Dakota,

March 5, 1909.

Mr. Speaker.

I have the honor to transmit herewith the following concurrent resolution:

Be It Resolved by the Senate of the State of North Dakota, the House of Representatives Concurring:

That, whereas it has been the ruling of the department of the interior of the United States for the past several years under authority granted to said department by the congress of the United States to confirm final land office receipts issued by the registrar and receiver of the various United States land offices throughout the United States, covering filings and commutations and final proof upon land entered for the purpose of agriculture, and to give to the benefit of the person appointed or elected to a public office credit for the time while off their land at other places in the performance of their official duties, where their absence was necessary for the performance of such duties, and

Whereas, it is understood that the department has recently changed said ruling with regard to lands heretofore filed upon within the state of North Dakota purely for agricultural purposes, therefore it is the sense of the legislative assembly of the state of North Dakota, that congress pass a resolution to confirm said final land receipts and to issue patents for said lands when all other provisions of the law relative to said filings have been fully complied with and that the applicant for said land be given credit upon his term of residence upon said land for all time while absent therefrom in the actual performance of official duties, pertaining to any public office to which he has been elected or appointed, and

Be It Further Resolved:

That the senators and representatives in congress from this state urge upon congress the passage of such resolution.

Which the senate has adopted and your favorable consideration is respectfully requested.

Very respectfully,
J. W. FOLEY,
Secretary.

Mr. McCrea moved

That the house do now concur in the senate concurrent resolution relating to the department of the interior.

Which motion prevailed, and

The resolution was concurred in.

Mr. Traynor introduced the following resolution and moved its adoption:

Whereas the members of the house are keenly alive to the fact that the efficiency and untiring industry of the chief

clerk, W. D. Austin, have greatly facilitated the work of this assembly and appreciate deeply his good temper and kindly assistance, Therefore be it

Resolved: That the thanks of the members of the house are hereby tendered him, with an assurance of our appreciation of him and his kindly nature and untiring industry.

Which motion prevailed, and
The resolution was adopted.

Mr. Hendrickson presented the following resolution and moved its adoption:

Whereas, faithful service and duty well done are always worthy of recognition, therefore, be it

Resolved: by the house of representatives of the State of North Dakota that we hereby express our appreciation of the excellent service rendered by the entire corps of clerks and employes of the house throughout this session and that we heartily commend them for their fidelity and efficiency in the discharge of their duties. We desire especially to endorse the work of our desk force, consisting of Messrs. Mabel Thorburg, the house stenographer, and assistant chief clerks, E. H. Griffin, E. Erickson and the journal clerk, J. I. Roop, believing that their skill and accuracy in handling the infinite details of the work of the house could not be surpassed.

Which motion prevailed, and
The resolution was adopted.

Mr. Streeter introduced the following concurrent resolution and moved its adoption.

Whereas, one J. I. Roop, who has been employed as journal clerk of the house during the session, has rendered efficient services and done as much, if not more, than the other members of the desk force, and

Whereas, said J. I. Roop has only been paid at the rate of \$4.00 per day for services rendered, therefore, be it

Resolved by the House of Representatives, the Senate Concurring:

That the said J. I. Roop be paid \$1.00 per day additional for such services.

Which motion prevailed, and
The resolution was adopted.

Mr. Welford introduced the following resolution and moved its adoption.

Whereas, the members of this House have received much assistance and valuable information from the legislative reference library in connection with the library commission of this state; and

Whereas, Mr. Sveinbjorn Johnson, the legislative reference librarian, has been especially helpful and uniformly courteous to all members seeking aid and information, therefore be it

Resolved by the House of Representatives:

That we tender Mr. Johnson our hearty thanks and sincere appreciation of his services during the present session.

Which motion prevailed, and
The resolution was adopted.

Mr. Streeter offered the following resolution and moved its adoption:

Be It Resolved by the House of Representatives:

That, on account of the many courtesies extended to members of this house during the present session, and because of his competence and attention to duty, the thanks of the members of this House are hereby extended to Mr. Dan Slattery, superintendent of the capitol building. May he long live to experience the truth of the old adage that "God is good to the Irish."

Which motion prevailed, and
The resolution was adopted.

The committee on enrollment made the following report:
Mr. Speaker:

Your committee on enrollment have examined:

House Bill No. 36,

A bill to amend section 1787 of the revised codes of North Dakota, 1905.

Also,

House Bill No. 305,

A bill for an act authorizing and requiring the board of railway commissioners to establish grades on grain and to appoint agents at terminal points of Duluth and Minneapolis for the benefit of shippers of grain in this state, and providing for their compensation, and appropriating funds for the purpose of carrying out the provisions of this act.

And find the same correctly enrolled.

H. J. LINDE,
Chairman.

Mr. Linde moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The newspaper correspondents extend their thanks to the members and officials of the 11th legislative assembly for their kind and courteous treatment.

Mr. Streeter moved

That the bill for committee rooms rented by this house as per resolution at the beginning of this session be allowed as per bill attached.

Bismarck, N. D. March 5, 1909.

House of Representatives,

to

Henry Tatley, Dr. Proprietor Grand Pacific Hotel.

March 5 to 1 committee room\$150

March 5, to 1 stenographers room, 140

\$290

Which motion prevailed.

The chief clerk announced that the speaker was about to sign.

House Bill No. 36,

A bill to amend section 1787 of the revised codes of North Dakota, 1905.

Also,

House Bill No. 305,

A bill for an act authorizing and requiring the board of railway commissioners to establish grades on grain and to appoint agents at terminal points of Duluth and Minneapolis for the benefit of shippers of grain in this state, and providing for their compensation, and appropriating funds for the purpose of carrying out the provisions of this act.

And the speaker signed the same in the presence of the House.

Mr. Price offered the following resolution and moved its adoption:

Whereas, the duties of the motorman and conductor of the capitol street car line have been arduous and often times very trying during the session, therefore be it

Resolved: That the members of the house of representatives extend their thanks and appreciation for their uniform courtesy and close attention to duty.

Which motion prevailed, and

The resolution was adopted.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
Bismarck, North Dakota,

March 5, 1909.

Mr. Speaker:

I have the honor to return herewith

House Bill No. 229,

A bill for an act to amend section 126 of the revised codes of 1905, providing for the appointment of assistant attorneys general, and fixing their salary, and appropriat-

Which the senate has passed unchanged.

Also,

Mr. Speaker:

I have the honor to return herewith

House Bill No. 281,

A bill for an act to amend section 2620 of the revised codes of 1905, relating to legal rates for publication of legal notices.

Which the senate has amended as follows:

Section 3, emergency, in line 3, after the word "regulating," strike out the word "to."

And passed as amended.

Very respectfully,
J. W. FOLEY,
Secretary.

Mr. Traynor moved

That the house do now concur in the senate amendment to House Bill No. 281.

Which motion prevailed, and

The amendments were concurred in.

House Bill No. 281,

A bill for an act to amend section 2620 of the revised codes of 1905, relating to legal rates for publication of legal notices.

Was read the third time.

The question being on the final passage of the bill as amended by the senate.

The roll was called and there were ayes 81, nays 0, absent and not voting 14.

Those who voted in the affirmative were:

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|--------------------|---------------------|
| Akesson | Hemmingson | Peart |
| Anderson | Hendrickson | Pendray |
| Atwood | Hill | Plath |
| Baker of Cass | Homnes | Poe |
| Baker of Stark | Honey | Pound |
| Brusletten | Hughes | Price |
| Brynjulson | Jewett | Putnam |
| Burns | Johnson of Rolette | Senour |
| Chatfield | Kinney of McLean | Shells |
| Christenson | Kinney of Richland | Sinclair |
| Collins of Cass | Kneeland | Skinner |
| Collins of Gd. Forks | Knox | Skulason |
| Crawford | Kremer | Sorlie |
| Cunningham | Law | Steen |
| Davidson | Laithwaite | Storey |
| Dibley | Linde | Streeter |
| Doyle of McIntosh | Martin | Thompson, Gd. Forks |
| Duncan | McCrea | Thompson of McLean |
| Evans | McLear | Thoreson |
| Fraine | Moen of Benson | Traynor |
| Ganssle | Moen of Cavalier | Ward |
| Garden | Narum | Welford |
| Geldt | Nelson of McHenry | Wisner |
| Gibbens | Nelson of Steele | Wolbert |
| Goldammer | Nelson of Walsh | Young |
| Hale | Nyhus | Mr. Speaker |
| Hanley | Paulson | |

Absent and not voting:

| Messrs.— | Messrs.— | Messrs.— |
|-----------------|----------------------|----------|
| Aasheim | Grant | Olson |
| Bjorndahl | Johnson of Bottineau | Ployhar |
| Burnett | Johnson of McLean | Schull |
| Doyle of Foster | Lindvig | Sgutt |
| Freeman | Lucke | White |

Messrs. Freeman and Grant being excused.
So the bill passed and the title was agreed to.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
Bismarck, North Dakota,

March 5, 1909.

Mr. Speaker:

I have the honor to return herewith
House Bill No. 211,

A bill for an act relating to the issuance of stock by corporations.

Which the senate has passed unchanged.

Also,

Mr. Speaker:

I have the honor to return herewith
House Bill No. 335,

A bill for an act to amend section 1554 of the revised codes of 1905 of North Dakota, relating to the delinquent personal property taxes, when due.

Which the senate has amended as follows:

After the last line in said bill substitute a "comma" for the "period"; insert the following, "and on sending his notice for each succeeding year he shall include any unpaid balance, together with interest, penalties and costs, with the new delinquent amount, and they shall be collected in the same manner as the current delinquent tax."

And passed as amended.

Very respectfully,
J. W. FOLEY,
Secretary.

Mr. Skulason moved

That the house do now concur in the senate amendments to House Bill No. 335.

Which motion prevailed, and

The amendments were concurred in.

House Bill No. 335,

A bill for an act to amend section 1554 of the revised codes of 1905 of North Dakota, relating to the delinquent personal property taxes, when due.

Was read the third time.

The question being on the final passage of the bill as amended by the senate.

The roll was called and there were ayes 85, nays 0, absent and not voting 10.

Those who voted in the affirmative were:

| | | |
|----------------|----------------------|----------|
| Messrs.— | Messrs.— | Messrs.— |
| Akesson | Hendrickson | Peart |
| Anderson | Hill | Pendray |
| Atwood | Homnes | Plath |
| Baker of Cass | Honey | Ployhar |
| Baker of Stark | Hughes | Poe |
| Brusletten | Jewett | Pound |
| Brynjolfson | Johnson of Bottineau | Price |
| Burns | Johnson of McLean | Putnam |

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|--------------------|---------------------|
| Chatfield | Johnson of Rolette | Senour |
| Christenson | Kneeland | Sgutt |
| Collins of Cass | Knox | Shells |
| Collins of Gd. Forks | Kremer | Sinclair |
| Crawford | Law | Skinner |
| Cunningham | Laithwaite | Skulason |
| Davidson | Linde | Sorlie |
| Dibley | Lindvig | Steen |
| Doyle of Foster | Martin | Storey |
| Doyle of McIntosh | McCrea | Streeter |
| Duncan | McLear | Thompson, Gd. Forks |
| Evans | Moen of Benson | Thompson of McLean |
| Fraine | Moen of Cavalier | Thoreson |
| Freeman | Narum | Traynor |
| Garden | Nelson of McHenry | Ward |
| Geidt | Nelson of Steele | Welford |
| Gibbins | Nelson of Walsh | Wisner |
| Goldammer | Nyhus | Wolbert |
| Hale | Olson | Young |
| Hanley | Paulson | Mr. Speaker |
| Hemmingson | | |

Absent and not voting:

| Messrs.— | Messrs.— | Messrs.— |
|-----------|--------------------|----------|
| Aasheim | Grant | Iucke |
| Bjorndahl | Kinney of McLean | Schull |
| Burnett | Kinney of Richland | White |
| Ganssle | | |

Messrs. Freeman and Grant being excused.

So the bill passed and the title was agreed to.

Mr. McCrea moved

That the house do now concur in the senate amendments to House Bill No. 134.

Which motion prevailed, and

The amendments were concurred in.

House Bill No. 134,

A bill for an act making an appropriation to pay legal expenses and disbursements incurred by the government agricultural experiment station of the North Dakota agricultural college, in defending the suit brought to annul the "Pure Paint Law" of this state.

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 79, nays 0, absent and not voting 16.

Those who voted in the affirmative were:

| Messrs.— | Messrs.— | Messrs.— |
|----------------------|--------------------|---------------------|
| Akesson | Hemmingson | Peart |
| Anderson | Hendrickson | Pendray |
| Atwood | Hill | Plath |
| Baker of Cass | Homnes | Ployhar |
| Bjorndahl | Honey | Pound |
| Brusletten | Hughes | Price |
| Brynjulson | Jewett | Putnam |
| Burns | Johnson of McLean | Senour |
| Chatfield | Johnson of Rolette | Sheils |
| Christenson | Kinney of McLean | Sinclair |
| Collins of Cass | Kinney of Richland | Skinner |
| Collins of Gd. Forks | Kneeland | Skulason |
| Crawford | Law | Sorlie |
| Cunningham | Laithwaite | Steen |
| Davidson | Linde | Storey |
| Dibley | Lucke | Streeter |
| Doyle of Foster | McCrea | Thompson, Gd. Forks |
| Duncan | McLear | Thompson of McLean |
| Evans | Moen of Benson | Thoreson |
| Fraine | Moen of Cavalier | Traynor |
| Ganssle | Narum | Ward |
| Garden | Nelson of Steele | Welford |
| Geidt | Nelson of Walsh | Wisner |
| Gibbens | Nyhus | Wolbert |
| Goldammer | Olson | Young |
| Hale | Paulson | Mr. Speaker |
| Hanley | | |

Absent and not voting:

| Messrs.— | Messrs.— | Messrs.— |
|-------------------|----------------------|-------------------|
| Aasheim | Johnson of Bottineau | Nelson of McHenry |
| Baker of Stark | Knox | Poe |
| Burnett | Kremer | Schull |
| Doyle of McIntosh | Lindvig | Sgutt |
| Freeman | Martin | White |
| Grant | | |

Messrs. Freeman and Grant being excused.

So the bill passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE.

Mr. Speaker:

Your committee on conference in relation to House Bill 110 beg leave to report as follows:

That said committee met with a like committee from the senate and have agreed to the following amendments of the said House Bill No. 110.

In line two of section one, strike out the word "two" and insert the word "one", and after the word "thousand"

in line three of section one, insert the words "five hundred".

In line five, section two, paragraph one of the said section, strike out the words "one thousand" and insert the words "seven hundred and fifty," and also in the same line after the word "dollars" strike out the figures "1000" and insert the figures "\$750."

In subdivision two of said section two, in line two, strike out the word "eight" and insert the word "four".

In line three of paragraph two of said section two, strike out the figures "800" and insert "400".

That sections three, four, five and six read as they originally passed the house.

And when so amended recommend the same do pass.

E. G. GILBERT,
W. E. PURCELL,
J. E. DAVIS,
A. A. CUNNINGHAM,
A. S. GIBBENS,
F. M. BAKER,

Committee.

Mr. Gibbens moved

That the report of the conference committee be adopted as to House Bill No. 110.

Which motion prevailed. and

The report of the committee was adopted.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

SENATE CHAMBER,
Bismarck, North Dakota,

March 5, 1909.

Mr. Speaker:

I have the honor to inform you that the senate has adopted the report of the conference committee on House Bill 110 and passed the bill as amended by the conference committee.

Very respectfully.

J. W. FOLEY,
Secretary.

The chief clerk announced that the speaker was about to sign

House Bill No. 283,

A bill for an act to amend sections 9354, 9355, 9356, 9357, 9358, 9359, 9360, 9361, 9362, 9363, of the revised codes of 1905, and any acts amendatory thereof, and to re-enact sections 9364 and 9365 of said code, regulating the sale of intoxicating liquors by druggists who are registered pharmacists; and to provide a method of such sales, and of granting and revoking of permits.

Also,

House Bill No. 328,

A bill for an act to amend section 238 of the revised codes of North Dakota, so as to provide for additional membership on the board of trustees of public property.

And the speaker signed the same in the presence of the house.

House Bill No. 110,

A bill for an act requiring state officials to reside at the capitol and to provide adequate compensation.

Was read the third time.

The question being on the final passage of the bill as agreed to by the conference committee;

The roll was called and there were ayes 82, nays 0, absent and not voting 13.

Those who voted in the affirmative were:

| | | |
|----------------------|----------------------|---------------------|
| Messrs.— | Messrs.— | Messrs.— |
| Anderson | Hendrickson | Paulson |
| Atwood | Hill | Peart |
| Baker of Cass | Homnes | Pendray |
| Baker of Stark | Honey | Plath |
| Bjorndahl | Hughes | Ployhar |
| Brusletten | Jewett | Poe |
| Brynjolfson | Johnson of Bottineau | Price |
| Burns | Johnson of McLean | Putnam |
| Chatfield | Johnson of Rolette | Senour |
| Christenson | Kinney of McLean | Sgutt |
| Collins of Cass | Kinney of Richland | Shells |
| Collins of Gd. Forks | Kneeland | Skinner |
| Crawford | Knox | Skulason |
| Cunningham | Law | Sorlie |
| Davidson | Laithwaite | Steen |
| Dibley | Lindvig | Storey |
| Doyle of Foster | Lucke | Streeter |
| Duncan | Martin | Thompson, Gd. Forks |
| Evans | McCrea | Thompson of McLean |
| Fraine | McLear | Thoreson |
| Ganssle | Moen of Benson | Traynor |

| | | |
|---|--|--|
| Messrs.— Garden Geidt Gibbins Goldammer Hale Hanley Hemmingson | Messrs.— Moen of Cavalier Narum Nelson of McHenry Nelson of Steele Nelson of Walsh Nyhus | Messrs.— Ward Welford Wisner Wolbert Young Mr. Speaker |
|---|--|--|

Absent and not voting:

| | | |
|---|---|--|
| Messrs.— Aasheim Akesson Burnett Doyle of McIntosh Freeman | Messrs.— Grant Kremer Linde Olson | Messrs.— Pound Schull Sinclair White |
|---|---|--|

So the bill passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE.

Mr. Speaker:

Your conference committee appointed to confer with the conference committee from the senate on the senate amendments to House Bill No. 380 respectfully report that we have been unable to agree with said conference committee on said amendments.

J. W. HANLEY,
M. M. CHATFIELD,
G. W. WOLBERT.

Mr. Chatfield moved

That the report of the conference committee on House Bill No. 380 be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on enrollment made the following report:

Mr. Speaker:

Your committee on enrollment have examined
House Bill No. 251,

A bill for an act appropriating money to provide for the erection, equipment and maintenance of a biological station at Devils Lake, North Dakota, and to carry on its associated work.

Also,

House Bill No. 178,

A bill for an act making an appropriation for the improvement, betterment, conservation and preservation of

the Rock Island Military Wood Reservation in Ramsey County, North Dakota.

Also,

House Bill No. 83,

A bill for an act entitled an act to prohibit the use of four wheel cabooses, known as dinky cabooses, on all railroad trains operated in the state of North Dakota; to prevent the use of box cars as cabooses and to fix the minimum size and manner of construction of all cars used as cabooses and fixing the penalties for violation of this act.

Also,

House Bill No. 383,

A bill for an act to amend section 4210 of the revised codes of North Dakota for 1905, relating to dividends and limitations of indebtedness of corporations.

Also,

House Bill No. 101,

For an act prohibiting liquor dealers, breweries, and wholesale managing liquor houses from advertising or having agents in this state for the purpose of soliciting orders for intoxicating liquors.

Also,

House Bill No. 327,

A bill for an act to create a state board of control, and to provide for the management and control of the soldiers' home, the charitable, reformatory and penal institutions of the state, and to provide for supervisory powers over the state educational institutions, and to make an appropriation therefor, and for the defining of certain offenses, and providing penalties therefor

And find the same correctly enrolled.

H. J. LINDE,
Chairman.

Mr. Linde moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The chief clerk announced that the speaker was about to sign

House Bill No. 327,

A bill for an act to create a state board of control, and to provide for the management and control of the soldiers' home, the charitable, reformatory and penal institutions of the state, and to provide for supervisory powers over the state educational institutions, and to make an appropriation therefor, and for the defining of certain offenses, and providing penalties therefor. .

Also,

House Bill No. 83,

A bill for an act entitled an act to prohibit the use of four wheel cabooses, known as dinky cabooses, on all railroad trains operated in the state of North Dakota; to prevent the use of box cars as cabooses and to fix the minimum size and manner of construction of all cars used as cabooses and fixing the penalties for violation of this act.

Also,

House Bill No. 383,

A bill for an act to amend section 4210 of the revised codes of North Dakota for 1905, relating to dividends and limitations of indebtedness of corporations.

Also,

House Bill No. 101,

For an act prohibiting liquor dealers, breweries, and wholesale managing liquor houses from advertising or having agents in this state for the purpose of soliciting orders for intoxicating liquors.

Also,

House Bill No. 251,

A bill for an act appropriating money to provide for the erection, equipment and maintenance of a biological station at Devils Lake, North Dakota, and to carry on its associated work.

Also,

House Bill No. 178,

A bill for an act making an appropriation for the improvement, betterment, conservation and preservation of

the Rock Island Military Wood reservation in Ramsey County, North Dakota.

And the speaker signed the same in the presence of the house.

The chief clerk announced that the speaker was about to sign

Senate Bill No. 345,

A joint resolution for the appointment of North Dakota experts to sit with Minnesota boards of appeals, and providing an appropriation therefor.

And the speaker signed the same in the presence of the house.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
BISMARCK, NORTH DAKOTA.

March 5, 1909.

Mr. Speaker:

I have the honor to return herewith the concurrent resolution regarding additional clerk hire for J. I. Roop which the senate has amended by adding the name of P. J. Burfening, assistant engrossing clerk of the senate.

And passed as amended.

Very respectfully,

J. W. FOLEY,
Secretary.

Mr. Streeter moved

That the house do now concur in the senate amendment to the resolution relating to clerk hire of J. I. Roop.

Which motion prevailed, and

The amendment was concurred in.

The committee on enrollment made the following report:

Mr. Speaker:

Your committee on enrollment respectfully report that House Bill No. 305,

A bill for an act authorizing and requiring the board of railway commissioners to establish grades on grain and to appoint agents at terminal points of Duluth and Minneapolis for the benefit of shippers of grain in this state, and

providing for their compensation, and appropriating funds for the purpose of carrying out the provisions of this act.

Also

House Bill No. 36,

A bill to amend section 1787 of the revised codes of North Dakota, 1905.

Were delivered to the governor for his approval at the hour of 11:30 P. M., March 5, 1909.

H. J. LINDE,
Chairman.

The chief clerk announced that the speaker was about to sign

Senate Bill No. 107,

A bill for an act to provide for the better enforcement of the laws against the manufacture and sale of intoxicating liquors, providing for inspection, testing and analysis of said beverages, prescribing a penalty for the violation and charging the North Dakota government agricultural experiment station with the enforcement thereof.

And the speaker signed the same in the presence of the house.

The committee on enrollment made the following report:
Mr. Speaker:

Your committee on enrollment have examined:

House Bill No. 369,

A bill for an act to appropriate a sum of money for the maintenance and conservation of the state park at Fort Abercrombie.

Also,

House Bill No. 370,

A bill for an act to amend section 9 of an act, entitled 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 same being chapter 109 of the session laws of 1907.

Also,

House Bill No. 284,

A bill for an act regulating the practice in county courts having increased jurisdiction, and all matters relating

thereto; fixing the terms of court, compensation of judges and clerks and other officers of said courts and their duties, and repealing sections 8289 and 8319 inclusive, of the revised codes of 1905 of North Dakota, and chapter 68, laws of 1907.

Also,

House Bill No. 346,

A bill for an act to amend and re-enact section 1515 of the political code of 1905, relating to the organization of assessors' districts and townships, vacancies in such township and districts, and the compensation of assessors.

Also,

House Bill No. 315,

A bill for an act appropriating to F. M. Baker, assistant states' attorney of Stark county, \$450 attorney's fees for services rendered in the unorganized territory attached to Stark county for judicial purposes during the years 1905, 1906 and 1907.

Also,

House Bill No. 229,

A bill for an act to amend section 126 of the revised codes of 1905, providing for the appointment of assistant attorneys general, and fixing their salary, and appropriating money to pay the same.

Also,

House Bill No. 272,

A bill for an act to amend section 2242 of the revised codes for 1905; relating to the handling, weighing and storing of grain, and providing for the revoking of warehouse licenses.

Also,

House Bill No. 61,

A bill for an act to amend section 2802 of the revised codes of North Dakota, relating to publication of notice of special assessment list by city auditor, and to provide for the method of procedure in perfecting appeals from acts of the special assessment commission for cities.

Also,

House Bill No. 159,

A bill for an act entitled an act to amend section 2206 of the revised codes of the state of North Dakota for the year 1905 relating to the fees to be paid by Hawkers and Peddlers.

Also,

House Bill No. 145,

A bill for an act for an appropriation to reimburse Professor E. F. Ladd for disbursements and expenses incurred in the enforcement of the pure food laws.

Also,

House Bill No. 143,

A bill for an act entitled an act to redistrict the state of North Dakota into senatorial districts and apportion the senators and representatives therein.

Also,

House Bill No. 134,

A bill for an act making an appropriation to pay legal expenses and disbursements incurred by the government agricultural experiment station of the North Dakota agricultural college, in defending the suit brought to annul the "Pure Paint Law" of this state.

And find the same correctly enrolled.

H. J. LINDE,
Chairman.

Mr. Linde moved

That the report be adopted

Which motion prevailed, and

The report of the committee was adopted.

The chief clerk announced that the speaker was about to sign

House Bill No. 369,

A bill for an act to appropriate a sum of money for the maintenance and conservation of the state park at Fort Abercrombie.

Also,

House Bill No. 370,

A bill for an act to amend section 9 of an act, entitled 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 same being chapter 109 of the session laws of 1907.

Also,

House Bill No. 284,

A bill for an act regulating the practice in county courts having increased jurisdiction, and all matters relating thereto; fixing the terms of court, compensation of judges and clerks and other officers of said courts and their duties, and repealing sections 8289 and 8319 inclusive, of the revised codes of 1905 of North Dakota, and chapter 68, laws of 1907.

Also,

House Bill No. 346,

A bill for an act to amend and re-enact section 1515 of the political code of 1905, relating to the organization of assessors' districts and townships, vacancies in such township and districts, and the compensation of assessors.

Also,

House Bill No. 315;

A bill for an act appropriating to F. M. Baker, assistant states' attorney of Stark county, \$450 attorney's fees for services rendered in the unorganized territory attached to Stark county for judicial purposes during the years 1905, 1906 and 1907.

Also,

House Bill No. 61,

A bill for an act to amend section 2802 of the revised codes of North Dakota, relating to publication of notice of special assessment list by city auditor, and to provide for the method of procedure in perfecting appeals from acts of the special assessment commission for cities.

Also,

House Bill No. 229,

A bill for an act to amend section 126 of the revised codes of 1905, providing for the appointment of assistant attorneys general, and fixing their salary, and appropriating money to pay the same.

Also,

House Bill No. 145,

A bill for an act for an appropriation to reimburse Professor E. F. Ladd for disbursements and expenses incurred in the enforcement of the pure food laws.

Also,

House Bill No. 134,

A bill for an act making an appropriation to pay legal expenses and disbursements incurred by the government agricultural experiment station of the North Dakota agricultural college, in defending the suit brought to annul the "Pure Paint Law" of the state.

Also,

House Bill No 143,

A bill for an act entitled an act to redistrict the state of North Dakota into senatorial districts and apportion the senators and representatives therein.

Also,

House Bill No. 272,

A bill for an act to amend section 2242 of the revised codes for 1905; relating to the handling, weighing and storing of grain, and providing for the revoking of warehouse licenses.

Also,

House Bill No. 159,

A bill for an act entitled an act to amend section 2206 of the revised codes of the state of North Lakota for the year 1905 relating to the fees to be paid by hawkers and peddlers.

And the speaker signed the same in the presence of the House.

The committee on enrollment made the following report:
Mr. Speaker:

Your committee on enrollment have examined
House Bill No. 372,

A bill for an act, entitled an act prohibiting the use, sale or purchase of any device known as a silencer to be used on any fire arm.

And find the same correctly enrolled.

H. J. LINDE,
Chairman.

Mr. Linde moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The chief clerk announced that the speaker was about to sign

House Bill No. 372,

A bill for an act entitled an act prohibiting the use, sale or purchase of any device known as a silencer to be used on any firearm.

And the speaker signed the same in the presence of the house.

The committee on enrollment made the following report:
Mr. Speaker:

Your committee on enrollment respectfully report that:
House Bill No. 251,

A bill for an act appropriating money to provide for the erection, equipment and maintenance of a biological station at Devils Lake, North Dakota, and to carry on its associated work.

Also,

House Bill No. 383,

A bill for an act to amend section 4210 of the revised codes of North Dakota for 1905, relating to dividends and limitations of indebtedness of corporations.

Also,

House Bill No. 101,

For an act prohibiting liquor dealers, breweries, and wholesale managing liquor houses from advertising or

having agents in this state for the purpose of soliciting orders for intoxicating liquors.

Also,

House Bill No. 83,

A bill for an act entitled an act to prohibit the use of four wheel cabooses, known as dinky cabooses, on all railroad trains operated in the state of North Dakota; to prevent the use of box cars as cabooses and to fix the minimum size and manner of construction of all cars used as cabooses and fixing the penalties for violation of this act.

Also,

House Bill No. 178,

A bill for an act making an appropriation for the improvement, betterment, conservation and preservation of the Rock Island Military Wood Reesrvation in Ramsey County, North Dakota.

Also,

House Bill No. 327,

A bill for an act to create a state board of control, and to provide for the management and control of the soldier's home, the charitable, reformatory and penal institutions of the state, and to provide for supervisory powers over the state educational institutions, and to make an appropriation therefor, and for the defining of certain offenses and providing penalties therefor.

Were delivered to the governor for his approval at the hour of 11:40 P. M. March 5, 1909.

H. J. LINDE,
Chairman.

The committee on enrollment made the following report:
Mr. Speaker:

Your committee on enrollment have examined:

House Bill No. 211,

A bill for an act relating to the issuance of stock by corporations.

Also,

House Bill No. 157,

A bill for an act to provide for probation for persons convicted of felonies and misdemeanors.

Also,

House Bill No. 345,

A bill for an act providing that all state banks shall be known and designated by an official number.

Also,

House Bill No. 245,

A bill for an act to appropriate money for the use of the board of university and school lands in the payment of assessments for benefits made for drainage purposes against unsold common school and institution lands within the state.

Also,

House Bill No. 340,

A bill for an act to authorize the superintendent of public instruction and presidents of the state normal schools to arrange a course of study for the state normal schools, to provide for the rural schools of North Dakota.

Also,

House Bill No. 281,

A bill for an act to amend section 2620 of the revised codes of 1905, relating to legal rates for publication of legal notices.

Also,

House Bill No. 108,

A bill for an act providing for the inspection of refined petroleum oils and gasoline. Defining ports of entry. Appointment of oil inspector and deputies and fixing the salary of the same.

Also,

House Bill No. 349,

A bill for an act to amend section 889 of the revised codes of 1905.

Also,

House Bill No. 292,

A bill for an act to amend section 1129 of the revised codes of North Dakota for the year 1905 relating to the

agricultural and geological survey and appropriation therefor.

And find the same correctly enrolled.

H. J. LINDE,
Chairman.

Mr. Linde moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The chief clerk announced that the speaker was about to sign

House Bill No. 211,

A bill for an act relating to the issuance of stock by corporations.

Also,

House Bill No. 157,

A bill for an act to provide for probation for persons convicted of felonies and misdemeanors.

Also,

House Bill No. 340,

A bill for an act to authorize the superintendent of public instruction and presidents of the state normal schools to arrange a course of study for the state normal schools, to provide for the rural schools of North Dakota.

Also,

House Bill No. 108,

A bill for an act to prohibit discrimination between different sections, communities or localities, and to prohibit unfair competition, and providing penalties for the violation thereof.

Also,

House Bill No. 349,

A bill for an act to amend section 889 of the revised codes of 1905.

Also,

House Bill No. 345,

A bill for an act providing that all state banks shall be known and designated by an official number.

Also,

House Bill No. 245,

A bill for an act to appropriate money for the use of the board of university and school lands in the payment of assessments for benefits made for drainage purposes against unsold common school and institution lands within the state.

Also,

House Bill No. 292,

A bill for an act to amend section 1129 of the revised codes of North Dakota for the year 1905 relating to the agricultural and geological survey and appropriation therefor.

Also,

House Bill No. 281,

A bill for an act to amend section 2620 of the revised codes of 1905, relating to legal rates for publication of legal notices.

And the speaker signed the same in the presence of the house.

The committee on enrollment made the following report:
Mr. Speaker:

Your committee on enrollment have examined

House Bill No. 335,

A bill for an act to amend section 1554 of the revised codes of 1905 of North Dakota, relating to the delinquent personal property taxes, when due.

Also,

House Bill No. 355,

A bill for an act to amend section 8405 of the revised codes of 1905, relating to garnishment proceedings in justice courts.

Also,

House Bill No. 296,

A bill for an act to amend and re-enact article 10 of chapter 32 of the revised codes of 1905; relating to free public libraries.

Also,

House Bill No. 236,

A bill for an act to amend section 651 of the revised codes of the state of North Dakota for 1905.

Also,

House Bill No. 158,

A bill for an act, to provide indeterminate sentences of persons convicted of certain crimes; providing for a board of experts empowered to prescribe suitable rules of conduct and treatment; and to determine how and when a person sentenced under this act shall be paroled or released; and providing for a parole officer.

Also,

House Bill No. 110,

A bill for an act requiring state officials to reside at the capitol and provide adequate compensation.

And find the same correctly enrolled.

H. J. LINDE,
Chairman.

Mr. Linde moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The chief clerk announced that the speaker was about to sign

House Bill No. 355,

A bill for an act to amend section 8405 of the revised codes of 1905, relating to garnishment proceedings in justice courts.

Also,

House Bill No. 335,

A bill for an act to amend section 1554 of the revised codes of 1905 of North Dakota, relating to the delinquent personal property taxes, when due.

Also,

House Bill No. 158,

A bill for an act, to provide indeterminate sentences of persons convicted of certain crimes; providing for a board

of experts empowered to prescribe suitable rules of conduct and treatment; and to determine how and when a person sentenced under this act shall be paroled or released; and providing for a parole officer.

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A bill for an act to amend section 651 of the revised codes of the state of North Dakota for 1905.

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House Bill No. 296,

A bill for an act to amend and re-enact article 10 of chapter 32 of the revised codes of 1905; relating to free public libraries.

Also,

House Bill No. 110,

A bill for an act requiring state officials to reside at the capitol and to provide adequate compensation.

And the speaker signed the same in the presence of the house.

The speaker appointed as a committee to notify the governor that the house was ready to adjourn sine die: Messrs. Kneeland, Davidson and Christenson.

The speaker appointed a committee to notify the senate that the house was ready to adjourn sine die. Messrs. Traynor, Ganssle and Geidt.

The committee on enrollment made the following report:
Mr. Speaker:

Your committee on enrollment respectfully report that:

House Bill No. 369,

A bill for an act to appropriate a sum of money for the maintenance and conservation of the state park at Fort Abercrombie.

Also,

House Bill No. 349,

A bill for an act to amend section 889 of the revised codes of 1905.

Also,

House Bill No. 346,

A bill for an act to amend and re-enact section 1515 of the political code of 1905, relating to the organization of assessors' districts and townships, vacancies in such township and districts, and the compensation of assessors.

Also,

House Bill No. 245,

A bill for an act to appropriate money for the use of the board of university and school lands in the payment of assessments for benefits made for drainage purposes against unsold common school and institution lands within the state.

Also,

House Bill No. 108,

A bill for an act providing for the inspection of refined petroleum oils and gasoline. Defining ports of entry. Appointment of oil inspector and deputies and fixing the salary of the same.

Also,

House Bill No. 211,

A bill for an act relating to the issuance of stock by corporations.

Also,

House Bill No. 134,

A bill for an act making an appropriation to pay legal expenses and disbursements incurred by the government agricultural experiment station of the North Dakota agricultural college, in defending the suit brought to annul the "Pure Paint Law" of this state.

Also,

House Bill No. 229,

A bill for an act to amend section 126 of the revised codes of 1905, providing for the appointment of assistant attorneys general, and fixing their salary, and appropriating money to pay the same.

Also,

House Bill No. 284,

A bill for an act regulating the practice in county courts having increased jurisdiction, and all matters relating thereto; fixing the terms of court, compensation of judges and clerks and other officers of said courts and their duties, and repealing sections 8289 and 8319 inclusive, of the revised codes of 1905 of North Dakota, and chapter 68, laws of 1907.

Also,

House Bill No. 159,

A bill for an act entitled an act to amend section 2206 of the revised codes of the state of North Dakota for the year 1905 relating to the fees to be paid by Hawkers and Peddlers.

Also,

House Bill No. 145,

A bill for an act for an appropriation to reimburse Professor E. F. Ladd for disbursements and expenses incurred in the enforcement of the pure food laws.

Also,

House Bill No. 158,

A bill for an act, to provide indeterminate sentences of persons convicted of certain crimes; providing for a board of experts empowered to prescribe suitable rules of conduct and treatment; and to determine how and when a person sentenced under this act shall be paroled or released; and providing for a parole officer.

Also,

House Bill No. 340,

A bill for an act to authorize the superintendent of public instruction and presidents of the state normal schools to arrange a course of study for the state normal schools, to provide for the rural schools of North Dakota.

Also,

House Bill No. 345,

A bill for an act providing that all state banks shall be known and designated by an official number.

Also,

House Bill No. 370,

A bill for an act to amend section 9 of an act, entitled 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 same being chapter 109 of the session laws of 1907.

Also,

House Bill No. 355,

A bill for an act to amend section 8405 of the revised codes of 1905, relating to garnishment proceedings in justice courts.

Also,

House Bill No. 281,

A bill for an act to amend section 2620 of the revised codes of 1905, relating to legal rates for publication of legal notices.

Also,

House Bill No. 292,

A bill for an act to amend section 1129 of the revised codes of North Dakota for the year 1905, relating to the agricultural and geological survey and appropriation therefor.

Also,

House Bill No. 296,

A bill for an act to amend and re-enact article 10 of chapter 32 of the revised codes of 1905; relating to free public libraries.

Also,

House Bill No. 236,

A bill for an act to amend section 651 of the revised codes of the state of North Dakota for 1905.

Also,

House Bill No. 143.

A bill for an act entitled an act to redistrict the state of North Dakota into senatorial districts and apportion the senators and representatives therein.

Also,

House Bill No. 61,

A bill for an act to amend section 2802 of the revised codes of North Dakota, relating to publication of notice

Also,

House Bill No. 315,

A bill for an act appropriating to F. M. Baker, assistant states' attorney of Stark county, \$450 attorney's fees for services rendered in the unorganized territory attached to Stark county for judicial purposes during the years 1905, 1906 and 1907.

Also,

House Bill No. 110,

A bill for an act requiring state officials to reside at the capitol and to provide adequate compensation.

Also,

House Bill No. 157,

A bill for an act to provide for probation for persons convicted of felonies and misdemeanors.

Also,

House Bill No. 335,

A bill for an act to amend section 1554 of the revised codes of 1905, of North Dakota, relating to the delinquent personal property taxes, when due.

Also,

House Bill No. 272,

A bill for an act to amend section 2242 of the revised codes for 1905; relating to the handling, weighing and storing of grain, and providing for the revoking of warehouse licenses.

Also,

House Bill No. 372,

A bill for an act, entitled an act prohibiting the use, sale or purchase of any device known as a silencer to be used on any fire arm.

Were delivered to the governor for his approval at the hour of 11:45 P. M. March 5, 1909.

H. J. LINDE,
Chairman.

Mr. Ward moved
That the house do now adjourn sine die.
Which motion prevailed, and
The house adjourned sine die.

W. D. AUSTIN,
Chief Clerk.

REPORT OF SPECIAL COMMITTEE

CORRECTIONS IN JOURNAL OF MARCH 5, 1909.

The special committee appointed to correct the printed journal of the 5th day of March 1909, containing a record of the fifty-ninth day after recess and the sixtieth day, submit the following corrections.

Page 15, after line 23, insert "Mr. Price moved."

Page 38, after line 21, insert the following: "Also Mr. Speaker: Your committee on state affairs to whom was referred Senate Bill No. 212, A bill for an act to establish regular sessions for the State Board of Railway Commissioners and fixing the time, manner and place where such sessions shall be held, otherwise defining their powers and duties; defining the duties of Attorney General, etc., etc., have had the same under consideration and recommend the same do pass. W. J. Price, Chairman."

"Mr. Price moved that the report be adopted which motion prevailed and the report of the committee was adopted."

Page 43, line 8, after the word "to" insert the following: "complete the written journal and."

Page 61, line 21, change the word "House" to "Senate;" strike out lines 22, 23, 24, 25, 26 and 27, and insert in lieu thereof the title of Senate Bill No. 316.

Page 81 line 38, change word "House" to "Senate" strike out lines 39, 40, 41, 42 and 43, and insert in lieu thereof the title of Senate Bill No. 330.

Page 121, line 1, after the word "Bill" insert the following: "as recommended by the conference committee."

Page 149, strike out third line from bottom of page, and insert in lieu thereof the following: "recommended by the conference committee."

Page 164, line 25, strike out the word "return" and insert "transmit."

Page 175, line 1, strike out the word "House" and insert the word "Senate," also strike out lines 2, 3, 4, 5, 6, 7 and 8 and insert title of Senate Bill No. 283.

Page 175 line 10, strike out the word "House" and insert the word "Senate;" strike out lines 11, 12 and 13 and insert title of Senate Bill No. 328.

Respectfully Submitted,
W. D. AUSTIN, Chief Clerk,
J. I. ROOP,
J. W. MURPHY,
J. E. BUTTREE,
Special Committee.

CORRECTIONS IN THE PERMANENT BOUND EDITION OF THE PRINTED JOURNAL.

The special committee appointed to revise and correct the printed journal and compare the same with the written journal of the session, submit the following report of corrections to be made in the printed journal:

On Page 2, line 32, correct spelling of the name "Brynjulson" and correct same wherever it appears in printed journal.

Page 2, line 40, correct spelling of the name "Homnes" and correct same wherever it appears in printed journal.

Page 3, line 16, correct spelling of the name "Garden" and correct same wherever it appears in printed journal.

Page 4, line 4, correct spelling of the name "Gibbens" and correct same wherever it appears in printed journal.

Page 7, line 44, change the name "Bertha" to "Betty."

Page 10, line 31, change the name "Logen" to "Sogn."

Page 16, line 40, change the name "Floyd" to "Fred."

Page 24, line 21, after the word "house" insert "J. W. Foley, Secretary."

Page 83, line 2, change the word "Senate" to "House."

Page 88, line 33, change the name "Seymour" to "Senour."

Page 124, third line from bottom of page change the name "Gunderso" to "Anderson."

Page 140, line 14, strike out the word "withdrawn" and insert "re-called."

Page 140, line 16, strike out the word "withdrawn" and insert "re-called."

Page 158, line 6, strike out the word "return" and insert "transmit."

Page 177, line 1, after the word "house" insert "do."

Page 188, line 8, strike out the word "Senate" and insert "House," also strike out "title of Senate Bill No. 25," and insert "title of House Bill No. 25."

Page 237, line 2, change figure "7" to "6."

Page 239, line 13, change figure "2" to "3."

Page 241, line 30, after the word "prevailed" add the following: "and the amendment was adopted."

Page 292, strike out lines 24, 25, 26 and 27, and insert same after the word "secretary" in line 36.

Page 295, line 24, change figure "3" to "2."

Page 295, line 25, change figures "11" to "12."

Page 318, line 36, insert before the word "First" the word "Introduction."

Page 473, line 17, strike out the word "Amendment" and insert the word "Resolution."

Page 507, line 30, before the word "First" insert the word "Introduction."

Page 688, line 27, strike out figures "22" and insert in lieu thereof the figures "27," also strike out "28 and 29," and insert the following: "a bill for an act to amend chapter 191 of the session laws of the state of North Dakota, for the year 1907, defining what shall be considered and held to be intoxicating liquors."

Page 780, line 4, strike out the words "considered engrossed."

Page 780, change figures "83" to "88."

Page 801, after line 32, insert the following: "Also Senate Bill No. 126, a bill for an act to amend section 645 of chapter 8 of the revised codes of

1905, relating to election booths, challenges and providing penalty for false swearing, was read the first and second times and referred to the committee on appropriations."

Page 919, after next to the last line from bottom of page insert the following: "Mr. Thompson of McLean asked unanimous consent to amend the bill. There being no objections, Mr. Tompson of McLean offered the following amendment, and moved its adoption: page 2 of printed bill, sub-section 5, line 4, after the word "October" insert the following: "in any county which may hereafter be organized within the territorial limits of the judicial district, as hereinafter provided, at least two regular terms of the district court shall be held at the county seat thereof, each year, at such time as the judge of the district may direct. Which motion prevailed, and the amendment was adopted."

Page 919 at end of last line add the following: "as amended."

Page 921, strike out lines 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 and 16."

Page 969, line 38, strike out the word "affirmative" and insert the word "negative."

Page 997, after line 20, insert the following: "which motion prevailed."

Page 1062, line 29, strike out figure "6" and insert figure "9."

Page 1062, strike out lines 30, 31, 32, 33, 34 and 35, and insert in lieu thereof the following: "A bill for an act entitled an act providing that any city shall be authorized to install upon any of its streets or avenues any special system of street lighting, and to assess the cost thereof on any part thereof against the property directly benefited thereby."

Page 1085, third line from bottom of page, strike out the word "House" and insert the word "Senate."

Strike out two last lines on same page.

Page 1086, strike out lines 2 and 3, and insert in lieu thereof the following: "A bill for an act regulating sanitary condition in barber shops, hair dressing and manicuring parlors, and providing pealties for violations of this act."

Page 1166, strike out lines 10, 11, 12, 13 and 14, and insert in lieu thereof the following: "A bill for an act for the regulation of scientific experimentation upon human beings and animals in the State of North Dakota."

Page 1167, strike out 3 last lines of page and insert the following: "A bill for an act for the regulation of scientific experimentation upon human beings and animals in the State of North Dakota."

Page 1168, strike out lines 1 and 2.

Page 1207, line 35, strike out all of line after the word "the" and insert in lieu thereof the following: "motion to lay on table prevailed."

Page 1262, line 6, strike out the word "House" and insert "Senate."

Page 1263, after line 16 insert the following: "so the bill passed and the title was agreed to."

Page 1293, line 18, strike out figures "16" and insert figures "104."

Page 1308 strike out lines 14 and 15.

Page 1313, line 9, after the word "affirmative" insert the following: "on the consideration of Senate Bill No. 97."

Page 1373, at end of line 7, add "as recommended by the conference committee."

Page 1374, strike out line 28.

Page 1376, strike out line 4.

Page 1376, line 8, strike out "to adopt" and insert "that" at end of same line add "be adopted."

Page 1407, at end of line 17, add "as amended by the Senate."

Page 1413, after line 48, add "the question being on the final passage of the bill."

Page 1431, transpose lines 9 and 10.

Page 1471, line 22, before the word "that" add "Mr. Price Moved."

Page 1494, after line 20, insert the following: "Also Mr. Speaker, your committee on State Affairs to whom was referred Senate Bill No. 212 a bill for an act to establish regular sessions for the state board of railway commissioners and fixing the time, manner and place where such sessions shall be held, otherwise defining their powers and duties: defining the duties of attorney general, etc., have had the same under consideration, and recommend that the same do pass.

"W. J. Price, Chairman."

"Mr. Price moved that the report be adopted which motion prevailed and the report of the committee was adopted."

Page 1499, line 8, after the word "to" insert the following: "complete the written journal and."

Page 1517, line 21, strike out the word "House" and insert "Senate;" strike out lines 22, 23, 24, 25, 26 and 27 and insert title of Senate Bill No. 316.

Page 1537, line 38, strike out the word "House" and insert "Senate." also strike out lines 39, 40, 41, 42 and 43, and insert title of Senate Bill No. 330.

Page 1542, line 14, change the word "House" to "Senate."

Page 1542, line 16, change the word "House" to "Senate."

Page 1575, at end of line 14, add "as amended by the Senate."

Page 1577, at end of line 1, add "as recommended by the conference committee."

Page 1595, after line 9, add "Mr. Speaker."

In line 33, same page, add "as amended by the Senate."

Page 1605, strike out line 37, and insert "as amended by the conference committee."

Page 1620, line 25, strike out "return" and insert "transmit."

Page 1625, at end of line 11, add "ing money to pay the same."

Page 1628, third line from bottom of page, add "by the Senate."

Page 1631, line 1, change the word "House" to "Senate."

Page 1631, strike out lines 2, 3, 4, 5, 6, 7 and 8, and insert the following: "A bill for an act entitled an act to amend sections 8893, 8894, 8895 and 8896 of the revised codes of North Dakota for 1905, defining rape and prescribing punishment therefor."

Page 1631, line 10, strike out the word "House" and insert "Senate."

Page 1631, strike out lines 11, 12 and 13, and insert "A bill for an act to amend section 5 of chapter 179 of the session laws of North Dakota for 1907 entitled 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, etc."

Respectfully Submitted,
 W. D. AUSTIN, Chief Clerk.
 J. I. ROOP,
 J. W. MURPHY,
 J. E. BUTTREE,
 Special Committee.

CORRECTIONS IN WRITTEN JOURNAL.

The special committee appointed to revise and correct the printed journal and compare the same with the written journal of the session, submit the following report of corrections to be made in the written journal, Volume 1:

Page 4, line 18, after the word "Olson" insert the following: "The oath of office was administered to W. D. Austin as chief clerk by the speaker. "Mr. Sorlie nominated E. Erlandson for assistant chief clerk.

"The roll being called there were 93 votes cast of which Mr. Erlandson received 93 and was declared duly elected.

"Those voting for Mr. Erlandson were: Messrs. Aasheim, Akesson, Anderson Atwood, Baker of Cass, Baker of Stark, Bjorndahl, Brusletten, Brynjolfson, Burdick, Burnett, Burns, Chatfield, Christenson, Collins of Cass, Collins of Grand Forks, Crawford, Cunningham Davidson, Dibley, Doyle of Foster, Doyle of Logan, Duncan, Evans, Fraine, Freeman, Ganssle, Garden, Geidt, Gibbins, Grant, Hale, Hanley Hemmingson, Hendrickson, Hill, Homnes, Honey, Hughes, Jewett, Johnson of Bottineau, Johnson of McLean, Johnson of Rolette, Kinney of McLean, Kinney of Richland, Kneeland, Knox, Kremer, Law, Laithwaite, Linde, Lindvig, Lucke, Martin, McCrea, McLean, Moen of Benson, Moen of Cavalier, Narum, Nelson of McHenry, Nelson of Steele, Nelson of Walsh, Nyhus, Paulson, Peart, Pendray, Plath, Ployhar, Poe, Pound, Price, Putnam, Schull, Senour, Sgutt, Shells, Sinclair, Skinner, Skulason, Sorlie, S'een, Streeter, Thompson of Grand Forks, Thompson of McLean, Thoreson, Traynor, Tuttle, Ward, Welford, White, Wisner, Wolbert, Young. Absent and not voting: Messrs Goldammer and Olson.

Page 116, Vol. 1, strike out lines 15 to 33 inclusive.

Page 138, line 5, from the bottom strike out the word "return" and insert in lieu thereof the word "transmit."

Page 142, line 23, after the figure "5" insert the words "section 7."

Page 147, line 9, after the name "Skulason" insert "by request."

Page 153, last line, after the word "to" insert the following: "Mr. Chatfield moved that the vote by which House Bill No. 59 passed, be reconsidered and the motion to reconsider be laid on the table, which motion prevailed."

Page 154, line 1, after the word "House" insert the word "do."

Page 162, line 15, strike out the word "Senate" and insert the word "House."

Strike out all of lines 16, 17, 18, and line 19 up to the word "have" and insert "title of House Bill No. 25."

Page 167, line 34, after the word "of" insert "members of."

Page 195, line 2 from the bottom, after the word "out" insert "which motion prevailed, and the amendment was adopted."

Page 199, line 17, change figures "87" to "86."

Page 200, line 30, change figures "82" to "83."

Page 202, line 6, after the word "prevailed" insert "and the amendment was adopted."

Page 237 strike out lines 12, 13 and 14, and insert same lines after the word "Secretary" on same page, line 20.

Page 239, line 11, change figures "83" to "82," line 12 same page, change figures "11" to "12."

Page 244, line 19, after the word "excused" insert "so the motion prevailed."

Page 257, line 35, before the word "First" insert the word "introduction."

Page 260, line 30, after the word "clerk" insert "Thirty-second day after recess."

Page 300, line 18, after the word "judiciary" insert the following: "Mr. Baker of Cass introduced House Bill No. 266, a bill for an act prohibiting employes from obtaining transportation with intent to defraud, which was read the first and second times and referred to the committee on railroads.

"Mr. White introduced House Bill No. 267; a bill for an act relating to railroad stations, which was read the first and second times and referred to the committee on railroads.

"Mr. Hemmingson introduced House Bill No. 268; a bill for an act to amend section 9151 of the revised codes of 1905, relating to having burglars' instruments and explosives in possession; which was read the first and second times and referred to the committee on judiciary."

Page 320, line 2 from the bottom, after the word "chairman" insert the following: "also, your committee on banking to whom was referred Senate Bill No. 13, for an act making it unlawful for corporations having banking powers to invest more than thirty per cent of its capital stock in banking house, furniture and fixtures, defining its powers as to other real estate and repealing section 4640 of the revised codes for the year 1905, have had the same under consideration and recommend that the same do pass.

G. W. WOLBERT, Chairman."

Page 334, line 34, after the word "clerk" insert the following:

THIRTY-EIGHTH DAY.

House of Representatives, Bismarck, North Dakota, February 11, 1909.

The house assembled at 2 o'clock p. m., pursuant to adjournment.

The speaker presiding.

Prayer by the chaplain.

Roll call.

All members present except Messrs. Brusletten, Burns, Hemmingson and Hughes, who were excused.

REFERENCE OF THE JOURNAL.

The committee on revision and correction of the journal made the following report:

Mr. Speaker:

Your committee on revision and correction of the journal have carefully examined the journal of the thirty-sixth day after recess and the thirty-seventh day and find the same correct.

And recommend that the same be approved.

S. J. DOYLE,
Chairman.

Mr Doyle moved that the report be adopted, which motion prevailed, and the report of the committee was adopted.

PETITIONS AND COMMUNICATIONS.

Mr. Streeter presented the following petition:

Steele, N. D., February 8, 1909.

Hon. Darwin Streeter, Bismarck, N. D.:

Dear Sir: We, the undersigned citizens of Kidder county, N. D., and stockholders in local farmers' telephone companies, would respectfully urge you to oppose in every way possible the passage and enactment of House Bill No. 140, relative to telephone and telegraph lines. This bill requires the erection and maintenance of all telephone lines on poles not less than 24 feet from ground to cross arms (30-foot poles), the cost of such poles to bear one or two wires of a farmers' line would be prohibitive to the building and maintenance of such lines.

Living in a prairie country of long distances between neighbors and neighborhoods, farmers' telephone lines are of wonderful convenience and

necessity. The building of such lines has just practically been commenced in this state, and we can only look at the enactment of such a law as a direct prohibition of these lines by law in the interest of corporation toll lines.

Respectfully,
W. C. BRODDY,
And 55 Others.

Mr. Traynor presented the following petition:

We, the members of Library Club of Devils Lake, N. D., hereby petition you, and the other members of this district who are of the North Dakota legislature, to work for the passage of the model food law bill.

LUELLA W. STREETER,
And 9 others.

REPORTS OF STANDING COMMITTEES.

The majority of the committee on drains and drainage made the following report:

Mr. Speaker:

A majority of your committee on drains and drainage to whom was referred

House Bill No. 34,

A bill for an act permitting farmers and land owners to drain their lands into road ditches and other depressions when such ditch or depression is wholly upon the owner's land.

Have had the same under consideration and recommend that the same be indefinitely postponed.

FERDINAND LUCKE,
Chairman.

A minority of the committee on drains and drainage made the following report:

Mr. Speaker:

The undersigned, members of your committee on drains and drainage, to whom was referred

House Bill No. 34,

A bill for an act permitting farmers and land owners to drain their lands into road ditches and other depressions when such ditch or depression is wholly upon the owner's land.

Which has been reported, recommending that the same be indefinitely postponed, hereby beg leave to dissent from the opinion of the majority, and recommend that the same be amended as follows:

After the word "highway" in line 5 of the printed bill, add, "with the consent of the board of township supervisors thereof."

And when so amended recommend the same do pass.

FERDINAND LUCKE,
W. J. BURNETT,
G. C. LAITHWAITE.

The committee on state affairs made the following report:

Mr. Speaker:

Your committee on state affairs to whom was referred

House Bill No. 108,

A bill for an act providing for the inspection of refined petroleum oils and gasoline. Defining ports of entry. Appointment of oil inspector and deputies and fixing the salary of the same.

Have had the same under consideration and recommend that the same be amended as follows:

On page 2 in section 1, after line 25 of the printed bill, insert "provided, that the salary of deputy oil inspectors at the designated points of entry shall be based on the last annual report of the state oil inspector as to the amount of barrels of oil inspected;" also in section 1, line 14, after the word "of" insert the word "such."

In section 1, line 23, strike out the dollar sign (\$) before the figures "15,000."

On Page 4, section 3, after line 7, insert, "for the purpose of making chemical and photometric tests, as hereinafter provided for, there shall be set aside from the inspection funds one thousand dollars (\$1,000.00), which sum, or so much thereof as is necessary, may be used under the direction of the state oil inspector in the employment of a competent chemist at the agricultural college and university."

On page 5, clause 5, in line 23, after the word "fahrenheit" add "when one hundred cubic centimeters of the oil are distilled from a side necked distilling flask 2¾ inches in diameter, and with a neck 2½ inches in length, to the side necked tube, said flask to be covered with a closely adhering jacket of asbestos paper."

On same page, line 25, after the words "value of the oils," add, "which shall not be in the photometric test, when burning under normal conditions, show a fall of more than 25 per cent in candle power in a test for not less than six nor more than eight hours' duration."

Clause 3, page 5, after line 13, should read, "provided, that illuminating oil produced from petroleum of low gravity shall be labeled and sold as low gravity oil, and such illuminating oil shall have a gravity test of forty-two degrees Beaume) or higher; and said oil shall conform in other respects to the tests as laid down in this statute."

On page 7, line 54, after the words, "rejected for sale" add the following, "provided, that gasoline produced from petroleum of low gravity shall be labeled and sold as low gravity gasoline, and such gasoline shall have a gravity test of 63 per cent (Beaume), or higher; provided, that all gasoline offered for sale in this state shall, when 100 cubic centimeters are subjected to distillation in a flask as described for distilling oil, show not less than 3 per cent distilling at one hundred and fifty-eight (158) degrees Fahrenheit, and there shall not be more than 6 per cent residue at two hundred and eighty-four degrees Fahrenheit."

On page 10, line 23, after the word "Beaume" insert "except as provided for in this act."

On page 12, section 14, line 4, strike out the word "Bealand" and insert the word "Zealand" in place thereof.

And when so amended recommend the same do pass.

W. J. PRICE,
Chairman.

Mr. Price moved

That the rules be suspended and House Bill No. 108 be printed as amended and placed upon the members' desks, and be made a special order for 3 o'clock p. m. February 16th.

Which motion prevailed.

Also,

Your committee on state affairs to whom was referred

House Bill No. 140,

An act to compel the removal and erection of telephone and telegraph poles by telephone and telegraph companies as well as private individuals to section lines, and their maintenance.

Have had the same under consideration and recommend that the same be indefinitely postponed.

W. J. PRICE,
Chairman.

Mr. Price moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Also,

Your committee on state affairs to whom was referred

House Bill No. 256,

A bill for an act to establish a state fair and locate the same at Jamestown, North Dakota, and make an appropriation therefor.

Have had the same under consideration and recommend that the same be referred to the committee of the whole.

W. J. PRICE,
Chairman.

Mr. Price moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on state affairs to whom was referred

House Bill No. 215,

A bill for an act to establish and permanently fix the state fair at Devils Lake, in Ramsey county, North Dakota, making appropriation therefor, and to repeal sections 1306 and 1307 of the revised codes of the state of North Dakota.

Have had the same under consideration and recommend that the same be referred to the committee of the whole.

W. J. PRICE,
Chairman.

Mr. Price moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Mr. Skulason moved

That the further reading of the reports of standing committees of all bills not printed be dispensed with until such bills are printed and placed upon the members' desks.

Which motion prevailed.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

Senate Chamber, Bismarck, North Dakota, February 11, 1909.

Mr. Speaker:

I have the honor to transmit herewith

Senate Bill No. 33.

A bill for an act to amend section two (2) of chapter forty-two (42) of the session laws of 1907, (same being section 1380 of the revised codes of 1905.) relating to locating, building and repairing of bridges.

Also,

Senate Bill No. 137,

A bill for an act to amend section 372 of the political code of the revised codes of 1905, relating to commissioners of deeds.

Also,

Senate Bill No. 140.

A bill for an act authorizing the board of trustees of the North Dakota state penitentiary to operate the twine plant more than ten hours per day; authorizing the employment of the inmates of the North Dakota state penitentiary during any part of the day; authorizing the board of trustees of the North Dakota state penitentiary to pay inmates, not to exceed the sum of six cents per day, for their labor; except that inmates working over time in the factory may be paid extra for over time; prescribing rules to be observed in the payment of wages, and the keeping of the accounts; providing that the wife, minor children or other person dependent on the inmate for support shall receive five-sixths of the wages, and otherwise providing for the manner in which the wages may be paid; and providing for a general inmates' beneficial fund.

Also,

Senate Bill No. 141,

A bill for an act to amend section 10,387 of the code of criminal procedure of the revised codes of 1905, relating to the fiscal year and sinking fund of the twine plant.

Also,

Senate Bill No. 142,

A bill for an act authorizing the state auditor to advance such sums to the treasurer of the state penitentiary as may be necessary for the purpose of paying for the raw material and supplies necessary for the operation of the twine plant, and for conducting the business of the institution; providing that the warden of the state penitentiary or the board of trustees thereof, shall execute in writing a requisition setting forth the reason therefor.

Also,

Senate Bill No. 162,

A bill for an act to amend and re-enact section 344 of article 17 of the revised code of North Dakota of 1905, relating to qualifications of embalmers of dead human bodies, and the duties and relations for the shipment thereof.

Also,

Senate Bill No. 168,

A bill for an act to amend section 9151 of the revised codes of 1905 of North Dakota.

Which the senate has passed and your favorable consideration is respectfully requested.

Very respectfully,

J. W. FOLEY,
Secretary.

REPORT OF STANDING COMMITTEES.

The committee on railroads made the following report:

Mr. Speaker:

Your committee on railroads to whom was referred

House Bill No. 204,

A bill for an act prohibiting the locking or obstructing of railroad crossings on rural highways or on village or city streets by railroad companies or their employes, by allowing cars, engines, or train of cars to stand on such crossings for a longer period than five minutes at any one time, and providing penalties for violence of this act.

Have had the same under consideration and recommend that the same be amended as follows:

In line 5, section 1 of printed bill, strike out the word "five" and insert the word "ten."

In line 1 of the title of printed bill the word "locking" be stricken out and the word "blocking" be inserted.

In line 4 of the printed title strike out the word "five and insert the word "ten."

In line 10 of the printed bill the words "twenty-five" to be stricken out and the word "ten" inserted instead.

And when so amended recommend the same do pass.

G. A. WHITE,
Chairman.

The committee on public printing made the following report:

Mr. Speaker:

Your committee on public printing to whom was referred

House Bill No. 153,

A bill for an act to amend section 2620 of the revised codes of 1905, relating to legal rates for publication of legal notices.

Have had the same under consideration and recommend that the same be indefinitely postponed.

D. R. STREETER,
Chairman.

Mr. Streeter moved
That the report be adopted.
Which motion prevailed, and
The further consideration of the bill was indefinitely postponed.

Also,
Your committee on public printing to whom was referred
House Bill No. 189,

A bill for an act to authorize the secretary of state to enter into a contract on behalf of the state of North Dakota with the Lawyers' Co-operative Publishing Company for the printing and publishing of the supreme court reports.

Have had the same under consideration and recommend that the same be indefinitely postponed.

D. R. STREETER,
Chairman.

Mr. Streeter moved
That the report be adopted.
Which motion prevailed, and
The further consideration of the bill was indefinitely postponed.
The committee on judiciary made the following report:

Mr. Speaker:

Your committee on judiciary to whom was referred
House Bill No. 113,

A bill for an act to amend chapter 258 of the session laws of the state of North Dakota of 1907, being an act to prohibit discrimination between different sections, communities or localities, unfair competition and providing penalties for the violation thereof.

Have had the same under consideration and recommend that the same be amended as follows:

In the title of the bill after the word "for" strike out the words "an act to amend chapter 258 of the session laws of the state of North Dakota of 1907, being."

After the word "localities" in the title insert "and to prohibit."

On page 1, line 9, after the word "paid" insert the words "by such person, firm or corporation."

On line 1, page 2 of the printed bill, after the figure "2" insert the words "Duty of secretary of state and attorney general."

On page 3, line 1, after the figure "4" insert the word "repeal."

And when so amended recommend the same do pass.

M. M. CHATFIELD,
Acting Chairman.

The committee on municipal corporations made the following report:

Mr. Speaker:

Your committee on municipal corporations to whom was referred

House Bill No. 168,

A bill for an act to legalize certain floating indebtedness incurred by cities of this state under certain circumstances and bonds issued or that may be issued, to fund the same.

Have had the same under consideration and recommend that the same be amended as follows:

After the word "thereof" in line 12 of section 1 of the printed bill insert the words "having been thereunto authorized by a majority vote of the qualified electors of such city voting thereon at any regular or special election," and also by striking out the following words and figures in

lines 13 and 14 of said section 1 of the printed bill, "pursuant to article 12 of chapter 32 of the political code of 1905."

And when so amended recommend the same do pass.

F. G. KNEELAND,
Chairman.

The committee on public health made the following report:

Mr. Speaker:

Your committee on public health to whom was referred

Senate Bill No. 60,

A bill for an act prohibiting the marriage of white persons to negro persons; prohibiting negro man and white woman, or negro woman and white man occupying same room; prohibiting adultery or fornication between whites and negroes; prohibiting the issuing of marriage licenses for white persons to negro persons; prohibiting the performance of the marriage ceremony between white persons and negroes; prescribing penalties for violations of the provisions of this act, and defining a negro person.

Have had the same under consideration and recommend that the same do pass.

C. H. SHEILS,
Chairman.

Mr. Sheils moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on public health to whom was referred

Senate Bill No. 106,

A bill for an act to amend section 1889 of the revised codes of 1905 of the state of North Dakota, relating to commissioners of insanity.

Have had the same under consideration and recommend that the same do pass.

C. H. SHEILS,
Chairman.

Mr. Sheils moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on engrossment made the following report:

Mr. Speaker:

Your committee on engrossment have examined

House Bill No. 81,

A bill for an act relating to the assessment of lands for the construction of drains and providing for an appeal from the decision of the drainways board, and fixing the compensation of drain commissioners.

And find the same correctly re-engrossed.

C. C. CRAWFORD
Chairman.

Mr. Crawford moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Your committee on engrossment have examined

House Bill No. 33,

A bill for an act to amend section 1380 of the revised codes of 1905, relating to location and building of bridges.

Also,

House Bill No. 146,

A concurrent resolution amending section 158 of the constitution of the state of North Dakota, providing for the purchase of and sale of school and public lands.

Also,

House Bill No. 154,

A bill for an act to amend section 2173 of the revised codes of the state of North Dakota for 1905, relating to automobiles.

Also,

House Bill No. 177,

A bill for an act providing for the creating, establishing and maintaining of a biological station on the shore of Devils Lake in Ramsey county, North Dakota, for the control of such station and work associated therewith, appointment of directors of such station and its associated work prescribing the duties of such directors and making appropriations therefor.

Also,

House Bill No. 195,

A bill for an act creating a state highway commission, defining its powers and duties, creating a state highway fund, providing for the expenditure thereof, and providing for the appointment of county superintendents of highways and town road inspectors, and abolishing the office of township road overseer.

Also,

House Bill No. 196,

A bill for an act to amend section 7453 of the revised codes of North Dakota for 1905, relating to the foreclosure of mortgages upon real property, containing a power of sale, by advertisement, and limiting the time in which proceedings for such foreclosure may be commenced.

And find the same correctly engrossed.

C. C. CRAWFORD,
Chairman.

Mr. Crawford moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Mr. Skulason moved

That the house instruct the chairman of the state affairs committee to report House Bill No. 192 forthwith.

Which motion was lost.

The speaker withdrew House Bill No. 250 from the committee on agriculture and referred the same to the committee on state affairs.

FIRST AND SECOND READING OF HOUSE BILLS.

Mr. Wolbert introduced

House Bill No. 278,

A bill for an act fixing the liability of a bank to its depositor for payment of forged or raised checks.

Which was read the first and second times and

Referred to the committee on banking.

Mr. Wolbert introduced

House Bill No. 279,

A bill for an act relating to the payment of deposits in two names.

Which was read the first and second times and

Referred to the committee on banking.

Mr. Wolbert introduced

House Bill No. 280,

A bill for an act to amend section 390 of the revised codes of 1905 of North Dakota, appropriating money for clerk hire in the several state offices, and fixing the salaries of the chief deputy state officers.

Which was read the first and second times and

Referred to the committee on State Affairs.

The committee on public printing introduced

House Bill No. 281,

A bill for an act to amend section 2620 of the revised codes of 190, relating to legal rates for publication of legal notices.

Which was read the first and second times and

Referred to the committee on public printing.

Mr. Hanley introduced

House Bill No. 282,

A concurrent resolution amending the constitution of the state of North Dakota, relating to the term of office of the commissioners of railroads.

Which was read the first and second times and

Referred to the committee on railroads.

Mr. McCrea introduced

House Bill No. 283,

A bill for an act to amend sections 9354, 9355, 9356, 9357, 9358, 9359, 9360, 9361, 9362, 9363, of the revised codes of 1905 and any acts amendatory thereof, and to re-enact sections 9364 and 9365 of said code, regulating the sale of intoxicating liquors by druggists who are registered pharmacists; and to provide a method of such sales, and of granting and revoking of permits.

Which was read the first and second times and

Referred to the committee on temperance.

Mr. Kneeland introduced

House Bill No. 284,

A bill for an act regulating the practice in county courts having increased jurisdiction, and all matters relating thereto; fixing the terms of court, compensation of judges and clerks and other officers of said courts and their duties, and repealing sections 8289 and 8219 inclusive, of the revised codes of 1905 of North Dakota, and Chapter 68, laws of 1907.

Which was read the first and second times and

Referred to the committee on judiciary.

Mr. Kneeland introduced

House Bill No. 285,

A bill for an act to amend section 2589 of the revised codes of 1905, relating to the fees of county court.

Which was read the first and second times and

Referred to the committee on judiciary.

Mr. Kneeland introduced

House Bill No. 286,

A bill for an act to amend section 5119 of the revised codes of 1905, relating to the succession of children of testator omitted from will.

Which was read the first and second times and

Referred to the committee on judiciary.

Mr. Crawford (by request) introduced

House Bill No. 287,

A bill for an act providing for the appointment and removal of deputies and clerks in county offices and fixing their salaries.

Which was read the first and second times and

Referred to the committee on judiciary.

Mr. Aasheim introduced

House Bill No. 288,

A bill for an act entitled "An act concerning railroads and to better protect the life of railway employes and the traveling public, and providing penalties for the violation thereof."

Which was read the first and second times and

Referred to the committee on railroads.

Mr. Traynor introduced

House Bill No. 289,

A bill for an act to amend section 3061 of the revised codes for 1905, relating to annual township meetings.

Which was read the first and second times and

Referred to the committee on state affairs.

THIRD READING OF HOUSE BILLS.

House Bill No. 154,

A bill for an act to amend section 2173 of the revised codes of the state of North Dakota for 1905, relating to automobiles.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 58, nays 25, absent and not voting 12.

Those who voted in the affirmative were: Messrs. Bjorndahl, Chatfield, Collins of Cass, Crawford, Cunningham, Davidson, Dibley, Doyle of Foster, Duncan, Fraine, Freeman, Geidt, Goldammer, Hanley, Hill, Homnes, Honey, Jewett, Johnson of Bottineau, Johnson of McLean, Johnson of Rolette, Kneeland, Knox, Laithwaite, Linde, Lindvig, Lucke, McCrea, McLearn, Moen of Benson, Moen of Cavalier, Nelson of McHenry, Nelson of Walsh, Nyhus, Olson, Peart, Pendray, Poe, Pound, Price, Putnam, Senour, Sgutt, Sinclair, Skinner, Skulason, Sorlie, Steen, Storey, Streeter, Thompson of Grand Forks, Thompson of McLean, Traynor, Ward, Wisner, Wolbert, Young, Mr. Speaker.

Those who voted in the negative were: Messrs. Aasheim, Akesson, Anderson, Baker of Cass, Brynjulson, Burnett, Christenson, Collins of Grand Forks, Doyle of McIntosh, Evans, Ganssle, Gibbens, Grant Hale, Kinney of McLean, Kinney of Richland, Kremer, Martin, Narum, Nelson of Steele, Paulson, Plath, Schull, Sheils, Welford.

Absent and not voting: Messrs. Atwood, Baker of Stark, Brusletten, Burns, Garden, Hemmingson, Hendrickson, Hughes, Law, Ployhar, Thoreson, White.

Messrs. Brusletten, Burns, Hemmingson and Hughes being excused.

So the bill passed and the title was agreed to.

Mr. Skulason moved

That the vote by which House Bill No. 154 passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

SPECIAL ORDER.

House Bill No. 6.

A concurrent resolution amending the constitution of the state of North Dakota establishing and locating a state normal school in the city of Minot, county of Ward.

Was read the third time.

Mr. Chatfield moved

The previous question.

Which motion prevailed

The question being on the final passage of the bill.

The roll was called and there were ayes 69, nays 21, absent and not voting 5.

Those who voted in the affirmative were: Messrs. Akesson, Atwood, Baker of Cass, Baker of Stark, Brynjulson, Burnett, Chatfield, Collins of

Cass, Collins of Grand Forks, Cunningham, Davidson, Doyle of Foster, Doyle of McIntosh, Duncan, Evans, Fraine, Ganssle, Garden, Geidt, Gibbens, Hanley, Hendrickson, Hill, Homnes, Honey, Jewett Johnson of Bottineau, Johnson of McLean, Kinney of McLean, Kinney of Richland, Kneeland, Knox, Laithwaite, Linde, Lucke, Martin, McCrea, McLear, Nelson of Steele, Nelson of Walsh, Pound, Price, Putnam, Schull, Senour, Sgutt, Sheils, Sinclair, Skinner, Skulason, Sorlie Streeter, Thompson of Grand Forks, Thompson of McLean, Thoreson, Traynor, Ward, Welford, White, Wisner, Goldammer, Grant, Hale, Peart, Pendray, Ployhar, Wolbert, Young, Mr. Speaker.

Those who voted in the negative were: Messrs. Aasheim, Anderson, Bjordahl, Christenson, Crawford, Dibley, Freeman, Johnson of Rolette, Kremer, Law, Lindvig, Moen of Benson, Moen of Cavalier, Narum, Nelson of McHenry, Nyhus, Olson, Paulson, Plath, Poe, Steen.

Absent and not voting: Messrs. Brusletten, Burns, Hemmingson, Hughes, Storey.

Messrs. Brusletten, Burns, Hemmingson and Hughes being excused.

So the bill passed and the title was agreed to.

Mr. Chatfield moved

That the vote by which House Bill No. 6 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

Senate Chamber, Bismarck North Dakota, February 11, 1909.

Mr. Speaker:

I have the honor to transmit herewith the following concurrent resolution:

Be it Resolved by the House of Representatives, the Senate Concurring:

Whereas, numerous complaints have been made from time to time by shippers of grain from this state to terminal points, of heavy losses through the bad condition of cars of the various railroads transporting the same, and

Whereas, the Wisconsin Grain and Warehouse Commission at Superior on which this state has a representative has inaugurated a system through diagrams illustrating the defects in bad order cars and publishing monthly statements of their number and condition when received, and

Whereas, during the months of September, October, November and December, 1908, said commission received 34,349 cars of grain, of which number there were 14,919 in bad order and leaky condition thereby entailing heavy losses to the shippers; therefore be it

Resolved. That the various railroads operating within and through this state, transporting our grain to terminal points, be and they are hereby respectfully and urgently requested not to allow cars in bad order to be delivered to shippers of grain, but to see that they are in good condition before leaving their yards. Be it further

Resolved, That copies of these resolutions be sent to the general managers of the freight departments of the respective railroads transporting grain to terminal points from North Dakota.

Which the senate has adopted and your favorable consideration is respectfully requested.

J. W. FOLEY,

Secretary.

Mr Skulason moved

That the senate concurrent resolution relating to bad order of cars, be referred to the committee on railroads.

Which motion prevailed, and

The concurrent resolution was so referred.

THIRD READING OF HOUSE BILLS.

House Bill No. 146,

A concurrent resolution amending section 158 of the constitution of the state of North Dakota, providing for the purchase of and sale of school and public lands.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 76, nays 0, absent and not voting 19.

Those who voted in the affirmative were: Messrs. Aasheim, Akesson, Anderson, Atwood, Baker of Cass, Baker of Stark, Bjordahl, Burnett, Christenson, Collins of Cass, Collins of Grand Forks, Crawford, Cunningham, Davidson, Doyle of McIntosh, Duncan, Fraine, Freeman, Ganssle, Garden, Geidt, Gibbens, Goldammer, Grant, Hale, Hendrickson, Hanley, Hill, Homnes, Honey, Jewett, Johnson of Bottineau, Johnson of McLean, Johnson of Rolette, Kinney of McLean, Kinney of Richland, Kneeland, Law, Laithwaite, Linde, Lindvig, Lucke, Martin, McCrea, McLear, Moen of Cavalier, Narum Nelson of McHenry Nelson of Steele, Nelson of Walsh, Nyhus, Olson, Paulson, Pendry, Plath, Ployhar, Pound, Price, Putnam, Schull, Senour, Shells, Sinclair, Skulason, Sorlie, Streeter, Thompson of McLean, Thoreson, Traynor, Ward, Welford, White, Wisner, Wolbert, Young, Mr. Speaker.

Absent and not voting: Messrs. Brusletten, Brynjulson, Burns, Chatfield, Dibley, Doyle of Foster, Evans, Hemmingson, Hughes, Knox, Kremer, Moen of Benson, Peart, Poe, Sgutt, Skinner, Steen, Storey, Thompson of Grand Forks.

Messrs. Brusletten, Burns, Hemmingson and Hughes being excused. So the bill passed and the title was agreed to.

Mr. Gibbens moved

That the vote by which House Bill No. 146 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 196,

A bill for an act to amend section 7453 of the revised codes of North Dakota for 1905, relating to the foreclosure of mortgages upon real property, containing a power of sale, by advertisement, and limiting the time in which proceedings for such foreclosure may be commenced.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 83, nays 0, absent and not voting 12.

Those who voted in the affirmative were: Messrs. Aasheim, Akesson, Anderson, Atwood, Baker of Cass, Baker of Stark, Bjordahl, Brynjulson, Burnett, Chatfield, Christenson, Collins of Cass, Collins of Grand Forks, Cunningham, Davidson, Doyle of Foster, Doyle of McIntosh, Duncan, Evans, Fraine, Freeman, Ganssle, Garden, Geidt, Gibbens, Goldammer, Grant, Hale, Hanley, Hendrickson, Hill, Homnes, Honey, Jewett, Johnson of Bottineau, Johnson of McLean, Johnson of Rolette, Kinney of Richland, Kneeland, Knox, Kremer, Law, Laithwaite, Linde, Lindvig, Lucke, Martin, McCrea, McLear, Moen of Benson, Moen of Cavalier, Narum, Nelson of McHenry, Nelson of Steele, Nelson of Walsh, Nyhus, Paulson, Peart, Pendray, Ployhar, Poe, Pound, Price, Putnam, Schull, Sgutt, Shells, Sinclair, Skulason, Sorlie, Steen, Streeter, Thompson of Grand Forks, Thompson of McLean, Thoreson, Traynor, Ward, Welford, White, Wisner, Wolbert, Young, Mr. Speaker.

Absent and not voting: Messrs. Brusletten, Burns, Crawford, Dibley, Hemmingson, Hughes, Kinney of McLean, Olson, Plath, Senour, Skinner, Storey.

Messrs, Brusletten, Burns, Hemmingson and Hughes being excused.
So the bill passed and the title was agreed to.

Mr. Gibbens moved

That the vote by which House Bill No. 196 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 33,

A bill for an act to amend section 1380 of the revised codes of 1905, relating to location and building of bridges.

Was read the third time.

Mr. Putnam moved

That the further consideration of the bill be re-referred to the committee on highways and bridges. Which motion prevailed, and

The bill was so re-referred.

MESSAGE FROM THE SENATE.

The following message was received from the senate:

Senate Chamber, Bismarck, North Dakota, February 11, 1909.

Mr. Speaker:

I have the honor to transmit herewith

Senate Bill, No. 82,

A concurrent resolution, amending the constitution of the state of North Dakota, relating to the legislative department, and providing for direct legislation and reference of laws.

Which the senate has passed and your favorable consideration is respectfully requested.

J. W. FOLEY,

Secretary.

THIRD READING OF HOUSE BILLS.

House Bill No. 177,

A bill for an act providing for the creating, establishing and maintaining of a biological station on the shore of Devils Lake in Ramsey county, North Dakota, for the control of such station and work associated therewith, appointment of directors of such station and its associated work, prescribing the duties of such directors and making appropriations therefor.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 72, nays 15, absent and not voting 8.

Those who voted in the affirmative were: Messrs. Akesson, Anderson, Atwood, Baker of Stark, Bjorndahl, Burnett, Chatfield, Christenson, Collins of Cass, Collins of Grand Forks, Cunningham, Davidson, Dibley, Doyle of Foster, Doyle of McIntosh, Duncan, Fraine, Freeman, Ganssle, Garden, Geidt, Gibbens, Goldammer, Hale, Hanley, Hendrickson, Homnes, Hill, Honey, Jewett, Johnson of Bottineau, Johnson of McLean, Johnson of Rollette, Kinney of McLean, Kinney of Richland, Kneeland, Knox, Laithwaite, Linde, Lindvig, Lucke, Martin, McCrea, McLearn, Moen of Benson, Moen of Cavalier, Nelson of McHenry, Peart, Plath, Ployhar Pound, Price Putnam, Schull, Senour, Sgutt, Sheils, Skinner, Skulason, Sorlie, Streeter, Thompson of Grand Forks, Thompson of McLean Thoreson, Traynor, Ward, Welford, White, Wisner, Wolbert, Young, Mr. Speaker.

Those who voted in the negative were: Messrs. Aasheim, Brynjulson, Evans, Gran, Kremer, Narum, Nelson of Steele, Nelson of Walsh, Nyhus, Olson, Paulson, Pendray, Poe, Sinclair, Steen.

Absent and not voting: Messrs. Baker of Cass, Brusletten, Burns, Crawford, Hemmingson, Hughes, Law, Storey.

Messrs. Brusletten, Burns, Hemmingson and Hughes being excused.

So the bill passed and the title was agreed to.

Mr. Traynor moved

That the vote by which House Bill No. 177 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 81.

A bill for an act relating to the assessment of lands for the construction of drains and providing for an appeal from the decision of the drainways board, and fixing the compensation of drain commissioners.

Was read the third time.

Mr. Wolbert moved

That the further consideration of the bill be re-referred to the committee on judiciary for the purpose of consulting the state engineer.

Which motion was lost.

The question being on the final passage of the bill.

The roll was called and there were ayes 60, nays 25, absent and not voting 10.

Those who voted in the affirmative were: Messrs. Aasheim, Akesson, Anderson, Atwood, Bjordahl, Brynjulson, Burnett, Christenson, Cunningham, Davidson, Doyle of McIntosh, Evans, Freeman, Geidt, Gibbens, Goldammer, Grant, Hill, Homnes, Johnson of Bottineau, Johnson of Rolette, Kinney of McLean, Kneeland, Knox, Kremer, Law, Laithwaite, Linde, Lucke, Martin, McLearn, Moen of Benson, Moen of Cavalier, Narum, Nelson of McHenry, Nelson of Steele, Nyhus, Paulson, Peart, Pendray, Plath, Poyhar, Pound, Price, Putnam Senour, Sinclair, Skulason, Sorlie, Steen, Streeter, Thompson of Grand Forks, Thompson of McLean, Thoreson, Traynor, Ward, White, Wisner, Young, Mr. Speaker.

Those who voted in the negative were: Messrs. Baker of Stark, Chatfield, Collins of Cass, Collins of Grand Forks, Dibley, Doyle of Foster, Duncan, Fraine, Ganssle, Garden, Hale, Hanley Hendrickson, Honey, Jewett, Johnson of McLean, Kinney of Richland, Lindvig, McCrea, Nelson of Walsh, Olson, Schull, Sheils, Welford, Wolbert.

Absent and not voting: Messrs. Baker of Cass, Brusletten, Burns, Crawford, Hemmingson, Hughes, Poe, Sgutt, Skinner, Storey.

Messrs. Brusletten, Burns, Hemmingson and Hughes being excused.

So the bill passed and the title was agreed to.

Mr. Burnett moved

That the vote by which House Bill No. 81 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

There being no objection, the house returned to the tenth order of business.

INTRODUCTION, FIRST AND SECOND READING OF HOUSE BILLS.

Mr. Schull introduced

House Bill No. 290,

Providing for a popular vote in 1910 as to calling a constitutional convention, the election to be held in 1910.

Which was read the first and second times and

Referred to the committee on judiciary.

Mr. Christenson introduced

House Bill No. 291,

Amending section 2247 of the revised codes of 1905, relating to bonds of public warehouses.

Which 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. 195.

A bill for an act creating a state highway commission, defining its powers and duties, creating a state highway fund, providing for the ex-

penditures thereof, and providing for the appointment of county superintendents of highways and town road inspectors, and abolishing the office of township road overseer.

Was read the third time.

Mr. Gibbens moved

That the further consideration of the bill be referred to the committee of the whole.

Which motion prevailed, and

The bill was so referred.

COURTESIES OF THE FLOOR.

The privileges of the floor were extended to John Norden, Homer Ballard, Kenneth Ferguson, Carrington; C. Rufwold, Thos. Gilbertson, Ransom; C. Sorenson, Grand Forks, Caron Levin, Hugh Loughead, J. A. Dunn, Park River; Frank Shanley, Andrew Jerard, Thos. Hanson, Town-er county; R. G. McFarland, John Knauf, Jamestown; J. G. Dailey, J. B. Defoe, Stephen Beauclaire, Eddy county; Gus Furstenan, Ole Nesseth, Wm. Maloney, Ray V. Bice, Wm. Samuels, Frank Emigle, Joseph Kelly, O. B. Keslin, Devils Lake; Messrs. Hurd and Farington, Hettinger; Paul Kreithmer, Ashley; E. M. Atterbury, Williston; G. O. Drakely, Ray; C. O. Borstad, Bonetrail; W. L. Plath, Henry Heath, August Landblom, G. D. Kelly, L. J. Glomseth, Geo. Capes, Ed. White, A. H. Mekerm, W. R. Purdon, James Pitty, A. H. Lailand, Tom Huso, Chas. B. Carley, H. H. Han-son, C. L. Lindstrom, Langdon; C. S. Hagen, James Reuke, Pembina county; E. N. Meredith, E. E. Cole, H. N. Hartman, Fargo; P. G. McMichael, La-Moure; C. M. Washburn, Edgeley; David Taylor, Dickey; J. M. Johnson, LaMoure; Fred P. Steele, Jud; M. C. LaSalle, LaMoure; C. Davis, D. E. Ellsworth, New Rockford; H. L. Lyon, Bowbells.

Mr. Fraine moved

That the house do now adjourn.

Which motion prevailed, and

The house adjourned.

W. D. AUSTIN,

Chief Clerk.

Page 336, line 35, after the word "committees" insert the following:
"The committee on judiciary made the following report:

Mr. Speaker:

A majority of your committee on judiciary to whom was referred

House Bill No. 174,

A bill for an act to amend section 6237 and section 6238 of the revised codes of 1905, relating to mechanic's liens.

Have had the same under consideration and recommend that the same do pass.

B. G. SKULASON,

Chairman.

Page 336, line 37, strike out the word "majority" and insert the word "minority."

Page 343, line 9 after the word "Banking" insert the following:

"Mr. Wolbert introduced

House Bill No. 295,

A bill for an act to amend section 140 of the revised codes of the state of North Dakota, of 1905, relating to the appointment of the state examiner.

Which was read the first and second times and

Referred to the committee on Banks and Banking."

Page 344, line 3, strike out the word "amendment" and insert the word "resolution".

Page 347, line 39, after the word "affected" insert the following:

"Sec. 4. The Examination of Stallions, Methods, Etc. The veterinary examination of the stallions provided for in this act must be done by a qualified graduate veterinarian who shall be in the employ of the stallion registration board. The stallions must be brought for examination to the nearest point where the inspector will be stationed on specified dates. The stallion owner must be given at least ten (10) days' notice of the dates when the inspector will be at specified towns of the county, in which the owner of stallion resides. The inspector must not make known the results of the inspection of a stallion to the owner at the time of inspection, but report to the secretary of the stallion registration board, who will notify the owner at the time he grants or refuses to grant him a license certificate for his horse.

"Sec. 5. Method of Caring for Protests. Wherever a stallion has been rejected by the registration board and the owner is not satisfied with the decision of the official of the board, the owner may file a protest against the decision of the official inspector, and said protest shall state that to the best knowledge and belief of the person making the protest, the stallion in question is eligible to be granted a license, whereupon an examination of the stallion in question shall be made by three experts, one appointed by the stallion registration board, one by the owner of the stallion, and the third by the other two experts already provided for, but all experts shall be graduates of recognized veterinary colleges. In case all three or any two of the experts declare the stallion is eligible to receive a license, then the expense of the consultation shall be paid by the stallion registration board, out of such funds as are hereinafter provided for, or if three or any two of the experts declare the horse not to be eligible in accordance with the provisions of this act, the expense incurred shall be paid by the person making the protest and it may be collected in the same manner as in any case of an appeal in civil action."

Page 358, line 25, after the word "education" insert the following:

"Mr. Christenson introduced

House Bill No. 312,

A bill for an act to prescribe a method of removal and discharge of persons admitted to the institution for the feeble minded.

Which was read the first and second times and

Referred to the committee on state affairs.

Page 358, line 26, change name "Christenson" to "Geidt."

Page 370, line 3, before the word "first" insert "introduction."

Page 382, line 20, strike out "Grand Forks" and insert "Cass."

Page 466, line 21, after the word "treasurer" insert the following: "who shall at once enter the same into the state glander fund."

Page 504, line 9, after the word "No." insert "27." Strike out the balance of line 9, all of line 10 and insert the following: "A bill for an act to amend chapter 191 of the session laws of the state of North Dakota for the year 1907, defining what shall be considered and held to be intoxicating liquors."

Page 515, line 34, after the word "cases" insert the following: "Also, House Bill No. 150,

A bill for an act to amend section 4073 of the revised codes of the state of North Dakota of 1905, relating to the granting of alimony in divorce cases."

Page 570, line 14, after the word "adopted" insert the following:

"Also,

Your committee on public health to whom was referred

House Bill No. 320,

A bill for an act to prohibit the marriage of insane, epileptic or feeble minded persons.

Have had the same under consideration and recommend that the same do pass.

C. H. SHEILS.
Chairman

Mr. Sheils moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Page 572, line 22, strike out the words "considered engrossed."

Page 572, line 8 from the bottom, change the figures "83" to "88."

Page 573, line 7 from the bottom insert the following:

"Mr. Sheils introduced

House Bill No. 373,

A bill for an act fixing the rate of interest on the redemption of lands sold on execution of foreclosure.

Which was read the first and second times and

Referred to the committee on judiciary.

Mr. Traynor asked unanimous consent to introduce a bill carrying an appropriation.

There being no objections,"

Page 573, line 6 from the bottom, strike out the name "Sheils" and insert the name "Traynor."

Page 586, line 14 after the figures "1905" insert the following:

"Also,

"Senate Bill No. 146,

A bill for an act appropriating money to compensate T. R. Shaw for balance of salary due as secretary of the North Dakota state capitol commission, and for sundry items of expense incurred by said T. R. Shaw, while acting as such secretary, during the months of August, September, October and November, in the year 1905.

Page 609, line 7, add the following: "Mr. Price explained his vote."

CORRECTIONS WRITTEN JOURNAL VOL. II.

Page 15, line 9, after the figure "4" insert the following: "And the Speaker decided the motion of Mr. White to be out of order.

Mr. White appealed from the decision of the chair, and the decision was sustained. The question being upon the adoption of the report of the committee of the whole, recommending the indefinite postponement of House Bill No. 4."

Page 34, line 3, after the word "thousand" insert the words "and insert in lieu thereof the words "five thousand."

Page 136 line 10 after the word "passage" add the following "which motion prevailed."

Page 143 line 32 after the words "companies" add the following:

"Also,

Senate Bill No. 247,

A bill for an act to authorize the insurance commissioner to accept the deposit of securities from domestic life insurance companies."

Page 182, line 20, after the word "reconsider" strike out the balance of the line. Strike out all of line 21 up to the word "which."

Page 1823, line 22 after the word "chair" add the following:

"Senate Bill No. 159,

A bill for an act providing for the management and control of, for making annual reports by the respective superintendents and appropriating money annually for the support and maintenance of the agricultural sub-experiment stations, located at Dickinson, Williston and Langdon.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 75, nays 3, absent and not voting 17.

Those who voted in the affirmative were: Messrs. Akesson, Anderson, Atwood, Baker of Stark, Bjordahl, Brusletten, Brynjolfson, Burnett, Chatfield, Christenson, Collins of Cass, Collins of Grand Forks, Crawford, Cunningham, Davidson, Doyle of Foster, Doyle of McIntosh, Duncan, Fraine, Ganssle, Garden, Goldammer, Grant, Hale, Hanley Hemmingson, Hill, Homnes, Honey, Hughes, Jewett, Johnson of Bottineu Johnson of McLean, Johnson of Rolette, Kneeland, Kremer, Law, Laithwaite, Linde, Lucke, Martin, McCrean, McLearn, Moen of Benson, Moen of Cavalier, Naram, Nelson of McHenry, Nelson of Steele, Olson, Paulson, Peart, Plath, Ployhar, Pound, Price, Putnam Schull, Senour, Sgutt, Sheils, Sinclair, Skinner, Skulason, Sorlie, Streeter, Thompson of Grand Forks, Thompson of McLean, Thoreson, Traynor, Ward, Welford, White, Wisner, Wolbert Young.

Those who voted in the negative were: Messrs. Aasheim, Nyhus, Steen. Absent and not voting: Messrs. Baker of Cass, Burns, Dibley, Evans, Freeman, Geidt, Gibbens, Hendrickson, Kinney of McLean, Kinney of Richland, Knox, Lindvig, Nelson of Walsh, Pendray, Poe, Storey, Mr. Speaker.

Mr. Dibley being excused.

So the bill passed and the title was agreed to.

Mr. Senour moved

That the vote by which Senate Bill No. 159 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed."

Page 205, line 21, change word "House" to "Senate," in same line after the figures "271" insert the following: "A bill for an act regulating sanitary conditions in barber shops hair dressing parlors and manicuring parlors and providing penalties for the violation of this act."

Page 205, line 21, strike out balance of line after the figures "271." Strike out all of lines 22, 23, 24, and 25.

Page 278, line 11, after the word "institutions" insert the following:

"Also,

House Bill No. 383,

A bill for an act to amend section 4210 of the revised codes of North Dakota for 1905, relating to dividends and limitations of indebtedness of corporations."

Page 289, line 34, strike out balance of line after the word "the" and insert in lieu thereof, "Motion to lay on the table prevailed."

Page 304 line 20, after the word "time" add "Mr. Skulason moved the previous question."

Page 336, strike out lines 24, 25, 26, 27, 28, 29 and 30.

Page 341, line 32, after the word "approved" add the following:

"And when so amended recommend that such further proceedings be had by both houses as will duly pass and legally enact said bill into law.

Respectfully submitted,

THEODORE KOFFEL,

F. S. TALCOTT,

F. A. BAKER,

J. H. FRAINE.

JAMES DUNCAN,

JOHN A. HONEY,

Committee.

Page 378 line 26 after the word "postponed" add "which motion prevailed and the further consideration of the bill was indefinitely postponed."

Page 397, line 3, after the word "bill" add "as recommended by the conference committee."

Page 420, line 19, after the word "bill" add "as amended by the senate."

Page 578, line 21, after the word "ammended" add "by the senate."

Respectfully Submitted

W. D. AUSTIN, Chief Clerk,

J. I. ROOP,

J. W. MURPHY,

J. E. BUTTREE,

Special Committee.

INDEX

RECORD OF BILLS IN THE HOUSE

HOUSE BILLS

House Bill No. 1.—(Schull)

A bill for an act to amend sections 7472, 7473, and 7475 of the revised codes of North Dakota for 1905, relating to procedure in foreclosure of real estate mortgages by advertisement, and to provide for the service of notice of the foreclosure sale upon the person in actual possession of the mortgaged premises.

Introduction and first reading, 79.
Second reading and reference, 79.
Reported back, 255.
Indefinitely postponed, 255.

House Bill No. 2.—(Jewett)

A bill for an act to amend section 4641 of the revised codes of 1905, relating to capital stock banking corporations.

Introduction and first reading, 79.
Second reading and reference, 79.
Reported back, 410.
Indefinitely postponed, 513.

House Bill No. 3.—(Jewett)

A bill for an act, appropriating a sum of money to pay outstanding claims to indemnify owners for animals killed or destroyed according to law for being affected with the disease commonly known as glanders, and making an annual appropriation for said purpose.

Introduction and first reading, 79.
Second reading and reference, 79.
Reported back 511.

House Bill No. 4.—(White)

A bill for an act to provide a method for the nomination of candidates for office by political parties and providing a penalty for the violation thereof.

Introduction and first reading, 80.
Second reading and reference, 80.
Reported back, 569.
Indefinitely postponed, 786-848.

House Bill No. 5.—(Burns)

A bill for an act to amend section 4494 of the revised codes of the state of North Dakota for 1905, relating to the election of directors of county mutual fire insurance companies.

Introduction and first reading, 80.
Second reading and reference, 80.
Reported back, 137.
Third reading, 172.
Passed, 173.
Received from the senate, 1435.
Other action, 1558.

House Bill No. 6.—(Chatfield)

A concurrent resolution amending the constitution of the state of North Dakota, establishing and locating a state normal school in the city of Minot, county of Ward.

Introduction and first reading, 80.
Second reading and reference, 80.
Reported back, 186.
Third reading, 450.
Passed, 451.
Received from the senate, 331.
Other action, 1398.

House Bill No. 7.—(Hendrickson)

A bill for an act to amend section 7459 of the revised codes of 1905, relating to notice of sale in the foreclosure by advertisement of a mortgage on real estate.

Introduction and first reading, 80.
Second reading and reference, 80.
Reported back, 256.
Indefinitely postponed, 256.

House Bill No. 8.—(Schull)

A concurrent resolution for an amendment to the constitution of the state of North Dakota, creating the office of justice of the peace and fixing and providing for the jurisdiction thereof.

Introduction and first reading, 80.
Second reading and reference, 80.
Reported back, 204.
Third reading, 239.
Received from the senate, 535.
Amended, 535.
Amendments concurred in, 653.
Other action, 700.

House Bill No. 9.—(Garden)

A bill for an act creating and establishing a fish hatchery at Lake Metigoshe in Bottineau county, and providing for its management, and making appropriation therefor.

Introduction and first reading, 81.
Second reading and reference, 81.
Reported back, 568.
Indefinitely postponed 568.

House Bill No. 10.—(Grant)

A bill for an act amending section 1821 of chapter 23 of the political code of North Dakota, relating to drains.

Introduction and first reading, 81.
Second reading and reference, 81.
Reported back, 249.
Indefinitely postponed, 249.

House Bill No. 11.—(Wolbert)

A bill for an act making an appropriation for the purchase and installing of a clock in the house chamber.

Introduction and first reading, 81.
Second reading and reference, 81.
Reported back, 117.
Third reading, 171.
Passed, 172.
Received from the senate, 536.
Other action, 608.

House Bill No. 12.—(Kinney of McLean)

A bill authorizing counties to procure seed grain for relief of persons unable to procure same; authorizing board of county commissioners and boards of township supervisors to provide for the relief of persons unable to procure seed grain.

Introduction and first reading, 81.
Second reading and reference, 81.
Reported back, 161, 220.
Third reading, 197, 221.
Passed, 222.
Received from the senate, 1034.
Amended, 1034.
Amendments concurred in, 1040.

House Bill No. 13.—(Doyle of Foster)

An act to limit the expenses of candidates for nomination to public offices before the primary.

Introduction and first reading, 81.
Second reading and reference, 81.
Reported back, 410, 887.
Third reading, 1255, 1258.
Lost, 1256.
Passed, 1259.

House Bill No. 14.—(Doyle of Foster)

An act to amend section 2 of chapter 170 of the laws of North Dakota, 1907, relating to indemnifying all owners for animals killed or destroyed according to law for being affected with the disease known as glanders.

Introduction and first reading, 81.
Second reading and reference, 81.
Reported back, 252.
Indefinitely postponed, 252.

House Bill No. 15.—(Duncan)

An act to amend section 1582 of the revised codes of the state of North Dakota for 1905, relating to the redemption of real estate which has been sold at tax sale.

Introduction and first reading, 82.
Second reading and reference, 82.
Reported back, 116.
Third reading, 169.
Passed, 170.

Received from the senate, 1333.

House Bill No. 16.—(Johnson of Rollette)

A bill for an act to amend section 5510 and 5511 of the revised codes of 1905, relating to interest.

Introduction and first reading, 82.
Second reading and reference, 82.
Reported back, 411.

House Bill No. 17.—(Johnson of Rollette)

A bill for an act making an appropriation to indemnify owners of animals killed or destroyed under the provisions of chapter 170 of the laws of the tenth legislative assembly, entitled, "An act indemnifying owners for animals killed or destroyed according to law for being affected with the disease known as glanders."

Introduction and first reading, 82.
Second reading and reference, 82.
Reported back, 511.

House Bill No. 18.—(Skulason)

A bill for an act entitled an act to amend section 155 of chapter 4 of the political code of the state of North Dakota, and all acts or parts of acts amendatory thereof, providing for the investment of moneys belonging to the permanent funds of the common schools, university, school of mines, reform school, agricultural college, school for the deaf and dumb, normal schools and all other permanent funds derived from the sale of public lands or any other source be-

House Bill No. 18.—Continued.

longing to the school divisions of the state.

Introduction and first reading, 82.
Second reading and reference, 82.
Reported back, 190, 225, 296, 297, 298.

Third reading, 321.

Passed, 322.

Indefinitely postponed, 1502.

Received from the senate, 1502.

House Bill No. 19.—(Welford)

A bill for an act to provide for the destruction of noxious weeds and the appointment of inspectors of weeds by township or county boards, and to repeal article 25 of chapter 24 of the revised codes of 1905.

Introduction and first reading, 83.
Second reading and reference, 83.
Reported back, 695.

Indefinitely postponed, 695.

House Bill No. 20.—(Skulason)

A bill for an act to amend section 1571 of the revised codes of 1905 providing when real estate taxes shall become due and delinquent, and for penalty and interest in the event of delinquency thereof.

Introduction and first reading, 83.
Second reading and reference, 83.
Reported back, 227.

Indefinite postponement, 298.

House Bill No. 21.—(Lucke)

A bill for an act to repeal sections 9354, 9355, 9356, 9357, 9359, 9360, 9361, 9362, 9363, 9364 and 9365 of the 1905 revised codes of North Dakota, relating to druggists permits.

Introduction and first reading, 83.
Second reading and reference, 83.
Indefinitely postponed, 298, 1189.

House Bill No. 22.—(Cunningham)

An act to amend section 1532, revised codes of North Dakota of 1905, relating to subsequent taxes.

Introduction and first reading, 83.
Second reading and reference, 83.
Reported back, 688.

Indefinitely postponed, 688.

House Bill No. 23.—(Sheils)

A bill for an act fixing the rate of interest on the redemption of lands sold on execution or foreclosure.

Introduction and first reading, 83.
Second reading and reference, 83.
Reported back, 257.
Indefinitely postponed, 257.

House Bill No. 24.—(McCrea)

A bill for an act to amend section 19 of chapter 169 of the laws of 1907, entitled, "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."

Introduction and first reading, 83.
Second reading and reference, 83.
Reported back, 252, 326.
Third reading, 322.
Passed, 373, 838.
Received from the senate, 796.
Amended, 796.
Amendments concurred in, 837.
Other action, 857.

House Bill No. 25.—(McCrea)

A bill for an act to amend sections 2439 of the 1907 session laws relating to sinking funds and the duty of county commissioners pertaining thereto.

Introduction and first reading, 84.
Second reading and reference, 84.
Reported back, 137.
Third reading, 173.
Passed, 189.
Received from the senate, 306.
Amended, 306.
Amendments concurred in, 306.

House Bill No. 26.—(Skulason)

A bill for an act providing for the nomination of candidates for office by popular vote at a primary election.

Introduction and first reading, 84.
Second reading and reference, 84.
Reported back, 1187.
Indefinitely postponed, 1187.

House Bill No. 27.—(Lucke)

A bill for an act to amend chapter 191 of the session laws of the

House Bill No. 27.—Continued.

state of North Dakota for the year 1907 defining what shall be considered and held to be intoxicating liquors.

Introduction and first reading, 84.
Second reading and reference, 84.
Reported back, 692, 1189.
Indefinitely postponed, 1189.

House Bill No. 28.—(Davidson)

A bill for an act to appropriate the sum of ninety thousand dollars, or as much thereof as may be necessary to indemnify persons who have lost animals from the disease known as glanders.

Introduction and first reading, 84.
Second reading and reference, 84.
Reported back, 511.

House Bill No. 29.—(Lucke)

A bill for an act entitled an act prohibiting the printing, publication or circulation of advertisements for the purchase or sale of intoxicating liquors.

Introduction and first reading, 84.
Second reading and reference, 84.
Reported back, 1189.
Indefinitely postponed, 1189.

House Bill No. 30.—(Chatfield)

A bill for an act amending section 8366 of the revised codes of North Dakota for 1905, relating to service by publication of summons in justice courts.

Introduction and first reading, 85.
Second reading and reference, 85.
Reported back, 116.
Third reading, 168.
Passed, 169.
Received from the senate, 536.
Adopted, 536.
Other action, 608.

House Bill No. 31.—(Sheils)

A bill for an act to amend sections 2215 and 2218 of article 44 of the revised codes of 1905.

Introduction and first reading, 85.
Second reading and reference, 85.
Reported back, 407.
Indefinitely postponed, 407.

House Bill No. 32.—(Brusletten)

A bill for an act to amend section 3119, of the revised codes for 1905, relating to insurance.
 Introduction and first reading, 85.
 Second reading and reference, 85.
 Reported back, 547.

House Bill No. 33.—(Sorlie)

A bill for an act to amend section 1380 of the revised codes of 1905, as amended in chapter 42 of the session laws of 1907.
 Introduction and first reading, 85.
 Second reading and reference, 85.
 Reported back, 354, 398.
 Third reading, 454, 1224.
 Passed, 1225.

House Bill No. 34.—(Sorlie)

A bill for an act permitting farmers and land owners to drain their lands into road ditches and other depressions, when such ditch or depression is wholly upon the owners land.
 Introduction and first reading, 85.
 Second reading and reference, 85.
 Reported back, 248, 435.
 Indefinitely postponed, 435.

House Bill No. 35.—(Sorlie)

A bill for an act authorizing and empowering the governor of the state to remove and suspend certain state, county, city and village officers who have been guilty of malfeasance or non-feasance in the performance of their official duties, or who is guilty of habitual drunkenness, and providing for the filling of vacancies caused by such suspension or removal.
 Introduction and first reading, 85.
 Second reading and reference, 85.
 Reported back, 521.

House Bill No. 36.—(Price)

A bill to amend section 1787 of the revised codes of North Dakota, 1905.
 Introduction and first reading, 96.
 Second reading and reference, 96.
 Reported back, 192.
 Third reading, 232.
 Passed, 233.
 Received from the senate, 1588.
 Other action 1624.

House Bill No. 37.—(Ward)

A bill for an act entitled, "An act for the division of certain school districts, for the changing of the boundaries thereof, for the adjustment of indebtedness and property of the different parts thereof and prescribing the mode of procedure to procure such division."
 Introduction and first reading, 96.
 Second reading and reference, 96.
 Reported back, 189.
 Indefinitely postponed, 190.

House Bill No. 38.—(Ployhar)

A bill for an act amending section 4466 of the revised codes of 1905, relating to insurance.
 Introduction and first reading, 96.
 Second reading and reference, 96.
 Reported back, 510.
 Third reading, 591.
 Passed, 592.

House Bill No. 39.—(Thoreson)

A bill for an act to prevent the spread of noxious weeds.
 Introduction and first reading, 96.
 Second reading and reference, 96.
 Reported back, 251.
 Indefinitely postponed, 251.

House Bill No. 40.—(Sheils)

A bill for an act to secure the purity of elections.
 Introduction and first reading, 96.
 Second reading and reference, 96.
 Reported back, 889.
 Indefinitely postponed, 1110.

House Bill No. 41.—(Grant)

A bill for an act to amend section 687 of the revised codes of the state of North Dakota, prescribing compensation of elective officers.
 Introduction and first reading, 96.
 Second reading and reference, 96.
 Reported back, 224.
 Indefinitely postponed, 224.

House Bill No. 42.—(Brusletten)

A bill for an act requiring operators of steam threshing rigs to give bond or carry insurance to cover damages caused by fires originating from steam threshing engines.

House Bill No. 42.—Continued.

Introduction and first reading, 97.
 Second reading and reference, 97.
 Reported back, 138.
 Indefinitely postponed, 138.

House Bill No. 43.—(Skulason)

A bill for an act authorizing the judges of the district courts in certain cases to require petit jurors to serve at the term next succeeding the term for which they are called.

Introduction and first reading, 97.
 Second reading and reference, 97.
 Reported back, 204.
 Indefinitely postponed, 204.

House Bill No. 44.—(Skulason)

A bill to provide for the assessment of property at a uniform rate.

Introduction and first reading, 97.
 Second reading and reference, 97.
 Reported back, 138.
 Third reading, 174.
 Passed, 175.
 Received from the senate, 562.
 Other action, 608.

House Bill No. 45.—(Sheils)

A bill to provide for the assessment of property at a uniform rate.

Introduction and first reading, 97.
 Second reading and reference, 97.
 Reported back, 406.
 Indefinitely postponed, 406.

House Bill No. 46.—(Dibley)

9 bill for an act in relation to the execution and acknowledgment by a member of a partnership of instruments affecting liens upon real estate.

Introduction and first reading, 97.
 Second reading and reference, 97.
 Reported back, 257.
 Third reading, 293.
 Passed 294.
 Received from the senate, 562.
 Adopted, 562.
 Other action, 608.

House Bill No. 47.—(Doyle of Foster)

A bill for an act to provide for the guaranteeing of deposits in banking corporations.

Introduction and first reading, 97.
 Second reading and reference, 97.
 Reported back, 412. 413.

House Bill No. 48.—(Traynor)

A bill for an act to authorize the board of trustees or directors of the state university and school of mines, the state agricultural college, the state school of forestry, the North Dakota academy of science, the state industrial school and the various state normal schools of the state of North Dakota to lease portions of the campuses of said institutions to societies and organizations of students and graduates thereof; and legalizing such leases heretofore made.

Introduction and first reading, 98.
 Second reading and reference, 98.
 Reported back, 137.
 Third reading, 173.
 Passed, 174.
 Received from the senate, 624.
 Amended, 624.
 Amendments concurred in, 625.
 Other action 700, 1104.

House Bill No. 49.—(Dibley)

A bill for an act relating to the execution and acknowledgment by corporations of written instruments affecting liens upon titles to or interests in real property.

Introduction and first reading, 98.
 Second reading and reference, 98.
 Reported back, 139.
 Indefinitely postponed, 139.

House Bill No. 50.—(Plath)

A bill for an act to provide for the collection of delinquent personal taxes.

Introduction and first reading, 98.
 Second reading and reference, 98.
 Reported back, 223.
 Indefinitely postponed, 224.

House Bill No. 51.—(Lindvig)

A bill for an act to amend section 1, chapter 1, of the session laws of the state of North Dakota, for the year 1907, relating to abstracters of title, bonds to be given.

Introduction and first reading, 98.
 Second reading and reference, 98.
 Reported back, 162.
 Indefinitely postponed, 162.

House Bill No. 52.—(Bjorndahl)

A bill for an act to amend section 2899 of the revised codes of 1905 relating to the building and repair of sidewalks.
Introduction and first reading, 98.
Second reading and reference, 98.
Reported back, 683.
Indefinitely postponed, 683.

House Bill No. 53.—(Skinner)

A bill for an act requiring operators of steam threshing rigs to give bond or carry insurance to cover damage caused by fires originating from steam threshing engines.
Introduction and first reading, 99.
Second reading and reference, 99.
Reported back, 205.
Indefinitely postponed, 296.

House Bill No. 54.—(Hanley)

A bill for an act to repeal sections 1933, 1934, 1935, 1936 and 1937, of the revised codes of 1905, relating to time when lawful for stock to run at large.
Introduction and first reading, 99.
Second reading and reference, 99.
Reported back, 350.
Indefinitely postponed, 351.

House Bill No. 55.—(Lindvig)

A bill for an act to amend section 5510 and 5511 of the revised codes of the state of North Dakota for the year 1905, prescribing lawful rates of interest for any legal indebtedness and defining usury.
Introduction and first reading, 99.
Second reading and reference, 99.
Reported back, 412.
Indefinitely postponed, 412.

House Bill No. 56.—(Hendrickson)

A bill for an act to amend section 10259 of the revised codes of 1905 relating to the qualifications of bail in criminal actions.
Introduction and first reading, 99.
Second reading and reference, 99.
Reported back, 139.
Indefinitely postponed, 139.

House Bill No. 57.—(Burns)

A bill for an act fixing a penalty for any person sweeping passenger coaches while in use and occu-

House Bill No. 57.—Continued.

ped by passengers.
Introduction and first reading, 99.
Second reading and reference, 99.
Reported back, 247.
Indefinitely postponed, 247.

House Bill No. 58.—(Lindvig)

A bill for an act to amend section 1582 of the revised codes of the state of North Dakota for 1905, relating to redemption of lands sold for delinquent taxes.
Introduction and first reading, 99.
Second reading and reference, 99.
Reported back, 186.
Indefinitely postponed, 186.

House Bill No. 59.—(Chatfield)

A bill for an act amending section 9761 of the 1905 revised codes of North Dakota, relating to change of place of trial of preliminary examinations in criminal cases.
Introduction and first reading, 100.
Second reading and reference, 100.
Reported back, 140.
Third reading, 175.
Passed, 176.
Received from the senate, 1332.

House Bill No. 60.—(Linde)

A bill for an act authorizing counties in the state to issue bonds or warrants to purchase and procure seed grain for needy farmers resident therein.
Introduction and first reading, 100.
Second reading and reference, 100.
Reported back, 161.
Indefinitely postponed, 161.

House Bill No. 61.—(Sgutt)

A bill for an act to amend section 2802 of the revised codes of North Dakota, relating to publication of notice of special assessment list by city auditor, and to provide for the method of procedure in perfecting appeals from acts of the special assessment commission for cities.
Introduction and first reading, 100.

House Bill No. 61.—Continued.

Second, reading and reference, 100.
 Reported back, 640.
 Third reading, 942.
 Passed, 943.
 Received from the senate, 1609.
 Other action, 1639.

House Bill No. 62.—(Skulason)

A bill for an act relative to injuries received on highways, resulting from snow or ice.
 Introduction and first reading, 100.
 Second reading and reference, 100.
 Reported back, 246, 324.
 Third reading, 368.
 Lost, 368.

House Bill No. 63.—(Sorlie by request)

A bill for an act to amend sections, 1, 2, 3, 4, 6 and 14 of chapter 135 of the laws of 1907.
 Introduction and first reading, 100.
 Second reading and reference, 100.
 Reported back, 206.
 Third reading, 241.
 Passed, 242.
 Received from the senate, 624.
 Other action, 700, 1105.

House Bill No. 64.—(Dibley)

A bill for an act to amend the law of succession.
 Introduction and first reading, 101.
 Second reading and reference, 101.
 Reported back, 351, 380.
 Third reading, 423.
 Passed 424.
 Received from the senate, 1332.

House Bill No. 65.—(White)

A bill for an act relating to evidence regarding the chain of title to real estate.
 Introduction and first reading, 101.
 Second reading and reference, 101.
 Reported back, 162.
 Third reading, 197.
 Passed, 198.
 Received from the senate, 1330.
 Other action, 1391.

House Bill No. 66.—(White)

A bill for an act to amend section 8049 of the revised codes of North Dakota of 1905, relating to the bonds of executors, administrators and guardians.
 Introduction and first reading, 101.
 Second reading and reference, 101.
 Reported back, 163.
 Third reading, 235.
 Passed, 236.
 Received from the senate, 1331.
 Other action, 1464.

House Bill No. 67.—(White)

A bill for an act to amend section 2767 of the revised codes of the state of North Dakota of 1905, relating to advertising for and awarding contracts for construction of sidewalks in cities.
 Introduction and first reading, 101.
 Second reading and reference, 101.
 Reported back, 758.
 Third reading, 915.
 Passed, 915.

House Bill No. 68.—(Grant)

A bill for an act to amend section 1513 of the revised codes of North Dakota for 1905, relating to the furnishing by county auditors of assessment books and blanks and lists of real property, and regulating time of meeting of assessors.
 Introduction and first reading, 104.
 Second reading and reference, 104.
 Reported, back, 186.
 Third reading, 242.
 Passed, 243.
 Received from the senate, 1331.

House Bill No. 69.—(Fraine)

A bill for an act to amend section 8184 of the revised codes of North Dakota, for 1905, relating to the commissions to be allowed administrators and executors when no provision is made in the will.
 Introduction and first reading, 104.

House Bill No. 69.—Continued.

Second reading and reference,
104.

Reported back, 163.

Third reading, 236.

Passed, 237.

Received from the senate, 1330.

Other action, 1390.

House Bill No. 70.—(Johnson of Bottineau.)

A bill for an act amending section 687 of the revised codes of 1905.

Introduction and first reading,
104.

Second reading and reference,
104.

Reported back, 224.

Third reading, 274.

Passed, 274.

Received from the senate, 1330.

Other action, 1409.

House Bill No. 71.—(Aasheim)

A bill for an act to provide for the greater publicity of the finances of the state.

Introduction and first reading,
104.

Second reading and reference,
104.

Reported back, 192.

Third reading, 233.

Passed, 234.

Received from the senate, 385.

Amended 385.

Amendment's concurred in, 385.

Adopted, 386.

House Bill No. 72.—(Gibbens)

A bill for an act amending section 4114 of the revised codes of the state of North Dakota for the year 1905, relating to the adoption of a minor child.

Introduction and first reading,
105.

Second reading and reference,
105.

Reported back, 163.

Third reading, 238.

Passed, 238.

Indefinitely postponed, 346.

Received from the senate, 346.

House Bill No. 73.—(Hendrickson)

A bill for an act to amend chapter 75 of the session laws of the state of North Dakota, for the

House Bill No 73.—Continued.

year 1907, prescribing the salary of the state's attorney, assistant and clerk.

Introduction and first reading,
105.

Second reading and reference,
105, 1122.

Reported back, 165.

Third reading, 198.

Passed, 199.

Indefinitely postponed, 831.

Received from the senate, 831.

House Bill No. 74.—(Welford)

A bill for an act to amend section 496 of the revised codes of 1905 relating to qualifications of applicants for admission to practice as attorneys and counselors at law.

Introduction and first reading,
105.

Second reading and reference,
105.

Reported back, 140.

Indefinitely postponed, 141.

House Bill No. 75.—(Hanley)

A bill for an act entitled an act to amend chapter 31 of the code of civil procedure of the revised codes of 1905, relating to the determining of adverse claims to real estate and for quieting title thereto by action in the determining of adverse claims to real estate and for quieting title thereto by action in the district court and for making unknown persons and heirs at law and devisees and legatees, and creditors, and executors and administrator of deceased persons, parties defendant thereto.

Introduction and first reading,
105.

Second reading and reference,
105.

Reported back, 1180.

Third reading, 1233.

Lost, 1233.

House Bill No. 76.—(White)

A bill for an act entitled an act prohibiting railroads, railroad corporations and common carriers from carrying any passenger

House Bill No. 76.—Continued.

free or at less rate than is charged the general public, and providing a penalty therefor and making it unlawful for any person to ask for or accept any such free transportation or transportation purchased at a less rate than that charged the general public, and providing a penalty therefor, and providing transportation for the board of railroad commissioners and its secretary.

Introduction and first reading, 105.

Second reading and reference, 105.

Reported back, 576.

Third reading, 904.

Passed, 905.

House Bill No. 77.—(Sorlie)

A bill for an act to amend sections 4036, 4037, 4038, 4039 and 4042, of the revised codes of the state of North Dakota for 1905, relating to marriage contract, who may solemnize marriages, marriage licenses, marriage certificates, marriage records, and certified copies of marriage records.

Introduction and first reading, 106.

Second reading and reference, 106.

Reported back, 229.

Indefinitely postponed, 230.

House Bill No. 78.—(White)

A concurrent resolution amending the constitution of the state of North Dakota relating to the introduction and passage of bills in the legislative assembly.

Introduction and first reading, 106.

Second reading and reference, 106.

Reported back, 1184.

Indefinitely postponed, 1184.

House Bill No. 79.—(Gibbens)

A bill for an act to amend sections 615 and 616 of the revised codes of 1905, relating to ballots to be used at general elections.

Introduction and first reading, 106.

House Bill No. 79.—Continued.

Second reading and reference, 106.

Reported back, 1068.

Indefinitely postponed, 1068.

House Bill No. 80.—(Skulason)

A concurrent resolution for an amendment to the constitution providing for the initiative and referendum.

Introduction and first reading, 106.

Second reading and reference, 106.

Reported back, 228, 495.

Third reading, 558.

Passed, 559.

Received from the senate, 1332.

House Bill No. 81.—(Burnett)

A bill for an act relating to the assessment of lands for the construction of drains and providing for an appeal from the decision of the drainways board, and fixing the compensation of drain commissioners.

Introduction and first reading, 106.

Second reading and reference, 106.

Reported back, 248, 326, 400.

Third reading, 374, 457.

Passed, 458.

Indefinitely postponed, 708.

Received from the senate, 708.

House Bill No. 82.—(Duncan)

A bill for an act to create a fund to indemnify owners of animals killed or destroyed according to law on account of being afflicted with epidemic diseases, and providing for a levy for that purpose.

Introduction and first reading, 110.

Second reading and reference, 110.

House Bill No. 83.—(Moen of Benson)

A bill for an act entitled an act to prohibit the use of four wheel cabooses, known as dinky cabooses, on all railroad trains operated in the state of North Dakota; to prevent the use of box cars as cabooses and to fix the minimum size and manner

House Bill No. 84.—Continued.

of construction of all cars used as cabooses and fixing the penalties for violation of this act.
 Introduction and first reading, 111.
 Second reading and reference, 111.
 Reported back, 247, 325.
 Third reading, 369.
 Passed, 370, 1603.
 Received from the senate, 1587.
 Amended, 1587.
 Amendments concurred in, 1602.
 Other action, 1634.

House Bill No. 84.—(Doyle)

A bill for an act to amend section 847 of the session laws of 1907 of an act to amend section 847 of the revised codes of 1905, relating to enumeration and apportionment of school funds.
 Introduction and first reading, 111.
 Second reading and reference, 111.
 Reported back, 534.
 Indefinitely postponed, 535.

House Bill No. 85.—(Moen of Cavalier)

A bill for an act to amend section 4305 of the revised codes of 1905, relating to the maintenance of station houses.
 Introduction and first reading, 111.
 Second reading and reference, 111.
 Reported back, 1022.
 Indefinitely postponed, 1022.

House Bill No. 86.—(Anderson)

A bill for an act making contracts containing provisions preventing purchasers from setting up defects in articles of commerce as counter claims, void as against public policy.
 Introduction and first reading, 111.
 Second reading and reference, 111.
 Reported back, 229, 323.
 Third reading, 364.
 Passed, 365.
 Indefinitely postponed, 876.
 Received from the senate, 876.

House Bill No. 87.—(Laithwaite)

A bill for an act to provide an appropriation for the current and contingent expenses and for permanent improvements for the institution for feeble minded at Grafton.
 Introduction and first reading, 111.
 Second reading and reference, 111.
 Reported back, 789.
 Third reading, 934.
 Passed, 935.
 Indefinitely postponed, 1501.
 Received from the senate, 1501.

House Bill No. 88.—(Olson)

A bill for an act to amend section 1388 of the revised codes of 1905 relating to food poll tax.
 Introduction and first reading, 112.
 Second reading and reference, 112.
 Reported back, 246.
 Indefinitely postponed, 246.

House Bill No. 89.—(Skulason)

A bill for an act protecting the wages of mechanics, salesmen, clerks or other employes and giving them a lien upon property for such wages.
 Introduction and first reading, 112.
 Second reading and reference, 112.
 Reported back, 205.
 Indefinitely postponed, 205.

House Bill No. 90.—(Doyle of Foster)

A bill for an act to amend section 2600 of the revised codes of 1905, and to repeal section 2601 of the revised codes of 1905.
 Introduction and first reading, 112.
 Second reading and reference, 112.
 Reported back, 230, 324.
 Third reading, 366.
 Passed, 366, 1379.
 Received from the senate, 1328.
 Amended, 1328.
 Amendments concurred in 1379.
 Other action, 1464.

House Bill No. 91.—(Chatfield)

A bill for an act amending section 2550 of the revised codes of North Dakota for 1905, relating to powers, duties and remedies of public administrators. Introduction and first reading, 112.
 Second reading and reference, 112.
 Reported back, 230, 324.
 Third reading, 367.
 Passed, 367.

House Bill No. 92.—(Burnett)

A bill for an act defining the method of taxation of grain elevators and warehouses and grain therein. Introduction and first reading, 112.
 Second reading and reference, 112.
 Reported back, 223.

House Bill No. 93.—(Thoreson)

A concurrent resolution for an amendment to the constitution providing for the initiative and referendum. Introduction and first reading, 112.
 Second reading and reference, 112.
 Reported back, 231.
 Indefinitely postponed, 231

House Bill No. 94.—(Skulason)

A bill for an act to amend section 7304 and section 7305, relating to privileged communications. Introduction and first reading, 113.
 Second reading and reference, 113.
 Reported back, 205.
 Third reading, 240.
 Passed, 241,
 Received from the senate 1333.

House Bill No. 95.—(Skulason)

A bill for an act to amend section 7182 of the revised codes of 1905, relating to costs on appeal from justice court. Introduction and first reading, 113.
 Second reading and reference, 113.
 Reported back 187.

House Bill No. 95.—Continued.

Third reading 234.
 Passed, 235.
 Received from the senate, 1331.
 Other action, 1398.

House Bill No. 96.—(Thompson of McLean)

A bill for an act authorizing the state engineer, on the approval of the governor, to receive and receipt to the secretary of state for all the field notes, maps, records and other papers appertaining to land titles within the state of North Dakota, and for such other property and records as the government may direct to be turned over to the state when all of the public surveys in the state of North Dakota shall have been completed. Introduction and first reading, 126.
 Second reading and reference, 126.
 Reported back, 253.
 Third reading, 294.
 Passed, 295.
 Received from the senate, 1424,
 Other action, 1461.

House Bill No. 97.—(Senour)

A bill for an act to amend section 4177 of the revised codes of North Dakota for the year 1905, for the purpose of encouraging the formation of athletic associations and bands of musicians. Introduction and first reading, 126.
 Second reading and reference, 126.
 Reported back, 355.
 Third-reading, 421.
 Passed, 422, 1480.
 Received from the senate 1425.
 Amended, 1425.
 Amendments concurred in, 1479.
 Other action, 1515.

House Bill No. 98.—(Nelson of Steele)

A bill for an act to amend section 2884, article 7, chapter 31, of the revised codes of the state of North Dakota for 1905, relating to powers and duties of village officers.

House Bill No. 98.—Continued.

Introduction and first reading, 127.
 Second reading and reference, 127.
 Reported back, 249, 325.
 Third reading, 370.
 Passed, 371.
 Received from the senate, 1429.
 Other action, 1471.

House Bill No. 99.—(Hanley)

A bill for an act making appropriations for the current and contingent expenses of the state reform school of North Dakota, and for making permanent improvements thereto.
 Introduction and first reading, 127.
 Second reading and reference, 127.
 Reported back, 790.
 Third reading, 933.
 Passed, 934.
 Indefinitely postponed, 1501.
 Received from the senate, 1501.

House Bill No. 100.—(Chatfield)

For an act to amend section 8403 of the 1905 revised codes of North Dakota relating to service of all garnish summons.
 Introduction and first reading, 127.
 Second reading and reference, 127.
 Reported back, 343.
 Third reading, 418.
 Passed, 419.
 Received from the senate, 1429.
 Other action, 1472.

House Bill No. 101.—(Olson)

For an act prohibiting liquor dealers, breweries, and wholesale managing liquor houses from advertising or having agents in this state for the purpose of soliciting orders for intoxicating liquors.
 Introduction and first reading, 127.
 Second reading and reference, 127.
 Reported back, 1187.
 Third reading, 1256.
 Passed, 1257.
 Received from the senate, 1607.
 Other action, 1634.

House Bill No. 102.—(Martin)

A bill for an act to amend section 491 of the revised codes of North Dakota, of 1905, relating to the giving of bonds by certain officers.
 Introduction and first reading, 128.
 Second reading and reference, 128.
 Indefinitely postponed, 632.

House Bill No. 103.—(Kinney of Richland)

A bill for an act for the betterment of the public highways in the state, to provide for the establishment of a uniform system of drainage of such highways and lands adjacent thereto, to provide for the necessary surveys thereof and the payment of the costs of construction and maintenance thereof and empowering certain officers to establish and maintain such system, and for the purposes connected therewith.
 Introduction and first reading, 128.
 Second reading and reference, 128.
 Reported back, 1196.
 Indefinitely postponed, 1196.

House Bill No. 104.—(Martin)

A bill for an act to amend section 2432 of the revised codes of North Dakota, of 1905, relating to the publication of proceedings of boards of county commissioners.
 Introduction and first reading, 128.
 Second reading and reference, 128, 632.
 Reported back, 832.
 Indefinitely postponed, 832.

House Bill No. 105.—(Skulason)

A bill for an act appropriating money to provide for the maintenance of a public health laboratory in the medical department of the state university and school of mines at Grand Forks, and for experiments on sewage purification at said laboratory.
 Introduction and first reading, 128.

House Bill No. 105.—Continued.

Second reading and reference, 128.
 Reported back, 541.
 Third reading, 667.
 Passed, 668.

House Bill No. 106.—(Garden)

A bill for an act to amend section 7117 of the code of civil procedure of the revised codes of 1905, relating to additional exemptions.
 Introduction and first reading, 129.
 Second reading and reference, 129.

House Bill No. 107.—(J. R. Nelson)

A bill amending the constitution of the state of North Dakota, establishing and locating a state normal school in the city of Velva, county of McHenry.
 Introduction and first reading, 129.
 Second reading and reference, 129.
 Reported back 225.
 Indefinitely postponed, 272.

House Bill No. 108.—(Sorlie)

A bill for an act providing for the inspection of refined petroleum oils and gasoline. Defining ports of entry. Appointment of oil inspector and deputies and fixing the salary of the same.
 Introduction and first reading, 141.
 Second reading and reference, 141.
 Reported back, 436, 552.
 Third reading, 553.
 Passed, 554, 1577.
 Received from the senate, 1543.
 Amended, 1543.
 Conference, 1545.
 Report of conference committee, 1576.
 Other action, 1644.

House Bill No. 109.—(Burnett by request.)

A bill for an act defining noxious weeds, providing for the destruction thereof, prescribing fines and penalties and provid-

House Bill No. 109.—Continued.

ing for the recovery of damages caused thereby, and to repeal sections 2086, 2087, 2088 and 2098 of the revised codes of 1905.
 Introduction and first reading, 141.
 Second reading and reference, 141.
 Reported back, 695.
 Indefinitely postponed, 695.

House Bill No. 110.—(Wolbert)

A bill for an act requiring state officials to reside at the capital and to provide adequate compensation.
 Introduction and first reading, 142.
 Second reading and reference, 142.
 Reported back, 532.
 Third reading, 795, 851.
 Passed, 795, 852, 1632.
 Received from the senate, 1614.
 Amended, 1614.
 Conference, 1614.
 Report of conference committee, 1629.
 Adopted, 1630.
 Other action, 1647.

House Bill No. 111.—(Skulason)

A bill for an act to amend section 7045 of the revised codes of 1905, relating to the calling of another judge on account of prejudice or bias.
 Introduction and first reading, 142.
 Second reading and reference, 142.
 Reported back, 256.
 Indefinitely postponed, 256.

House Bill No. 112.—(Anderson)

A bill for an act to regulate dealers in nursery stock and their agents and salesmen in the state of North Dakota, to provide a nursery inspector.
 Introduction and first reading, 142.
 Second reading and reference, 142.
 Reported back, 883.
 Third reading, 1257.
 Passed, 1258.

House Bill No. 112.—Continued.

Indefinitely postponed, 1502.
Received from the senate, 1502.

House Bill No. 113.—(Nelson of Walsh)

A bill for an act to prohibit discrimination between different sections, communities or localities, and to prohibit unfair competition, and providing penalties for the violation thereof.

Introduction and first reading, 142.

Second reading and reference, 142.

Reported back, 442, 891.

Third reading, 873, 893.

Passed, 874, 894.

House Bill No. 114.—(Ganssle)

A bill for an act to amend chapter 189 of the session laws of 1907.

Introduction and first reading, 142.

Second reading and reference, 142.

Reported back, 628.

Third reading, 748.

Passed, 749.

Received from the senate, 1503.

Other action, 1526.

House Bill No. 115.—(Johnson of Rolette)

For an act to amend sections 938, 939, 940 and 941 and 943 of the revised codes of 1905, of the state of North Dakota relating to 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.

Introduction and first reading, 143.

Second reading and reference, 143.

Reported back, 539.

Indefinitely postponed, 539.

House Bill No. 116.—(Kneeland)

A bill for an act to amend section 473 of the revised codes of North Dakota of 1905, relating to the boundaries and terms

House Bill No. 116.—Continued.

of court in the fifth judicial district.

Introduction and first reading, 143.

Second reading and reference, 143.

Reported back, 254.

Third reading, 295.

Passed, 296.

Received from the senate, 1330.

Other action, 1391.

House Bill No. 117.—(McCrea)

A bill for an act to amend section 9366 of the revised codes of North Dakota, as amended by chapter 191 of the laws of 1907, defining intoxicating liquors, so that the same shall read as follows:

Introduction and first reading, 143.

Second reading and reference, 143.

Reported back, 835.

Third reading, 939.

Passed, 940, 1575.

Received from the senate 1567.

Amended, 1567.

Amendments concurred in, 1575.

Other action, 1609.

House Bill No. 118.—(Cunningham)

An act to amend section 7459 of the revised codes relating to publication of notice of sale and the giving of notice thereof to the occupant of the premises.

Introduction and first reading, 143.

Second reading and reference, 143.

Reported back, 256.

Indefinitely postponed, 257.

House Bill No. 119.—(Cunningham)

An act to amend section 8089 of the revised codes of 1905 of North Dakota, relating to the exemption of personal property and disposition thereof in the matter of estates pending in county court.

Introduction and first reading, 143.

Second reading and reference, 143.

House Bill No. 119.—Continued.

Reported back, 254, 326, 888.
 Third reading, 373.
 Passed, 374.
 Indefinitely postponed, 830.
 Received from the senate, 830.

House Bill, No. 120.—(Cunningham)

An act to amend section 7140 of the revised codes of 1905 of the state of North Dakota, relating to payment of the redemptioner on execution sale and giving notice thereof.

Introduction and first reading, 144.

Second reading and reference, 144.

Reported back, 260.

Indefinitely postponed, 261.

House Bill No. 121.—(Cunningham)

An act to amend section 6237 of the revised codes of 1905, relating to the filing of mechanics' liens, the giving of notice of furnishing materials to contractors and sub-contractors.

Introduction and first reading, 144.

Second reading and reference, 144.

House Bill No. 122.—(Cunningham)

An act relating to county judges and county clerks, prohibiting them from acting as attorney for or giving advice to persons interested in matters pending or about to be commenced in said county.

Introduction and first reading, 144.

Second reading and reference, 144.

Reported back, 258.

Indefinitely postponed, 258.

House Bill No. 123.—(Cunningham)

An act making the possession of a negotiable promissory note by the endorsee prima facie evidence that the same was endorsed by the person by whom it purports to be endorsed, and making every written instrument purporting to have been signed or executed prima facie

House Bill No. 123.—Continued.

evidence of such signing or execution, unless the signing or execution thereof is denied under oath.

Introduction and first reading, 144.

Second reading and reference, 144.

Reported back, 259.

Indefinitely postponed, 259.

House Bill No. 124.—(Cunningham)

An act to amend section 6246 of the revised codes of North Dakota, relating to requiring a mechanic lien holder to bring suit thereon or lose his lien.

Introduction and first reading, 144.

Second reading and reference, 144.

House Bill No. 125.—(Lucke)

A bill for an act entitled: "An act giving holders of contracts for the purchase of state lands the right to bring actions in the courts in certain cases with reference thereto, and providing for the protection of the interest of the state in such property when taken by railways for right of way or other purposes, and providing for the release of the claim of the state thereto."

Introduction and first reading, 145.

Second reading and reference, 145.

Reported back, 331.

Third reading, 416.

Passed, 417.

Received from the senate, 1424.

Other action, 1462.

House Bill No. 126.—(Cunningham)

An act to amend section 8896 of the revised codes of 1905 of North Dakota, relating to the punishment of rape in the second degree.

Introduction and first reading, 145.

Second reading and reference, 145.

Reported back, 259.

Indefinitely postponed, 259.

House Bill No. 127.—(Cunningham)

An act to amend section 8895 of the revised codes of 1905 of North Dakota, relating to the punishment for rape in the first degree.

Introduction and first reading, 145.

Second reading and reference, 145.

Reported back, 260.

Indefinitely postponed, 260.

House Bill No. 128.—(Cunningham)

An act to amend section 8894 of the revised codes of 1905 of North Dakota, relating to the age of consent of females and males in cases of rape, and the degree thereof.

Introduction and first reading, 145.

Second reading and reference, 145.

Reported back, 258.

Indefinitely postponed, 258.

House Bill No. 129.—(Cunningham)

An act relating to the filing of claims against the estates of deceased persons in county courts and hearings thereon, and appeals from decisions allowing or rejecting such claims.

Introduction and first reading, 145.

Second reading and reference, 145.

Reported back, 260.

Indefinitely postponed, 260.

House Bill No. 130.—(Sorlie)

A bill for an act appropriating funds for the erection of a pumping station, supply tank and tower for putting down a well to provide a water supply and for laying water mains in the grounds of the state penitentiary.

Introduction and first reading, 146.

Second reading and reference, 146.

Reported back, 789.

Indefinitely postponed, 790.

House Bill No. 131.—(Traynor)

A bill for an act making it the duty of the board of university and

House Bill No. 131.—Continued.

school lands to accept payment in full and issue patent for any school or institution lands required by any person, firm or corporation holding contract therefor, for townsite purposes.

Introduction and first reading, 165.

Second reading and reference, 165.

Reported back, 332.

Third reading, 417.

Passed, 418.

Received from the senate, 1425.

Other action, 1472.

House Bill No. 132.—(Duncan)

A concurrent resolution for an amendment to the constitution of the state of North Dakota, relating to revenue and taxation.

Introduction and first reading, 165.

Second reading and reference, 165.

Reported back, 689.

Indefinitely postponed, 689.

House Bill No. 133.—(Homnes)

A bill for an act prescribing the powers, duties and liabilities of constables.

Introduction and first reading, 165.

Second reading and reference, 165.

Third reading, 338.

Passed 339.

Received from the senate, 1333.

House Bill No. 134.—(McCrea)

A bill for an act making an appropriation to pay legal expenses and disbursements incurred by the government agricultural experiment station of the North Dakota agricultural college, in defending the suit brought to annul the "Pure Paint Law" of this state.

Introduction and first reading, 166.

Second reading and reference, 166.

Reported back, 718.

Third reading, 901.

Passed. 901, 1629.

House Bill No. 134.—Continued.

Received from the senate, 1588.
Amended, 1588.
Amendments concurred in, 1628.
Other action, 1640.

House Bill No. 135.—(Burnett)

A bill for an act defining exempt property.

Introduction and first reading, 166.

Second reading and reference, 166.

Reported back, 258.

Indefinitely postponed, 258.

House Bill No. 136.—(Olson)

A bill for an act to amend section 3133 of chapter 255 of the session laws of 1907, relating to powers of electors and supervisors of organized townships.

Introduction and first reading, 166.

Second reading and reference, 166.

Reported back, 691.

Third reading, 1039.

Passed, 1040.

Received from the senate, 1333.

House Bill No. 137.—(Grant)

A bill for an act to require owners or proprietors of inns, hotels or restaurants, to post a sign warning patrons not to blow out gas in their rooms, and providing a penalty for the violation of this act.

Introduction and first reading, 166.

Second reading and reference, 166.

Reported back, 777.

Indefinitely postponed, 777.

House Bill No. 138.—(Knox)

A bill for an act to amend section 9312 of the revised codes of 1905; relating to malicious injuries to or obstruction of telephone, telegraph or other electric wires.

Introduction and first reading, 166.

Second reading and reference, 166.

House Bill No. 138.—Continued.

Reported back, 250, 325.

Third reading, 371.

Passed, 372.

Indefinitely postponed, 5652.

Received from the senate, 535.

Amended, 535.

Other action, Indefinitely postponed, 562.

House Bill No. 139.—(Martin)

An act to repeal chapter 169 of the session laws of 1907, entitled, "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" and to re-enact articles 15 to 19 inclusive of chapter 24 of the revised codes of North Dakota, being sections 1993 to 2050 of the political code.

Introduction and first reading, 167.

Second reading and reference, 167.

Reported back, 251.

Indefinitely postponed, 251.

House Bill No. 140.—(Martin)

An act to compel the removal and erection of telephone and telegraph poles by telephone companies as well as private individuals to section lines, and their maintenance.

Introduction and first reading, 167.

Second reading and reference, 167.

Reported back, 437.

Indefinitely postponed, 437.

House Bill No. 141.—(Skulason)

A bill for an act relating to the removal from mortgaged land of buildings, fixtures, or other appurtenances.

Introduction and first reading, 167.

Second reading and reference, 167.

Reported back, 255, 327.

Third reading, 381.

Lost, 382.

House Bill No. 142.—(Baker of Stark)

A bill for an act to amend sections 4695, and 4697 of the revised codes of the state of North Dakota for the year 1905, relating to foreign corporations.

Introduction and first reading, 167.

Second reading and reference, 167.

Reported back 586.

Third reading, 699.

Passed 700.

Received from the senate, 1333.

House Bill No. 143.—(Senour)

A bill for an act entitled an act to redistrict the state of North Dakota into senatorial districts and apportion the senators and representatives therein.

Introduction and first reading, 167.

Second reading and reference, 167.

Reported back, 831.

Third reading, 907.

Passed, 907, 1606.

Received from the senate, 1597, 1605.

Amended, 1597, 1605.

Conference, 1599.

Report of conference committee, 1605.

Adopted, 1605.

Other action, 1640.

House Bill No. 144.—(Hemmingson)

A concurrent resolution amending the constitution of the state of North Dakota, relating to the election, term of office, duties and compensation of all county, township and district offices.

Introduction and first reading, 194.

Second reading and reference, 195.

House Bill No. 145.—(Putnam by request)

A bill for an act for an appropriation to reimburse Prof. E. F. Ladd for disbursements and expenses incurred in the enforcement of the pure food laws.

Introduction and first reading, 195.

House Bill No. 145.—Continued.

Second reading and reference, 195.

Reported back, 719.

Third reading, 902.

Passed, 902, 1596.

Received from the senate, 1595.

Amended, 1595.

Amendments concurred in, 1595.

Other action, 1640.

House Bill No. 146.—(Putnam)

A concurrent resolution amending section 158 of the constitution of the state of North Dakota, providing for the purchase of and sale of school and public lands.

Introduction and first reading, 195.

Second reading and reference, 195.

Reported back, 353, 398.

Third reading, 452.

Passed, 453.

* Received from the senate, 1504.

Other action, 1573.

House Bill No. 147.—(Hendrickson)

A bill for an act relating to the qualifications of members of state, county, city, township, town and village boards of equalization.

Introduction and first reading, 195.

Second reading and reference, 195.

Reported back, 720.

Third reading, 909.

Passed 909.

Received from the senate 1332.

House Bill No. 148.—(Thompson of Grand Forks.)

A bill for an act to amend section 2437 of the revised codes of North Dakota for 1905, relating to the proposals and acceptance of bonds of county depositaries.

Introduction and first reading, 195.

Second reading and reference, 195.

Reported back, 716.

Third reading, 826.

Passed, 827.

Received from the senate, 1333.

House Bill No. 149.—(Brynjulson)

A bill for an act, entitled an act to define and prohibit unfair competition and discrimination, and to define the powers and duties of the attorney general in regard thereto.

Introduction and first reading, 195.

Second reading and reference, 195.

Reported back, 467.

House Bill No. 150.—(Duncan)

A bill for an act to amend section 4073 of the revised codes of the state of North Dakota of 1905, relating to the granting of alimony in divorce cases.

Introduction and first reading, 196.

Second reading and reference, 196.

Reported back, 468.

Third reading, 744.

Passed, 745.

Indefinitely postponed, 1006.

Received from the senate, 1006.

House Bill No. 151.—(Brusletten)

A bill for an act to amend sections 5510 and 5511 of the revised codes of the state of North Dakota for the year 1905, prescribing lawful rates of interest for any legal indebtedness, and defining usury.

Introduction and first reading, 196.

Second reading and reference, 196.

Reported back, 411.

Indefinitely postponed, 412.

House Bill No. 152.—(Baker of Cass)

A bill for an act to amend section 4475 of the revised codes of the state of North Dakota, for 1905, relating to the tax levied upon insurance companies doing business within the state.

Introduction and first reading, 196.

Second reading and reference, 196.

Third reading, 425.

Lost, 426.

House Bill No. 253.—(Anderson)

A bill for an act to amend section 2620 of the revised codes of 1905, relating to legal rates for publication of legal notices.

Introduction and first reading, 196.

Second reading and reference, 196.

Reported back, 441.

Indefinitely postponed, 441.

House Bill No. 154.—(Kneeland)

A bill for an act to amend section 2173 of the revised codes of the state of North Dakota for 1905, relating to automobiles.

Introduction and first reading, 196.

Second reading and reference, 196.

Reported back, 352, 397.

Third reading, 449.

Passed, 450, 1378.

Received from the senate, 1329.

Amended, 1329.

Amendments concurred in, 1378.

Other action, 1409.

House Bill No. 155.—(Brynjulson by request)

A bill for an act creating and establishing a fish hatchery at Lake Hiawatha, in Wells county, near Sykeston, North Dakota, and providing for its management and making appropriation therefor.

Introduction and first reading, 197.

Second reading and reference, 197.

Reported back, 569.

Indefinitely postponed, 569.

House Bill No. 156.—(Hale)

A bill for an act for the protection of game, fish, wild birds and fur bearing wild animals, and creating the offices of state district game and fish wardens, deputies, board of control, state fish commissioner, and defining their duties and jurisdiction.

Introduction and first reading, 208.

House Bill No. 156.—Continued.

Second reading and reference, 208.
 Reported back, 693.
 Third reading, 736, 1289.
 Passed, 737, 1289.
 Received from the senate, 1072.
 Amended, 1072.
 Amendments concurred in, 1098.
 Conference, 1106.
 Report of conference committee 1276.
 Adopted, 1300.
 Other action 1398:

House Bill No. 157.—(Wolbert)

A bill for an act to provide for probation for persons convicted of felonies and misdemeanors.
 [Introduction and first reading, 208.
 Second reading and reference, 208.
 Reported back, 409, 513, 547.
 Third reading, 596.
 Passed, 597.
 Received from the senate, 1612.
 Other action, 1644.

House Bill No. 158.—(Wolbert)

A bill for an act, to provide indeterminate sentences of persons convicted of certain crimes; providing for a board of experts empowered to prescribe suitable rules of conduct and treatment; and to determine how and when a person sentenced under this act shall be paroled or released; and providing for a parole officer.
 Introduction and first reading, 208.
 Second reading and reference, 208.
 Reported back, 583.
 Third reading, 1028.
 Passed, 1029.
 Received from the senate, 1612.
 Other action 1646.

House Bill No. 159.—(Wolbert)

A bill for an act entitled an act to amend section 2206 of the revised codes of the state of North Dakota for the year 1905 relating to the fees to be paid by Hawkers and Peddlers.

House Bill No. 159.—Continued.

[Introduction and first reading, 208.
 Second reading and reference, 209.
 Reported back, 642.
 Third reading, 791.
 Passed, 791.
 Received from the senate, 1610.
 Other action, 1640.

House Bill No. 160.—(Nelson of McHenry)

An amendment to the constitution of the state of North Dakota limiting the amount of indebtedness which may be incurred by any county, township, city, town, school district or other political subdivision.
 [Introduction and first reading, 209.
 Second reading and reference, 209.
 Reported back, 353.
 Indefinitely postponed, 353.

House Bill No. 161.—(Welford.)

A bill for an act to require relatives to support the poor and providing for the manner of obtaining permanent relief.
 [Introduction and first reading, 209.
 Second reading and reference, 209.
 Reported back, 482.
 Third reading, 793.
 Lost, 794.

House Bill No. 162.—(Moen of Benson)

A bill for an act to regulate the public service of stallions of North Dakota.
 [Introduction and first reading, 209.
 Second reading and reference, 209.
 Reported back, 477.
 Third reading, 745.
 Passed 746.
 Received from the senate, 1435.
 Other action 1526.

House Bill No. 163.—(Gibbens)

For amendment to the constitution of the state of North Dakota,

House Bill No. 163.—Continued.

relating to revenue and taxation.
 Introduction and first reading, 209.
 Second reading and reference, 209.
 Reported back, 629.
 Third reading, 938.
 Passed, 939.
 Received from the senate, 1332.

House Bill No. 164.—(Homnes)

A bill for an act to amend section 9544 of the revised codes of the state of North Dakota of 1905, relating to the disposition of fines and forfeitures.
 Introduction and first reading, 209.
 Second reading and reference, 209.
 Reported back, 352.
 Indefinitely postponed, 352.

House Bill No. 165.—(Cunningham)

A bill for an act to amend section 533 of the 1905 revised codes of North Dakota relative to the authorization of officers to administer oaths.
 Introduction and first reading, 210.
 Second reading and reference, 210.
 Reported back, 354.
 Third reading, 419.
 Passed, 420, 1377.
 Received from the senate, 1320
 Amended, 1336.
 Amendments concurred in, 1377.
 Other action, 1409.

House Bill No. 166.—(Traynor)

An act making an appropriation to meet the deficiency incurred by the state live stock sanitary board in carrying out the purposes of chapter 169 of session laws of 1907.
 Introduction and first reading, 210.
 Second reading and reference, 210.
 Third reading, 339.
 Passed, 340.
 Received from the senate, 796.
 Other action, 857.

House Bill No. 167.—(Thoreson)

A bill for an act to permit the construction of cattleways under public highways; regulating the construction of same, and prescribing duties of road supervisors in relation thereto.
 Introduction and first reading, 210.
 Second reading and reference, 210.
 Reported back, 414.
 Third reading, 819.
 Passed, 819.
 Received from the senate, 1503.
 Other action, 1558.

House Bill No. 168.—(Ployhar)

A bill for an act to legalize certain floating indebtedness incurred by cities of this state under certain circumstances and bonds issued or that may be issued, to fund the same.
 Introduction and first reading, 210.
 Second reading and reference, 210.
 Reported back, 443.
 Indefinitely postponed, 1106.

House Bill No. 169.—(Thompson)

A bill for an act defining the sixth judicial district, state of North Dakota and fixing the terms of court in said district.
 Introduction and first reading, 262.
 Second reading and reference, 262.
 Reported back, 765.
 Third reading 919.
 Passed 920.

House Bill No. 170.—(Knox)

A bill for an act to provide for the maintenance of the state normal industrial school located at Ellendale and for making necessary improvements and providing appropriations therefor.
 Introduction and first reading, 262.
 Second reading and reference, 262.

House Bill No. 171.—(Senour)

A bill for an act to amend section 3195 of the revised codes of the state of North Dakota for the year 1905 relating to the fees of pound master and providing for advertising estrays according to chapter 117 of the session laws of the year 1907.
 Introduction and first reading, 262.
 Second reading and reference, 263.
 Third reading, 428.
 Passed, 428.
 Received from the senate, 1503.
 Other action 1573.

House Bill No. 172.—(Ployhar)

A bill for an act making appropriation for the Valley City normal school located in Valley City, Barnes county, North Dakota.
 Introduction and first reading, 263.
 Second reading and reference, 263.
 Reported back, 789.
 Third reading, 872.
 Passed, 872.
 Indefinitely postponed, 1270.
 Received from the senate, 1270.

House Bill No. 173.—(Atwood)

A bill for an act to provide an appropriation for the current and contingent expenses of the state hospital for the insane of North Dakota at Jamestown.
 Introduction and first reading, 263.
 Second reading and reference, 263.

House Bill No. 174.—(Anderson)

A bill for an act to amend section 6237 and section 6238 of the revised codes of 1905, relating to mechanics' liens.
 Introduction and first reading, 263.
 Second reading and reference, 263.
 Reported back, 463.
 Third reading, 803.
 Passed, 804.

House Bill No. 175.—(Atwood)

A bill for an act to provide an appropriation for the erection of new buildings and other improvements at the state hospital for the insane of North Dakota at Jamestown.
 Introduction and first reading, 263.
 Second reading and reference, 263.

House Bill No. 176.—(Akeson)

A bill for an act to amend section 3213 of the revised codes of North Dakota for the year 1905, relating to the purchase of road machinery.
 Introduction and first reading, 263.
 Second reading and reference, 263.
 Reported back, 883.
 Indefinitely postponed, 883.

House Bill No. 177.—(Traynor)

A bill for an act providing for the creating, establishing and maintaining of a biological station on the shore of Devils Lake in Ramsey county, North Dakota, for the control of such station and work associated therewith, appointment of directors of such station and its associated work, prescribing the duties of such directors and making appropriations therefor.
 Introduction and first reading, 264.
 Second reading and reference 264.
 Reported back, 357, 399.
 Third reading, 455.
 Passed 456,
 Received from the senate, 1424.
 Other action, 1472.

House Bill No. 178.—(Honey)

A bill for an act making an appropriation for the improvement, betterment, conservation and preservation of the Rock Island Military Wood Reservation in Ramsey County, North Dakota.

House Bill No. 178.—Continued.

Introduction and first reading,
264.
Second reading and reference,
264.
Reported back, 959.
Third reading, 992, 1041.
Passed, 1042.
Lost 993.
Received from the senate, 1600.
Other action, 1634.

House Bill No. 179.—(Ward and Bursletten)

A bill for an act to provide an appropriation for the current and contingent expenses and for permanent improvements for the state school of science at Wahpeton.
Introduction and first reading,
264.
Second reading and reference,
264.
Reported back, 788.
Third reading, 870.
Passed, 871.
Indefinitely postponed, 1270.
Received from the senate, 1270.

House Bill No. 180.—(Garden)

A bill for an act to provide for the making of improvements at the North Dakota school of forestry, to assist in the maintenance thereof and for other purposes and making appropriations therefor.
Introduction and first reading,
264.
Second reading and reference,
264.
Reported back, 788.

House Bill No. 181.—(Welford)

A bill for an act to amend section 3153 of the revised codes of 1905, relating to meetings of township board of auditors.
Introduction and first reading,
264.
Second reading and reference,
264.
Reported back, 332, 379.
Third reading, 422.
Passed, 423.
Received from the senate, 1424.
Other action, 1472.

House Bill No. 182.—(Welford)

A bill for an act to amend section 3141 of the revised codes of 1905, relating to bond to be given by clerks of civil townships.
Introduction and first reading,
265.
Second reading and reference
265.
Third reading, 426.
Passed, 427.
Received from the senate, 1330.
Other action, 1464.

House Bill No. 183.—(Doyle of McIntosh)

A bill for an act to amend sections 926 and 928 of the revised codes of North Dakota, 1905, as amended by chapter 103 of the session laws of 1907, relating to depositories of school funds.
Introduction and first reading,
265.
Second reading and reference
265.
Reported back, 356, 512, 548.
Third reading, 592.
Passed, 593.
Indefinitely postponed, 356, 876.
Received from the senate, 876.

House Bill No. 184.—(Olson)

A bill for an act to amend section 831 of chapter 95 of the session laws of 1907, relating to schools to be organized on petition, and location thereof.
Introduction and first reading,
265.
Second reading and reference,
265.
Reported back, 534.
Indefinitely postponed, 534.

House Bill No. 185.—(Doyle)

A bill for an act to amend section 922 of the revised codes of North Dakota relating to proposals for depositories of school funds.
Introduction and first reading,
265.
Second reading and reference,
265.
Reported back, 357.
Passed, 594.

House Bill No. 185.—Continued.

Indefinitely postponed 876.
Received from the senate, 876.

House Bill No. 186.—(White)

A bill for an act to amend section 1446 of the revised codes of North Dakota, of the revision of 1905, relating to the duties of officers in relation to highways in cities.

Introduction and first reading, 265.

Second reading and reference, 265.

Reported back, 413, 1179.

Indefinitely postponed, 1180.

House Bill No. 187.—(McCrea)

A bill for an act to prevent the development and dissemination of the seeds of noxious weeds.

Introduction and first reading, 266.

Second reading and reference, 266.

Reported back, 695.

Indefinitely postponed, 695.

House Bill No. 188.—(McCrea)

A bill for an act to punish the giving of checks or drafts on any bank or other depository wherein the person so giving such check or draft shall not have sufficient funds or a credit for payment of same, and providing penalties therefor.

Introduction and first reading, 266.

Second reading and reference, 266.

Reported back, 717.

Third reading, 827.

Received from the senate, 1332.

House Bill No. 189.—(Skulason by request)

A bill for an act to authorize the secretary of state to enter into a contract on behalf of the state of North Dakota with the Lawyers' Co-operative Publishing Company for the printing and publishing of the supreme court reports.

Introduction and first reading, 266.

House Bill No. 189.—Continued.

Second reading and reference, 266.

Reported back, 441.

Indefinitely postponed, 442.

House Bill No. 190.—(Skulason)

A bill for an act providing for the office of chief justice of the supreme court, and prescribing the duties of the Chief Justice.

Introduction and first reading, 266.

Second reading and reference, 266.

Reported back, 407, 512, 548.

Passed, 595.

Received from the senate, 1423.

Other action, 1412.

House Bill No. 191.—(Hendrickson)

A bill for an act to amend section 422 of the revised codes of 1905, relating to vacancies in office.

Introduction and first reading, 266.

Second reading and reference, 266.

Reported back, 481.

Third reading, 555.

Passed, 556.

Indefinitely postponed, 1502.

Received from the senate, 1502.

House Bill No. 192.—(Kinney of McLean)

A bill for an act to establish a state fair and locate the same at Fargo, North Dakota, and make an appropriation therefor.

Introduction and first reading, 267.

Second reading and reference, 267.

Reported back, 483.

Indefinitely postponed, 523.

House Bill No. 193.—(Martin)

An act entitled an act to amend section 10243 of the revised codes of North Dakota, relating to reprieves, commutations and pardons, by the board of pardons.

Introduction and first reading, 267.

House Bill No. 193.—Continued.

Second reading and reference,
267.

Reported back, 481.

Indefinitely postponed, 481.

House Bill No. 194.—(Hendrickson by request)

A bill for an act, providing for a jury to be official witnesses of the execution of persons executed at the state penitentiary, providing for guards to act as death watch over condemned prisoners, and fixing the executioner's fee. Also an appropriation to defray all expenses incurred in connection with the execution of a condemned man. Introduction and first reading,
267.

Second reading and reference
267.

Reported back, 466.

Third reading, 743.

Passed, 744. 1481.

Received from the senate, 1434.

Amended 1434.

Amendments concurred in, 1480.

Other action, 1515.

House Bill No. 195.—(Dibley)

A bill for an act creating a state highway commission, defining its powers and duties, creating a state highway fund, providing for the expenditure thereof, and providing for the appointment of county superintendents of highways and town road inspectors, and abolishing the office of township road overseer. Introduction and first reading,
267.

Second reading and reference
267.

Reported back, 413, 696.

Third reading, 459.

Indefinitely postponed, 1106.

House Bill No. 196.—(Wisner)

A bill for an act to amend section 7453 of the revised codes of North Dakota for 1905, relating to the foreclosure of mortgages upon real property, containing a power of sale, by advertise-

House Bill No. 196.—Continued.

ment, and limiting the time in which proceedings for such foreclosure may be commenced. Introduction and first reading,
267.

Second reading and reference,
268.

Reported back, 353, 398.

Third reading, 453.

Passed, 454.

Indefinitely postponed, 830.

Received from the senate, 830.

House Bill No. 197.—(Collins of Grand Forks)

A bill for an act, entitled an act making appropriations for permanent improvements at the state university and school of mines of North Dakota. Introduction and first reading,
268.

Second reading and reference,
268.

Reported back, 787.

Third reading, 869.

Passed, 870.

Indefinitely postponed, 1270.

Received from the senate, 1270.

House Bill No. 198.—(Cunningham)

A bill to amend section 2 of chapter 71 of the session laws of 1907.

Introduction and first reading,
273.

Second reading and reference,
273.

Reported back, 585.

Indefinitely postponed, 585.

House Bill No. 199.—(White)

A bill for an act making appropriation for completing and furnishing dormitory, for establishing and changing heating plant, for grounds and walks, students' hospital and other equipment for the state normal school at Mayville and for maintenance. Introduction and first reading,
273.

Second reading and reference,
273.

Second reading and reference,
273.

House Bill No. 200.—(Honey)

A bill for an act to amend section 4, chapter 140, of the 1907 ses-

House Bill No. 200.—Continued.

sion laws of the state of North Dakota, relating to insurance.
 Introduction and first reading, 287.
 Second reading and reference, 287.
 Reported back, 388.
 Third reading, 424.
 Passed, 425.
 Received from the senate, 1503.
 Other action, 1557.

House Bill No. 201.—(Wolbert)

A bill for an act fixing the terms of court in the Sixth judicial district.
 Introduction and first reading, 287.
 Second reading and reference, 287.
 Reported back, 767.
 Indefinitely postponed, 767.

House Bill No. 102.—(Knox)

A bill for an act to amend section 2693 of the revised codes of 1905, relating to qualifications of city officers.
 Introduction and first reading, 288.
 Second reading and reference, 288.
 Reported back, 641.
 Third reading, 784.
 Passed, 785.

House Bill No. 203.—(Wolbert)

A concurrent resolution amending the constitution of the state of North Dakota, establishing and locating a state normal school in the city of Bismarck, county of Burleigh.
 Introduction and first reading, 288.
 Second reading and reference, 288.
 Reported back, 759.
 Indefinitely postponed, 759.

House Bill No. 204.—(Nyhus)

A bill for an act prohibiting the locking or obstructing of railroad crossings on rural highways or on village or city

House Bill No. 204.—Continued.

streets by railroad companies or their employes, by allowing cars, engines, or train of cars to stand on such crossings for a longer period than five minutes at any one time, and providing penalties for violations of this act.
 Introduction and first reading, 288.
 Second reading and reference, 288.
 Reported back, 440.
 Third reading, 742.
 Passed, 742, 1562.
 Received from the senate, 1504.
 Amended, 1504.
 Amendments concurred in, 1561.
 Other action, 1573.

House Bill No. 205.—(Ployhar)

A bill for an act providing for the revision and compilation of the school laws of the state of North Dakota, and appropriate money therefor.
 Introduction and first reading, 288.
 Second reading and reference, 288.
 Reported back, 534.
 Third reading, 663.
 Passed, 664, 1479.
 Received from the senate, 1430.
 Amended, 1430.
 Amendments concurred in, 1478.
 Other action, 1515.

House Bill No. 206.—(Skulason)

A bill for an act to provide for the better protection of life and property by establishing the office of chief state examiner of engineers; to provide for the examination and licensing of engineers of steam engines; to prescribe the fees for licenses, and to prescribe penalties for the violation of this act.
 Introduction and first reading, 288.
 Second reading and reference, 288.
 Reported back, 691.
 Indefinitely postponed, 691.

House Bill No. 207.—(Skulason)

A bill for an act to regulate the employment of child labor and to prescribe penalties for violations of this act.

Introduction and first reading, 289.

Second reading and reference, 289.

Reported back, 520, 548.

Third reading, 657.

Passed, 657, 1541.

Received from the senate, 1540.

Amended, 1540.

Amendments concurred in, 1540.

Other action, 1590.

House Bill No. 208.—(Bjorndahl)

A bill for an act providing for the inspection of refined petroleum oils and gasoline. Defining ports of entry. Appointment of oil inspector and deputies and fixing the salary of the same.

Introduction and first reading, 289.

Second reading and reference, 289.

Reported back, 470.

Third reading, 674.

Passed, 675.

Received from the senate, 1429.

Other action, 1475.

House Bill No. 209.—(Moen of Benson)

A bill for an act to amend sections 525 and 527 of the revised codes of 1905, relating to the summoning of jurors.

Introduction and first reading, 289.

Second reading and reference, 289.

Reported back, 465.

Third reading, 550.

Passed, 551.

Indefinitely postponed, 1006.

Received from the senate, 1006.

House Bill No. 210.—(Duncan)

A bill for an act to amend section 8577 of the revised codes of the state of North Dakota for the year 1905, relating to punishment for Sabbath breaking.

House Bill No. 210.—Continued.

Introduction and first reading, 289.

Second reading and reference, 289.

Reported back, 690.

Indefinitely postponed, 690.

House Bill No. 211.—(Schull)

A bill for an act relating to the issuance of stock by corporations

Introduction and first reading, 289.

Second reading and reference, 289.

Reported back, 587.

Third reading, 701.

Passed, 702.

Received from the senate, 1626.

Other action, 1644.

House Bill No. 212.—(Evans.)

A bill for an act to prohibit the burning of old railroad ties upon the right of way of any railroad company owning or operating a railroad in this state, and providing a penalty for the violation thereof.

Introduction and first reading, 289.

Second reading and reference, 289.

Reported back, 520.

Indefinitely postponed, 520.

House Bill No. 213.—(Johnson of Rollette)

A bill for an act creating, establishing and locating a fish hatchery and fish cultural station at Fish Lake, Birchwood park in Rolette county, North Dakota, and providing for its management and making an appropriation therefor.

Introduction and first reading, 290.

Second reading and reference, 290.

Reported back, 567, 659, 719.

Third reading, 903.

Passed 903, 1585.

Received from the senate, 1582.

Amended, 1582.

Amendments concurred in, 1584.

Other action, 1611.

House Bill No. 214.—(Chatfield)

A bill for an act to amend section 482 of chapter 7 of the revised codes for the year 1905, providing that in courts of record the stenographer's minutes shall be in all cases transcribed and filed with the clerk of such court.

Introduction and first reading, 290.

Second reading and reference, 290.

Reported back, 469.

House Bill No. 215.—(Traynor)

A bill for an act to establish and permanently fix the state fair at Devils Lake, in Ramsey county, North Dakota, making appropriation therefor, and to repeal sections 1306 and 1307 of the revised codes of the state of North Dakota, for the year 1905.

Introduction and first reading, 290.

Second reading and reference, 290.

Reported back, 438.

House Bill No. 216.—(Garden)

A bill for an act for the inspection of fermented and spirituous liquors, malt liquors, wines, ciders, and all beverages manufactured, sold or offered for sale as a substitute for intoxicating liquors, and providing for the appointment of a state inspector and deputies, prescribing their duties, designating their fees, and prescribing rules and regulations for such inspection, providing for the payment and disposition of such fees, providing penalties for the violation of the provisions of this act, designating ports of entry where liquor shipped into this state shall be inspected.

Introduction and first reading, 290.

Second reading and reference, 290.

Reported back, 685.

Third reading, 1032.

Passed, 1033.

House Bill No. 217.—(Chatfield)

A bill for an act to amend section 2432 of the revised codes of 1905, of chapter 28 of the political code of the state of North Dakota, providing for the publishing of all records and proceedings of the board of county commissioners.

Introduction and first reading, 291

Second reading and reference, 291

Reported back, 632, 833.

Indefinitely postponed, 833.

House Bill No. 218.—(Aasheim)

A bill for an act to amend section 1513 of the revised codes of 1905, relating to assessment books and blanks, real property subject to assessment, and meeting of assessors.

Introduction and first reading, 291

Second reading and reference, 291

Reported back, 518.

Indefinitely postponed, 518.

House Bill No. 219.—(Traynor)

A bill for an act to amend article 4 of chapter 32 of the political code of North Dakota, as found in the revised codes of North Dakota for 1905 relating to changing limits of cities, towns, and villages, and to repeal sections 2948 and 2949 of the revised codes for 1905.

Introduction and first reading, 291

Second reading and reference, 291

Reported back, 895.

Third reading, 1129.

Passed, 1130.

House Bill No. 220.—(Burns)

A concurrent resolution amending the constitution of the state of North Dakota, establishing and locating a state normal school in the city of Glen Ullin, county of Morton.

Introduction and first reading, 318.

House Bill No. 220.—Continued.

Second reading and reference,
318.

Reported back, 761.

Indefinitely postponed, 761.

House Bill No. 221.—(White)

A bill for an act to amend sections 4329 and 4342 of the revised codes for the year 1905, relating to the powers and duties of the board of railroad commissioners and providing a penalty for violating the orders of said board.

Introduction and first reading
319.

Second reading and reference,
319.

Reported back, 518, 548.

Third reading, 221.

Passed, 221.

House Bill No. 222.—(Davidson)

A bill for an act providing for the selection of candidates for election by popular vote, and relating to their nomination and the perpetration of political parties.

Introduction and first reading,
319.

Second reading and reference,
319.

Reported back, 1185.

Indefinitely postponed, 1186.

House Bill No. 223.—(Baker of Cass)

A bill for an act providing for the organization, authorization and operation of co-operative life and casualty companies, associations or societies.

Introduction and first reading,
319.

Second reading and reference,
319.

Reported back, 774.

Indefinitely postponed, 774.

House Bill No. 224.—(White)

A bill for an act to amend section 1313 of the revised codes of North Dakota of the revision of 1905, relating to county fairs.

Introduction and first reading,
319.

Second reading and reference,
319.

Reported back, 631.

Indefinitely postponed, 631.

House Bill No. 225.—(Bjorndahl.)

A bill for an act to regulate the itinerant vending of medicines, nostrums and appliances for the treatment of disease, injury or deformity.

Introduction and first reading,
319.

Second reading and reference,
319, 778.

Reported back, 778.

House Bill No. 226.—(Schull)

A bill for an act providing for the appointment of a commission to compile, revise and codify the laws of the state of North Dakota, relating to matters of substantive law and procedure concerning probate and testamentary matters and matters of administration and guardianship, and to report the same to the twelfth legislative assembly for adoption or rejection, and to provide for the compensation of the members thereof.

Introduction and first reading
320.

Second reading and reference,
320.

Reported back, 581.

Third reading, 947.

Passed, 948.

House Bill No. 227.—(Storey)

A bill for an act to amend section 2071 of the revised codes of the state of North Dakota for 1905.

Introduction and first reading,
320.

Second reading and reference,
320.

Reported back, 533.

Third reading, 662.

Lest 663.

House Bill No. 228.—Duncan)

A bill for an act to amend section 1574 of the revised codes of 1905, relating to auditor's notice of tax sale.

Introduction and first reading,
320.

Second reading and reference,
320.

Reported back, 481.

House Bill No. 228.—Continued.

Third reading, 747.
 Passed, 748.
 Received from the senate, 1435.
 Other action 1526.

House Bill No. 229.—(Traynor)

A bill for an act to amend section 126 of the revised codes of 1905, providing for the appointment of assistant attorneys general, and fixing their salary, and appropriating money to pay the same.

Introduction and first reading, 320.
 Second reading and reference, 320, 549.
 Reported back, 465, 724.
 Third reading, 549, 1123.
 Passed, 1124.
 Received from the senate, 1625.
 Other action 1640.

House Bill No. 230.—(Schull)

A bill for an act to amend section 2248 of the revised codes of North Dakota for 1905, requiring owners or their agents of elevators and warehouses to issue receipts for grain or seeds delivered to them for the purpose of storage, and making the failure to comply a misdemeanor.

Introduction and first reading, 320.
 Second reading and reference, 320.
 Reported back 542.
 Third reading, 804.
 Passed, 805.

House Bill No. 231.—(Kneeland)

A bill for an act to amend section 9650 of the revised codes of 1905, relating to bastardy proceedings.

Introduction and first reading, 321.
 Second reading and reference, 321.
 Reported back, 528.
 Third reading, 658.
 Passed, 658.
 Received from the senate 1423.
 Other action, 1490.

House Bill No. 232.—(Kneeland)

A bill for an act to amend section 8320 of the revised codes of 1905, relating to inheritance tax.

Introduction and first reading, 321.
 Second reading and reference, 321.
 Reported back, 482.
 Third reading, 557.
 Passed, 558.
 Indefinitely postponed, 830.
 Received from the senate, 830.

House Bill No. 233.—(Honey)

A bill for an act to define what is an official newspaper.

Introduction and first reading, 321.
 Second reading and reference, 321.
 Reported back, 476.
 Third reading, 554.
 Passed 555.
 Received from the senate, 1504.
 Other action, 1526.

House Bill No. 234.—(Sorlie)

A bill for an act providing for the creating a state tuberculosis exhibition, for the control of such exhibition and for making an appropriation therefor.

Introduction and first reading, 336.
 Second reading and reference, 336.
 Reported back, 775.
 Third reading, 928.
 Passed, 929.
 Indefinitely postponed, 1501.
 Received from the senate, 1501.

House Bill No. 235.—(Sorlie)

A bill for an act making an appropriation for the salary of the state registrar of vital statistics and for the current and contingent expenses of the state bureau of vital statistics.

Introduction and first reading, 337.
 Second reading and reference, 337.
 Reported back, 540.
 Third reading, 665.
 Passed, 666.

House Bill No. 236.—(Storey)

A bill for an act to amend section 651 of the revised codes of the state of North Dakota for 1905. Introduction and first reading, 337.
 Second reading and reference, 337.
 Reported back, 886.
 Third reading, 1124.
 Passed, 1125.
 Received from the senate, 1603.
 Other action, 1647.

House Bill No. 237.—(Christenson)

A bill for an act to create a board of immigration and for the support of such board. Introduction and first reading, 337.
 Second reading and reference, 337.
 Reported back, 1021.
 Indefinitely postponed, 1021.

House Bill No. 238.—(Baker of Cass)

A bill for an act regulating employment agents and agencies, requiring persons and corporations engaging in such business to procure license therefor, prohibiting unreasonable charges for compensation by such persons or corporations, and providing suitable penalties for its violation. Introduction and first reading, 337.
 Second reading and reference, 337.
 Reported back, 1011.
 Indefinitely postponed, 1011.

House Bill No. 239.—(Knox)

A bill for an act prohibiting the sending and circulating of false and derogatory reports about the crops, the condition of the weather and the coal and fuel supplies. Introduction and first reading, 337.
 Second reading and reference, 337.
 Reported back, 630.
 Indefinitely postponed, 630.

House Bill No. 240.—(Nelson of Steele)

A bill for an act to regulate the width of sleighs, sleds and cutters on public highways. Introduction and first reading, 338.
 Second reading and reference, 338.
 Reported back, 577.
 Third reading, 945.
 Lost, 946.

House Bill No. 241.—(Baker of Cass)

A bill for an act creating and establishing an agricultural experiment station, to be located at or near the village of Hettinger, in Adams county, in connection with the North Dakota agricultural college at Fargo, and under the direction of the board of directors of said college, and making an appropriation therefor. Introduction and first reading, 338.
 Second reading and reference, 338.
 Reported back, 1142.
 Indefinitely postponed, 1142.

House Bill No. 242.—(Knox.)

A bill for an act to amend section 131 of the revised codes of North Dakota of 1905, relating to an appropriation to promote immigration, and creating a board of immigration, prescribing its powers and duties, and making an appropriation therefor. Introduction and first reading, 338.
 Second reading and reference, 338.
 Reported back, 1019.
 Indefinitely postponed, 1105.

House Bill No. 243.—(Skinner.)

A bill for an act requiring operators of steam threshing rigs to give bonds to secure payment of all employes and insure all loss from fire originating from steam threshing engines.

House Bill No. 243.—Continued.

Introduction and first reading,
361.
Second reading and reference,
361.
Reported back, 528.
Indefinitely postponed, 529.

House Bill No. 244.—(Duncan.)

A concurrent resolution for an amendment to the constitution amending section 215 thereof by abolishing the state normal school at the city of Mayville in the county of Traill.

Introduction and first reading,
361.
Second reading and reference,
361.

House Bill No. 245.—(Grant.)

A bill for an act to appropriate money for the use of the board of university and school lands in the payment of assessments for benefits made for drainage purposes against unsold common school and institution lands within the state.

Introduction and first reading,
361.
Second reading and reference,
361.

Reported back, 541, 767.
Third reading, 921.
Passed, 922.
Received from the senate, 1614.
Other action, 1645.

House Bill No. 246.—(Linde.)

A bill for an act to amend sections 232 and 234 of the revised codes of the state of North Dakota for 1905, relating to the designation of depositories for state funds.

Introduction and first reading,
361.
Second reading and reference,
361.

Reported back, 690.
Indefinitely postponed, 690.

House Bill No. 247.—(Homnes)

A bill for an act to amend section 7459 of the revised codes of North Dakota of 1905, relating

House Bill No. 247.—Continued.

to the publication of notice of foreclosure by advertisement and prescribing the duty of the party, attorney or agent foreclosing the mortgage.

Introduction and first reading,
362.
Second reading and reference,
362.

Reported back, 584.
Third reading, 671.
Passed, 672.
Indefinitely postponed, 1006.
Received from the senate, 1006.

House Bill No. 248.—(Nelson of Steele.)

A bill for an act to amend sections 2405, 2407, 2408 and 2409 of the revised codes of the state of North Dakota for 1905, relating to the authorization of public improvements in counties and providing for the levying of taxes to aid in the construction of the same.

Introduction and first reading,
362.
Second reading and reference,
362.

Reported back, 532.
Third reading, 661.
passed, 662.
Received from the senate, 1423.
Other action, 1490.

House Bill No. 249.—(Doyle of Foster.)

A bill for an act to amend section 10,245 of the revised codes of North Dakota for 1905, relating to the place where the board of pardons shall hold its sessions.

Introduction and first reading,
362.
Second reading and reference,
362.

Reported back, 529.
Third reading, 660.
Passed, 660.
Received from the senate, 1424.
Other action, 1472.

House Bill No. 250.—(Wolbert.)

A bill for an act to amend chapter 70 of the laws of 1905, being sections 1310, 1311, 1312, 1313,

House Bill No. 250.—Continued.

1314 and 1315 of the revised codes of 1905, relating to the levy of a tax in certain counties, to aid in the maintenance of county agricultural fair associations, and to repeal parts of same.

Introduction and first reading, 362.

Second reading and reference, 362.

Reported back, 630.

Third reading, 941.

Passed, 942.

House Bill No. 251.—(Traynor.)

A bill for an act appropriating money to provide for the erection, equipment and maintenance of a biological station at Devils Lake, North Dakota, and to carry on its associated work.

Introduction and first reading, 362.

Second reading and reference, 362.

Reported back, 959.

Third reading, 991.

Passed, 992.

Received from the senate, 1600.

Other action, 1634.

House Bill No. 252.—(Anderson)

A bill for an act to require public warehouses to clean all grain handled by them before testing the same for grade, and providing a penalty for the violation of this act.

Introduction and first reading, 363.

Second reading and reference, 363.

Reported back, 696.

Third reading, 948.

Passed, 949.

House Bill No. 253.—(Anderson)

A bill for an act to amend section 2432 of the revised codes of North Dakota of 1905, relating to the publication of the proceedings of the board of county commissioners.

Introduction and first reading, 363.

House Bill No. 253.—Continued.

Second reading and reference, 363.

Reported back, 576.

Third reading, 943.

Passed, 944.

House Bill No. 254.—(Geidt)

A bill for an act to amend section 8478 of the 1905 revised codes being section 6749 of the 1895 revised codes of the state of North Dakota, relating to change of venue in criminal actions in justices' court.

Introduction and first reading, 363.

Second reading and reference, 363.

Reported back, 527.

Indefinitely postponed, 527.

House Bill No. 255.—(White)

A bill for an act to provide for an examination of the sight and hearing of pupils in public schools, and making an appropriation therefor.

Introduction and first reading, 363.

Second reading and reference, 363.

Reported back, 538.

Third reading, 664.

Passed 665.

Indefinitely postponed, 1057.

Received from the senate, 1057.

House Bill No. 256.—(Pendray)

A bill for an act to establish a state fair and locate the same at Jamestown, North Dakota, and make an appropriation therefor.

Introduction and first reading, 363.

Second reading and reference, 363.

Reported back, 438.

House Bill No. 257.—(Baker of Cass)

A bill for an act to amend section 4429 of the revised codes of 1905, relating to the capital stock of insurance companies.

Introduction and first reading, 376.

House Bill No. 257.—Continued.

Second reading and reference, 376.
 Reported back, 522, 548.
 Third reading, 740.
 Passed, 741.
 Received from the senate, 1503.
 Other action, 1557.

House Bill No. 258.—(Senour)

A bill for an act to amend section 9263 of the revised codes of the state of North Dakota, for the year of 1905, relating to unlawfully branding and stealing of live stock and prescribing penalties therefor.
 Introduction and first reading, 376.
 Second reading and reference, 376.
 Reported back, 889.
 Third reading, 1128.
 Passed 1129.

House Bill No. 259.—(Homnes)

A bill for an act to amend section 6839 of the revised codes of North Dakota for 1905, relating to the service of summons in civil actions.
 Introduction and first reading, 377.
 Second reading and reference, 377.
 Reported back, 579.

House Bill No. 260.—(Gibbens)

A bill for an act to amend section 204 of the revised codes of the state of North Dakota of 1905, relating to the manner of appraising school and institution lands for leasing purposes, and providing the manner of determining the minimum annual rental to be charged therefor.
 Introduction and first reading, 377.
 Second reading and reference, 377.
 Reported back, 567.
 Third reading, 668.
 Indefinitely postponed, 668.

House Bill No. 261.—(Traynor)

A bill for an act to amend section 470 of the revised codes of

House Bill No. 261.—Continued.

1905, relating to terms of court in the second judicial district.
 Introduction and first reading, 377.
 Second reading and reference, 377.
 Reported back, 685.
 Third reading, 819.
 Passed, 820.

House Bill No. 262.—(Baker of Cass)

A bill for an act repealing section 4465 of the revised codes of 1905, relating to the limit of risks of fire insurance companies in any one town or city.
 Introduction and first reading, 377.
 Second reading and reference, 377.
 Reported back, 522, 548.
 Third reading, 739.
 Passed 740.
 Received from the senate, 1503.
 Other action, 1557.

House Bill No. 263.—(Traynor)

A bill for an act to create a public warehouse fund and to provide for the use of such moneys and disbursements therefrom.
 Introduction and first reading, 377.
 Second reading and reference, 377.
 Reported back, 542, 719.
 Third reading, 908.
 Passed, 908.

House Bill No. 264.—(Kinney of McLean)

A bill for an act amending section 6237, revised codes, 1905, providing who may file mechanics' liens and for what purpose.
 Introduction and first reading, 378.
 Second reading and reference, 378.
 Reported back, 584.
 Indefinitely postponed, 584.

House Bill No. 265.—(Kinney of McLean)

A bill for an act entitled, "An act fixing the priority of mechanics' liens, and providing a remedy in the foreclosure thereof."

House Bill No. 265.—Continued.

Introduction and first reading,
378.
Second reading and reference,
378.
Reported back, 582.
Indefinitely postponed 582.

House Bill No. 266.—(Baker of Cass)

A bill for an act prohibiting employes from obtaining transportation with intent to defraud.
Introduction and first reading,
378.
Second reading and reference,
378.
Reported back, 519.
Indefinitely postponed, 519.

House Bill No. 267.—(White)

A bill for an act relating to railroad stations.
Introduction and first reading,
378.
Second reading and reference,
378.
Reported back, 519, 549.
Third reading, 655.
Passed, 656.

House Bill No. 268.—(Hemmingson)

A bill for an act to amend section 9151 of the revised codes of 1905, relating to having burglars' instruments and explosives in possession.
Introduction and first reading,
378.
Second reading and reference,
378.
Reported back, 687.
Indefinitely postponed, 687.

House Bill No. 269.—(Appropriation committee)

A bill for an act indemnifying owners for animals killed or destroyed according to law for being affected with the disease known as glanders, and providing for a special tax for the payment thereof.
Reported back, 511, 549, 636.
Third reading, 592.
Passed 637.

House Bill No. 270.—(Thoreson)

A concurrent resolution amending the state constitution and providing for the future amendments thereof.
Introduction and first reading,
396.
Second reading and reference,
396.
Reported back, 578.

House Bill No. 271.—(Hemmingson)

A bill for an act to amend section 9079 of the revised codes of 1905, relating to the use and sale of cigarettes, cigars or tobacco to minors; and providing a penalty therefor.
Introduction and first reading,
414.
Second reading and reference,
414.
Reported back, 1085.
Third reading, 1189
Indefinitely postponed, 1189.

House Bill No. 272.—(Peart)

A bill for an act to amend section 2242 of the revised codes for 1905; relating to the handling, weighing and storing of grain, and providing for the revoking of warehouse licenses.
Introduction and first reading,
415.
Second reading and reference,
415.
Reported back, 885.
Third reading, 1045.
Passed, 1046.
Received from the senate, 1619.
Other action, 1640.

House Bill No. 273.—(Doyle of Foster)

A bill for an act to amend, repeal and re-enact chapter 84 of the laws of 1907, relating to change of judges and change of venue in district courts in criminal cases.
Introduction and first reading,
415.
Second reading and reference,
415.
Reported back, 687.
Indefinitely postponed, 687.

House Bill No. 274.—(Honey)

A bill for an act to divide the state of North Dakota into two (2) congressional districts and defining the boundaries of each of said congressional districts of the state of North Dakota.
Introduction and first reading, 415.
Second reading and reference, 415.
Reported back, 527.
Indefinitely postponed, 644.

House Bill No. 275.—(Fraine)

A bill for an act entitled an act to provide for the determination of heirship and the share of such heirs respectively in claims to certain real estate by action in the district court.
Introduction and first reading, 415.
Second reading and reference, 415.
Reported back, 724.
Third reading, 914.
Passed, 914.

House Bill No. 276.—(Kneeland)

A bill for an act creating the eleventh judicial district of North Dakota, changing the boundaries of the third and fifth and sixth judicial districts and providing for terms of court in each of said districts.
Introduction and first reading, 415.
Second reading and reference, 415.
Reported back, 1156.
Third reading, 1234, 1290.
Passed, 1291.
Lost, 1235, 1510.
Received from the senate, 1425.
Amended 1426.
Amendments concurred in, 1509.

House Bill No. 277.—(Linde)

A bill for an act regulating the practice of midwifery, and prescribing the penalties for the violation thereof.
Introduction and first reading, 416.
Second reading and reference, 416.
Reported back, 776.
Indefinitely postponed 776.

House Bill No. 278.—(Wolbert)

A bill for an act fixing the liability of a bank to its depositor for payment of forged or raised checks.
Introduction and first reading, 446.
Second reading and reference, 446.
Reported back, 717.
Third reading, 898.
Passed, 899.
Received from the senate, 1502.
Other action 1557.

House Bill No. 279.—(Wolbert)

A bill for an act relating to the payment of deposits in two names.
Introduction and first reading, 446.
Second reading and reference, 446.
Reported back, 718.
Indefinitely postponed, 718.

House Bill No. 280.—(Wolbert)

A bill for an act to amend section 390 of the revised codes of 1905 of North Dakota, appropriating money for clerk hire in the several state offices, and fixing the salaries of the chief deputy state officers.
Introduction and first reading, 446.
Second reading and reference, 446.
Reported back, 775.

House Bill No. 281.—(Committee on Public Printing)

A bill for an act to amend section 2620 of the revised codes of 1905, relating to legal rates for publication of legal notices.
Introduction and first reading, 447.
Second reading and reference, 447.
Reported back, 577.
Third reading, 944.
Passed, 945, 1626.
Received from the senate, 1625.
Amended, 1625.
Amendments concurred in, 1675.
Other action, 1645.

House Bill No. 282.—(Hanley)

A concurrent resolution amending the constitution of the state of North Dakota, relating to the term of office of the commissioners of railroads.

Introduction and first reading, 447.

Second reading and reference, 447.

Reported back, 626.

Indefinitely postponed 627.

House Bill No. 283.—(McCrea)

A bill for an act to amend sections 9354, 9355, 9356, 9357, 9358 9359, 9360, 9361, 9362, 9363, of the revised codes of 1905, and any acts amendatory thereof, and to re-enact sections 9364 and 9365 of said code, regulating the sale of intoxicating liquors by druggists who are registered pharmacists; and to provide a method of such sales, and of granting and revoking of permits.

Introduction and first reading, 447.

Second reading and reference, 447.

Reported back, 1016, 1021.

Third reading, 1212.

Passed, 1213.

Indefinitely postponed 1021.

Received from the senate, 1531.

Other action, 1631.

House Bill No. 284.—(Kneeland)

A bill for an act regulating the practice in county courts having increased jurisdiction, and all matters relating thereto; fixing the terms of court, compensation of judges and clerks and other officers of said courts and their duties, and repealing sections 8289 and 8319 inclusive of the revised codes of 1905 of North Dakota, and chapter 68 laws of 1907.

Introduction and first reading, 447.

Second reading and reference, 447.

Reported back, 720.

Third reading, 1008.

Passed, 1009.

Received from the senate, 1532.

Other action. 1639.

House Bill No. 285.—(Kneeland)

A bill for an act to amend section 2589 of the revised codes of 1905, relating to the fees of county court.

Introduction and first reading, 448.

Second reading and reference, 448.

Reported back, 581.

Third reading, 668.

Passed 669.

Received from the senate, 1424.

Other action, 1475.

House Bill No. 286.—(Kneeland)

A bill for an act to amend section 5119 of the revised codes of 1905, relating to the succession of children of testator omitted from will.

Introduction and first reading 448.

Second reading and reference, 448.

Reported back, 582.

Third reading 669.

Passed, 670.

Indefinitely postponed, 831.

Received from the senate, 831.

House Bill No. 287.—(Crawford)

A bill for an act providing for the appointment and removal of deputies and clerks in county offices and fixing their salaries.

Introduction and first reading, 448.

Second reading and reference, 448, 523.

Reported back, 689.

Indefinitely postponed, 689.

House Bill No. 288.—(Aasheim)

A bill for an act, entitled, "An act concerning railroads and to better protect the life of railway employes and the traveling public, and providing penalties for the violation thereof."

Introduction and first reading, 448.

Second reading and reference, 448.

House Bill No. 289.—(Traynor)

A bill for an act to amend section 3061 of the revised codes for 1905, relating to annual township meetings.

House Bill No. 289.—Continued.

Introduction and first reading,
448.

Second reading and reference
448.

Reported back, 633.

Third reading, 749.

Passed, 751.

House Bill No. 290.—(Schull)

A bill for an act providing for a popular vote in 1910 as to calling a constitutional convention, the elections to be held in 1910.

Introduction and first reading,
458.

Second reading and reference,
458.

Reported back, 766.

House Bill No. 291.—(Christenson)

A bill for an act to amend section 2247 of the revised codes of North Dakota for 1905, relating to bonds of public warehouses.

Introduction and first reading,
458.

Second reading and reference,
458.

Reported back, 885.

Third reading, 1044.

Passed, 1045.

House Bill No. 292.—(Duncan)

A bill for an act to amend section 1129 of the revised codes of North Dakota for the year 1905, relating to the agricultural and geological survey and appropriation therefor.

Introduction and first reading,
471.

Second reading and reference,
471.

Reported back, 633, 693.

Third reading, 825.

Passed, 825, 1617.

Received from the senate, 1615.

Amended, 1615.

Amendments concurred in 1616.

Other action, 1645.

House Bill No. 293.—(Duncan)

A bill for an act to amend chapter 71 of the session laws of North Dakota for 1907, relating to

House Bill No. 293.—Continued.

provision for the safe keeping of documents and bonds required to be deposited in the office of the county auditor.

Introduction and first reading,
471.

Second reading and reference,
471.

Reported back, 582.

Third reading, 670.

Indefinitely postponed, 671.

House Bill No. 294.—(Wolbert)

A bill for an act to amend section 150 of the revised codes of the state of North Dakota of 1905, relating to the appointment of deputies of the state examiner.

Introduction and first reading,
472.

Second reading and reference,
472.

Reported back, 839, 1010.

Third reading 1130.

Passed, 1131.

Received from the senate, 1566.

House Bill No. 295.—(Wolbert)

A bill for an act to amend section 140 of the revised codes of the state of North Dakota of 1905, relating to the appointment of the state examiner.

Introduction and first reading,
472.

Second reading and reference,
472.

Reported back, 839.

Indefinitely postponed, 839.

House Bill No. 296.—(Skulason)

A bill for an act to amend and reenact article 10 of chapter 32 of the revised codes of 1905; relating to free public libraries.

Introduction and first reading,
472.

Second reading and reference,
472.

Reported back, 760.

Third reading, 916.

Passed, 917, 1602.

Received from the senate, 1601.

Amended 1601.

Amendments concurred in, 1601.

Other action 1647.

House Bill No. 297.—(Davidson)

A bill for an act to provide for the appointment of village marshal.

Introduction and first reading, 472.

Second reading and reference, 472.

Reported back 641.

Indefinitely postponed, 641.

House Bill No. 298.—(Geidt)

A bill for an act to regulate the maintenance of barns, stables and other structures for keeping animals within the residence portions of cities towns and villages.

Introduction and first reading, 472.

Second reading and reference 472.

Reported back, 777.

House Bill No. 299.—(Chatfield)

A bill for an act to amend section 126 of the revised codes of 1905, providing for the appointment of assistant attorneys general, and fixing their salary, and appropriating money to pay the same.

Introduction and first reading, 472.

Second reading and reference, 472.

Reported back, 886.

Indefinitely postponed, 886.

House Bill No. 300.—(Kremer)

A bill for an act to prohibit state or county officers from employing their own relatives in their respective offices, and providing penalties for violation thereof.

Introduction and first reading, 473.

Second reading and reference, 473.

Reported back, 634.

Indefinitely postponed, 634.

House Bill No. 301.—(Martin)

A bill for an act prohibiting the running of theaters, vaudeville theaters and moving picture theaters in this state on Sunday and prescribing the penalty for a violation thereof.

House Bill No. 301.—Continued.

Introduction and first reading, 486.

Second reading and reference, 486.

Reported back, 835.

Third reading, 936.

Passed, 937.

House Bill No. 302.—(Price)

A concurrent resolution for an amendment and repeal of certain sections of article 11 of the constitution of the state of North Dakota, and amendments amendatory, thereof, relating to revenue and taxation, to allow of uniformity of taxation upon the same class of subjects, but without of necessity including all general property, the taxation of incomes, and for greater latitude in subjecting property to taxation for local revenue and improvement.

Introduction and first reading, 486.

Second reading and reference, 486.

Reported back, 773.

Indefinitely postponed, 773.

House Bill No. 303.—(Brynjulson)

A bill for an act to amend section 1933 of the revised codes of 1905 of the state of North Dakota, relative to when lawful for stock to run at large.

Introduction and first reading, 487.

Second reading and reference, 487.

Reported back, 890.

Indefinitely postponed, 890.

House Bill No. 304.—(Garden)

A bill for an act to authorize, empower and require the board of railroad commissioners to ascertain and determine the true cash value of all the railroad property of every railroad company in this state, used in the operation and maintenance of their respective railways, and to employ experts and such other assistance as may be necessary to ascertain and determine such value, and making an appropriation therefor.

House Bill No. 304.—Continued.

Introduction and first reading, 487.
 Second reading and reference, 487.
 Reported back, 627, 960.
 Third reading, 987.
 Indefinitely postponed, 987.

House Bill No. 305.—(Hanley)

A bill for an act authorizing and requiring the board of railway commissioners to establish grades on grain and to appoint agents at terminal points of Duluth and Minneapolis for the benefit of shippers of grain in this state, and providing for their compensation, and appropriating funds for the purpose of carrying out the provisions of this act.

Introduction and first reading 487.
 Second reading and reference, 487.
 Reported back, 834.
 Third reading, 1043.
 Passed, 1044, 1569.
 Received from the senate, 1567.
 Amended, 1567.
 Amendments concurred in, 1568.
 Other action, 1624.

House Bill No. 306.—(Hanley)

A bill for an act creating and establishing an agricultural experiment station on the reform school grounds near Mandan, in Morton county, providing for its management and making an appropriation therefor.

Introduction and first reading, 487.
 Second reading and reference, 487.
 Reported back, 888.
 Third reading 1127.
 Passed, 1128, 1407.
 Received from the senate, 1408.
 Amended, 1406.
 Amendments concurred in, 1407.
 Other action, 1461.

House Bill No. 307.—(Duncan)

A bill for an act to create a bureau of the department of agriculture and labor, to be known as the dairy department; to provide for the appointment of a dairy commissioner and an assistant dairy commissioner, fixing their compensation; defining their powers and duties; prescribing rules for the regulation of the manufacture and prescribing penalties for violations; providing a license for creameries, manufacturers of butter and cheese, stations and cream buyers throughout the state, and making an appropriation for the purposes of this act.

Introduction and first reading 490.
 Second reading and reference, 490, 726.
 Reported back, 951.
 Third reading, 987.
 Passed, 988.
 Received from the senate, 1566.
 Other action, 1608.

House Bill No. 308.—(Steen)

A bill for an act to amend section 1544 of the revised codes of 1905, relating to notice of rates of taxation to be given by county treasurer.

Introduction and first reading, 490.
 Second reading and reference, 490.
 Reported back, 629.
 Third reading, 749.
 Indefinitely postponed, 749.

House Bill No. 309.—(Anderson)

A bill for an act prescribing the duty of the secretary of state, relative to laws enacted under section 122 of the constitution.

Introduction and first reading, 490.
 Second reading and reference, 490.
 Reported back, 686.
 Third reading 822.
 Passed, 823
 Received from the senate, 1331.

House Bill No. 310.—(Jewett)

A concurrent resolution amending the constitution of the state of North Dakota, relating to the taxation of farm property. Introduction and first reading, 490.
 Second reading and reference, 490.
 Reported back, 772.
 Third reading, 925.
 Passed, 926.
 Received from the senate 1331.

House Bill No. 311.—(Chatfield)

A bill for an act to amend section 960 of the revised codes of 1905, relating to the powers and duties of boards of education in special districts. Introduction and first reading, 491.
 Second reading and reference, 491.
 Reported back, 760.
 Indefinitely postponed, 760.

House Bill No. 312.—(Christenson)

A bill for an act to prescribe a method of removal and discharge of persons admitted to the institution for the feeble minded. Introduction and first reading, 491.
 Second reading and reference, 491.
 Reported back, 634.
 Third reading, 751.
 Passed 752.
 Received from the senate, 1334.

House Bill No. 313.—(Geidt)

A bill for an act creating and establishing an agricultural experiment station at or near Ashley, McIntosh county, providing for its management and making appropriation therefor. Introduction and first reading, 491.
 Second reading and reference, 491.
 Reported back, 770.
 Indefinitely postponed, 771.

House Bill No. 314.—(Anderson)

A bill for an act to extend the right of suffrage to women on questions pertaining solely to the prohibition or regulation of the sale or importation of intoxicating liquors. Introduction and first reading 491.
 Second reading and reference, 491.
 Reported back, 685.
 Third reading, 821.
 Passed, 822.
 Indefinitely postponed, 1501.
 Received from the senate, 1501.

House Bill No. 315.—(Senour)

A bill for an act appropriating to F. M. Baker, assistant state's attorney of Stark county, \$450 attorney's fees for services rendered in the unorganized territory attached to Stark county for judicial purposes during the years 1905, 1906 and 1907. Introduction and first reading, 491.
 Second reading and reference, 491.
 Reported back, 787.
 Third reading, 932.
 Passed, 933.
 Received from the senate, 1612.
 Other action, 1639.

House Bill No. 316.—(Sgutt)

A bill for an act creating and establishing an agricultural experiment station, to be located at or near the city of Harvey, in Wells county, in connection with the North Dakota agricultural college at Fargo, and under the direction of the board of directors of said college, and making an appropriation therefor. Introduction and first reading, 492.
 Second reading and reference, 492, 837.
 Reported back, 836, 958.
 Third reading, 989.
 Passed 989.
 Received from the senate, 1566.
 Other action, 1589.

House Bill No. 317.—(Hanley)

A bill for an act to amend section 2 of chapter 174 of the session laws of North Dakota for 1907, entitled, "An act making an appropriation towards paying deficiency or debts on armories already constructed or toward the construction of armories for the various military companies of the state of North Dakota, and for the creating of a board of armory supervisors, and defining its duties, for the transfer of armories upon the mustering out of any military organization enumerated, and defining the duties of the state treasurer in carrying out the provisions of this act.

Introduction and first reading, 492.

Second reading and reference, 492.

Reported back, 894.

Third reading, 1135.

Passed, 1136.

Indefinitely postponed, 1500.

Received from the senate, 1500.

House Bill No. 318.—(Nelson of Steele)

A bill for an act providing for the betterment of public highways by creating the offices of county superintendent of roads and township road inspector, abolishing the offices of road supervisor and overseer of highways, providing for compensation of holders of offices created, prescribing duties and powers pertaining to such offices, fixing official bond, repealing sections, 1386, 1387, 1389, 1390, 1392, 1393, 1394, 1395, 1396, 1397, 1399, 1403, 1410, 1411, 1412, 1413, 1414, 1417, 1422, 1424, 1426, 1428, 1429, 1430, 1431, 1432, 1433, 1434, 1435, 1436, 1437, 1438, 1439, 1440, 1444 and 1445 of the revised codes of North Dakota for 1905, amending sections 1360, 1388, 1398, 1402, 1404, 1405, 1408, 1415, 1418, 1419, 1421, 1423, 1425, 1427, 1441, 1442, 1443, 3062 and 3209 of the revised codes of

House Bill No. 318.—Continued.

North Dakota for 1905, chapter 253 of the session laws of North Dakota for 1907, and placing certain restrictions on the road inspector and expenditure of road tax funds.

Introduction and first reading, 492.

Second reading and reference, 492.

Reported back, 1496.

Indefinitely postponed, 1496.

House Bill No. 319.—(Doyle of McIntosh)

A bill for an act creating and establishing a fish hatchery at Beaver Lake in Logan county, and providing for its management, and making appropriation therefor.

Introduction and first reading, 493.

Second reading and reference, 493.

Reported back, 568.

Indefinitely postponed, 568.

House Bill No. 320.—(Christenson)

A bill for an act to prohibit the marriage of insane, epileptic or feeble minded persons.

Introduction and first reading, 493.

Second reading and reference, 493.

Reported back, 776.

Third reading, 930.

Passed, 930.

House Bill No. 321.—(Steen)

A bill for an act to amend section 1597 of the revised codes of 1905 of the state of North Dakota, as amended by chapter 219 of the session laws of 1907, relating to duty of county auditor.

Introduction and first reading, 493.

Second reading and reference, 493.

Reported back, 687.

Third reading, 823.

Passed, 824.

Received from the senate, 1331.

House Bill No. 322.—(Gibbens)

A bill for an act providing for the establishment of county agricultural and training schools, and providing for their joint maintenance by the state and the county wherein located, and providing for a levy of state tax for the raising of funds to meet the state share of said cost of maintenance.

Introduction and first reading, 507.

Second reading and reference, 507.

Reported back, 1060.

Third reading, 1227.

Passed, 1228.

House Bill No. 323.—(Schull)

A bill for an act authorizing and empowering and ordering the state auditing board to audit and approve and order paid the bills contracted by the capitol commission under chapter 166 of the session laws of 1905, for printing bill, for salary of members and bills for expenses of members of the capitol commission organized under chapter 166 of the session laws of 1905.

Introduction and first reading, 508.

Second reading and reference, 508.

Reported back, 1178.

Indefinitely postponed, 1179.

House Bill No. 324.—(Homnes)

A bill for an act prescribing the powers and duties of village marshals.

Introduction and first reading, 508.

Second reading and reference, 508.

Reported back, 1146.

Third reading, 1223.

Passed, 1224.

Received from the senate, 1334.

House Bill No. 325.—(McCrea)

A bill for an act to create a state board of control, and provide for the management and control of public property at the chari-

House Bill No. 325.—Continued.

table, reformatory and penal institutions of the state, and to make an appropriation therefor, and abolishing existing boards governing such institutions.

Introduction and first reading, 509.

Second reading and reference, 509.

Reported back, 883.

Indefinitely postponed, 884.

House Bill No. 326.—(Law)

A bill for an act to amend chapter 109 of the laws of North Dakota for 1907, being an act providing for the selection of candidates for election by popular vote and relating to their nomination and the perpetuation of political parties, and repealing section 35 of said act.

Introduction and first reading, 544.

Second reading and reference, 544.

Reported back, 1186.

Third reading, 1323.

Passed, 1324.

Indefinitely postponed, 1186.

House Bill No. 327.—(Atwood)

A bill for an act to create a state board of control, and to provide for the management and control of the soldiers' home, the charitable, reformatory and penal institutions of the state, and to provide for supervisory powers over the state educational institutions, and to make an appropriation therefor, and for the defining of certain offenses, and providing penalties therefor.

Introduction and first reading, 544.

Second reading and reference, 544.

Reported back, 884.

Third reading 899.

Passed, 900, 1574.

Received from the senate, 1565.

Amended, 1565.

Amendments concurred in, 1650.

Other action, 1634.

House Bill No. 328.—(Ployhar)

A bill for an act to amend section 238 of the revised codes of North Dakota, so as to provide for additional membership on the board of trustees of public property.

Introduction and first reading, 544.

Second reading and reference, 544.

Reported back, 1147.

Indefinitely postponed, 1147.

House Bill No. 329.—(Streeter)

A bill for an act to amend and reenact section 1515 of the political code of 1905, relating to the organization of assessors' districts, and townships, vacancies in such townships and districts, and the compensation of assessor.

Introduction and first reading, 545.

Second reading and reference, 545.

Reported back, 772.

Indefinitely postponed, 773.

House Bill No. 330.—(Hill)

A bill for an act declaring all cities heretofore attempted to be incorporated under the provisions of section 2632 of the revised codes of 1905 to have been duly incorporated and validating all acts done and contracts made by such incorporation.

Introduction and first reading, 545.

Second reading and reference, 545.

Reported back, 682.

Third reading, 820.

Passed, 820.

House Bill No. 331.—(Garden)

A bill for an act to amend section 9391 of the revised codes of North Dakota for 1905, relating to giving liquor to Indians.

Introduction and first reading, 545.

Second reading and reference, 545.

Reported back, 836.

Third reading, 937.

Passed, 938.

House Bill No. 332.—Thompson - of Grand Forks)

A bill for an act entitled, "An act requiring legislative counsel and legislative agents retained or employed for compensation by any person, firm, corporation or association, to promote or oppose the passage of bills or resolutions, or the approval of the same, to file with the secretary of state a statement in writing subscribed by such counsel or agent stating the name of the person, firm, corporation or association by whom or in whose behalf he is retained or employed, together with a brief description of the legislation in reference to which such service is to be rendered, requiring itemized statement of expenditures to be filed, prohibiting legislative counsels or agents from going upon the floor of the legislature, providing penalties for the violation of this act, with an emergency clause.

Introduction and first reading, 545.

Second reading and reference, 545.

Reported back, 1068.

Indefinitely postponed, 1068.

House Bill No. 333.—(Skulason)

A concurrent resolution amending the constitution of the state of North Dakota, relating to the elective franchise, defining who are qualified electors.

Introduction and first reading, 546.

Second reading and reference, 546.

Reported back, 1069.

Indefinitely postponed, 1069.

House Bill No. 334.—(Price)

A bill for an act to amend section 909 of the revised codes of North Dakota for 1905, relating to contracts involving the expenditure of school funds.

Introduction and first reading, 546.

House Bill No. 334.—Continued.

Second reading and reference, 546.
 Reported back, 1089.
 Third reading, 1173.
 Passed, 1174.
 Received from the senate, 1599.
 Amended, 1599.

House Bill No. 335.—(Steen)

A bill for an act to amend section 1554 of the revised codes of 1905 of North Dakota, relating to the delinquent personal property taxes, when due.
 Introduction and first reading, 546.
 Second reading and reference, 546.
 Reported back, 771.
 Third reading, 924.
 Passed, 925, 1628.
 Received from the senate, 1627.
 Amended, 1627.
 Amendments concurred in, 1627.
 Other action, 1646.

House Bill No. 336.—(Martin)

A bill for an act regulating insurance companies doing business in the state of North Dakota.
 Introduction and first reading, 546.
 Second reading and reference 546.
 Reported back, 774.
 Indefinitely postponed, 774.

House Bill No. 337.—(Thoreson)

A bill for an act to amend section 37 of the revised codes of 1905, so as to provide for an increase in the number of ex-officio commissioners of public printing.
 Introduction and first reading, 546.
 Second reading and reference, 546.
 Reported back, 833.
 Third reading, 1174.
 Passed, 1175.

House Bill No. 338.—(Streeter)

A bill for an act to amend and reenact section 264 of the revised codes of 1905, in relation to the

House Bill No. 338.—Continued.

compensation of superintendents of county boards of health.
 Introduction and first reading, 547.
 Second reading and reference, 547.
 Reported back, 777.
 Third reading, 931.
 Passed, 932.

House Bill No. 339.—(Hale)

A bill for an act to amend chapter 151 of the laws of 1907, an act to require an annual apportionment and accounting of surplus of life insurance companies as to policies heretofore issued.
 Introduction and first reading, 547.
 Second reading and reference, 547.
 Reported back, 775.
 Third reading, 927.
 Passed, 928.
 Report of conference committee, 1349.

House Bill No. 340.—(McCrea)

A bill for an act to authorize the superintendent of public instruction and presidents of the state normal schools to arrange a course of study for the state normal schools, to provide for the rural schools of North Dakota.
 Introduction and first reading, 547.
 Second reading and reference, 547.
 Reported back, 760.
 Third reading, 917.
 Passed, 918.
 Received from the senate, 1604.
 Amended, 1604.
 Conference, 1604.
 Report of conference committee, 1613.
 Other action, 1644.

House Bill No. 341.—(Sorlie)

A bill for an act to amend and reenact section 832 of the revised codes of North Dakota for the year 1905, relating to powers and duties of district school boards.

House Bill No. 341.—Continued.

Introduction and first reading, 589.
 Second reading and reference, 589.
 Reported back, 759.
 Third reading, 916.
 Indefinitely postponed, 916.

House Bill No. 342.—(Martin)

A bill for an act to repeal section 5513 of the revised codes of North Dakota for 1905, and reenact the same, regulating usurious contracts, and to provide a penalty for making the same,
 Introduction and first reading, 589.
 Second reading and reference, 589.
 Reported back, 1015.
 Indefinitely postponed, 1015.

House Bill No. 343.—(Skulason)

A bill for an act to amend section 2614 of the revised codes of 1905, relating to juror's fees.
 Introduction and first reading, 589.
 Second reading and reference, 589.
 Reported back, 765.
 Indefinitely postponed, 765.

House Bill No. 344.—(Olson)

A bill for an act to repeal sections 1961, 1963, 1964, 1966, 1967, 1968, 1969 and 1970 of the revised codes of 1905, relating to "state wolf bounties."
 Introduction and first reading, 590.
 Second reading and reference, 590.
 Reported back, 769.
 Indefinitely postponed, 769.

House Bill No. 345.—(Kinney of Richard)

A bill for an act providing that all state banks shall be known and designated by an official number.
 Introduction and first reading, 590.

House Bill No. 345.—Continued.

Second reading and reference, 590.
 Reported back, 1016.
 Third reading, 1134.
 Passed, 1135.
 Received from the senate, 1613.
 Other action, 1644.

House Bill No. 346.—(Streeter)

A bill for an act to amend and reenact section 1515 of the political code of 1905, relating to the organization of assessors' districts and townships, vacancies in such township and districts, and the compensation of assessors.
 Introduction and first reading, 590.
 Second reading and reference, 590.
 Reported back, 773.
 Third reading, 926.
 Passed, 927.
 Received from the senate, 1619.
 Other action, 1639.

House Bill No. 347.—(Sorlie)

A bill for an act to amend section 1 of chapter 46 of the session laws of North Dakota for the year 1907, relating to cities.
 Introduction and first reading, 590.
 Second reading and reference, 590.
 Reported back, 1064.
 Indefinitely postponed, 1064.

House Bill No. 348.—(Johnson of Bottineau)

A bill for an act fixing the salary of the secretary of the board of railroad commissioners and requiring them to reside at the capital city.
 Introduction and first reading, 590.
 Second reading and reference, 590.
 Reported back, 835.
 Third reading, 935.
 Passed 936, 1537.
 Received from the senate, 1535.
 Amended, 1535.
 Amendments concurred in, 1536.
 Other action, 1572.

House Bill No. 349.—(Law)

A bill for an act to amend section 889. of the revised codes of 1905.
 Introduction and first reading, 591.
 Second reading and reference, 591.
 Reported back, 1088.
 Third reading, 1176.
 Passed, 1176.
 Received from the senate, 1617.
 Other action, 1644.

House Bill No. 350.—(Skulason)

A bill for an act to repeal section 7229 of the revised codes of North Dakota for the year 1905, relating to appeals in cases tried without a jury.
 Introduction and first reading, 557.
 Second reading and reference, 557.
 Reported back, 765.
 Third reading, 918.
 Passed, 919.
 Received from the senate, 1333.

House Bill No. 351.—(Baker of Cass)

A bill for an act to provide a military code of the state of North Dakota.
 Introduction and first reading, 599.
 Second reading and reference, 599.
 Reported back, 910.
 Third reading, 912.
 Passed, 913.
 Received from the senate, 1496.
 Other action, 1599.

House Bill No. 352.—(Nelson of Steele)

A bill for an act to amend article 2 of the political code, revised codes of North Dakota, 1905, relating to asylum and poor farm.
 Introduction and first reading, 646.
 Second reading and reference, 646.
 Reported back, 769.
 Indefinitely postponed, 769.

House Bill No. 353.—(Grant)

A bill for an act to require counties to build and maintain bridges over public drains intersecting public highways, and to reimburse townships for bridges already built over such drains.
 Introduction and first reading, 646.
 Second reading and reference, 646.
 Reported back, 1064.
 Indefinitely postponed, 1064.

House Bill No. 354.—(Doyle of Foster)

A bill for an act amending section 616 of the political codes of 1905, relating to the preparation and marking of ballots.
 Introduction and first reading, 647.
 Second reading and reference, 647.
 Reported back, 1067.
 Third reading, 1172.
 Lost, 1173.

House Bill No. 355.—(Kneeland)

A bill for an act to amend section 8405 of the revised codes of 1905, relating to garnishment proceedings in justice courts.
 Introduction and first reading, 647.
 Second reading and reference, 647.
 Reported back, 1157.
 Third reading 1231.
 Passed, 1232.
 Received from the senate, 1619.
 Other action, 1646.

House Bill No. 356.—(Kneeland)

A bill for an act to amend sections 2661 and 2687 of chapter 30 of the political code of the state of North Dakota, revised codes of 1905, relating to the number of aldermen in cities, and the term of office of such aldermen.
 Introduction and first reading, 647.
 Second reading and reference, 647.
 Reported back, 770.
 Third reading, 922.
 Passed, 923.

House Bill No. 357.—(Moen of Benson)

A bill for an act to amend section 521 of the revised codes of 1905, relating to the furnishing of a list of jurors to the clerk of the district court.

Introduction and first reading, 647.

Second reading and reference, 647.

Reported back 1155.

Third reading, 1223.

Indefinitely postponed, 1223.

House Bill No. 358.—(Price by request)

A bill for an act to amend section 2006 of the revised codes of 1905, relating to the qualifications of district veterinarians.

Introduction and first reading, 647.

Second reading and reference, 647.

Reported back, 832.

Indefinitely postponed, 832.

House Bill No. 359.—(Martin)

A bill for an act to prevent discrimination by surety companies.

Introduction and first reading, 731.

Second reading and reference, 731.

Reported back, 1145.

Third reading, 1210.

Passed, 1210.

House Bill No. 360.—(Thompson of Grand Forks.)

A bill for an act to amend section 12 of an act entitled, "An act providing for the selection of candidates for election by popular vote, and relating to their nomination and perpetuation of political parties, the same being chapter 109 of the session laws of 1907.

Introduction and first reading, 731.

Second reading and reference, 731.

Reported back, 1069.

Indefinitely postponed, 1192.

Other action, 1206.

House Bill No. 361.—(Kinney of Richland)

A bill for an act to amend sections 4637 and 4641 of the revised codes of the state of North Dakota for the year 1905, relating to banking corporations.

Introduction and first reading, 731.

Second reading and reference, 731.

Reported back, 1016.

Third reading, 1133.

Indefinitely postponed, 1134.

Received from the senate, 1348.

House Bill No. 362.—(Putnam by request)

A bill for an act to amend article 18, chapter 4 of the political code of the revised codes of North Dakota for 1905, providing for the inspection of barber shops and the registration of barbers, the appointment of an inspector and examiner and compensation for duties performed.

Introduction and first reading, 732.

Second reading and reference, 732.

Reported back, 1086.

Third reading, 1171.

Passed, 1172.

House Bill No. 363.—(Duncan)

A bill for an act making it unlawful to move, run, drive or transport any threshing machine outfit, or any part thereof, over any cultivated lands in this state without the consent of the owner of said lands, and providing a penalty therefor.

Introduction and first reading, 732.

Second reading and reference, 732.

Reported back, 888.

Third reading, 1126.

Passed, 1126.

House Bill No. 364.—(Nelson of Steele)

A bill for an act to amend section 2596 of the revised codes of 1905, as amended by chapter 69 of the session laws.

House Bill No. 364—Continued.

Introduction and first reading,
732.
Second reading and reference,
732.
Reported back, 1147.
Third reading, 1220.
Passed, 1221.
Received from the senate, 1334.

House Bill No. 365.—(Welford)

A bill for an act to prescribe the manner in which money shall be paid out of the interest and income fund of each separate institution, and out of the one mill tax fund (educational) of each separate institution.
Introduction and first reading,
732.
Second reading and reference,
732.
Reported back, 1089.
Third reading, 1170.
Passed 1171.
Indefinitely postponed, 1502.
Received from the seenate, 1502.

House Bill No. 366.—(Garden by request)

A bill for an act to amend chapter 158 of the session laws of 1907, providing that the amount of insurance written upon real property shall be taken conclusively to be the true value thereof.
Introduction and first reading,
732.
Second reading and reference,
732.
Reported back, 1014.
Indefinitely postponed, 1014.

House Bill No. 367.—(Peart)

A bill for an act to amend section 4464 of the revised codes of North Dakota for 1905.
Introduction and first reading,
733.
Second reading and reference,
733.
Reported back, 1014.
Third reading, 1131.
Passed, 1132.

House Bill No. 368.—(Traynor)

A bill for an act to amend chapter 179 of the session laws of North Dakota, approved March 2, 1907, entitled, "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; such amendments to provide for a levy of not to exceed 3 mills on the dollar in any one year, and by limiting the right to issue bonds to cases where authorized by a vote of the electors, and by adding a new section giving the park board power to plant and protect trees in public streets and highways.
Introduction and first reading,
733.
Second reading and reference,
733, 783.
Reported back, 1063.
Third reading, 1214.
Passed, 1215.

House Bill No. 369.—(Brusletten)

A bill for an act to appropriate a sum of money for the maintenance and conservation of the state park at Fort Abercrombie.
Introduction and first reading,
734.
Second reading and reference,
734.
Reported back, 959.
Third reading, 990.
Passed, 991.
Received from the senate, 1613.
Other action, 1638.

House Bill No. 370.—(Doyle of Foster)

A bill for an act to amend section 9 of an act, entitled 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 same being chapter 109 of the session laws of 1907.

House Bill No. 370.—Continued.

Introduction and first reading,
781.
Second reading and reference,
781.
Reported back, 1066.
Third reading, 1219.
Passed, 1220.
Received from the senate, 1603.
Other action, 1639.

House Bill No. 371.—(Evans)

A bill for an act making it a misdemeanor to dam or obstruct highway ditches.
Introduction and first reading,
781.
Second reading and reference,
781.
Reported back, 1023.
Indefinitely postponed, 1023.

House Bill No. 372.—(Hale)

A bill for an act entitled, "An act prohibiting the use, sale or purchase of any device known as a silencer to be used on any firearm."
Introduction and first reading,
782.
Second reading and reference,
782.
Reported back, 1147.
Third reading, 1218.
Passed, 1219.
Received from the senate, 1615.
Other action, 1641.

House Bill No. 373.—(Sheils)

A bill for an act fixing the rate of interest on the redemption of lands sold on execution or foreclosure.
Introduction and first reading,
782.
Second reading and reference,
782.
Reported back, 1011.
Indefinitely postponed, 1012.

House Bill No. 374.—(Traynor)

A bill for an act to provide for the completing of the audit and examination of the books and records in the state penitentiary and twine plant, and for the

House Bill No. 374.—Continued.

perpetuation of the record of such audit and examination and for installing and completing an adequate system of books and records for said institutions.
Introduction and first reading,
782.
Second reading and reference,
782.
Reported back, 1092.
Third reading, 1213.
Passed, 1214, 1376.
Received from the senate, 1354.
Amended, 1354.
Amendments concurred in, 1374.
Other action, 1515.

House Bill No. 375.—(Hendrickson)

A bill for an act for an amendment to the constitution providing for compensation and mileage of members of the legislative assembly.
Introduction and first reading,
782.
Second reading and reference,
782.
Reported back, 1179.
Indefinitely postponed, 1179.

House Bill No. 376.—(Schull)

A bill for an act to authorize the city council of cities not organized under the general laws, to open, improve and beautify any of its streets, alleys, lanes, highways or other public grounds, within the city limits, and to make other public improvements, and to levy special assessments to defray costs thereof.
Introduction and first reading,
782.
Second reading and reference,
782.
Reported back, 1062.
Third reading, 1169.
Passed, 1170.

House Bill No. 377.—(Doyle of McIntosh)

A bill for an act entitled, "An act requiring railways doing business in this state to furnish all stations in this state where a

House Bill No. 377.—Continued.

business of \$15,000 a year or more is done, suitable loading and unloading facilities for traction engines and other heavy machinery, and prescribing for violation thereof."

Introduction and first reading, 783.

Second reading and reference, 783.

Reported back, 1145.

Third reading, 1216.

Passed, 1217.

House Bill No. 378.—(Sheils by request)

A bill for an act entitled, "An act providing that any city shall be authorized to install upon any of its streets or avenues any special system of street lighting, and to assess the cost thereof or any part thereof against the property directly benefitted thereby."

Introduction and first reading, 783.

Second reading and reference, 783.

Reported back, 1085.

Third reading, 1168.

Passed, 1168.

Indefinitely postponed, 1501.

Received from the senate, 1501.

House Bill No. 379.—(Hale)

A bill for an act entitled, "An act providing that any city shall be authorized to install upon any of its streets or avenues any special system of street lighting, and to assess the cost thereof or any part thereof against the property directly benefitted thereby."

Introduction and first reading, 783.

Second reading and reference, 783.

Reported back, 1062.

Third reading, 1166.

Passed, 1167.

Received from the senate, 1566.

Other action, 1589.

House Bill No. 380.—(Wolbert)

A bill for an act to amend, repeal and re-enact section 15, chapter 45 of the laws of 1907, relating to commission system for government of cities.

Introduction and first reading, 816.

Second reading and reference, 816.

Reported back, 1063.

Third reading, 1230.

Passed, 1231.

Received from the senate, 1610.

Amended 1610.

Conference, 1611.

Report of conference committee, 1632.

House Bill No. 381.—(Putnam by request)

A bill for an act relating to public printing, and providing the manner of awarding contracts therefor.

Introduction and first reading, 816.

Second reading and reference, 816.

Indefinitely postponed, 1192.

House Bill No. 382.—(Akesson by request)

A bill for an act to prohibit discrimination and rebating by fire insurance companies, their agents or representatives, and providing penalties therefor.

Introduction and first reading, 816.

Second reading and reference, 816.

Reported back, 1015.

Third reading, 1132.

Lost, 1133.

House Bill No. 383.—(Price)

A bill for an act to amend section 4210 of the revised codes of North Dakota for 1905, relating to dividends and limitations of indebtedness of corporations.

Introduction and first reading, 816.

House Bill No. 383—Continued.

Second reading and reference,
816.
Reported back, 1149.
Third reading, 1228.
Passed, 1229.
Received from the senate, 1598.
Other action, 1634.

House Bill No. 384.—(Price by request)

A bill for an act to amend section 4464 of the revised codes of North Dakota of 1905.
Introduction and first reading, 816.
Second reading and reference, 816.
Reported back, 1014.
Indefinitely postponed, 1014.

House Bill No. 385.—(Price by request)

A bill for an act to provide for paving, curbing, grading or improving the highways, streets or avenues in civil townships adjoining incorporated cities of not less than 6,000 inhabitants, and for the construction of a system of sewerage and water mains therein.
Introduction and first reading, 817.
Second reading and reference, 817.
Reported back, 1178.
Indefinitely postponed, 1178.

House Bill No. 386.—(McLear)

A bill for an act to amend section 299 of the revised codes of 1905 of North Dakota, making it a misdemeanor for any per-

House Bill No. 386.—Continued.

son to practice medicine, surgery and obstetrics without a license, or for charging fees for mileage more than fifty cents per mile, in such practice, and providing a penalty therefor.
Introduction and first reading, 828.
Second reading and reference, 828.
Reported back, 1085.
Indefinitely postponed, 1085.

House Bill No. 387.—(Burns)

A bill for an act to amend section 4037 of the revised codes of North Dakota for 1905, relating to issuing of marriage licenses.
Introduction and first reading, 828.
Second reading and reference, 828.
Reported back, 1144.
Third reading, 1215.
Passed, 1216.
Received from the senate, 1332.

House Bill No. 388.—(Bjorndahl)

A bill for an act to require telephone exchanges to contract with telephone toll lines, for the greater convenience of the public in transmitting telegraphic messages.
Introduction and first reading, 828.
Second reading and reference, 828.
Reported back, 1180.
Third reading, 1259.
Passed, 1260.
Indefinitely postponed, 1501.
Received from the senate, 1501.

SENATE BILLS.

Senate Bill No. 4.—(Gunderson)

A bill for an act entitled, "An act to appropriate the sum of ninety thousand (90,000) dollars, or as much thereof as may be necessary to indemnify persons who have lost animals from the disease known as glanders.

Received from the senate, 797.

First reading, 811.

Second reading and reference, 811.

Reported back, 1336.

Passed, 1338.

Senate Bill No. 7.—(McArthur)

A bill for an act to prohibit the removing of threshing machines or bundle wagons from one farm to another before cleaning, and providing penalties for violations thereof.

Received from the senate, 219.

First reading, 275.

Second reading and reference, 275.

Reported back, 770.

Indefinitely postponed, 770.

Senate Bill No. 8.—(McArthur)

A bill for an act to regulate the sale of intoxicating liquors for medicinal, sacramental, scientific and mechanical purposes.

Received from the senate, 1120.

First reading, 1159.

Second reading and reference, 1159.

Reported back, 1453.

Lost, 1516.

Senate Bill No. 9.—(McArthur)

A bill for an act to amend section 9366 of the revised codes of North Dakota, 1905, defining what shall be considered and held to be intoxicating liquors.

Received from the senate, 157.

First reading, 212.

Second reading and reference, 212.

Reported back, 628, 696, 1188.

Indefinitely postponed, 1189.

Senate Bill No. 10.—(Steele of Ward)

A bill for an act to amend and reenact section 7459 of the revised codes of North Dakota of 1905, relating to foreclosure of mortgages on real property by advertisement.

Received from the senate, 219.

First reading, 275.

Second reading and reference, 275.

Reported back, 467.

Passed, 1252.

Senate Bill No. 11.—(Wallin)

A concurrent resolution, amending section No. 216, of the constitution of the state of North Dakota, relating to the locating of public institutions in the state of North Dakota, establishing and locating a state normal school in the city of Minot, county of Ward.

Received from the senate, 516.

First reading, 648.

Second reading and reference, 648.

Reported back, 1202.

Indefinitely postponed, 1468.

Senate Bill No. 13.—(Gunderson)

A bill for an act making it unlawful for corporations having banking powers to invest more than twenty-five per cent of its capital stock in banking house, furniture and fixtures.

Received from the senate, 304.

First reading, 341.

Second reading and reference, 341.

Reported back, 504.

Lost, 605.

Senate Bill No. 14.—(Gunderson)

A bill for an act creating and establishing a mining experiment station under the direction of the state school of mines at the state university, providing for its management and making an appropriation therefor.

Senate Bille No. 14.—Continued.

Received from the senate, 797.
 First reading, 809.
 Second reading and reference,
 810.
 Reported back, 955.
 Passed, 978.

Senate Bill No. 16.—(Gilbert)

A bill for an act appropriating money for the purpose of building and equipping a dairy laboratory and barn; a veterinary laboratory and stable; for apparatus for engineering departments; for building sidewalks; for girls' dormitory and domestic science laboratory; for providing dynamo and fixtures; for boys' dormitory; and for horticultural building for the agricultural college located at Fargo, North Dakota.

Received from the senate, 801.
 First reading, 812.
 Second reading and reference,
 812.
 Reported back, 961.
 Passed, 963, 1299.

Senate Bill No. 17.—(McLean)

A bill for an act to amend section 5187 of the revised codes of 1905 relating to order of succession.

Received from the senate, 157.
 First reading, 212.
 Second reading and reference
 212.
 Reported back, 466, 1196.
 Indefinitely postponed, 1196.

Senate Bill No. 18.—(Purcell)

A bill for an act entitled, "An act for the division of certain school districts, for the changing of the boundaries thereof, for the adjustment of indebtedness and property of the different parts thereof and prescribing the mode of procedure to procure such division."

Received from the senate, 677.
 First reading, 808.
 Second reading and reference,
 808.
 Reported back, 1153.
 Indefinitely postponed, 1153.

Senate Bill No. 19.—(Purcell)

An act to amend section 6237 of the revised codes of 1905, relating to the filing of mechanics' liens, the giving of notice of furnishing materials to contractors and sub-contractors.
 Received from the senate, 465.
 849.

First reading, 499.
 Second reading and reference,
 499.
 Reported back, 1012.
 Passed, 1104.

Senate Bill No. 20.—(Purcell)

A bill for an act to amend sections 7083 and 7085 of the revised codes of the state of North Dakota for the year 1905, relating to the method of renewing liens and judgments and providing for renewing the same without suit for an additional term of ten years and allowing execution thereon after renewal.

Received from the senate, 157.
 First reading, 212.
 Second reading and reference,
 212.
 Reported back, 408, 513.
 Passed, 1138.

Senate Bill No. 21.—(Neal)

A bill for an act authorizing counties to issue bonds to procure seed grain for needy farmers resident therein.

Received from the senate, 277.
 First reading, 340.
 Second reading and reference,
 340.
 Reported back, 768.
 Indefinitely postponed, 768.

Senate Bill No. 23.—(Stevens)

A bill for an act entitled, "An act to amend sub-division 2 of section 7253 of the revised codes of the state of North Dakota for the year 1905, with regard to evidence as to statements and transactions with decedents."

Received from the senate, 178.
 First reading, 212.
 Second reading and reference,
 212.
 Reported back, 408.
 Passed, 503.

Senate Bill No. 24.—(Stevens)

An act to amend section 1582 of the revised code of North Dakota, for the year 1905, relating to the redemption of real estate. Received from the senate, 207. First reading, 213. Second reading and reference, 213. Reported back, 1144. Passed, 1433.

Senate Bill No. 27.—(Welo)

A bill for an act entitled, "An act to amend section 155 of chapter 4 of the political code of the state of North Dakota, and all acts or parts of acts amendatory thereof, providing for the investment of moneys belonging to the permanent funds of the common schools, university, school of mines, agricultural college, school for the deaf and dumb, normal schools and all other funds derived from the sale of public lands or any other source belonging to the school divisions of the state." Received from the senate, 277. First reading, 341. Second reading and reference, 341. Reported back, 688. Passed, 781.

Senate Bill No. 28.—(Sharpe)

A bill for an act entitled, "An act defining the duties of district school boards in relation to the planting, cultivation and protection of trees and shrubs upon school house grounds." Received from the senate, 179. First reading, 212. Second reading and reference, 212. Reported back, 356. Passed, 430.

Senate Bill No. 29.—(Gunderson)

A bill for an act entitled an act making appropriations for permanent improvements at the state university and school of mines of North Dakota. Received from the senate, 801. First reading, 813.

Senate Bill No. 29—Continued.

Second reading and reference, 813. Reported back, 958. Passed, 969.

Senate Bill No. 30.—(Duis)

A bill authorizing cities incorporated under the laws of this state to regulate and fix the rates to be charged by persons, firms or corporations furnishing water, light, or other public service or utility to such cities and the inhabitants thereof. Received from the senate, 1003. First reading, 1117. Second reading and reference, 1117. Reported back, 1271. Passed, 1470.

Senate Bill No. 31.—(Welch)

A bill to amend chapter 74 of the laws of 1907 (being an amendment of section 2580 of the revised codes of 1905) relating to the salaries of clerks of the district court. Received from the senate, 346. First reading, 378. Second reading and reference, 378. Reported back, 530. Indefinitely postponed, 531.

Senate Bill No. 33.—(Strom)

A bill for an act to amend section two (2) of chapter forty-two (42) of the session laws of 1907, (same being section 1380 of the revised codes of 1905) relating to locating, building and repairing of bridges. Received from the senate, 439. First reading, 496. Second reading and reference, 496. Reported back, 1496. Indefinitely postponed, 1496.

Senate Bill No. 37.—(Cashel)

A bill for an act for an appropriation for the improvement and maintenance of the experimental work, provided for in section 1118 of the revised codes of North Dakota, to determine the milling values of wheat, the

Senate Bill No. 37.—Continued.

baking properties produced therefrom, and the chemical composition thereof.
 Received from the senate, 1120.
 First reading, 1160.
 Second reading and reference, 1160.
 Reported back, 1335.
 Passed, 1522.

Senate Bill No. 39.—(LaMoure)

A bill for an act fixing the times and place for holding the general terms of the supreme court and providing for special terms in certain cases.
 Received from the senate, 207.
 First reading, 213.
 Second reading and reference, 213.
 Reported back, 409.
 Passed, 504.

Senate Bill No. 40.—(Pierce)

A joint resolution providing for the making of inquiry relating to the carrying charges upon grain in bulk from points in the state of North Dakota to terminal markets in Minnesota and Wisconsin, and for the bringing about of such reforms or reductions in such carrying charges as the circumstances shall warrant.
 Received from the senate, 304.
 First reading, 341.
 Second reading and reference, 341.
 Reported back, 519.
 Passed, 1139.

Senate Bill No. 41.—(Pierce)

A bill for an act to amend section 4171 of the revised codes of 1905 of the state of North Dakota, relative to religious and charitable corporations.
 Received from the senate, 536.
 First reading, 649.
 Second reading and reference, 649.
 Reported back, 1065.
 Passed, 1417.
 Indefinitely postponed, 1412.

Senate Bill No. 42.—(Pierce)

A bill for an act to amend section 6, chapter 140, laws of 1903, being section 2550 of the code of 1905, relating to public administrator.
 Received from the senate, 219.
 First reading, 275.
 Second reading and reference, 275.
 Reported back, 585.
 Lost, 1163.

Senate Bill No. 43.—(Pierce)

A bill for an act appropriating an annual sum of money for the use of the government experiment station at Fargo for conducting demonstration farms and for otherwise co-operating with farmers, for making experiments in the manufacture of denaturized alcohol, for publishing reports and bulletins, for analyses of fertilizers and stock foods, for complying with the provisions of the pure paint, paris green and formaldehyde laws and for making other experiments.
 Received from the senate, 797.
 First reading, 809.
 Second reading and reference, 809.
 Reported back, 956.
 Passed, 977.

Senate Bill No. 44.—(LaMoure)

A bill for an act providing when surety may be released on bond and prescribing mode of procedure.
 Received from the senate, 207.
 First reading, 213.
 Second reading and reference, 213.
 Reported back, 897.
 Indefinitely postponed, 898.

Senate Bill No. 46.—(Neal)

A bill for an act to empower the school board of any district to establish and maintain free kindergartens for the instruction of children between four and six years of age.

Senate Bill No. 46.—Continued.

Received from the senate, 517.
 First reading, 648.
 Second reading and reference,
 648.
 Reported back, 1089.
 Passed, 1419.

Senate Bill No. 47.—Steel of Stutsman)

A bill for an act to provide an appropriation for the erection of new buildings and other improvements at the state hospital for the insane of North Dakota at Jamestown.
 Received from the senate, 802.
 First reading, 814.
 Second reading and reference, 814.
 Reported back, 952.
 Passed, 976.

Senate Bill No. 48.—(Steel of Stutsman.

A bill for an act to provide an appropriation for the current and contingent expenses of the state hospital for the insane of North Dakota at Jamestown.
 Received from the senate, 802.
 First reading, 815.
 Second reading and reference, 815.
 Reported back, 994.
 Passed, 1047.

Senate Bill No. 49.—(McArthur)

A bill for an act to prohibit the throwing or depositing of glassware of any kind upon the streets of any village or city or upon public highways and providing a penalty for the violation thereof.
 Received from the senate, 220.
 First reading, 275.
 Second reading and reference, 275.
 Reported back, 355, 399.
 Passed, 500, 1245.

Senate Bill No. 50.—(Martin)

A bill for an act to amend section 15 of chapter 137 of the session laws of 1907, relating to liabilities of counties for the expenses of insane patients.

Senate Bill No. 50.—Continued.

Received from the senate, 1240.
 First reading, 1308.
 Second reading and reference 1308.
 Reported back, 1342.
 Indefinitely postponed, 1343.

Senate Bill No. 51.—(Purcell by request)

A bill to amend section 1787 of the revised codes of North Dakota, 1905.
 Received from the senate, 1057.

Senate Bill No. 53.—(Bessesen)

A bill for an act to amend chapter 75 of the session laws of the state of North Dakota, for the year 1907, prescribing the salary of the states' attorney, assistant, and clerk.
 Received from the senate, 179.
 First reading, 212.
 Second reading and reference, 212.
 Reported back, 408.
 Passed, 502.

Senate Bill No. 54.—Leutz.

A bill for an act to amend section 4657 of the revised codes of 1905 relating to the limit of bank loans to one concern.
 Received from the senate, 285.
 First reading, 341.
 Second reading and reference, 341.
 Reported back, 411.
 Passed, 505.

Senate Bill No. 55.—(Talcott)

A bill for an act providing for the granting the right to teach to certain graduates of the North Dakota agricultural college and of the state normal-industrial school, located at Ellendale, N. D.
 Received from the senate, 464.
 First reading, 498.
 Second reading and reference, 498.
 Reported back, 540, 646, 1086.
 Indefinitely postponed, 1087.

Senate Bill No. 56.—

A bill for an act to provide an appropriation for the current and contingent expenses and for permanent improvements for the institution for the feeble minded, at Grafton.

Received from the senate, 802.
First reading, 815.
Second reading and reference, 815.

Reported back, 996.

Passed, 1053, 1292.

Senate Bill No. 58.—(Movius)

A bill for an act to amend section 955 of the revised codes of North Dakota, 1905, relating to compensation of members of the board of education.

Received from the senate, 179.
First reading, 213.
Second reading and reference, 213.

Reported back, 357.

Passed, 431.

Senate Bill No. 59.—(Koffel)

A bill for an act authorizing and regulating the incorporation, organization and operation of co-operative associations, and providing for the regulation and control of the same.

Received from the senate, 305.
First reading, 342.
Second reading and reference, 342.

Reported back, 587.

Passed, 1250.

Senate Bill No. 60.—(Crane)

A bill for an act prohibiting the marriage of white persons to negro persons; prohibiting negro man and white woman, or negro woman and white man occupying same room; prohibiting adultery between whites and negroes; prohibiting the issuing of marriage licenses for white persons to negro persons; prohibiting the performance of the marriage ceremony between white persons and negroes; prescribing penalties for violations of the provisions of

Senate Bill No. 60.—Continued.

this act, and defining a negro person.

Received from the senate, 329.

First reading, 343.

Second reading and reference, 343.

Reported back, 443, 529.

Passed, 1302.

Senate Bill No. 67.—(Kennedy)

A bill for an act providing for the sanitation of bakeries, canneries, packing houses, slaughter houses, dairies, creameries, cheese factories, confectioneries, restaurants, hotels, groceries, meat markets and all other food producing establishments, manufactories, or other places where food is prepared, manufactured, packed, stored, sold or distributed, and vehicles in which food is placed for transportation, regulating the health of operatives, employees, clerks, drivers and all other persons working on the premises who handle the material from which food is prepared or the finished product; defining food; regulating the wholesomeness of food manufactured, prepared, packed, stored, sold, distributed or transported, and defining the duties of the food commissioner of the North Dakota government agricultural experiment station, and providing penalties for the violation thereof.

Received from the senate, 563.

First reading, 651.

Second reading and reference, 651.

Reported back, 778.

Passed, 1393.

Senate Bill No. 68.—(Strom)

A bill for an act making appropriation for completing and furnishing dormitory, for establishing and changing heating plant, for grounds and walks, students' hospital and other equipment for the state normal school at Mayville, and for maintenance.

Senate Bill No. 68.—Continued.

Received from the senate, 801.
 First reading, 814.
 Second reading and reference,
 814.
 Reported back, 960.
 Passed, 965, 1296.

Senate Bill No. 69.—(Strom)

A bill for an act to appropriate \$155.26 to reimburse citizens of North Dakota who advanced money to help defray expense incurred in making the state exhibit at the St. Louis exposition.

Received from the senate, 800.
 First reading, 812.
 Second reading and reference,
 812.
 Reported back, 953.
 Passed, 983.

Senate Bill No. 70.—(Baker)

A bill for an act to provide for new buildings for the school for the deaf and dumb, located at Devils Lake, North Dakota, and making an appropriation therefor.

Received from the senate, 801.
 First reading, 814.
 Second reading and reference,
 814.
 Reported back, 957.
 Passed, 968, 1295.

Senate Bill No. 71.—(Duis)

A bill for an act amending the constitution of the state of North Dakota, empowering the legislative assembly to provide by law for the erection, leasing, purchasing and operating terminal elevators, in the states of Minnesota and Wisconsin or either.

Received from the senate, 1004.
 First reading, 1117.
 Second reading and reference,
 1117.
 Reported back, 1182.
 Passed, 1445.

Senate Bill No. 72.—(McArthur)

A bill for an act creating the office of forest fire warden and prescribing the powers, duties and compensations of such office.

Senate Bill No. 72.—Continued.

Received from the senate, 329.
 First reading, 342.
 Second reading and reference,
 342.
 Reported back, 633.
 Passed, 1261.

Senate Bill No. 73.—(McArthur)

A bill for an act to provide for the making of improvements at the North Dakota school of forestry, to assist in the maintenance thereof and for other purposes and making appropriations therefor.

Received from the senate 849.
 First reading, 1116.
 Second reading and reference,
 1116.
 Reported back, 1184.
 Passed, 1387.

Senate Bill No. 74.—(McDonald.)

A bill for an act to repeal section 9395 of the revised code of North Dakota 1905, relating to rewards for the arrest and conviction of violators of the prohibition law.

Received from the senate, 346.
 First reading, 379.
 Second reading and reference,
 379.
 Reported back, 469.
 Passed, 601.

Senate Bill No. 76.—(Crane)

A bill for an act to amend chapter 133 of the laws of North Dakota of 1907, relating to appropriations to the state historical society of North Dakota.

Received from the senate, 798.
 First reading, 811.
 Second reading and reference,
 811.
 Reported back, 1013.
 Passed, 1385.

Senate Bill No. 79.—(Pierce)

A bill for an act to amend chapter 192 of the session laws of 1907, entitled, "An act to prohibit the soliciting of orders for the future delivery without this state

Senate Bill No. 79.—Continued.

of intoxicating liquors to be transported into this state to be used or sold in violation of the laws thereof, and providing a penalty for its violation."

Received from the senate, 347.

First reading, 379.

Second reading and reference, 379.

Reported back, 470.

Passed, 603.

Senate Bill No. 81.—(Welch)

A bill for an act making appropriation for the current and contingent expenses of the state penitentiary, and for making permanent improvements and additions thereto.

Received from the senate, 798.

First reading, 811.

Second reading and reference 811.

Reported back, 1198.

Passed, 1384.

Senate Bill No. 82.—(Plain)

A concurrent resolution amending the constitution of the state of North Dakota, relating to the legislative department and providing for direct legislation and reference of laws.

Received from the senate, 455.

First reading, 496.

Second reading and reference, 496.

Reported back, 1010.

Indefinitely postponed, 1110.

Senate Bill No. 83.—(Koffel)

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.

Received from the senate, 797.

First reading, 809.

Second reading and reference, 809.

Reported back, 1143.

Passed, 1432.

Senate Bill No. 85.—(Wallin)

A bill for an act to amend section 2795, chapter 30, of the revised codes of 1905 of the state of North Dakota, relating to special assessment by cities, for building of sidewalks and grading and improving streets.

Received from the senate, 476.

First reading, 499.

Second reading and reference, 499.

Reported back, 683.

Passed, 1303.

Senate Bill No. 90.—(Simpson)

A bill for an act making an appropriation for the Dickinson experiment station, located at the city of Dickinson.

Received from the senate, 796.

First reading, 809.

Second reading and reference, 809.

Reported back, 952.

Passed, 973.

Senate Bill No. 91.—(Simpson)

A bill for an act creating and establishing an agricultural experiment station to be located at or near the village of Hettinger, in Adams county, in connection with the North Dakota agricultural college at Fargo, and under the direction of the board of directors of said college, and making an appropriation therefor.

Received from the senate, 797.

First reading, 810.

Second reading, and reference, 810.

Reported back, 957.

Passed, 970.

Senate Bill No. 92.—(Movius)

A bill for an act for the betterment of the public highways in the state, to provide for the establishment of a uniform system of drainage of such highways and lands adjacent thereto, to provide for the necessary surveys therefor and the payment of the costs of construction and

Senate Bill No. 92.—Continued.

maintenance thereof, and empowering certain officers to establish and maintain such system, and for purposes connected therewith.

Received from the senate, 877.
First reading, 1113.
Second reading and reference, 1113.
Reported back, 1155.
Indefinitely postponed, 1155.

Senate Bill No. 93.—(Walton)

A bill for an act authorizing the sale of a certain portion of the land granted by the United States government for a memorial park and burial ground of soldiers killed at the battle of White Stone Hill, and to provide how the moneys arising from such sale shall be expended.

Received from the senate, 877.
First reading, 1114.
Second reading and reference, 1114.
Reported back, 1199.
Passed, 1463.

Senate Bill No. 94.—(Ramsett)

A bill for an act to require foreign corporations authorized to do business in this state, and also to maintain an office or place of business in this state, file yearly corporation report.

Received from the senate, 1241.
First reading, 1309.
Second reading and reference, 1309.
Reported back, 1403.
Indefinitely postponed, 1403.

Senate Bill No. 96.—(Kennedy)

A bill for an act, entitled, "An act creating a fund and providing for the disbursement thereof, for pensions and relief by fireman's relief associations, in cities, towns and villages.

Received from the senate, 464,
First reading, 499.
Second reading and reference, 499.
Reported back, 771.
Passed, 1392.

Senate Bill No. 97.—(Kennedy)

A bill for an act to establish a state fair and locate the same at Fargo, North Dakota, and make an appropriation therefor.

Received from the senate, 1245.
First reading, 1306.
Second reading and reference, 1306.

Senate Bill No. 99.—(Holiday)

A bill for an act to provide for the location, erection, organization and management of a state sanatorium for persons afflicted with tuberculosis and making an appropriation for the purchase of land, and the construction of the necessary buildings, and the maintenance of the sanatorium.

Received from the senate, 799.
First reading, 812.
Second reading and reference, 812.
Reported back, 952.
Passed, 972.

Senate Bill No. 101.—(Koffel by request)

A bill for an act to amend and reenact section 496 of the revised codes of North Dakota of 1905, relating to qualifications of applicants for admission to the bar of the state of North Dakota.

Received from the senate, 329.
First reading, 343.
Second reading and reference, 343.
Reported back, 531.
Passed, 1161.

Senate Bill No. 102.—(LaMoure)

A bill for an act to amend and reenact chapter 243 of the laws of 1907, being an act to create a state library commission, defining its duties and making an appropriation for its maintenance.

Received from the senate, 802.
First reading, 815.
Second reading and reference, 815.
Reported back, 953.
Passed, 964.

Senate Bill No. 104.—(Walton)

A bill for an act to provide for the maintenance of the state normal industrial school, located at Ellendale, and making necessary improvements, and providing appropriations therefor.

Received from the senate, 803.

First reading, 815.

Second reading and reference, 815.

Reported back, 994.

Passed, 1054, 1373.

Senate Bill No. 105.—(McLean)

A bill for an act to amend section 475 of the revised codes of 1905, being the section relative to the boundaries and terms of court in the Seventh Judicial district of the state of North Dakota.

Received from the senate, 383.

First reading, 496.

Second reading and reference, 496.

Reported back, 530.

Passed, 1141.

Senate Bill No. 106.—(Movius)

A bill for an act to amend section 1889 of the revised codes of 1905 of the state of North Dakota, relating to commissioners of insanity.

Received from the senate, 305.

First reading, 341.

Second reading and reference, 341.

Reported back, 444.

Passed, 600.

Senate Bill No. 107.—(Kennedy)

A bill for an act to provide for the better enforcement of the laws against the manufacture and sale of intoxicating liquors, providing for inspection, testing and analysis of said beverages, prescribing a penalty for the violation and charging the North Dakota government agricultural experiment station with the enforcement thereof.

Received from the senate, 563, 1382.

Senate Bill No. 107.—Continued.

First reading, 651.

Second reading and reference 651.

Reported back, 1188, 1580.

Passed, 1584.

Indefinitely postponed, 1189.

Senate Bill No. 108.—(Kennedy)

A bill for an act making appropriation in aid of the department of the "Grand Army of the Republic" of the state of North Dakota, for the purpose of enabling it to prepare, issue and distribute its general orders and the proceedings of the department, and providing for keeping copies of the same on file in the state library at Bismarck, North Dakota, and for expenses incurred at state and national encampments.

Received from the senate, 798.

First reading, 811.

Second reading and reference, 811.

Reported back, 954.

Passed, 979.

Senate Bill No. 109.—(Palmer)

A bill for an act providing for the removal of cars from spurs and sidetracks of railroads that have been loaded for shipment for billing by the same common carriers, and providing penalties for failure to do same.

Received from the senate 305.

First reading 342.

Second reading and reference, 342.

Reported back, 627.

Passed, 1251.

Senate Bill No. 110.—(Gronvold)

A bill for an act to amend section 7508 of the revised codes of the state of North Dakota for the year 1905, relating to places of sale upon foreclosure of personal property.

Received from the senate, 305.

First reading, 342.

Second reading and reference, 342.

Reported back, 531.

Passed, 1142.

Senate Bill No. 112.—(Sharpe)

A bill for a concurrent resolution amending the constitution of the state of North Dakota. Received from the senate, 305. First reading, 342. Second reading and reference, 342. Reported back, 1088. Indefinitely postponed, 1088.

Senate Bill No. 113.—(Purcell)

A bill for an act to provide an appropriation for the current and contingent expenses and for permanent improvements for the state school of science at Wahpeton. Received from the senate, 800. First reading, 813. Second reading and reference, 813. Reported back, 994. Passed, 998.

Senate Bill No. 114.—(Purcell)

A concurrent resolution for an act to amend section 153 of the constitution of the state of North Dakota governing the sale of school lands to railroad companies. Received from the senate, 476. First reading, 499. Second reading and reference, 499. Reported back, 1200. Passed, 1466.

Senate Bill No. 116.—(Palmer)

A bill for an act to amend and reenact section 830 of the revised codes of 1905, relating to school house sites, how they may be obtained and the maximum area therefor. Received from the senate, 305. First reading, 342. Second reading and reference, 342. Reported back, 539. Passed, 1396.

Senate Bill No. 117.—(Walton)

A bill for an act to provide for instruction in military science at the state normal industrial school, located at Ellendale.

Senate Bill No. 117.—Continued.

Received from the senate, 849. First reading, 1116. Second reading and reference, 1116. Reported back, 1200. Passed, 1465.

Senate Bill No. 118.—(Gunderson)

A bill for an act making it unlawful for any person, firm association, copartnership or corporation doing business in the state to purchase grains at different weight for the bushel than is fixed by law, or to take or accept any dockage on grains not docked at the terminal markets of Minnesota and Wisconsin.

Received from the senate, 517. First reading, 648. Second reading and reference, 648. Reported back, 764. Passed, 1388.

Senate Bill No. 119.—(Cashel)

A bill for an act to regulate the selling, offering or exposure of seeds for sale, and providing penalties for the violation thereof.

Received from the senate, 677. First reading, 806. Second reading and reference, 806. Reported back, 888. Passed, 1137.

Senate Bill No. 120.—(Cashel)

A bill for an act to amend sections 1034, 1035 and 1036 of the revised codes of 1905, relating to education, as amended by chapter 99 of the session laws of 1907. Received from the senate, 800. First reading, 814. Second reading and reference, 814. Reported back, 1183. Passed, 1446.

Senate Bill No. 121.—(Ramsett)

A bill for an act regulating the speed of locomotives and trains while passing through cities, towns and villages in North Dakota.

Received from the senate, 536.
First reading, 649.
Second reading and reference, 649.
Reported back, 834.
Indefinitely postponed, 834.

Senate Bill No. 123.—(Plain)

A bill for an act creating a commissioner of Canada and sow thistles, and providing for the manner of his appointment.

Received from the senate, 536,
First reading, 649.
Second reading and reference, 649.
Reported back, 694.
Passed, 1401.

Senate Bill No. 124.—(Baker)

A bill for an act to amend section 2005 of the revised codes of 1905.

Received from the senate, 677.
First reading, 807.
Second reading and reference, 807.
Reported back, 890.
Passed, 1409.

Senate Bill No. 125.—(Wallin)

A bill for an act to amend section 645, chapter 8, of the revised codes of 1905.

Received from the senate, 677.
First reading, 808.
Second reading and reference, 808.
Reported back, 1084.
Passed, 1415.

Senate Bill No. 126.—(Ramsett)

A bill for an act making an appropriation for the Valley City normal school, located in Valley City, Barnes county, N. D.

Received from the senate, 800.
First reading, 814.
Second reading and reference, 814.
Reported back, 1199.
Passed, 1383.

Senate Bill No. 127.—(Steele of Ward)

A bill for an act to divide the state of North Dakota into congressional districts, and defining the boundaries thereof.

Received from the senate, 1120.
First reading, 1159.
Second reading and reference, 1159.
Reported back, 1196.
Lost, 1449.

Senate Bill No. 128.—(McDonald)

A bill for an act for the creation of a serum institute for the manufacture and distribution of such agents as may be useful and necessary in the eradication, prevention and control of tuberculosis, glanders, hog cholera, black-leg and other infectious and contagious diseases.

Received from the senate, 849.
First reading, 1115.
Second reading and reference 1115.
Reported back, 1198.
Passed, 1452.

Senate Bill No. 130.—(Koffel)

A bill for an act defining, creating and regulating corporations, and to amend sections 4165, 4169, 4173, 4175, 4176, 4177, 4178, 4185, 4186, 4200, 4217 and 4224 of the revised code of 1905 relating to corporations.

Received from the senate, 1269, 1583.
First reading, 1306.
Second reading and reference, 1306.
Reported back, 1350.
Indefinitely postponed, 1517.

Senate Bill No. 131.—(Crane)

A bill for an act creating a state board of osteopathic examiners, to regulate the practice of osteopathy in the state of North Dakota; to provide for licensing osteopathic physicians and to prescribe penalties for the violation of this act.

Received from the senate, 536.
First reading, 649.

Senate Bill No. 131.—Continued.

Second reading and reference,
649.
Reported back, 779.
Passed, 1395.

Senate Bill No. 132.—(Simpson)

A bill for an act designating those
authorized to solemnize mar-
riages, and concerning the li-
cense therefor.
Received from the senate, 623.
First reading, 652.
Second reading and reference,
652.
Reported back, 1012.
Indefinitely postponed, 1012.

Senate Bill No. 133.—(Syvertson)

A bill for an act to amend section
2586 of the revised codes of
North Dakota for 1905, relating
to salaries of judges of the
county court.
Received from the senate, 877.
First reading, 1114.
Second reading and reference,
1114.
Reported back, 1152.
Indefinitely postponed, 1152.

Senate Bill No. 137.—(Ramsett)

A bill for an act to amend section
372 of the political code of the
revised codes of 1905, relating
to commissioners of deeds.
Received from the senate, 439.
First reading, 497.
Second reading and reference,
497.
Reported back, 586.
Passed, 1249.

Senate Bill No. 140.—(Neal)

A bill for an act authorizing the
board of trustees of the North
Dakota state penitentiary to
operate the twine plant more
than ten hours per day; auth-
orizing the employment of the
inmates of the North Dakota
state penitentiary during any
part of the day; authorizing the
board of trustees of the North
Dakota state penitentiary to
pay inmates, not to exceed the
sum of six cents per day, for
their labor; except that in-

Senate Bill No. 140.—Continued.

mates working overtime in the
factory may be paid extra for
overtime; prescribing rules to
be observed in the payment of
wages, and the keeping of ac-
counts; providing that the wife,
minor children or other person
dependent on the inmate for
support shall receive five-sixths
of the wages, and otherwise
providing for the manner in
which the wages may be paid;
and providing for a general in-
mates' benefit fund.
Received from the senate, 439.
First reading, 197.
Second reading and reference,
197.
Reported back, 639.
Passed, 1265.

Senate Bill No. 141.—(Neal)

A bill for an act to amend section
10,387 of the code of criminal
procedure of the revised codes
of 1905, relating to the fiscal
year and sinking fund of the
twine plant.
Received from the senate, 440.
First reading, 498.
Second reading and reference,
498.
Reported back, 639.
Passed, 1264.

Senate Bill No. 142.—(Neal)

A bill for an act authorizing the
state auditor to advance such
sums to the treasurer of the
state penitentiary as may be
necessary for the purpose of
paying for the raw material
and supplies necessary for the
operation of the twine plant,
and for conducting the business
of the institution; providing
that the warden of the state
penitentiary or the board of
trustees thereof, shall execute
in writing a requisition setting
forth the reason therefor.
Received from the senate, 440.
First reading, 497.
Second reading and reference,
497.
Reported back, 638.
Passed, 1263.

Senate Bill No. 144.—(LaMoure)

A bill for an act to prohibit the manufacture, sale or use of adulterated cigarettes and prohibiting the use of tobacco by minor persons and by all minor pupils of public schools, and providing penalties therefor.

Received from the senate, 346.

First reading, 379.

Second reading and reference, 379.

Reported back, 469.

Passed, 602.

Senate Bill No. 145.—(LaMoure)

A bill for an act appropriating money to compensate George Murray for salary due and sundry items of expense incurred by said George Murray while acting as temperance commissioner during the months of April, and May in the year 1907.

Received from the senate, 800.

First reading, 813.

Second reading and reference, 813.

Reported back, 955.

Passed, 982.

Senate Bill No. 146.—(LaMoure)

A bill for an act appropriating money to compensate T. R. Shaw for balance of salary due as secretary of the North Dakota state capitol commission, and for sundry items of expense incurred by said T. R. Shaw, while acting as such secretary, during the months of August, September, October and November, in the year 1905.

Received from the senate, 800.

First reading, 813.

Second reading and reference, 813.

Reported back, 951.

Passed, 967.

Senate Bill No. 147.—(LaMoure)

A bill for an act to amend section 393 of the revised codes of 1905, as amended by chapter 10, laws of 1907, providing for an appropriation for supplies for

Senate Bill No. 147.—Continued.

the capitol building, executive mansion and the public grounds and parks connected therewith, and for necessary repairs upon the capitol building, executive mansion, and providing a new appropriation therefor.

Received from the senate, 801.

First reading, 813.

Second reading and reference, 813.

Reported back, 956.

Passed, 981.

Senate Bill No. 148.—(LaMoure)

A bill for an act to provide for making needed permanent improvements for the North Dakota blind asylum at Bathgate, and making an appropriation therefor.

Received from the senate, 802.

First reading, 815.

Second reading and reference, 815.

Reported back, 996.

Passed, 1051.

Senate Bill No. 152.—(Movius)

A bill for an act to amend section 6187 of the revised codes of the state of North Dakota for 1905, relating to the execution of mortgages of personal property and the qualifications of witness thereof.

Received from the senate, 384.

First reading, 496.

Second reading and reference, 496.

Reported back, 686.

Indefinitely postponed, 686.

Senate Bill No. 154.—(Steele of Stutsman)

A bill for an act to amend section 6710 of the revised codes of 1905, relating to holidays.

Received from the senate, 537.

First reading, 648.

Second reading and reference, 648.

Reported back, 768.

Passed, 1389.

Senate Bill No. 155.—(Crane)

A bill for an act to amend section 192 of the revised codes of the state of North Dakota of 1905, relating to the collection by county treasurers of moneys due on school lands held under contract or lease from the state, and providing the manner of reporting such collections to the state auditor and the commissioner of university and school lands, and prescribing the duties of the county treasurers, state auditor and land commissioner in connection therewith.

Received from the senate, 384.

First reading, 496.

Second reading and reference, 496.

Reported back, 567.

Passed, 1162.

Senate Bill No. 156.—(Overson)

A bill for an act providing for the election of justices of the peace and constables in election precincts, comprising one or more unorganized townships, on petition of ten or more qualified electors of such precinct.

Received from the senate, 384.

First reading, 495.

Second reading and reference, 495.

Reported back, 763.

Passed, 1386.

Senate Bill No. 157.—(Simpson)

A bill for an act to amend and reenact section 822 of the revised codes of North Dakota for the year 1905.

Received from the senate, 537.

First reading, 651.

Second reading and reference, 651.

Reported back, 1088.

Passed, 1416.

Senate Bill No. 158.—(Martin)

A bill for an act to amend and reenact section 2489 of the revised codes of 1905.

Received from the senate, 537.

First reading, 650.

Second reading and reference, 650.

Reported back, 762.

Indefinitely postponed, 762.

Senate Bill No. 159.—(Simpson)

A bill for an act regulating the appointment of board members, making annual reports and appropriating money for the support and maintenance of the sub-experiment stations, located at Dickinson, Williston, and Langdon, and such other agricultural stations as may hereafter be established by law.

Received from the senate, 799.

First reading, 810.

Second reading and reference, 810.

Reported back, 995.

Passed, 1048, 1049.

Senate Bill No. 161.—(Welo)

A bill for an act creating a state highway commission, defining its powers and duties, creating a state highway fund providing for the expenditure thereof, and providing for the appointment of county superintendents of highways and town road inspectors, and abolishing the cities of township road overseer.

Received from the senate, 1057.

First reading, 1119.

Second reading and reference, 1119.

Reported back, 1143.

Indefinitely postponed, 1144.

Senate Bill No. 162.—(Duis)

A bill for an act to amend and reenact section 344 of article 17 of the revised code of North Dakota of 1905, relating to qualifications of embalmers of dead human bodies, and the duties and relations for shipment thereof.

Received from the senate, 440.

First reading, 498.

Second reading and reference, 498.

Reported back, 779.

Passed, 1394.

Senate Bill No. 165.—(Overson)

A bill for an act making an appropriation of one thousand dollars annually for the years 1909, 1910, 1911, 1912, 1913, 1914, 1915, 1916, 1917 and 1918 for the Williston experiment

Senate Bill No. 165.—Continued.

station, located at the city of Williston, Willams county, to be used for leveling the ground, experimental work in connection with irrigation, and the payment of water charges for such irrigation.

Received from the senate, 799.

First reading, 811.

Second reading and reference, 811.

Reported back, 962.

Passed, 986.

Senate Bill No. 166.—(Overson)

A bill for an act making an appropriation for the Williston experiment station, located at the city of Williston, Willams county.

Received from the senate, 803.

First reading, 815.

Second reading and reference, 815.

Reported back, 996.

Passed, 1052.

Senate Bill No. 167.—(Crane)

A bill for an act requiring corporations or individuals operating railroads to construct cattle guards on private roads; certain other crossings; keeping such guards or crossings in repair, and providing penalty for violations of the provisions of this act.

Received from the senate, 1314.

First reading, 1454.

Second reading and reference, 1454.

Reported back, 1460.

Passed, 1549.

Senate Bill No. 168.—(Crane)

A bill for an act to amend section 9151 of the revised codes of 1905 of North Dakota.

Received from the senate, 440.

First reading, 498.

Second reading and reference, 498.

Reported back, 580.

Passed, 1397.

Senate Bill No. 170.—(Gronvold)

A bill for an act to amend chapter 161 of the session laws of 1907, relating to the boundaries of the Ninth judicial district, and prescribing and defining the terms of the district court therein.

Received from the senate, 384.

First reading, 495.

Second reading and reference, 495.

Reported back, 725.

Passed, 1402.

Senate Bill No. 173.—(Irwin)

A bill for an act to amend section 7329 of the revised codes of 1905, relating to cases when continued.

Received from the senate, 464.

First reading, 498.

Second reading and reference, 498.

Reported back, 585.

Passed, 1164.

Senate Bill No. 175.—(Wallin)

A bill for an act providing for a correct tax list, a correct tax sale, and a correct list of owners of real estate and their present addresses.

Received from the senate, 623.

First reading, 652.

Second reading and reference, 652.

Reported back, 688.

Indefinitely postponed, 1304.

Senate Bill No. 176.—(Strom)

A concurrent resolution for an amendment to the constitution for a state hail insurance department and making the commissioner of agriculture and labor also the commissioner of state hail insurance, prescribing rules, regulations and duties of all officers and persons connected therewith, prescribing how taxes for same shall be levied and collected and how expenses and indemnity for losses by hail shall be paid.

Senate Bill No. 176.—Continued.

Received from the senate, 1209.
 First reading, 1310.
 Second reading and reference,
 1310.
 Reported back, 1338.
 Lost, 1540.

Senate Bill No. 177.—(Strom)

A bill for an act to amend section 786 of the revised codes of 1905, relating to the organization of district school corporations.
 Received from the senate, 517.
 First reading, 1118.
 Second reading and reference, 1118.
 Reported back, 1203.
 Indefinitely postponed, 1203.

Senate Bill No. 179.—(Gunderson)

A bill for an act repealing section 9733 of the revised codes for the year 1905, relating to arrests at night, and re-enacting the same.
 Received from the senate, 754.
 First reading, 807.
 Second reading and reference, 807.
 Reported back, 896.
 Passed, 1410.

Senate Bill No. 181.—(Martin)

A bill for an act, entitled, "An act to amend and re-enact section 3195 of the revised codes of 1905.
 Received from the senate, 464.
 First reading, 498.
 Second reading and reference, 498.
 Reported back, 889.
 Indefinitely postponed, 890.

Senate Bill No. 183.—(Strom)

A bill for an act prohibiting drinking of intoxicating liquors on railroad trains in North Dakota, prescribing penalty for violation thereof, and prescribing duties of peace officer.
 Received from the senate, 678.
 First reading, 806.
 Second reading and reference, 806.
 Reported back, 1019.
 Indefinitely postponed, 1412.

Senate Bill No. 184.—(McLean)

A bill for an act to prevent the setting of fires by threshing engines, engines in sawmills and all stationary engines that exhaust through the smoke stack
 Received from the senate, 1004.
 First reading, 1118.
 Second reading and reference, 1118.
 Reported back, 1202.
 Indefinitely postponed, 1202, 1476.

Senate Bill No. 185.—(Trimble)

A bill for an act to amend section 4639 of the revised codes of North Dakota, 1905, relative to powers of banking corporations.
 Received from the senate, 517.
 First reading, 648.
 Second reading and reference, 648.
 Reported back, 716.
 Lost, 1325.

Senate Bill No. 186.—(Strom)

A bill for an act establishing a state hail insurance department and making the commissioner of agriculture and labor also the commissioner of state hail insurance; prescribing rules, regulations and duties of all officers and persons connected therewith; prescribing how premiums shall be paid and collected, and how expense and indemnity for losses by hail shall be paid.
 Received from the senate, 1194.
 First reading, 1311.
 Second reading and reference, 1311.
 Reported back, 1340.
 Indefinitely postponed, 1340.

Senate Bill No. 187.—(Simpson)

A bill for an act to amend section 4429 of the revised codes of 1905, relating to the capital stock of insurance companies
 Received from the senate, 1194.
 First reading, 1311.
 Second reading and reference, 1311.
 Reported back, 1339.
 Lost, 1528.

Senate Bill No. 188.—(Oveson)

A bill for an act authorizing the state engineer to grant permits for the appropriation of flood waters of draws, coules or streams and water courses which for the greater part of of the year flow less than one-third of one cubic foot per second.

Received from the senate, 877.

First reading, 1114.

Second reading and reference, 1114.

Reported back, 1201.

Passed, 1468.

Senate Bill No. 189.—(LaMoure)

A bill for an act repealing chapter 176, laws of 1903, being sections 216, 217, 218, 219, 220, 221, 222 and 223 of the revised codes of 1905, relating to the leasing of common school and other public lands for coal mining purposes.

Received from the senate, 465.

First reading, 499.

Second reading and reference, 499.

Reported back, 1405.

Indefinitely postponed, 1405.

Senate Bill No. 191.—(Macdonald)

A bill for an act authorizing state institutions to contract for the purchase of school state institution or other public lands, in accordance with the terms as now provided by law.

Received from the senate, 754.

First reading, 807.

Second reading and reference, 807.

Reported back, 1143.

Lost, 1429.

Senate Bill No. 193.—(Koffel)

A bill for an act to amend section 8089 of the revised codes of 1905 of North Dakota, relating to the exemption of personal property and the disposition thereof in the matter of estates pending in the county court.

Senate Bill No. 193.—Continued.

Received from the senate, 537.

First reading, 650.

Second reading and reference, 650.

Reported back, 1181.

Indefinitely postponed, 1443.

Senate Bill No. 194.—(Koffel)

A bill for an act to amend section 6246 of the revised codes of North Dakota, 1905, relating to requiring mechanics' lien holder to bring suit thereon or lose his lien.

Received from the senate, 537.

First reading, 650.

Second reading and reference, 650.

Reported back, 764.

Indefinitely postponed, 764.

Senate Bill No. 195.—(Talcott)

A bill for an act creating a game and fish commission for the protection, propagation, preservation, taking, use and transportation of game, fish, wild birds, fur bearing animals, and certain harmless birds and animals.

Received from the senate, 755.

First reading, 808.

Second reading and reference, 808.

Senate Bill No. 197.—(Palmer)

A bill for an act to amend section 6 of chapter 76 of the laws of North Dakota, 1907, relating to contingent fund for state's attorney.

Received from the senate, 1194.

First reading, 1311.

Second reading and reference, 1311.

Reported back, 1345.

Passed, 1534.

Senate Bill No. 198.—(McArthur)

A bill for a act appropriating money to compensate A. G. Burr for salary due and sundry items of expense incurred by said A. G. Burr while acting as district judge of the Ninth judicial district, for a period of four months.

Senate Bill No. 198.—Continued.

Received from the senate, 798.
 First reading, 809.
 Second reading and reference,
 809.
 Reported back, 954.
 Passed, 984.

Senate Bill No. 199.—(McLean)

A bill for an act to amend section 3054 of the revised codes of North Dakota for 1905, relating to the division of organized townships.
 Received from the senate, 878.
 First reading, 1115.
 Second reading and reference, 1115.
 Reported back, 1201.
 Passed, 1467.

Senate Bill No. 200.—(Plain)

A bill for an act to amend section 1 of chapter 255 of the laws of 1907, entitled an act to amend sections 3063 and 3133 of the revised codes of the state of North Dakota of 1905, relating to the powers of electors and supervisors in organized townships.
 Received from the senate, 678,
 First reading, 808.
 Second reading and reference, 808.
 Reported back, 1084.
 Passed, 1414.

Senate Bill No. 202.—(Sharpe)

A bill for an act fixing the salary of the clerk of the supreme court.
 Received from the senate, 537.
 First reading, 650.
 Second reading and reference, 650.
 Reported back, 897.
 Passed, 1509.
 Lost, 1434.
 Indefinitely postponed, 1411.

Senate Bill No. 203.—(LaMoire)

A bill for an act to reduce the expenses of conveying insane persons to the hospital for the insane, providing for the duties of county judges in relation thereto, and making an appro-

Senate Bill No. 203.—Continued.

priation to carry out its provisions.
 Received from the senate, 537.
 First reading, 649.
 Second reading and reference 649.
 Reported back, 762.
 Indefinitely postponed, 1385.

Senate Bill No. 205.—(McArthur)

A bill for an act providing a method of taking away the increased jurisdiction of county courts.
 Received from the senate, 1004.
 First reading, 1117.
 Second reading and reference, 1117.
 Reported back, 1153.
 Passed, 1440.

Senate Bill No. 206.—(McArthur)

A bill for an act regulating the closing of pool and billiard halls, bowling alleys and temperance saloons, and providing penalties for the violation thereof.
 Received from the senate, 878.
 First reading, 1115.
 Second reading and reference, 1115.
 Reported back, 1188.
 Passed, 1477.

Senate Bill No. 207.—(Welch)

A bill for an act to appropriate money for repairing and wiring at the state penitentiary.
 Received from the senate, 797.
 First reading, 810.
 Second reading and reference, 810.
 Reported back, 954.
 Passed, 985.

Senate Bill No. 211.—(Stevens)

A bill for an act, entitled, "An act to safeguard the health of pupils in the public schools of this state, and provide for the payment of expenses in connection therewith.
 Received from the senate, 1004.
 First reading, 1117.
 Second reading and reference, 1117.
 Reported back, 1204.
 Indefinitely postponed, 1204.

Senate Bill No. 212.—(McArthur by request)

A bill for an act to establish regular sessions for the state board of railway commissioners, and fixing the time, manner and place where such sessions shall be held, and otherwise defining their powers and duties; also defining the duties of the attorney general in relation thereto.

Received from the senate, 849.

First reading, 1116.

Second reading and reference, 1116.

Reported back 1494.

Passed, 1559.

Senate Bill No. 215.—(Duis)

A bill for an act to amend section 10,292 of the revised codes of North Dakota for 1905, relating to the offering of reward for apprehension of criminals and those charged with crime.

Received from the senate, 538.

First reading, 649.

Second reading and reference, 649.

Reported back, 761.

Passed, 1326.

Senate Bill No. 220.—(Rice)

A bill for an act to amend sections 2825 and 2826 of the revised codes of the state of North Dakota for 1905, and chapter 47 of the session laws of the state of North Dakota for 1907, relating to the extension of corporate limits of cities, and to provide a method of procedure for the extension of corporate limits of cities.

Received from the senate, 1004.

First reading, 1113.

Second reading and reference, 1113.

Reported back, 1177.

Passed, 1443.

Senate Bill No. 221.—(Plain)

A bill for an act to provide for the printing and distribution of Farmers' Institute Annuals, and making an appropriation therefor.

Senate Bill No. 221.—Continued.

Received from the senate, 1241.

First reading, 1307.

Second reading and reference, 1307.

Reported back 1336.

Passed, 1525.

Senate Bill No 222.—(Ramsett by request)

A bill for an act to legalize certain floating indebtedness incurred by cities of this state under certain circumstances and bonds issued, or that may be issued, to fund the same.

Received from the senate, 564.

First reading, 651.

Second reading and reference, 651.

Reported back, 895.

Passed, 1246.

Senate Bill No. 223.—(LaMoure)

An act to amend section 872 of chapter 9 of the revised codes of North Dakota, 1905, relating to fee for certificate. Certificate, how revoked.

Received from the senate, 538.

First reading, 806.

Second reading and reference, 806.

Reported back, 1087.

Indefinitely postponed, 1087.

Senate Bill No. 224.—(LaMoure)

A bill for an act to amend section 876, chapter 9 of the revised codes of North Dakota for 1905, relating to fees for teacher's certificates.

Received from the senate, 538.

First reading, 650.

Second reading and reference, 650.

Reported back, 1087.

Indefinitely postponed, 1087.

Senate Bill No. 225.—(Simpson)

A bill for an act defining the tenth judicial district, and providing for terms of court therein.

Received from the senate, 877.

First reading, 1113.

Second reading and reference, 1113.

Reported back, 1153.

Passed, 1439.

Senate Bill No. 226.—(Gunderson)

A bill for an act to amend and re-enact sections 1287, 1288 and 1289 of the revised codes of North Dakota, for the year 1905, relating to insurance of public buildings.
 Received from the senate, 1241.
 First reading, 1309.
 Second reading and reference, 1309.
 Reported back, 1341.
 Passed, 1520.

Senate Bill No. 227.—(Pierce)

A bill for an act to amend section 7527 of the code of 1905, relating to actions to determine conflicting claims to real property.
 Received from the senate, 538.
 First reading, 650.
 Second reading and reference, 650.
 Reported back, 762.
 Passed, 1381.

Senate Bill No. 229.—(Koffel)

A bill for an act to amend chapter 128 of the laws of 1907, being an amendment to section 8983 of the revised codes of North Dakota, 1905, relating to minors not allowed in certain public places, and prescribing certain penalties for the violation thereof.
 Received from the senate, 754.
 First reading, 807.
 Second reading and reference, 807.
 Reported back, 1018.
 Passed, 1412.

Senate Bill No. 231.—(Trimble)

A bill for an act to amend section 3198, article 24, chapter 33 of the political code (revised codes of 1905) of the state of North Dakota, relating to the bonds of civil townships, and as to how and when issued.
 Received from the senate, 623.
 First reading, 652.
 Second reading and reference, 652.
 Reported back, 763.
 Passed, 1247.

Senate Bill No. 232.—(Committee on Education)

A bill for an act to amend sections 894 and 895 of the revised codes of 1905.
 Received from the senate, 623.
 First reading, 652.
 Second reading and reference, 652.
 Reported back, 1091.
 Passed, 1422.

Senate Bill No. 234.—(Committee on Education)

A bill for an act to amend sections 811, 822, 829, 832, 882, 883, of the revised code of 1905, pertaining to education.
 Received from the senate, 754.
 First reading, 807.
 Second reading, and reference, 807.
 Reported back, 1091.
 Passed, 1507.
 Lost, 1428.

Senate Bill No. 235.—(Committee on Education)

A bill for an act to encourage professional spirit among teachers in this state.
 Received from the senate, 623.
 First reading, 652.
 Second reading and reference, 652.
 Reported back, 1090.
 Passed, 1421.

Senate Bill No. 237.—(Committee on Education)

A bill for an act to amend section 777 of the revised codes of 1905.
 Received from the senate, 624.
 First reading, 652.
 Second reading and reference, 652.
 Reported back, 1091.
 Passed, 1423.

Senate Bill No. 238.—(Overson)

A bill for an act to amend section 8478 of chapter 5 of the justice code of the revised codes of North Dakota for 1905, relating to change of venue and number of such changes, and granting a change of venue to state and defendant alike.

Senate Bill No. 238.—Continued.

Received from the senate, 1004.
 First reading, 1117.
 Second reading and reference,
 1117.
 Reported back, 1154.
 Passed, 1442.

Senate Bill No. 242.—(Leutz)

A bill for an act making an appropriation for the current and contingent expenses of the state reform school at Mandan
 Received from the senate, 802.
 First reading, 814.
 Second reading and reference,
 814.
 Reported back, 1457.
 Passed, 1523.

Senate Bill No. 243.—(Leutz)

A bill for an act making an appropriation to pay P. O. Fossom, George Platzer, janitors; A. Glorvick, messenger; and C. J. Hutchinson, clerk, of the tenth legislative assembly for services rendered during that session.
 Received from the senate, 799.
 First reading, 810.
 Second reading and reference,
 810.
 Reported back, 1183.
 Passed, 1448.

Senate Bill No. 244.—(Rice by request)

A bill for an act authorizing domestic life insurance companies to issue certain kinds and classes of insurance policies, and repealing chapter 145 of the 1907 session laws of the state of North Dakota.
 Received from the senate, 1315.
 First reading, 1456.
 Second reading and reference,
 1456.
 Reported back, 1459.
 Indefinitely postponed, 1459.

Senate Bill No. 246.—(Rice by request)

A bill for an act to require domestic life insurance companies to make a deposit of securities with the insurance commissioner.

Senate Bill No. 246.—Continued.

Received from the senate, 1005.
 First reading, 1118.
 Second reading and reference,
 1118.
 Reported back, 1338.
 Passed, 1527.

Senate Bill No. 247.—(Rice by request)

A bill for an act to authorize the insurance commissioner to accept the deposit of securities from domestic life insurance companies.
 Received from the senate, 1005.
 First reading, 1118.
 Second reading and reference,
 1118.
 Reported back, 1339.
 Lost, 1531.

Senate Bill No. 249.—(Rice by request)

A bill for an act to amend chapter 145 of the laws of 1907, an act to prohibit the issuance of non-participating policies by certain life insurance companies.
 Received from the senate, 1315.
 First reading, 1456.
 Second reading and reference,
 1456.
 Reported back, 1459.
 Indefinitely postponed, 1556.

Senate Bill No. 250.—(Walton)

A bill for an act to amend section 2946 of the 1905 revised codes of North Dakota, relative to the restricting of the limits of cities, towns and villages and disconnecting and excluding portions thereof.
 Received from the senate, 1005.
 First reading, 1118.
 Second reading and reference,
 1118.
 Reported back, 1342.
 Indefinitely postponed, 1342.

Senate Bill No. 252.—(Johnson)

A bill for an act to amend section 6 of chapter 95 of the session laws of 1907, being section 847 of the revised codes of North Dakota for 1905, relating to the tuition fund and enumeration.

Senate Bill No. 252.—Continued.

Received from the senate, 678.
 First reading, 806.
 Second reading and reference,
 806.
 Reported back, 1090.
 Passed, 1420.

Senate Bill No. 254.—(Crane)

A bill for an act making an appropriation which will permit the State Historical society of North Dakota to acquire title to certain school lands within this state, having a historical value.
 Received from the senate, 797.
 First reading, 809.
 Second reading and reference
 809.
 Reported back, 950.
 Passed, 974.

Senate Bill No. 255.—(Sharpe)

A bill for an act making an appropriation for the Edgeley experiment station, located at the city of Edgeley in LaMoure county.
 Received from the senate, 802.
 First reading, 815.
 Second reading and reference,
 815.
 Reported back, 956.
 Passed, 980.

Senate Bill No. 261.—(Abright)

A bill for an act prescribing the duties and authority of the commissioners of public printing, and making an appropriation for public printing and binding.
 Received from the senate, 797.
 First reading, 810.
 Second reading and reference,
 810.
 Reported back, 1065.
 Passed, 1413.

Senate Bill No. 264.—(Cashel)

A bill for an act to prescribe a method of removal and discharge of persons admitted to the institution for feeble minded.
 Received from the senate, 1194.
 First reading, 1311.

Senate Bill No. 264.—Continued.

Second reading and reference,
 1311.
 Reported back, 1335.
 Passed, 1524.

Senate Bill No. 265.—(Kennedy)

A bill for an act making an annual appropriation to assist in the maintenance of the Florence Crittenden Home, located at Fargo, one of the charitable institutions of the state.
 Received from the senate, 300.
 First reading, 812. c
 Second reading and reference,
 812.
 Reported back, 995.
 Passed, 1007.
 Lost, 999.

Senate Bill No. 268.—(Cashel)

A bill for an act authorizing the trustees of the institution for feeble minded to transport, at the expense of the state, inmates whose parents or guardian has removed from the state to the residence of such parent or guardian without the state.
 Received from the senate, 877.
 First reading, 1114.
 Second reading and reference,
 1114.
 Reported back, 1341.
 Passed, 1521.

Senate Bill No. 269.—(Trimble)

A bill for an act establishing a county hail insurance department, prescribing rules, regulations and duties of all officers and persons connected therewith, prescribing how taxes for same shall be levied and collected, and how expenses and indemnity for losses by hail shall be paid.
 Received from the senate, 1242.
 First reading, 1310.
 Second reading and reference,
 1310.
 Reported back, 1340.
 Indefinitely postponed, 1546.

Senate Bill No. 271.—(Leutz)

A bill for an act regulating sanitary conditions in barbershops, hair-dressing and manicuring parlors and providing penalties for the violation of this act.

Received from the senate, 755.

First reading, 807.

Second reading and reference 807.

Reported back, 1085.

Passed, 1473.

Senate Bill No. 273.—(Stevens)

A bill for an act entitled, "An act authorizing the district judge of each judicial district within the state of North Dakota to appoint a board of visitors for any county in his judicial district wherein a poor farm or county asylum is located, and to provide for reports thereon.

Received from the senate, 1056.

First reading, 1119.

Second reading and reference, 1119.

Reported back, 1151.

Passed, 1474.

Indefinitely postponed, 1151.

Senate Bill No. 274.—(Duis by request)

A bill for an act to amend chapter 151 of the laws of 1907; an act to require the annual apportionment and accounting of surplus of life insurance companies as to policies heretofore issued:

Received from the senate, 1240.

First reading, 1308.

Second reading and reference, 1308.

Reported back, 1349.

Passed, 1484.

Senate Bill No. 275.—(Talcott)

A bill for an act to forfeit firearms or other weapons to the state when found on the person of anyone arrested and convicted of a felony, misdemeanor or other crime.

Received from the senate, 755.

First reading, 808.

Second reading and reference, 808.

Reported back, 897.

Indefinitely postponed, 897.

Senate Bill No. 276.—(Koffel)

A bill for an act to establish a legislative drafting bureau in connection with the legislative reference department of the state library commission.

Received from the senate, 1057.

First reading, 1119.

Second reading and reference, 1119.

Reported back, 1151.

Passed, 1474.

Senate Bill No. 278.—(Purcell)

A bill for an act to amend section 9758 of the revised codes of North Dakota, relating to preliminary examinations.

Received from the senate, 878.

First reading, 1115.

Second reading and reference, 1115.

Reported back, 1152.

Passed, 1438.

Senate Bill No. 279.—(Purcell)

A bill for an act entitled, "An act to repeal section 2478 of the revised codes of the state of North Dakota, relating to partial payment of taxes."

Received from the senate, 878.

First reading, 1115.

Second reading and reference, 1115.

Reported back 1273.

Indefinitely postponed, 1273.

Senate Bill No. 280.—(Purcell)

A bill for an act entitled, "An act to repeal section 1544 of the revised codes of the state of North Dakota, relating to county treasurers and the collection of taxes.

Received from the senate, 755.

First reading, 808.

Second reading and reference, 808.

Reported back, 1274.

Indefinitely postponed, 1274.

Senate Bill No. 281.—(Purcell)

A bill for an act entitled, "An act to repeal chapter 180 of the session laws of 1907, enacted by the tenth legislative assembly of the state of North Dakota,

Senate Bill No. 281.—Continued.

relating to indeterminate sentences of persons convicted of crime.

Received from the senate, 878.
First reading, 1115.
Second reading and reference, 1115.
Reported back, 1150.
Indefinitely postponed, 1150.

Senate Bill No. 282.—(Purcell)

A bill for an act entitled, "An act to amend chapter 41 of the session laws of the state of North Dakota, enacted by the tenth session of the legislative assembly of said state, relating to bounties for tree planting."

Received from the senate, 1269.
First reading, 1306.
Second reading and reference, 1306.
Reported back, 1349.
Passed, 1518.

Senate Bill No. 283.—(Purcell)

A bill for an act entitled, "An act to amend sections 8893, 8894, 8895 and 8896 of the revised codes of North Dakota, defining rape and prescribing punishment therefor."

Received from the senate, 1269.
First reading, 1306.
Second reading and reference, 1306.
Reported back, 1347.
Passed, 1491.

Senate Bill No. 284.—(Stevens)

A bill for an act entitled, "An act to regulate the sale and offering for sale of mining stocks or shares within the state of North Dakota, and to provide penalties for the violation thereof."

Received from the senate, 1057.
First reading, 1119.
Second reading and reference, 1119.
Reported back, 1342.
Passed, 1543.

Senate Bill No. 288.—(Ramsett)

A bill for an act to amend chapter 218 of the session laws of

Senate Bill No. 288.—Continued.

North Dakota, 1907, relating to property exempt from taxation.
Received from the senate, 876.
First reading, 1114.
Second reading and reference, 1114.
Reported back, 1272.
Indefinitely postponed, 1273.

Senate Bill No. 290.—(Welch)

A bill for an act requiring a stationary metal fire escape to be attached to the outside of each one and every school room located above the first story of all school houses in this state having more than one story, designating those whose duty it shall be to have said fire escapes installed and prescribing the punishment for a violator thereof.

Received from the senate, 1242.
First reading, 1309.
Second reading and reference, 1309.
Reported back, 1353.
Passed, 1492.

Senate Bill No. 293.—(Movius)

A bill for an act granting recognition to diplomas issued by first class high schools as teacher's diplomas.

Received from the senate, 1005.
First reading, 1117.
Reported back, 1203.
Indefinitely postponed, 1203.

Senate Bill No. 294.—(Movius by request)

A bill for an act to amend section 437 of the revised codes of North Dakota for the year 1905, relating to the qualifications of deputies and clerks in state, county and municipal offices.

Received from the senate, 1269.
Reported back, 1335.
Indefinitely postponed, 1335.

Senate Bill No. 296.—(Bessesen)

A bill for an act to amend section 460 of the revised codes of North Dakota for 1905, relating to the supreme court reports,

Senate Bill No. 296.—Continued.

how printed, and number.
 Received from the senate, 1120.
 First reading, 1160.
 Second reading and reference,
 1160.
 Reported back, 1197.
 Passed, 1450.

Senate Bill No. 298.—(Overson)

A bill for an act to amend and re-enact section 9015 of the revised codes of North Dakota for 1905, validating marriages performed without authority or where licenses have been issued by a clerk of the county court.
 Received from the senate, 1057.
 First reading, 1119.
 Second reading and reference, 1119.
 Reported back, 1197.
 Passed, 1453.

Senate Bill No. 300.—(Irwin)

A bill for an act to amend section 6710 of the revised codes of 1905, relating to holidays.
 Received from the senate, 1269.
 First reading, 1305.
 Second reading and reference, 1305.
 Reported back, 1343.
 Indefinitely postponed, 1343.

Senate Bill No. 303.—(Talcott)

A bill for an act to amend section 871 of the revised codes of the state of North Dakota of 1905, relating to education.
 Received from the senate, 1240.
 First reading, 1308.
 Second reading and reference, 1308.
 Reported back, 1402.
 Passed, 1489.

Senate Bill No. 308.—(Plain)

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.

Senate Bill No. 308.—Continued.

Received from the senate, 1005.
 First reading, 1116.
 Second reading and reference, 1116.
 Reported back, 1150.
 Passed, 1437.

Senate Bill No. 310.—(Trimble)

A bill for an act to amend section 2249 of the revised codes or 1905, providing for storage receipts to be given by public warehousemen, establishing a standard form, and providing a penalty for its nonobservance.
 Received from the senate, 1194.
 First reading, 1310.
 Second reading and reference, 1310.
 Reported back, 1347.
 Indefinitely postponed, 1519.

Senate Bill No. 311.—(Bessen)

A bill for an act to enable cities in this state that may adopt or have adopted the commission form of government as provided in chapter 45 of the laws of 1907, to recall incompetent or dishonest elective officers by vote of the people; also providing for the initiative and referendum in city matters, defining the form of the petition required in the law and prescribing the manner in which a city which may adopt or has adopted the commission plan may return to the former system.
 Received from the senate, 1314.
 First reading, 1455.
 Second reading and reference, 1455.
 Reported back, 1495.
 Indefinitely postponed, 1495.

Senate Bill No. 313.—(Leutz)

A bill for an act to amend and re-enact chapter III, laws of 1907, of the state of North Dakota, relating to and to provide for owners and managers of elevators, and warehouses, track and dependent grain buyers and station agents of railroads to make annual reports to the commissioner of agriculture

Senate Bill No. 313.—Continued.

and labor, and making it a misdemeanor for violation of the same.
 Received from the senate, 1005.
 First reading, 1116.
 Second reading and reference, 1116.
 Reported back, 1182.
 Indefinitely postponed, 1182.

Senate Bill No. 316.—(Leutz)

A bill for an act to amend chapter 117 of the laws of 1907, of the state of North Dakota, relating to the method of giving notice of taking up estrays.
 Received from the senate, 1240.
 First reading, 1308.
 Second reading and reference, 1308.
 Reported back, 1351.
 Indefinitely postponed, 1517.

Senate Bill No. 317.—Leutz)

A bill for an act to provide for the cancellation of legally recorded brands in the office of the commissioner of agriculture and labor.
 Received from the senate, 1241.
 First reading, 1310.
 Second reading and reference, 1310.
 Reported back, 1351.
 Passed, 1513.

Senate Bill No. 318.—(Kennedy)

A bill for an act to provide for paving, curbing, grading or improving the highways, streets or avenues in civil townships adjoining incorporated cities of not less than 6,000 inhabitants, and for the construction of a system of sewerage and water mains therein.
 Received from the senate, 1270.
 First reading, 1304.
 Second reading and reference, 1304.
 Reported back, 1404.
 Indefinitely postponed, 1404.

Senate Bill No. 321.—(Gilbert)

A bill for an act to amend section 4464 of the revised codes of North Dakota for 1905.
 Received from the senate, 1239.
 First reading, 1310.
 Second reading and reference, 1310.
 Reported back, 1339.
 Indefinitely postponed, 1527.

Senate Bill No. 322.—(LaMoure)

A bill for an act amending section 1 of chapter 166 of laws of 1889, it being section 1296 of revised codes of 1905, providing for purchase of books for state library.
 Received from the senate, 799.
 First reading, 812.
 Second reading and reference, 812.
 Reported back, 950.
 Passed, 975.

Senate Bill No. 323.—(Macdonald)

A bill for an act to amend section 537 of the revised codes of 1905, of the state of North Dakota, relating to the bonds of notaries public.
 Received from the senate, 1268.
 First reading, 1305.
 Second reading and reference, 1305.
 Reported back, 1403.
 Indefinitely postponed, 1403.

Senate Bill No. 324.—(Koffel)

A bill for an act making it unlawful for any person to receive the proceeds or earnings of any woman engaged in prostitution.
 Received from the senate, 1268.
 First reading, 1305.
 Second reading and reference, 1305.
 Reported back, 1346.
 Passed, 1533.

Senate Bill No. 325.—(Anderson)

A bill for an act to amend section 2335 of the revised codes of the state of North Dakota of 1905, relating to the transcribing of records in newly organized counties.

Senate Bill No. 325.—Continued.

Received from the senate, 1269.
 First reading, 1304.
 Second reading and reference,
 1304.
 Reported back, 1344.
 Passed, 1538.

Senate Bill No. 326.—(Simpson)

A bill for an act to amend section
 536 of the revised codes of 1905,
 relating to notaries public.
 Received from the senate, 1315.
 First reading, 1455.
 Second reading and reference,
 1455.
 Reported back, 1458.
 Indefinitely postponed, 1458.

Senate Bill No. 327.—(Bessesen)

A bill for an act to amend section
 8899 of the revised codes of
 North Dakota of 1905, defining
 the offence of inveigling into
 house of prostitution and pre-
 scribing the punishment there-
 for.
 Received from the senate, 1268.
 First reading, 1305.
 Second reading and reference,
 1305.
 Reported back, 1345.
 Passed, 1536.

Senate Bill No. 328.—(Baker)

A bill for an act to amend chapter
 179 of the session laws of
 North Dakota, approved March
 2 1907, entitled, "An act creat-
 ing 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 gov-
 ernment thereof; such amend-
 ments to provide for a levy of
 not to exceed 3 mills on the
 dollar in any one year, and by
 limiting the right to issue
 bonds to cases where author-
 ized by the vote of the electors,
 and by adding a new section
 giving the park board power to
 plant and protect trees in pub-
 lic streets and highways.
 Received from the senate, 1315.
 First reading, 1455.
 Second reading and reference,
 1455.
 Reported back, 1494.
 Passed, 1560.

Senate Bill No. 329.—(Bessesen)

A bill for an act defining a prosti-
 tute, and prescribing the pun-
 ishment therefor.
 Received from the senate, 1316.
 First reading, 1454.
 Second reading and reference,
 1454.
 Reported back, 1458.
 Passed, 1548.

Senate Bill No. 330.—(Bessesen)

A bill for an act defining the crime
 of fornication, and prescribing
 the punishment therefor.
 Received from the senate, 1268.
 First reading, 1305.
 Second reading and reference,
 1305.
 Reported back, 1346.
 Indefinitely postponed, 1537.

Senate Bill No. 331.—(Bessesen)

A bill for an act defining the crime
 of indecent assault, and pre-
 scribing the punishment there-
 for.
 Received from the senate, 1316.
 First reading, 1454.
 Second reading and reference,
 1454.
 Reported back, 1459.
 Indefinitely postponed, 1459.

Senate Bill No. 332.—(Bessesen)

A bill for an act defining the crime
 of detention of a woman in a
 house of ill-fame against her
 will, and prescribing the pun-
 ishment therefor.
 Received from the senate, 1268.
 First reading, 1305.
 Second reading and reference,
 1305.
 Reported back, 1345.
 Passed, 1534.

Senate Bill No. 335.—(Bessesen)

A bill for an act defining the crime
 of assault and battery with in-
 tent to do great bodily harm,
 and prescribing the punishment
 therefor.
 Received from the senate, 1269.
 First reading, 1305.
 Second reading and reference,
 1305.
 Reported back, 1344.
 Indefinitely postponed, 1546.

Senate Bill No. 337.—(Koffel)

A bill for an act to prohibit the using of indecent, immoral, obscene or insulting language in the presence of or to any woman or child.

Received from the senate, 1268.

Reported back, 1404.

Indefinitely postponed, 1404.

Senate Bill No. 338.—(Purcell)

A bill for an act to amend section 18 of an act entitled, "A bill for an act creating certain territory now within the school township of Brightwood, Richland county, D. T., as an independent school district, to be known as Brightwood Independent School District No. 1, Richland county, North Dakota.

Received from the senate, 1240.

First reading, 1309.

Second reading and reference, 1309.

Reported back, 1353.

Passed, 1478.

Senate Bill No. 339.—(Pierce)

A bill for an act to provide for making the state treasurer and his successors, the treasurer of the state penitentiary and twine plant, and defining his duties in relation thereto, and relating to the duties and powers of the state emergency board in connection therewith.

Received from the senate, 1098.

First reading, 1118.

Second reading and reference, 1118.

Reported back, 1149.

Passed, 1436.

Senate Bill No. 340.—(Leutz)

A bill for an act to compel the proper and permanent marking of tuberculosis cattle when shown or proven to be by the so-called "tuberculin" test.

Received from the senate, 1241.

First reading, 1308.

Second reading and reference, 1308.

Reported back, 1352.

Passed, 1485.

Senate Bill No. 341.—(Welch)

A bill for an act authorizing the board of trustees of public property of North Dakota to operate a good road experimental station at Bismarck, North Dakota, authorizing the employment of the inmates of the North Dakota state penitentiary upon the construction and maintenance of experimental roads; authorizing the board of trustees of public property to accept federal aid and private contributions in the construction of experimental roads and authorizing the state engineer to supervise the construction and maintenance of all roads and designating where experimental roads shall be built.

Received from the senate, 1241.

First reading, 1307.

Second reading and reference, 1307.

Reported back, 1350.

Passed, 1511.

Lost, 1493.

Senate Bill No. 342.—(Simpson)

A bill for an act to amend and reenact section 796 of the revised codes of North Dakota for the year 1905, providing for the legalizing of the organization of school districts.

Received from the senate, 1240.

First reading, 1309.

Second reading and reference, 1309.

Reported back, 1352.

Passed, 1512.

Senate Bill No. 345.—(Talcott)

A joint resolution for the appointment of North Dakota experts to sit with Minnesota boards of appeals, and providing an appropriation therefor.

Received from the senate, 1299.

First reading, 1304.

Second reading and reference, 1304.

Reported back, 1494.

Passed, 1572.

GENERAL INDEX

CONCURRENT RESOLUTIONS.

House, 25, 206, 318, 485, 588, 659.

Reported back, 1343, 1635.

Chair sustained, 846.

Senate, received, 55, 86, 87, 113, 126, 158, 164, 168, 180, 183, 184, 210, 222, 280, 292, 404, 405, 451, 488, 489, 563, 635, 698, 755, 879, 879, 1034, 1195, 1328, 1563, 1564, 1565, 1620, 1621.

CONFERENCE COMMITTEE.

Appointed, 176, 793, 999, 1228, 1272, 1542, 1545, 1599, 1604, 1611.

Report of, 193, 203, 1243, 1276, 1291, 1293, 1294, 1295, 1297, 1349, 1372, 1576, 1580, 1605, 1613, 1629, 1632.

CONTEST CASE.

Story vs. Herolz, report of committee, 147.

CALENDAR.

Resolution for, 103.

CORRECTION OF JOURNAL, 1499.

Committee on correction appointed, 1499.

ELECTION OF UNITED STATES SENATOR, 125.

GOVERNOR'S MESSAGE.

Delivery of, 28 to 55.

GOVERNOR.

Message from, 268, 793, 1104.

MESSAGES FROM THE SENATE.

Received, 23, 55, 65, 72, 86, 87, 107, 113, 126, 141, 146, 157, 164, 168, 170, 178, 180, 183, 191, 207, 210, 219, 222, 245, 271, 277, 280, 285, 291, 292, 304, 329, 346, 364, 383, 404, 405, 439, 451, 455, 464, 476, 488, 489, 524, 535, 562, 588, 594, 623, 635, 637, 698, 708, 730, 754, 792, 796, 830, 848, 876, 1003, 1029, 1033, 1056, 1072, 1098, 1120, 1194, 1209, 1221, 1239, 1245, 1268, 1299, 1300, 1303, 1314, 1328, 1348, 1354, 1382, 1399, 1406, 1423, 1429, 1434, 1496, 1500, 1531, 1535, 1540, 1541, 1543, 1560, 1563, 1582, 1587, 1588, 1595, 1596, 1598, 1600, 1603, 1604, 1606, 1609, 1612, 1613, 1615, 1617, 1619, 1620, 1621, 1625, 1626, 1630, 1635.

Consideration of, 147, 626, 731.

MESSAGES TO TAFT, 1375, 1499.

MILEAGE, REPORT OF COMMITTEE, 130.

MOTIONS AND RESOLUTIONS, 739, 1097, 1300, 1323.

JOINT RESOLUTION.

South Dakota, 840.
Adopted, 841.

ORGANIZATION.

Election of speaker and officers, 1 to 20.

PETITIONS AND COMMUNICATIONS, 160, 217, 286, 307, 308, 309, 310,
311, 331, 350, 404, 434, 462, 516, 517, 526, 557, 566, 620, 621, 622 679,
680, 681, 682, 709, 710, 711, 712, 713, 714, 715, 757, 758, 1009, 1204,
1271.

RULES.

Report of committee on, 56, 117.
Report of committee on joint, 92.
Report of public service commission, 1023.

ROOMS FOR COMMITTEES.

Resolution for, 88.
Assignment of, 91.

RAILROAD COMMISSIONERS.

Recommendation of, 268.

SPECIAL COMMITTEE.

Report of, on terminal grain markets, 1093.

STANDING COMMITTEES, 65, 66, 67.

SELECT COMMITTEES.

Report of, 1235, 1317, 1356.

SPECIAL COMMITTEES, 22, 279, 314, 316, 317, 333, 358, 1250, 1376..

Report of, 726, 1274, 1355.

SECRETARY OF STATE.

Messages from, 64, 71, 73, 116, 642, 1562. 1577.
Resolution to, 21, 27.

STENOGRAPHERS.

Rooms at Hotels, 61.

TATLEY.

Bill of, 1624.

INDEX TO MEMBERS

AASHIEM—Bills—71, 218, 288.

Committees—66, 67.

AKESSON—Bills—176, 382.

Committees—65, 66, 67.

Committee Reports—1273.

Motions—1137, 1290, 1519.

ANDERSON—Bills—86, 112, 153, 174, 252, 253, 300, 314.

Committees—65, 66, 67.

Resolutions—22.

Motions—201, 215, 298, 365, 390, 696, 822, 823, 916, 945, 949, 1253, 1580.

ATWOOD—Bills—173, 175, 327.

Committees—65, 66, 67.

Motions—900.

BAKER, of Cass—Bills—152, 223, 238, 257, 262, 266.

Committees—26, 66, 67.

Resolutions—20.

Motions—123, 173, 188, 375, 485, 510, 740, 741, 826, 839, 898, 961, 997, 999, 1006, 1008, 1184, 1340.

Committee reports—27, 61, 123, 839, 1184.

Chair—943.

BAKER, of Stark—Bills, 142, 241, 351.

Committees, 26, 65, 66, 67.

Committee reports—464, 522.

Motions—700, 1054, 1416, 1476, 1497, 1545, 1581.

Chair—918, 1355.

BURDICK—

Motions, 749, 924, 1027.

BJORND AHL—Bills—52, 208, 225, 388.

Committees—66, 67.

Motions, 675, 1260.

BRUSLETTEN—Bills—32, 42, 151, 179, 369.

Committees—66, 67.

Motions, 871, 990, 991, 1262.

BRYNJULSON—Bills—149, 155, 303.

Committees—66, 67.

BURNETT—Bills—81, 92, 109, 135.

Committees—66, 67, 435.

Motions—458.

BURNS—Bills—5, 57, 220, 387.

Committees—66, 67.
Motions, 823, 828.

CHATFIELD—Bills—6, 30, 59, 91, 100, 214, 217, 299, 311.

Committees—65, 66, 67.
Resolutions—231.

Committee reports—250, 347, 442, 586, 587, 1065, 1149, 1350.
Motions—147, 169, 176, 184, 197, 211, 300, 271, 323, 343, 344, 347, 350,
367, 396, 400, 419, 429, 450, 451, 536, 587, 599, 606, 676, 778, 828,
847, 851, 869, 874, 894, 907, 948, 1065, 1142, 1149, 1152, 1158, 1164,
1212, 1224, 1242, 1304, 1313, 1348, 1350, 1439, 1443, 1468, 1509,
1537, 1562, 1576, 1597, 1605, 1606, 1613, 1632.

CHRISTENSON—Bills—237, 297, 312, 320.

Committees—65, 66, 67, 1647.
Committee Reports—575.
Motions—693, 931, 1045.

COLLINS, of Cass—

Committees—26, 65, 66, 67, 133.
Resolutions—124, 133.
Motions—124, 606, 1046, 1140.
Committee reports—132.

COLLINS, of Grand Forks—Bills—197.

Committees—22, 65, 66, 67.
Committee reports—528.

CRAWFORD—Bills—287.

Committees—22, 65, 66, 67.
Committee reports—160, 185, 186, 219, 262, 287, 304, 387, 388, 402,
403, 444, 446, 447, 515, 526, 565, 673, 620, 704, 756, 757, 784, 817,
882, 891, 1003, 1023, 1060, 1121, 1122, 1166, 1190, 1191, 1208, 1225,
1227, 1253, 1254.
Motions—160, 186, 219, 262, 287, 304, 387, 388, 403, 444, 446, 516,
526, 549, 565, 620, 673, 704, 756, 757, 784, 818, 856, 882, 891, 1003,
1023, 1060, 1121, 1122, 1166, 1190, 1191, 1208, 1226, 1227, 1253,
1254.

CUNNINGHAM—Bills—22, 18, 119, 120, 121, 122, 123, 124, 126, 127, 128,

129, 165, 198.
Committees—65, 66, 67.
Committee reports—251, 252, 330, 350, 391, 358, 889, 890, 1143, 1144,
1351, 1352.
Motions—251, 252, 330, 351, 374, 391, 420, 430, 670, 671, 832, 889, 890,
1027, 1144, 1351, 1352, 1377.

DAVIDSON—Bills—28, 222, 297.

Committees—65, 66, 67, 1647.
Committee reports—464, 575, 579.
Motions—382, 668, 944, 1052, 1138, 1141, 1192, 1235, 1252, 1516, 1602.

DIBLEY—Bills—46, 49, 64, 195.

Committees—65, 66, 67.
Committee reports—246, 247, 354, 355, 413, 414, 577, 1496.
Motions—369, 413, 414, 424, 501, 526, 577, 696, 1496.

DOYLE, of Foster—Bills—13, 14, 47, 90, 185, 249, 273, 354, 370.

Committees, 65, 66, 67.

Committee reports—13, 70, 90, 102, 108, 115, 136, 156, 159, 185, 202, 216, 228, 229, 246, 278, 284, 303, 328, 345, 387, 401, 433, 461, 464, 475, 495, 514, 525, 562, 618, 661, 677, 703, 753, 829, 875, 1000, 1056, 1193, 1267, 1328, 1498.

Motions—71, 91, 103, 109, 115, 136, 157, 159, 185, 202, 217, 246, 278, 285, 303, 328, 346, 366, 387, 401, 434, 462, 476, 495, 515, 516, 526, 562, 593, 618, 661, 677, 704, 708, 754, 829, 876, 1001, 1067, 1193, 1220, 1259, 1267, 1328, 1372, 1379, 1433, 1469, 1498, 1570.

DOYLE, of McIntosh—Bills—84, 183, 319, 377.

Committees—65, 66, 67.

Motions—595, 1027, 1056, 1266, 1300.

DUNCAN—Bills—15, 82, 132, 150, 210, 228, 244, 292, 293, 307, 363.

Committees—22, 26, 65, 66, 67.

Resolutions—21, 25.

Committee reports—251, 522, 579, 694, 695, 770, 836, 888, 1060, 1142, 1350.

Motions—170, 251, 694, 695, 696, 726, 745, 770, 771, 836, 888, 889, 987, 1127, 1142, 1250, 1350, 1433, 1616.

EVANS—Bills—212, 371.

Committees—65, 66, 67.

Motions—941, 1234.

FRAINE—Bills—69, 275.

Committees—65, 66, 67, 275, 1376.

Resolutions—21.

Committee reports—464, 510, 511, 512, 513, 895, 912.

Motions—140, 175, 182, 375, 460, 513, 702, 752, 804, 894, 912, 913, 914, 1053, 1136, 1218, 1288, 1443, 1500, 1537, 1559.

FREEMAN—

Committees—65, 66, 67.

Committee reports—92.

GANSSE—Bills—114.

Committees—65, 66, 67, 1647.

Motions—749.

GARDEN—Bills—9, 106, 180, 216, 304, 331, 366.

Committees—22, 65, 66, 67, 272.

Committee reports—469, 470, 484, 485, 523, 628, 685, 835, 836, 1018, 1019, 1187, 1188, 1453, 1580.

Motions—61, 375, 469, 470, 473, 526, 604, 628, 696, 835, 836, 841, 938, 961, 1018, 1019, 1033, 1188, 1189, 1211, 1266, 1375, 1454, 1581, 1584, 1596.

GEIDT—Bills—254, 298, 313.

Committees—66, 67, 1647.

Motions—837.

GIBBENS—Bills—72, 79, 163, 260, 322.

Committees—26, 65, 66, 67.

Committee reports—27, 61, 191, 227, 331, 332, 540, 567, 575, 1143, 1200, 1405.

Motions—61, 62, 101, 114, 129, 180, 211, 215, 239, 244, 261, 280, 281, 296, 332, 396, 427, 453, 454, 459, 482, 506, 510, 567, 601, 659, 668, 780, 781, 853, 893, 939 1062, 1133, 1143, 1201, 1218, 1228, 1405, 1630.

Chair—982.

GOLDAMMER—

Committees—65, 66.

Committee reports—1334.

Motions—1334.

GRANT—Bills—10, 41, 68, 137, 245, 353.

Committees—65, 66, 67. 4

Motions—243, 379, 874, 922.

HALE—Bills—156, 339, 372, 379.

Committees—67.

Concurrent resolutions—949.

Committee reports—568, 569.

Motions—184, 568, 569, 659, 734, 736, 737, 928, 949, 1098, 1105, 1106, 1136, 1167, 1288, 1349, 1558, 1562, 1568.

HANLEY—Bills—54, 75, 99, 282, 305, 306, 317.

Committees—26, 65, 66, 67.

Resolutions—27, 103, 261, 280, 294, 1375.

Committee reports—397, 398, 399, 400, 1199, 1200.

Motions—28, 29, 104, 282, 294, 372, 397, 400, 405, 507, 738, 739, 934, 1044, 1128, 1136, 1157, 1195 1199, 1200, 1230, 1232, 1233, 1253, 1290, 1322, 1375, 1407, 1517, 1527, 1568, 1610, 1611.

HEMMINGSON—Bills—144, 268, 271. 4

Committees—65, 66.

Motions—155.

HENDRICKSON—Bills—7, 56, 73, 147, 191, 194, 375.

Committees—65, 66, 67.

Committee reports—464.

Resolutions—1622.

Motions—199, 502, 556, 602, 617, 673, 737, 744, 752, 910, 1044, 1248, 1375, 1622.

HILL—Bills—330.

Committees—66, 67.

Committee reports—92.

Motions—821.

HOMNES—Bills—133, 164, 247, 259, 324.

Committees—65, 66, 67, 1376.

Motions—339, 636, 672.

Chair—670.

HONEY—Bills—178, 200, 233, 274.

Committees—66, 67.

Committee reports—137, 388, 389, 522, 771, 774, 775, 1014, 1015, 1333, 1339, 1340, 1341, 1459.

Motions—137, 302, 388, 389, 425, 474, 522, 555, 771, 774, 775, 845, 991, 992, 993, 1014, 1015, 1042, 1292, 1338, 1339, 1340, 1341, 1459, 1460.

HUGHES—

Committees—66, 67.

Motions—316, 1535.

JEWETT—Bills—2, 3, 310.

Committees—26, 66, 67.

Motions—107, 385, 513, 926, 1325, 1568.

JOHNSON, of Bottineau—Bills—70, 348.

Committees—65, 66.

Resolutions—21, 1375.

Committee reports—161, 224, 886, 887, 1066, 1067, 1068, 1069, 1084, 1185, 1186, 1187.

Motions—224, 575, 736, 886, 887, 936, 1067, 1068, 1069, 1084, 1186, 1187, 1375.

JOHNSON, of McLean—Bills—192.

Committees—65, 66, 67.

JOHNSON, of Rolette—Bills—16, 17, 115, 213.

Committees—66, 67.

Motions—904.

KINNEY, of McLean—Bills—12, 192, 264, 265.

Committees—65, 66, 67.

Motions—221, 222, 554, 1523.

KINNEY, of Richland—Bills—103, 345, 361.

Committees—65, 66.

Committee reports, 229, 522, 528, 580.

Motions—589.

KNEELAND—Bills—116, 154, 231, 232, 276, 284, 285, 286, 355, 356.

Committees—65, 66, 67., 1647.

Committee reports—443, 579, 580, 641, 682, 683, 758, 770, 1062, 1063, 1064, 1178, 1179, 1272, 1404, 1495.

Motions—296, 558, 641, 659, 669, 670, 683, 758, 770, 896, 899, 1008, 1009, 1062, 1063, 1064, 1065, 1178, 1180, 1234, 1272, 1291, 1304, 1378, 1404, 1495, 1509, 1573.

KNOX—Bills—138, 170, 202, 239, 242.

Committees—65, 66.

Resolutions—206.

Committee reports—540, 542, 543, 696, 1182, 1347.

Motions—542, 785, 885, 886, 1182, 1183, 1206, 1348, 1388.

KRAMER—Bills—300.

Committees—65, 66, 67, 300.

LAW—Bills—326, 349.

Committees—65, 66, 326, 349.
 Committee reports, 520.
 Motions—520, 1176.

LAITHWAITE—Bills—87.

Committees—65, 66, 67.
 Committee reports—435.
 Motions—473, 935, 1192, 1446.

LINDE—Bills—60, 246, 277.

Committees—65, 66, 67, 330.
 Committee reports—403, 588, 607, 679, 830, 1058, 1390, 1398, 1406,
 1461, 1464, 1476, 1477, 1489, 1514, 1525, 1555, 1557, 1570, 1571,
 1587, 1589, 1590, 1591, 1598, 1599, 1608, 1611, 1618, 1623, 1633, 1636,
 1638, 1641, 1642, 1644, 1646, 1651.
 Motions—330, 403, 588, 679, 830, 857, 1058, 1273, 1390, 1398, 1406,
 1440, 1461, 1464, 1471, 1475, 1489, 1514, 1525, 1555, 1557, 1571, 1589,
 1591, 1599, 1608, 1611, 1623, 1633, 1638, 1641, 1644, 1646.

LINDVIG—Bills—51, 55, 58.

Committees—65, 67.
 Motions—568, 748.

LUCKE—Bills—21, 27, 29, 125.

Committees—66, 67.
 Committee reports—248, 249, 435, 1023.
 Motions—249, 417, 1023.

MARTIN—Bills—102, 104, 139, 140, 193, 301, 336, 342, 359.

Committees—26, 65, 66, 67.
 Resolutions—133, 193.
 Motions—937, 1556.

McCREA—Bills—24, 25, 117, 134, 187, 188, 283, 325, 340.

Committees—22, 65, 66, 67.
 Resolutions—21, 103.
 Committee reports—27, 92, 301.
 Motions—189, 306, 307, 373, 504, 603, 837, 838, 851, 901, 918, 940,
 1051, 1105, 1106, 1188, 1213, 1432, 1575, 1604, 1621, 1628.

McLEAR—Bills—386.

Committees—26, 65, 66, 67.
 Motions—1516.

MOEN, of Benson—Bills—83, 162, 209, 357.

Committees—66, 67.
 Motions—370, 551, 746.

MOEN, of Cavalier—Bills—85.

Committees—65, 66.

NARUM—

Committees—65, 66, 67.
 Resolutions—1500.
 Motions—743, 1500.

- NELSON, of McHenry—Bills—107, 160.
Committees—65, 66, 67, 133.
Motions—26, 211.
- NELSON, of Steele—Bills—98, 240, 248, 318, 352, 364.
Committees—65, 66.
Committee reports—1021. 4
Motions—371, 662, 869, 946, 1021, 1044, 1221.
- NELSON, of Walsh—Bills—113.
Committees—66, 67.
- NYHUS—Bills—204.
Committees—65, 66, 67, 204.
Motions—1561.
- OLSON—Bills—88, 101, 136, 184, 344.
Committees—66, 67.
Motions—1257.
- PUBLIC PRINTING COMMITTEE—Bills—281.
- PAULSON—
Committees—65, 66, 67.
- PEART—Bills—272, 367.
Committees—66, 67.
Motions—1046.
- PLATH—Bills—50.
Committees—66, 67.
Committee reports—831.
- PENDRAY—Bills—256.
Committees—65, 66, 67.
- PLOYHAR—Bills—38, 168, 172, 205, 328.
Committees—22, 65, 66, 67.
Resolutions—21.
Committee reports—61, 137, 138, 187, 188, 190, 225, 355, 356, 357, 534,
535, 538, 539, 540, 543, 759, 760, 761, 1086, 1087, 1088, 1089, 1090,
1091, 1202, 1203, 1204, 1352, 1353, 1402.
Motions—137, 138, 188, 190, 225, 356, 357, 358, 534, 535, 539, 543, 559,
592, 594, 759, 760, 761, 873, 1087, 1088, 1089, 1090, 1091, 1092, 1203,
1204, 1273, 1353, 1354, 1403, 1411, 1433, 1478, 1480.
Chair—1215.
- POE—
Committees—65, 66, 67.
- POUND—
Committees—65, 66, 67.

PRICE—Bills—36, 302, 334, 358, 383, 384, 385.

Committees—65, 67.

Resolutions—88, 1624.

Committee reports—92, 95, 161, 162, 192, 253, 281, 282, 332, 333, 406, 407, 437, 438, 462, 483, 484, 485, 532, 533, 630, 631, 632, 633, 634, 641, 689, 690, 691, 720, 768, 769, 765, 883, 884, 1146, 1147, 1148, 1149, 1201, 1202, 1335, 1341, 1342, 1343, 1344, 1494.

Motions—88, 92, 192, 232, 233, 234, 253, 282, 313, 332, 407, 437, 438, 483, 532, 533, 549, 551, 552, 553, 626, 630, 631, 632, 633, 634, 642, 689, 690, 691, 720, 768, 769, 837, 851, 869, 883, 884, 885, 904, 962, 1104, 1121, 1147, 1148, 1149, 1174, 1201, 1202, 1211, 1229, 1313, 1316, 1326, 1335, 1341, 1342, 1343, 1344, 1402, 1404, 1405, 1456, 1471, 1494, 1536, 1624.

Chair—1332.

PUTNAM—Bills—145, 146, 362, 381.

Committees—26, 65, 66, 67.

Resolutions—26, 103.

Committee reports—61, 117, 192, 315, 392, 393, 394, 395, 715, 718, 719, 787, 788, 789, 790, 950, 951, 952, 953, 954, 955, 956, 958, 959, 960, 961, 962, 994, 995, 996, 997, 1013, 1065, 1092, 1143, 1183, 1184, 1198, 1199, 1336, 1457, 1494.

Motions—117, 192, 316, 322, 393, 395, 455, 541, 542, 592, 637, 638, 716, 719, 787, 788, 790, 902, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 962, 994, 995, 996, 997, 1013, 1066, 1092, 1143, 1172, 1183, 1184, 1199, 1293, 1294, 1298, 1336, 1355, 1372, 1412, 1458, 1494, 1595.

SCHULL—Bills—1, 8, 211, 226, 230, 290, 323, 376.

Committees—65, 66, 67.

Motions—154, 240, 244, 282, 315, 507, 653, 654, 699, 702, 805, 869, 1112, 1163, 1170, 1219, 1303, 1324, 1445.

SENOUR—Bills—97, 143, 171, 258, 315.

Committees—65, 66, 67.

Resolutions—88, 194.

Committee reports—1196.

Motions—135, 299, 327, 351, 422, 429, 432, 792, 832, 905, 908, 923, 933, 1049, 1050, 1129, 1196, 1262, 1293, 1372, 1479, 1517.

SGUTT—Bills—61, 316.

Committees—65, 66, 67.

Motions—146, 837, 943, 988, 989.

SHELLS—Bills—23, 31, 40, 45, 373, 378.

Committees—66, 67.

Committee reports—206, 442, 471, 775, 776, 777, 778, 779, 1085, 1086, 1092, 1197, 1198.

Motions—87, 206, 292, 429, 431, 444, 485, 504, 776, 777, 778, 779, 986, 1085, 1086, 1093, 1158, 1169, 1197, 1198, 1244, 1419, 1440, 1576.

Chair, 1027.

SINCLAIR—

0

Committees—65, 66, 67.

SKINNER—Bills—53, 243.

Committees—65, 66, 67.

Motions—140.

SKULASON—Bills—18, 20, 26, 43, 44, 62, 80, 89, 94, 95, 105, 111, 141, 189,

190, 206, 207, 296, 333, 343, 350.

Committees—22, 65, 66, 67.

Resolutions—46, 124, 133, 1097, 1499.

Committee reports—116, 117, 138, 139, 140, 162, 163, 165, 187, 204, 205, 206, 227, 228, 229, 230, 231, 254, 255, 256, 257, 258, 259, 260, 282, 283, 312, 313, 344, 351, 352, 353, 354, 390, 391, 407, 408, 409, 410, 463, 464, 465, 466, 467, 468, 469, 481, 521, 527, 528, 529, 530, 531, 579, 580, 581, 582, 583, 584, 585, 586, 685, 686, 687, 720, 724, 725, 761, 762, 763, 764, 765, 766, 767, 895, 896, 897, 1010, 1012, 1144, 1150, 1152, 1153, 1154, 1155, 1156, 1180, 1181, 1196, 1197, 1344, 1345, 1346, 1347, 1403, 1404, 1458, 1459.

Motions—88, 116, 117, 124, 133, 138, 139, 140, 141, 147, 154, 162, 164, 165, 175, 187, 193, 194, 201, 204, 205, 207, 230, 231, 232, 235, 241, 254, 256, 257, 258, 259, 260, 261, 282, 283, 312, 313, 314, 316, 322, 352, 353, 354, 364, 391, 406, 408, 409, 438, 446, 450, 452, 465, 466, 467, 469, 481, 489, 494, 508, 510, 523, 524, 527, 528, 529, 530, 531, 560, 581, 582, 583, 584, 585, 586, 596, 643, 657, 668, 673, 685, 686, 687, 725, 762, 763, 764, 765, 766, 767, 768, 786, 837, 838, 845, 848, 852, 869, 870, 880, 893, 895, 896, 897, 898, 917, 919, 970, 987, 1011, 1012, 1032, 1092, 1134, 1144, 1150, 1151, 1152, 1153, 1154, 1155, 1158, 1173, 1180, 1181, 1195, 1196, 1197, 1206, 1223, 1227, 1235, 1248, 1256, 1258, 1290, 1306, 1324, 1344, 1345, 1346, 1347, 1403, 1404, 1412, 1456, 1458, 1459, 1476, 1499, 1506, 1508, 1509, 1521, 1540, 1562, 1579, 1588, 1601, 1604, 1614, 1620, 1627.

Chair—746.

SORLIE—Bills—33, 34, 35, 63, 77, 108, 130, 234, 235, 341, 347.

Committees—22, 65, 67.

Resolutions—21, 1205, 1355.

Committee reports—132, 192, 220, 221, 638, 639, 1179.

Motions—61, 344, 638, 640, 643, 664, 665, 929, 942, 997, 1040, 1041, 1102, 1103, 1104, 1179, 1209, 1224, 1225, 1253, 1263, 1264, 1323, 1337, 1355, 1546, 1547, 1597, 1599, 1618.

STEEN—Bills—308, 321, 335.

Committees—65, 66, 67.

Committee reports—186, 187, 223, 224, 482, 518, 629, 771, 772, 773, 1065, 1273, 1274.

Motions—69, 135, 186, 187, 223, 224, 482, 518, 629, 688, 689, 772, 773, 774, 824, 925, 1272, 1273, 1274.

STOREY—Bills—227, 236.

Committees—65, 67.

Motions—1125, 1292, 1385.

STREETER—Bills—329, 338, 346.

Committees—22, 66.

Resolutions—51, 1499, 1622, 1623.

Committee reports—441, 442, 476, 477, 552, 577, 832, 833.

Motions—211, 272, 283, 360, 369, 441, 442, 447, 663, 833, 853, 874, 927, 932, 1313, 1337, 1390, 1416, 1418, 1477, 1511, 1600, 1622, 1623, 1635.

THOMPSON, of Grand Forks—Bills—148, 332, 360.

Committees—66, 67.

Motions—827.

THOMPSON, of McLean—Bills—96, 169.

Committees—22, 65, 66, 67.
Motions—295, 906, 920, 942.

THORESON—Bills—39, 93, 167, 270, 337.

Committees—66, 67.
Committee reports—1350.
Motions—301, 503, 818, 819, 1175, 1215, 1245, 1249, 1351.

TRAYNOR—Bills—48, 131, 166, 177, 215, 219, 229, 251, 261, 263, 289, 368, 374.

Committees—65, 67, 1647.
Resolutions—22, 161, 281, 1621.
Committee reports—528, 1273.
Motions—174, 279, 292, 317, 340, 418, 456, 507, 524, 606, 625, 626, 646, 720, 730, 751, 783, 820, 825, 909, 958, 1124, 1130, 1214, 1215, 1302, 1568, 1621, 1625.
Chair—1619.

WARD—Bills—37, 179.

Committees—65, 66, 67.
Motions—1172, 1652.

WELFORD—Bills—19, 74, 161, 181, 182, 365.

Committees—65, 67, 327.
Resolutions—193, 1622.
Committee reports—413.
Motions—327, 423, 500, 699, 794, 1171, 1622.

WHITE—Bills—4, 65, 66, 67, 76, 78, 186, 199, 221, 224, 255, 267.

Committees—22, 65, 67.
Resolutions—22.
Committee reports—23, 247, 379, 441, 518, 519, 520, 575, 576, 627, 628, 834, 835, 1021, 1022, 1145, 1460.
Motions—65, 198, 236, 247, 314, 315, 316, 338, 360, 381, 495, 519, 520, 560, 576, 627, 628, 655, 656, 665, 675, 726, 834, 835, 846, 847, 904, 905, 915, 960, 1022, 1042, 1054, 1098, 1145, 1146, 1296, 1460.

WISNER—Bills—196.

Committees—65, 66, 67.
Committee reports—523.
Motions—523, 1576.

WOLBERT—Bills—11, 110, 157, 158, 159, 201, 203, 250, 278, 279, 280, 294, 295, 380.

Committees—22, 65, 67.
Resolutions—27, 1609.
Committee Reports—132, 410, 411, 412, 484, 485, 716, 717, 718, 1011, 1015, 1016.
Motions—24, 62, 95, 113, 161, 172, 177, 241, 360, 410, 411, 412, 457, 488, 558, 597, 716, 717, 718, 792, 796, 806, 845, 874, 899, 1010, 1015, 1016, 1029, 1072, 1131, 1151, 1231, 1265, 1324, 1545, 1609.