

STATE OF NORTH DAKOTA

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# JOURNAL OF THE SENATE

OF THE

ELEVENTH SESSION

OF THE

LEGISLATIVE ASSEMBLY

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

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BISMARCK, N. D.  
TRIBUNE, STATE PRINTERS AND BINDERS  
1909

OFFICERS AND MEMBERS  
OF THE  
SENATE OF NORTH DAKOTA

FOR THE  
ELEVENTH LEGISLATIVE ASSEMBLY

1909

OFFICERS

PRESIDENT..... LIEUTENANT GOVERNOR R. S. LEWIS  
PRESIDENT PRO TEM..... L. A. SIMPSON  
SECRETARY..... J. W. FOLEY  
FIRST ASSISTANT SECRETARY..... F. W. KEMPF  
SECOND ASSISTANT SECRETARY..... S. J. A. BOYD  
CHIEF ENROLLING AND ENGROSSING CLERK..... W. P. THURSTON  
ASSISTANT ENROLLING AND ENGROSSING CLERKS..... M. W. HOUSE, L. W. PIERSON,  
J. E. SMITH, M. M. SAMUELSON, LAWRENCE CASEY, J. D. GRAY  
VOUCHER CLERK AND BOOKKEEPER..... C. PARSONS  
BILL CLERK..... G. M. WILCOX  
ASSISTANT BILL CLERK..... LEON DEROUCHER  
STENOGRAPHER..... HAWLEY RUSSELL  
SERGEANT-AT-ARMS..... JAMES WALSH  
DOORKEEPER..... E. DUTTON  
DOORKEEPER OF GALLERY..... ARTHUR BARTLETT  
MESSENGER..... F. A. McDONALD  
POSTMASTER..... GEORGE PLATZER  
ASSISTANT POSTMASTER..... JOHN O. QUAMME  
WATCHMAN..... M. J. LOWE  
ASSISTANT WATCHMAN..... ALEX MILLER  
JOURNAL CLERK..... A. S. REITAN  
ASSISTANT JOURNAL CLERK..... GILBERT TEIN  
CLERK JUDICIARY COMMITTEE..... A. LESLIE  
CLERK APPROPRIATION COMMITTEE..... J. M. WYLIE  
CLERK COMMITTEE ON STATE AFFAIRS..... A. STEENSON  
CHAPLAIN..... REV. C. W. HARRIS  
PROOFREADER..... RAY MOE  
BILL ROOM CLERKS..... M. SKARISON, JOHN WIGBY  
JANITORS..... E. A. RRYN, E. M. MICHELSSOHN  
CLOAK ROOM ATTENDANT..... C. M. IRON  
PAGES..... CLARENCE POWERS, HUBERT HOLMES, ARTHUR  
PATZMAN, JOHN EHLI, CHARLES CUSHING, JAMES BLUNT, JOHN COX,  
RAY DURHAM.  
STENOGRAPHERS FOR THE SENATORS..... MABEL PETERSON, RANDINE GULSETH,  
ETHEL M. NEWBERRY, LILLA PENEBBAKER, CORA SIMPSON, KATHARINE  
COLEMAN, MARION MCKENZIE, KARRIE KING MAYFIELD.

## MEMBERS

Dist.	Name	Postoffice Address	Occupation	Where Born	Came to State	Married or Single	Age
36	Albright, Chris.....	Stanley.....	Stock R'g.	Germany..	**..	Married.	50
44	Anderson, Martin.....	Stanley.....	Merchant.	Sweden..	"	"	54
21	Baker, Frederick A.....	Harvey.....	Farmer...	Wisconsin.	1882	"	45
33	Bessezen, Henry J.....	Grafton.....	Lawyer...	Iowa.....	1901	"	62
4	Cashel, John L.....	Harvey.....	Banker....	New York.	1881	"	61
16	Crane, Maynard.....	Goodrich.....	Lumber'n..	N. Jersey.	1883	"	52
35	Davis, J. Ellsworth.....	Grand Forks..	Banking...	Wisconsin.	"	Single...	34
7	Duis, George S.....	Casselton....	Farm M'y.	Illinois...	1907	Married.	46
10	Gilbert, E. F.....	Rugby.....	Merchant..	Ohio.....	1883	"	54
42	Gronvold, Fingar T.....	Aneta.....	Hardware..	Norway...	1886	"	41
17	Gunderson, John G.....	Hensel.....	Post M'ter	Iowa.....	1890	"	37
2	Holliday, F. A.....	Park River...	Banker....	Ontario...	1881	"	66
3	Irwin, J. J.....	Cogswell.....	Farmer....	Ontario...	1887	"	64
18	Johnson, Livy.....	Bisbee.....	Farmer....	Indiana...	1889	"	42
22	Kelley, John.....	Fargo.....	Farmer....	Canada...	1883	"	46
9	Kennedy, James.....	Esmond.....	Contractor	Ireland...	1880	"	52
20	Koffel, Theodore.....	Pembina.....	Lawyer....	Minnesota.	1896	Single...	70
1	LaMoure, Judson.....	Hebron.....	Merchant..	Quebec...	1860	Married.	55
30	Leutz, Ferdinand.....	Sentinel Butte	Merchant..	Germany..	1883	"	49
39	Martin, Alfred L.....	Glencoe.....	Merchant..	Wisconsin.	1890	"	49
26	MacDonald, A.....	Bottineau....	Ranching..	Scotland..	1883	"	49
28	McArthur, D. H.....	Hannah.....	R'l Estate.	Canada...	1885	"	44
18	McLean, Henry.....	Lidgerwood...	Farmer....	Scotland..	1882	"	62
37	Movius, E. A.....	Garrison.....	Banking...	Germany..	1887	"	51
46	Neal, Eugene S.....	Williston....	Stock.....	Maine.....	1880	"	53
41	Overson, Willard B.....	Bordulac.....	Lawyer....	Wisconsin.	1899	"	37
32	Palmer, Geo. D.....	Sheldon.....	R'l Estate.	Michigan..	1884	"	54
14	Pierce, Ed.....	Milton.....	Lawyer....	Michigan..	1877	"	46
40	Plain, C. W.....	Wahpeton....	Machinery	Illinois...	1888	"	51
12	Purcell, W. E.....	Fingal.....	Attorney..	N. Jersey.	1881	"	53
38	Ramsett, K. S.....	Towner.....	Merchant..	Wisconsin.	1882	"	55
34	Rice, C. D.....	Kulm.....	Stock R'g.	Wisconsin.	1880	"	50
24	Sharpe, J. B.....	Dickinson....	Banking...	New York.	'80s	Single...	52
31	Simpson, L. A.....	Jamestown...	Lawyer....	Maine.....	1889	Married.	41
24	Steel, Alfred.....	Mohall.....	Fire Ins..	Wisconsin.	1883	"	49
43	Steele, H. H.....	Northwood...	Lawyer....	Wisconsin.	1896	"	37
5	Stevens, Jerry E.....	Hillsboro....	Merchant..	Illinois...	1881	"	55
8	Strom, Herbjorn H.....	Overly.....	Farmer....	Norway...	1878	"	63
19	Syvertson, Ole.....	Buffalo.....	Farmer....	Norway...	1886	"	46
11	Talcott, F. S.....	Westhops....	Farmer....	N. Y. City.	1878	Married.	40
47	Trimble, Grant S.....	Grand Forks..	Banking...	Iowa.....	1899	"	41
6	Turner, James.....	Minot.....	Mill M'g.	*	1882	Married.	62
29	Wallin, John.....	Ellendale....	Farmer....	Sweden...	1883	"	49
25	Walton, Frank M.....	Bismarck....	Miller....	Indiana...	1892	"	41
27	Welch, Geo. A.....	Valley City...	Hardware..	Minnesota.	1881	"	43
45	Welo, Tobias.....	Valley City...	Merchant..	Norway...	1888	"	51
15	Wicher, James H.....	Valley City...	Farming...	Wiconsin.	1883	"	60

\*On ocean, Scotch parents

\*\*Early Eighties

# Journal of the Senate

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## ELEVENTH SESSION

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### FIRST DAY

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

At the hour of twelve o'clock, meridian on Tuesday, the fifth day of January, 1909, being the day and hour designated by law for the convening of the Eleventh legislative assembly of North Dakota, members of the senate assembled in the senate chamber in the capitol at Bismarck, and were called to order by Hon. R. S. Lewis, lieutenant governor, as president of the senate.

Prayer was offered by the Rev. C. W. Harris of Bismarck.

The oath of office was administered to R. S. Lewis, lieutenant governor elect, by D. E. Morgan, chief justice of the supreme court.

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

Second district—Frank A. Holliday.

Fourth district—John L. Cashel.

Sixth district—James Turner.

Eighth district—H. H. Strom.

Tenth district—E. F. Gilbert.

Twelfth district—W. E. Purcell.

Fourteenth district—Ed. Pierce.

Sixteenth district—Maynard Crane.

Eighteenth district—Henry McLean.

Twentieth district—Theodor Koffel.

Twenty-fourth district—J. B. Sharpe.  
 Twenty-sixth district—Alex. McDonald.  
 Twenty-eighth district—D. H. McArthur.  
 Thirtieth district—Ferdinand Leutz.  
 Thirty-second district—Geo. D. Palmer.  
 Thirty-fourth district—C. D. Rice.  
 Thirty-sixth district—Chris. Albright.  
 Thirty-eighth district—K. S. Ramsett.  
 Fortieth district—C. W. Plain.

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

First district—Judson La Moure.  
 Third district—J. J. Irwin.  
 Fifth district—J. E. Stevens.  
 Seventh district—Geo. E. Duis.  
 Ninth district—James Kennedy.  
 Eleventh district—F. S. Talcott.  
 Thirteenth district—Livy Johnson.  
 Fifteenth district—J. H. Whitcher.  
 Seventeenth district—J. G. Gunderson.  
 Nineteenth district—Ole Syvertson.  
 Twenty-third district—Alfred Steel.  
 Twenty-fifth district—Frank M. Walton.  
 Twenty-seventh district—Geo. A. Welch.  
 Twenty-ninth district—John Wallin.  
 Thirty-first district—L. A. Simpson.  
 Thirty-third district—H. J. Bessesen.  
 Thirty-fifth district—J. E. Davis.  
 Thirty-seventh district—E. A. Movius.  
 Thirty-ninth district—A. L. Martin.  
 Forty-first district—W. B. Overson.  
 Forty-second district—F. T. Gronvold.  
 Forty-third district—H. H. Steele.  
 Forty-fourth district—Martin Anderson.  
 Forty-fifth district—T. Welo.  
 Forty-sixth district—E. S. Neal.  
 Forty-seventh district—G. S. Trimble.

The oath of office was administered to the senators elect by D. E. Morgan, chief justice of the supreme court.

Mr. Simpson moved that the senate proceed to organize by the selection of its elective officers as provided by law, which motion prevailed.

Mr. Crane nominated L. A. Simpson as president pro tem of the senate.

There being no further nominations the roll was called and those who voted for Mr. Simpson were:

Messrs.—	Messrs.—	Messrs.—
Albright	LaMoure	Steel, of Stutsman
Anderson	Macdonald	Steele of Ward
Bessesen	Leutz	Stevens
Cashel	McArthur	Strom
Crane	McLean	Syvertson
Davis	Movius	Talcott
Duis	Neal	Trimble
Gilbert	Overson	Turner
Gronvold	Palmer	Wallin
Gunderson	Pierce	Walton
Holliday	Plain	Welch
Irwin	Purcell	Welo
Johnson	Ramsett	Whitcher
Kennedy	Rice	
Koffel	Sharpe	

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

Mr. Welch nominated J. W. Foley as secretary of the senate.

There being no further nominations the roll was called and those who voted for Mr. Foley were:

Messrs.—	Messrs.—	Messrs.—
Albright	LaMoure	Simpson
Anderson	Leutz	Steel, of Stutsman
Bessesen	Macdonald	Steele of Ward
Cashel	McArthur	Stevens
Crane	McLean	Strom
Davis	Movius	Syvertson
Duis	Neal	Talcott
Gilbert	Overson	Trimble
Gronvold	Palmer	Turner
Gunderson	Pierce	Wallin
Holliday	Plain	Walton
Irwin	Purcell	Welch
Johnson	Ramsett	Welo
Kennedy	Rice	Whitcher
Koffel	Sharpe	

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

Mr. Sharpe nominated F. W. Kempf as first assistant secretary of the senate.

There being no further nominations the roll was called and those who voted for Mr. Kempf were:

Messrs.—	Messrs.—	Messrs.—
Albright	LaMoure	Simpson
Anderson	Leutz	Steel, of Stutsman
Bessesen	Macdonald	Steele of Ward
Cashel	McArthur	Stevens
Crane	McLean	Strom
Davis	Movius	Syvertson
Duis	Neal	Talcott
Gilbert	Overson	Trimble

Messrs.—	Messrs.—	Messrs.—
Gronvold	Palmer	Turner
Gunderson	Pierce	Wallin
Holliday	Plain	Walton
Irwin	Purcell	Welch
Johnson	Ramsett	Welo
Kennedy	Rice	Whitcher
Koffel	Sharpe	

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

Mr. McLean nominated S. J. A. Boyd as second assistant secretary of the senate.

There being no further nominations the roll was called and those who voted for Mr. Boyd were:

Messrs.—	Messrs.—	Messrs.—
Albright	LaMoure	Simpson
Anderson	Leutz	Steel, of Stutsman
Bessesen	Macdonald	Steele of Ward
Cashel	McArthur	Stevens
Crane	McLean	Strom
Davis	Movius	Syverson
Duis	Neal	Talcott
Gilbert	Overson	Trimble
Gronvold	Palmer	Turner
Gunderson	Plain	Wallin
Holliday	Purcell	Walton
Irwin	Ramsett	Welch
Johnson	Rice	Welo
Kennedy	Sharpe	Whitcher
Koffel		

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

Mr. McDonald nominated W. P. Thurston as chief enrolling and engrossing clerk.

There being no further nominations the roll was called and those who voted for Mr. Thurston were:

Messrs.—	Messrs.—	Messrs.—
Albright	LaMoure	Simpson
Anderson	Leutz	Steel, of Stutsman
Bessesen	Macdonald	Steele of Ward
Cashel	McArthur	Stevens
Crane	McLean	Strom
Davis	Movius	Syverson
Duis	Neal	Talcott
Gilbert	Overson	Trimble
Gronvold	Palmer	Turner
Gunderson	Pierce	Wallin
Holliday	Plain	Walton
Irwin	Purcell	Welch
Johnson	Ramsett	Welo
Kennedy	Rice	Whitcher
Koffel	Sharpe	

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

Mr. Koffel nominated W. M. House, L. W. Pierson and J. E. Smith as assistant enrolling and engrossing clerks.

There being no further nominations the roll was called and those who voted for Mr. House were:

Messrs.—	Messrs.—	Messrs.—
Albright	LaMoure	Simpson
Anderson	Leutz	Steel, of Stutsman
Bessesen	Macdonald	Steele of Ward
Cashel	McArthur	Stevens
Crane	McLean	Strom
Davis	Movius	Syvertson
Duis	Neal	Talcott
Gilbert	Overson	Trimble
Gronvold	Palmer	Turner
Gunderson	Pierce	Wallin
Holliday	Plain	Walton
Irwin	Purcell	Welch
Johnson	Ramsett	Welo
Kennedy	Rice	Whitcher
Koffel	Sharpe	

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

Those who voted for Mr. Pierson were:

Messrs.—	Messrs.—	Messrs.—
Albright	LaMoure	Simpson
Anderson	Leutz	Steel, of Stutsman
Bessesen	Macdonald	Steele of Ward
Cashel	McArthur	Stevens
Crane	McLean	Strom
Davis	Movius	Syvertson
Duis	Neal	Talcott
Gilbert	Overson	Trimble
Gronvold	Palmer	Turner
Gunderson	Pierce	Wallin
Holliday	Plain	Walton
Irwin	Purcell	Welch
Johnson	Ramsett	Welo
Kennedy	Rice	Whitcher
Koffel	Sharpe	

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

Those who voted for Mr. Smith were:

Messrs.—	Messrs.—	Messrs.—
Albright	LaMoure	Simpson
Anderson	Leutz	Steel, of Stutsman
Bessesen	Macdonald	Steele of Ward
Cashel	McArthur	Stevens
Crane	McLean	Strom
Davis	Movius	Syvertson
Duis	Neal	Talcott
Gilbert	Overson	Trimble
Gronvold	Palmer	Turner
Gunderson	Pi rice	Wallin
Holliday	Plain	Walton
Irwin	Purcell	Welch
Koffel		



Messrs.—	Messrs.—	Messrs.—
Johnson	Ramsett	Welo
Kennedy	Rice	Whitcher
Koffel	Sharpe	

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

Mr. Bessesen nominated C. Parsons as voucher clerk and bookkeeper.

There being no further nominations the roll was called and those who voted for Mr. Parsons were:

Messrs.—	Messrs.—	Messrs.—
Albright	LaMoure	Simpson
Anderson	Leutz	Steel, of Stutsman
Bessesen	Macdonald	Steele of Ward
Cashel	McArthur	Stevens
Crane	McLean	Strom
Davis	Movius	Syverson
Duis	Neal	Talcott
Gilbert	Overson	Trimble
Gronvold	Palmer	Turner
Gunderson	Pierce	Wallin
Holliday	Plain	Walton
Irwin	Purcell	Welch
Johnson	Ramsett	Welo
Kennedy	Rice	Whitcher
Koffel	Sharpe	

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

Mr. Gilbert nominated Hawley Russell as stenographer for the senate.

There being no further nominations the roll was called and those who voted for Mr. Russell were:

Messrs.—	Messrs.—	Messrs.—
Albright	LaMoure	Simpson
Anderson	Leutz	Steel, of Stutsman
Bessesen	Macdonald	Steele of Ward
Cashel	McArthur	Stevens
Crane	McLean	Strom
Davis	Movius	Syverson
Duis	Neal	Talcott
Gilbert	Overson	Trimble
Gronvold	Palmer	Turner
Gunderson	Pierce	Wallin
Holliday	Plain	Walton
Irwin	Purcell	Welch
Johnson	Ramsett	Welo
Kennedy	Rice	Whitcher
Koffel	Sharpe	

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

Mr. Pierce nominated James Walsh as sergeant at arms.

There being no further nominations the roll was called and those who voted for Mr. Walsh were:

Messrs.—	Messrs.—	Messrs.—
Albright	LaMoure	Simpson
Anderson	Leutz	Steel, of Stutsman
Bessesen	Macdonald	Steele of Ward
Cashel	McArthur	Stevens
Crane	McLean	Strom
Davis	Movius	Syvertson
Duis	Neal	Talcott
Gilbert	Overson	Trimble
Gronvold	Palmer	Turner
Gunderson	Pierce	Wallin
Holliday	Plain	Walton
Irwin	Purcell	Welch
Johnson	Ramsett	Welo
Kennedy	Rice	Whitcher
Koffel	Sharpe	

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

Mr. Talcott nominated E. Dutton as door keeper.

There being no further nominations the roll was called and those who voted for Mr. Dutton were:

Messrs.—	Messrs.—	Messrs.—
Albright	LaMoure	Simpson
Anderson	Leutz	Steel, of Stutsman
Bessesen	Macdonald	Steele of Ward
Cashel	McArthur	Stevens
Crane	McLean	Strom
Davis	Movius	Syvertson
Duis	Neal	Talcott
Gilbert	Overson	Trimble
Gronvold	Palmer	Turner
Gunderson	Pierce	Wallin
Holliday	Plain	Walton
Irwin	Purcell	Welch
Johnson	Ramsett	Welo
Kennedy	Rice	Whitcher
Koffel	Sharpe	

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

Mr. Plain nominated F. A. McDonald as messenger.

There being no further nominations the roll was called and those who voted for Mr. McDonald were:

Messrs.—	Messrs.—	Messrs.—
Albright	LaMoure	Simpson
Anderson	Leutz	Steel, of Stutsman
Bessesen	Macdonald	Steele of Ward
Cashel	McArthur	Stevens
Crane	McLean	Strom
Davis	Movius	Syvertson
Duis	Neal	Talcott
Gilbert	Overson	Trimble
Gronvold	Palmer	Turner

Messrs.—	Messrs.—	Messrs.—
Gunderson	Pierce	Wallin
Holliday	Plain	Walton
Irwin	Purcell	Welch
Johnson	Ramsett	Welo
Kennedy	Rice	Whitcher
Koffel	Sharpe	

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

Mr. Leutz nominated Geo. Platzer as postmaster.

There being no further nominations the roll was called and those who voted for Mr. Platzer were:

Messrs.—	Messrs.—	Messrs.—
Albright	LaMoure	Simpson
Anderson	Leutz	Steel, of Stutsman
Bessesen	Macdonald	Steele of Ward
Cashel	McArthur	Stevens
Crane	McLean	Strom
Davis	Movius	Syvertson
Duis	Neal	Talcott
Gilbert	Overson	Trimble
Gronvold	Palmer	Turner
Gunderson	Pierce	Wallin
Holliday	Plain	Walton
Irwin	Purcell	Welch
Johnson	Ramsett	Welo
Kennedy	Rice	Whitcher
Koffel	Sharpe	

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

Mr. Koffel nominated George W. Power, Hubert Holmes, Arthur Patzman, John Ehli, Charles Cushing, James Blunt, as pages.

There being no further nominations the roll was called and those who voted for George W. Power were:

Messrs.—	Messrs.—	Messrs.—
Albright	LaMoure	Simpson
Anderson	Leutz	Steel, of Stutsman
Bessesen	Macdonald	Steele of Ward
Cashel	McArthur	Stevens
Crane	McLean	Strom
Davis	Movius	Syvertson
Duis	Neal	Talcott
Gilbert	Overson	Trimble
Gronvold	Palmer	Turner
Gunderson	Pierce	Wallin
Holliday	Plain	Walton
Irwin	Purcell	Welch
Johnson	Ramsett	Welo
Kennedy	Rice	Whitcher
Koffel	Sharpe	

George W. Power having received a majority of the votes cast was declared elected.

## Those who voted for Hubert Holmes were:

Messrs.—	Messrs.—	Messrs.—
Albright	LaMoure	Simpson
Anderson	Leutz	Steel, of Stutsman
Bessesen	Macdonald	Steele of Ward
Cashel	McArthur	Stevens
Crane	McLean	Strom
Davis	Movius	Syvertson
Duis	Neal	Talcott
Gilbert	Overson	Trimble
Gronvold	Palmer	Turner
Gunderson	Pierce	Wallin
Holliday	Plain	Walton
Irwin	Purcell	Welch
Johnson	Ramsett	Welo
Kennedy	Rice	Whitcher
Koffel	Sharpe	

Hubert Holmes having received a majority of the votes cast was declared elected.

## Those who voted for Arthur Patzman were:

Messrs.—	Messrs.—	Messrs.—
Albright	LaMoure	Simpson
Anderson	Leutz	Steel, of Stutsman
Bessesen	Macdonald	Steele of Ward
Cashel	McArthur	Stevens
Crane	McLean	Strom
Davis	Movius	Syvertson
Duis	Neal	Talcott
Gilbert	Overson	Trimble
Gronvold	Palmer	Turner
Gunderson	Pierce	Wallin
Holliday	Plain	Walton
Irwin	Purcell	Welch
Johnson	Ramsett	Welo
Kennedy	Rice	Whitcher
Koffel	Sharpe	

Arthur Patzman having received a majority of the votes cast was declared elected.

## Those who voted for John Ehli were:

Messrs.—	Messrs.—	Messrs.—
Albright	LaMoure	Simpson
Anderson	Leutz	Steel, of Stutsman
Bessesen	Macdonald	Steele of Ward
Cashel	McArthur	Stevens
Crane	McLean	Strom
Davis	Movius	Syvertson
Duis	Neal	Talcott
Gilbert	Overson	Trimble
Gronvold	Palmer	Turner
Gunderson	Pierce	Wallin
Holliday	Plain	Walton
Irwin	Purcell	Welch
Johnson	Ramsett	Welo
Kennedy	rice	Whitcher
Koffel	Sharpe	

John Ehli having received a majority of the votes cast was declared elected.

Those who voted for Charles Cushing were:

Messrs.—	Messrs.—	Messrs.—
Albright	LaMoure	Simpson
Anderson	Leutz	Steel, of Stutsman
Bessesen	Macdonald	Steele of Ward
Cashel	McArthur	Stevens
Crane	McLean	Strom
Davis	Movius	Syverson
Duis	Neal	Talcott
Gilbert	Overson	Trimble
Gronvold	Palmer	Turner
Gunderson	Pierce	Wallin
Holliday	Plain	Walton
Irwin	Purcell	Welch
Johnson	Ramsett	Welo
Kennedy	Rice	Whitcher
Koffel	Sharpe	

Charles Cushing having received a majority of the votes cast was declared elected.

Those who voted for James Blunt were:

Messrs.—	Messrs.—	Messrs.—
Albright	LaMoure	Simpson
Anderson	Leutz	Steel, of Stutsman
Bessesen	Macdonald	Steele of Ward
Cashel	McArthur	Stevens
Crane	McLean	Strom
Davis	Movius	Syverson
Duis	Neal	Talcott
Gilbert	Overson	Trimble
Gronvold	Palmer	Turner
Gunderson	Pierce	Wallin
Holliday	Plain	Walton
Irwin	Purcell	Welch
Johnson	Ramsett	Welo
Kennedy	Rice	Whitcher
Koffel	Sharpe	

James Blunt having received a majority of the votes cast was declared elected.

Mr. Pierce introduced the following resolution:

Whereas, The membership of the senate has been largely increased and additional services required by reason thereof; therefore

Resolved, That the services of two additional pages is hereby declared necessary and that Roy Durham and John Cox be elected as such pages.

Mr. Pierce moved

The adoption of the resolution.

The roll was called and those who voted for John Cox were:

Messrs.—	Messrs.—	Messrs.—
Albright	LaMoure	Simpson
Anderson	Leutz	Steel, of Stutsman
Bessesen	McArthur	Steele of Ward
Cashel	McLean	Stevens

## Messrs.—

Crane  
Davis  
Duis  
Gilbert  
Gronvold  
Gunderson  
Holliday  
Irwin  
Johnson  
Kennedy  
Koffel

## Messrs.—

Movius  
Neal  
Overson  
Palmer  
Pierce  
Plain  
Purcell  
Ramsett  
Rice  
Sharpe

## Messrs.—

Strom  
Syvertson  
Talcott  
Trimble  
Turner  
Wallin  
Walton  
Welch  
Welo  
Whitcher

Mr. McDonald voted in the negative.

Mr. Crane explained his vote.

John Cox having received a majority of the votes cast was declared elected.

Those who voted for Roy Durham were:

## Messrs.—

Albright  
Anderson  
Bessesen  
Cashel  
Crane  
Davis  
Duis  
Gilbert  
Gronvold  
Gunderson  
Holliday  
Irwin  
Johnson  
Kennedy  
Koffel

## Messrs.—

LaMoure  
Leutz  
McArthur  
McLean  
Movius  
Neal  
Overson  
Palmer  
Pierce  
Plain  
Purcell  
Ramsett  
Rice  
Sharpe

## Messrs.—

Simpson  
Steel, of Stutsman  
Steele of Ward  
Stevens  
Strom  
Syvertson  
Talcott  
Trimble  
Turner  
Wallin  
Walton  
Welch  
Welo  
Whitcher

Mr. McDonald voted in the negative.

Roy Durham having received a majority of the votes cast was declared elected.

Mr. Ramsett nominated Ray Moe as proofreader.

There being no further nominations the roll was called and those who voted for Mr. Moe were:

## Messrs.—

Albright  
Anderson  
Bessesen  
Cashel  
Crane  
Davis  
Duis  
Gilbert  
Gronvold  
Gunderson  
Holliday  
Irwin  
Johnson  
Kennedy  
Koffel

## Messrs.—

LaMoure  
Leutz  
Macdonald  
McArthur  
McLean  
Movius  
Neal  
Overson  
Palmer  
Pierce  
Plain  
Purcell  
Ramsett  
Rice  
Sharpe

## Messrs.—

Simpson  
Steel, of Stutsman  
Steele of Ward  
Stevens  
Strom  
Syvertson  
Talcott  
Trimble  
Turner  
Wallin  
Walton  
Welch  
Welo  
Whitcher

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

Mr. Koffel nominated Rev. C. W. Harris as chaplain.

There being no further nominations the roll was called and those who voted for Mr. Harris were:

Messrs.—	Messrs.—	Messrs.—
Albright	LaMoure	Simpson
Anderson	Leutz	Steel, of Stutsman
Bessesen	Macdonald	Steele of Ward
Cashel	McArthur	Stevens
Crane	McLean	Strom
Davis	Movius	Svvertson
Duis	Neal	Talcott
Gilbert	Overson	Trimble
Gronvold	Palmer	Turner
Gunderson	Pierce	Wallin
Holliday	Plain	Walton
Irwin	Purcell	Welch
Johnson	Ramsett	Welo
Kennedy	Rice	Whitcher
Koffel	Sharpe	

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

Mr. Koffel nominated E. A. Bryn and E. M. Michellsohn as janitors.

There being no further nominations the roll was called and those who voted for Mr. Bryn were:

Messrs.—	Messrs.—	Messrs.—
Albright	LaMoure	Simpson
Anderson	Leutz	Steel, of Stutsman
Bessesen	Macdonald	Steele of Ward
Cashel	McArthur	Stevens
Crane	McLean	Strom
Davis	Movius	Svvertson
Duis	Neal	Talcott
Gilbert	Overson	Trimble
Gronvold	Palmer	Turner
Gunderson	Ramsett	Wallin
Holliday	Pierce	Walton
Irwin	Plain	Welch
Johnson	Purcell	Welo
Kennedy	Rice	Whitcher
Koffel	Sharpe	

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

Those who voted for Mr. Michellsohn were:

Messrs.—	Messrs.—	Messrs.—
Albright	LaMoure	Simpson
Anderson	Leutz	Steel, of Stutsman
Bessesen	Macdonald	Steele of Ward
Cashel	McArthur	Stevens
Crane	McLean	Strom

Messrs.—	Messrs.—	Messrs.—
Davis	Movius	Syvertson
Duis	Neal	Talcott
Gilbert	Overson	Trimble
Gronvold	Palmer	Turner
Gunderson	Pierce	Wallin
Holliday	Plain	Walton
Irwin	Purcell	Welch
Johnson	Ramsett	Welo
Kennedy	Rice	Whitcher
Koffel	Sharpe	

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

Mr. LaMoure moved that the oath of office be administered to J. W. Foley and F. W. Kempf as secretary and assistant secretary.

Which motion prevailed, and

The president administered the oath to J. W. Foley and F. W. Kempf.

Mr. Duis nominated W. J. Lowe as watchman.

There being no further nominations the roll was called and those who voted for Mr. Lowe were:

Messrs.—	Messrs.—	Messrs.—
Albright	Leutz	Steel, of Stutsman
Anderson	Macdonald	Steele of Ward
Cashel	McArthur	Stevens
Crane	McLean	Strom
Davis	Movius	Syvertson
Duis	Neal	Talcott
Gilbert	Overson	Trimble
Gronvold	Palmer	Turner
Gunderson	Pierce	Wallin
Holliday	Plain	Walton
Irwin	Purcell	Welch
Johnson	Ramsett	Welo
Kennedy	Rice	Whitcher
Koffel	Sharpe	
LaMoure	Simpson	

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

Mr. Palmer nominated C. M. Iron as cloak room attendant

There being no further nominations the roll was called and those who voted for Mr. Iron were:

Messrs.—	Messrs.—	Messrs.—
Albright	LaMoure	Simpson
Anderson	Leutz	Steel, of Stutsman
Pessesen	Macdonald	Steele of Ward
Cashel	McArthur	Stevens
Crane	McLean	Strom
Davis	Movius	Syvertson
Duis	Neal	Talcott
Gilbert	Overson	Trimble
Gronvold	Palmer	Turner



Messrs.—	Messrs.—	Messrs.—
Gunderson	Pierce	Wallin
Holliday	Plain	Walton
Irwin	Purcell	Welch
Johnson	Ramsett	Welo
Kennedy	Rice	Whitcher
Koffel	Sharpe	

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

Mr. Sharpe moved that the courtesies of the senate, capitol building and grounds be extended to Col. C. B. Little.

Which motion prevailed.

Mr. Steel nominated G. M. Wilcox as bill clerk.

There being no further nominations the roll was called and those who voted for Mr. Wilcox were:

Messrs.—	Messrs.—	Messrs.—
Albright	LaMoure	Simpson
Anderson	Leutz	Steel, of Stutsman
Bessesen	Macdonald	Steele of Ward
Cashel	McArthur	Stevens
Crane	McLean	Strom
Davis	Movius	Syvertson
Duis	Neal	Talcott
Gilbert	Overson	Trimble
Gronvold	Palmer	Turner
Gunderson	Pierce	Wallin
Holliday	Plain	Walton
Irwin	Purcell	Welch
Johnson	Ramsett	Welo
Kennedy	Rice	Whitcher
Koffel	Sharpe	

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

Mr. Walton nominated Arthur Bartlett as doorkeeper of the gallery.

There being no further nominations the roll was called and those who voted for Mr. Bartlett were:

Messrs.—	Messrs.—	Messrs.—
Albright	LaMoure	Simpson
Anderson	Leutz	Steel, of Stutsman
Bessesen	Macdonald	Steele of Ward
Cashel	McArthur	Stevens
Crane	McLean	Strom
Davis	Movius	Syvertson
Duis	Neal	Talcott
Gilbert	Overson	Trimble
Gronvold	Palmer	Turner
Gunderson	Pierce	Wallin
Holliday	Plain	Walton
Irwin	Purcell	Welch
Johnson	Ramsett	Welo
Kennedy	Rice	Whitcher
Koffel	Sharpe	

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

Mr. Syvertson nominated Leon De Roucher as assistant bill clerk.

There being no further nominations the roll was called and those who voted for Mr. De Roucher were:

Messrs.—	Messrs.—	Messrs.—
Albright	LaMoure	Simpson
Anderson	Leutz	Steel, of Stutsman
Bessesen	Macdonald	Steele of Ward
Cashel	McArthur	Stevens
Crane	McLean	Strom
Davis	Movius	Syvertson
Duis	Neal	Talcott
Gilbert	Overson	Trimble
Gronvold	Palmer	Turner
Gunderson	Pierce	Wallin
Holliday	Plain	Walton
Irwin	Purcell	Welch
Johnson	Ramsett	Welo
Kennedy	Rice	Whitcher
Koffel	Sharpe	

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

Mr. Johnson nominated A. Leslie as clerk of the judiciary committee.

There being no further nominations the roll was called and those who voted for Mr. Leslie were:

Messrs.—	Messrs.—	Messrs.—
Albright	Leutz	Steel, of Stutsman
Anderson	McArthur	Steele of Ward
Bessesen	McLean	Stevens
Cashel	Movius	Strom
Davis	Neal	Syvertson
Duis	Overson	Talcott
Gronvold	Palmer	Trimble
Gunderson	Pierce	Turner
Holliday	Plain	Wallin
Irwin	Purcell	Walton
Johnson	Ramsett	Welch
Kennedy	Rice	Welo
Koffel	Sharpe	Whitcher
LaMoure	Simpson	

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

Mr. La Moure nominated J. M. Wylie as clerk of the appropriations committee.

There being no further nominations the roll was called and those who voted for Mr. Wylie were:

Messrs.—	Messrs.—	Messrs.—
Albright	Leutz	Rice
Anderson	Koffel	Simpson

Messrs.—	Messrs.—	Messrs.—
Bessesen	Macdonald	Steel, of Stutsman
Cashel	McArthur	Steele of Ward
Davis	McLean	Strom
Duis	Movius	Syverson
Gronvold	Neal	Talcott
Gunderson.	Overson	Trimble
Holliday	Palmer	Turner
Irwin	Pierce	Wallin
Johnson	Plain	Welch
Kennedy	Purcell	Welo
Koffel	Ramsett	Whitcher
LaMoure		

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

Mr. Strom nominated A. Steenson as clerk of the committee on state affairs.

There being no further nominations the roll was called and those who voted for Mr. Steenson were:

Messrs.—	Messrs.—	Messrs.—
Albright	LaMoure	Simpson
Anderson	Leutz	Steel, of Stutsman
Bessesen	Macdonald	Steele of Ward
Cashel	McArthur	Stevens
Crane	McLean	Strom
Davis	Movius	Syverson
Duis	Neal	Talcott
Gilbert	Overson	Trimble
Gronvold	Palmer	Turner
Gunderson	Pierce	Wallin
Holliday	Plain	Walton
Irwin	Purcell	Welch
Johnson	Ramsett	Welo
Kennedy	Rice	Whitcher
Koffel		

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

Mr. Davis nominated A. S. Reitan as journal clerk.

There being no further nominations the roll was called and those who voted for A. S. Reitan were as follows:

Messrs.—	Messrs.—	Messrs.—
Albright	LaMoure	Sharpe
Anderson	Leutz	Simpson
Bessesen	Macdonald	Steel, of Stutsman
Cashel	McArthur	Steele of Ward
Crane	McLean	Stevens
Davis	Movius	Strom
Duis	Neal	Syverson
Gilbert	Overson	Talcott
Gronvold	Palmer	Trimble
Gunderson	Pierce	Turner
Holliday	Plain	Wallin
Irwin	Purcell	Walton
Johnson	Ramsett	Welch
Kennedy	Rice	Whitcher
Koffel		

A. S. Reitan having received a majority of the votes cast was declared elected.

Mr. Gunderson nominated Gilbert Tien as assistant journal clerk.

There being no further nominations the roll was called and those who voted for Mr. Tien were:

Messrs.—	Messrs.—	Messrs.—
Albright	LaMoure	Simpson
Anderson	Leutz	Steel, of Stutsman
Bessesen	Macdonald	Steele of Ward
Cashel	McArthur	Stevens
Crane	McLean	Strom
Davis	Movius	Syvertson
Duis	Neal	Talcott
Gilbert	Overson	Trimble
Gronvold	Palmer	Turner
Gunderson	Pierce	Wallin
Holliday	Plain	Walton
Irwin	Purcell	Welch
Johnson	Ramsett	Welo
Kennedy	Rice	Whitcher
Koffel	Sharpe	

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

Mr. Koffel nominated Mabel Peterson, Burdena Gulsett, Ethel M. Newberry, Luella Pennebaker, Katherine Coleman, Cora Simpson and Marion McKenzie as stenographers.

M. Welch nominated Miss Clara Stevens of Burleigh as stenographer.

Mr. La Moure objected to the election of another stenographer at this time.

Mr. Welch withdrew the nomination.

The roll was called and those who voted for Mabel Peterson were:

Messrs.—	Messrs.—	Messrs.—
Albright	Leutz	Simpson
Anderson	Macdonald	Steel, of Stutsman
Bessesen	McArthur	Steele of Ward
Cashel	McLean	Stevens
Crane	Movius	Strom
Duis	Neal	Syvertson
Gilbert	Overson	Talcott
Gronvold	Palmer	Trimble
Gunderson	Pierce	Turner
Holliday	Plain	Wallin
Irwin	Purcell	Walton
Johnson	Ramsett	Welch
Kennedy	Rice	Welo
Koffel	Sharpe	Whitcher
LaMoure		

Mabel Peterson having received a majority of the votes cast was declared elected.

## Those who voted for Rurdena Gulsett were:

Messrs.—	Messrs.—	Messrs.—
Albright	Leutz	Simpson
Anderson	Macdonald	Steel, of Stutsman
Bessesen	McArthur	Steele of Ward
Cashel	McLean	Stevens
Crane	Movius	Strom
Duis	Neal	Syverson
Gilbert	Overson	Talcott
Gronvold	Palmer	Trimble
Gunderson	Pierce	Turner
Holliday	Plain	Wallin
Irwin	Purcell	Walton
Johnson	Ramsett	Welch
Kennedy	Rice	Welo
Koffel	Sharpe	Whitcher
LaMoire		

Rurdena Gulsett having received a majority of the votes cast was declared elected.

## Those who voted for Ethel Newberry were:

Messrs.—	Messrs.—	Messrs.—
Albright	Leutz	Simpson
Anderson	Macdonald	Steel, of Stutsman
Bessesen	McArthur	Steele of Ward
Cashel	McLean	Stevens
Crane	Movius	Strom
Duis	Neal	Syverson
Gilbert	Overson	Talcott
Gronvold	Palmer	Trimble
Gunderson	Pierce	Turner
Holliday	Plain	Wallin
Irwin	Purcell	Walton
Johnson	Ramsett	Welch
Kennedy	Rice	Welo
Koffel	Sharpe	Whitcher
LaMoire		

Ethel Newberry having received a majority of the votes cast was declared elected.

## Those who voted for Luella Pennebaker were:

Messrs.—	Messrs.—	Messrs.—
Albright	Leutz	Simpson
Anderson	Macdonald	Steel, of Stutsman
Bessesen	McArthur	Steele of Ward
Cashel	McLean	Stevens
Crane	Movius	Strom
Duis	Neal	Syverson
Gilbert	Overson	Talcott
Gronvold	Palmer	Trimble
Gunderson	Pierce	Turner
Holliday	Plain	Wallin
Irwin	Purcell	Walton
Johnson	Ramsett	Welch
Kennedy	Rice	Welo
Koffel	Sharpe	Whitcher
LaMoire		

Luella Pennebaker having received a majority of the votes cast was declared elected.

Those who voted for Cora Simpson were:

Messrs.—	Messrs.—	Messrs.—
Albright	Leutz	Simpson
Anderson	Macdonald	Steel, of Stutsman
Bessesen	McArthur	Steele of Ward
Cashel	McLean	Stevens
Crane	Movius	Strom
Duis	Neal	Syvertson
Gilbert	Overson	Talcott
Gronvold	Palmer	Trimble
Gunderson	Pierce	Turner
Holliday	Plain	Wallin
Irwin	Purcell	Walton
Johnson	Ramsett	Welch
Kennedy	Rice	Welo
Koffel	Sharpe	Whitcher
LaMoure		

Cora Simpson having received a majority of the votes cast was declared elected.

Those who voted for Katherine Coleman were:

Messrs.—	Messrs.—	Messrs.—
Albright	Leutz	Simpson
Anderson	Macdonald	Steel, of Stutsman
Bessesen	McArthur	Steele of Ward
Cashel	McLean	Stevens
Crane	Movius	Strom
Duis	Neal	Syvertson
Gilbert	Overson	Talcott
Gronvold	Palmer	Trimble
Gunderson	Pierce	Turner
Holliday	Plain	Wallin
Irwin	Purcell	Walton
Johnson	Ramsett	Welch
Kennedy	Rice	Welo
Koffel	Sharpe	Whitcher
LaMoure		

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

Those who voted for Marion McKenzie were:

Messrs.—	Messrs.—	Messrs.—
Albright	Leutz	Simpson
Anderson	McArthur	Steel, of Stutsman
Bessesen	Macdonald	Steele of Ward
Cashel	McLean	Stevens
Crane	Movius	Strom
Duis	Neal	Syvertson
Gilbert	Overson	Talcott
Gronvold	Palmer	Trimble
Gunderson	Pierce	Turner
Holliday	Plain	Wallin
Irwin	Purcell	Walton
Johnson	Ramsett	Welch

Messrs.—	Messrs.—	Messrs.—
Kennedy	Rice	Welo
Koffel	Sharpe	Whitcher
LaMoure		

Marion McKenzie having received a majority of the votes cast was declared elected.

Mr. Welo nominated M. Skarison and John Wigby as bill room clerks.

There being no further nominations the roll was called and those who voted for M. Skarison were:

Messrs.—	Messrs.—	Messrs.—
Albright	Leutz	Simpson
Anderson	Macdonald	Steel, of Stutsman
Bessesen	McArthur	Steele of Ward
Cashel	McLean	Stevens
Crane	Movius	Strom
Duis	Neal	Syverson
Gilbert	Overson	Talcott
Gronvold	Palmer	Trimble
Gunderson	Pierce	Turner
Holliday	Plain	Wallin
Irwin	Purcell	Walton
Kennedy	Ramsett	Welch
Koffel	Rice	Welo
LaMoure	Sharpe	Whitcher

M. Skarison having received a majority of the votes cast was declared elected.

Those who voted for John Wigby were:

Messrs.—	Messrs.—	Messrs.—
Albright	Leutz	Simpson
Anderson	Macdonald	Steel, of Stutsman
Bessesen	McArthur	Steele of Ward
Cashel	McLean	Stevens
Crane	Movius	Strom
Duis	Neal	Syverson
Gilbert	Overson	Talcott
Gronvold	Palmer	Trimble
Gunderson	Pierce	Turner
Holliday	Plain	Wallin
Irwin	Purcell	Walton
Kennedy	Ramsett	Welch
Koffel	Rice	Welo
LaMoure	Sharpe	Whitcher

John Wigby having received a majority of the votes cast was declared elected.

Mr. Koffel offered the following resolution:

Resolved, That the following offices be created, to-wit.: One official stenographer to the lieutenant governor; one assistant postmaster; one chief bill room clerk; one assistant bill room clerk; one assistant watchman; four assistant enrolling and engrossing clerks in addition to the three provided by law.

Which resolution was adopted.

Mr. La Moure moved

That the president appoint a committee of seven on rules and that the senate be governed by the rules of the last session until the new rules be adopted.

Which motion prevailed.

Mr. Crane moved

That a committee of three be appointed to wait on the governor and inform him that the senate was organized and ready to receive any communication from the executive.

Which motion prevailed.

Mr. Simpson moved

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

Which motion prevailed.

Mr. Stevens nominated Jno. O. Quamme as assistant post-master.

There being no other nominations the roll was called and those who voted for Mr. Quamme were:

Messrs.—	Messrs.—	Messrs.—
Albright	Leutz	Simpson
Anderson	Macdonald	Steel, of Stutsman
Bessesen	McArthur	Steele of Ward
Cashel	McLean	Stevens
Crane	Movius	Strom
Davis	Neal	Syvertson
Duis	Overson	Talcott
Gilbert	Palmer	Trimble
Gronvold	Pierce	Turner
Gunderson	Plain	Wallin
Holliday	Purcell	Walton
Irwin	Ramsett	Welch
Kennedy	Rice	Welo
Koffel	Sharpe	Whitcher
LaMoure		

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

Mr. Neal nominated Alex Miller as assistant watchman.

There being no further nominations the roll was called and those who voted for Mr. Miller were:

Messrs.—	Messrs.—	Messrs.—
Albright	LaMoure	Steel, of Stutsman
Anderson	Leutz	Steele of Ward
Bessesen	Macdonald	Stevens
Cashel	McArthur	Strom
Crane	McLean	Syvertson
Davis	Movius	Talcott
Duis	Neal	Trimble
Gilbert	Overson	Turner
Gronvold	Pierce	Wallin
Gunderson	Plain	Walton
Holliday	Purcell	Welch



Messrs.—  
Irwin  
Kennedy  
Koffel

Messrs.—  
Ramsett  
Simpson

Messrs.—  
Welo  
Whitcher

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

Mr. Wallin nominated M. N. Samuelson as assistant enrolling and engrossing clerk.

There being no further nominations the roll was called and those who voted for Mr. Samuelson were:

Messrs.—  
Albright  
Anderson  
Bessesen  
Cashel  
Crane  
Davis  
Duis  
Gilbert  
Gronvold  
Holliday  
Irwin  
Kennedy  
Koffel  
LaMoure

Messrs.—  
Leutz  
Macdonald  
McArthur  
McLean  
Movius  
Neal  
Overson  
Palmer  
Pierce  
Plain  
Purcell  
Ramsett  
Rice  
Sharpe

Messrs.—  
Simpson  
Steel, of Stutsman  
Steele of Ward  
Stevens  
Strom  
Syvertson  
Talcott  
Trimble  
Turner  
Wallin  
Walton  
Welch  
Welo  
Whitcher

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

Mr. Overson nominated Lawrence Casey as assistant enrolling and engrossing clerk.

Mr. Steel of Stutsman nominated J. D. Gray as assistant engrossing and enrolling clerk.

There being no further nominations the roll was called and those who voted for Lawrence Casey were:

Messrs.—  
Albright  
Anderson  
Bessesen  
Cashel  
Crane  
Davis  
Duis  
Gilbert  
Gronvold  
Gunderson  
Holliday  
Irwin  
Kennedy  
Koffel

Messrs.—  
LaMoure  
Leutz  
Macdonald  
McArthur  
McLean  
Movius  
Neal  
Overson  
Pierce  
Plain  
Purcell  
Ramsett  
Sharpe  
Simpson

Messrs.—  
Steel, of Stutsman  
Steele of Ward  
Stevens  
Strom  
Syvertson  
Talcott  
Trimble  
Turner  
Wallin  
Walton  
Welch  
Welo  
Whitcher

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

Those who voted for J. D. Gray were:

## Messrs.—

Albright  
Anderson  
Bessesen  
Cashel  
Crane  
Davis  
Duis  
Gilbert  
Gronvold  
Gunderson  
Holliday  
Irwin  
Kennedy  
Koffel

## Messrs.—

LaMoure  
Leutz  
Macdonald  
McArthur  
McLean  
Movius  
Neal  
Overson  
Pierce  
Plain  
Purcell  
Ramsett  
Sharpe  
Simpson

## Messrs.—

Steel, of Stutsman  
Steele of Ward  
Stevens  
Strom  
Syvertson  
Talcott  
Trimble  
Turner  
Wallin  
Walton  
Welch  
Welo  
Whitcher

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

The president announced the appointment of the following committees:

To wait on the governor—Messrs. La Moure, Crane, Purcell.

To inform the house—Messrs. Simpson, Sharpe and Talcott.

Mr. Crane moved

That the senate take a recess for ten minutes.

Which motion prevailed.

The senate reconvened,

The president presiding.

The president announced the following committee on rules:

Messrs. McDonald, La Moure, Cashel, Sharpe, Talcott, Koffel and Kennedy.

Mr. Simpson of the committee to wait on the house informed the senate that the house had been informed of the organization of the senate.

Mr. La Moure of the committee to inform the governor informed the senate that the governor had been notified and would be pleased to meet with the legislature in joint session at any time after today.

Mr. Simpson offered the following resolution:

Be it Resolved by the Senate of the State of North Dakota:

That this body has learned with regret of the present illness at Minneapolis of the Hon. Henry C. Hansbrough, senior United States senator from this state; that we deeply sympathize with the senator in his illness and wish him a speedy recovery to health.

Mr. Simpson moved

That the resolution be adopted.

Which motion prevailed, and

The resolution was adopted.

A committee of Messrs. McCrea, Duncan and Garden informed the senate that the house was organized and ready for business.

Mr. Talcott moved

That a committee of three be named to confer with a like committee from the house and arrange for a joint session to receive the governor's message.

Which motion prevailed, and

The president named Messrs. Pierce, Cashel and Gilbert.

### MESSAGE FROM THE HOUSE.

The following message was received from the house:

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

Mr. President:

I have the honor to announce to the senate that the house has organized by the election of the following officers and is ready to receive any communications from the senate.

Speaker—U. L. Burdick.

Chief Clerk—W. D. Austin.

Assistant Clerks—E. Erlandson and E. H. Griffith.

Pages—Clarence Pierson, Floyd Paris, Willie Laist, Wesley R. Cochrane, Curtis Dierlam, Julius Amberson, R. P. Hughes.

House Janitors—Hans Thompson, T. S. Nygard, Geo. Fisher, James Flannigan.

Watchman—Ralph Radford.

Cloak Room Attendant—Ben Wagsness.

Journal Clerk—Chas. Greenwood.

Assistant Journal Clerk—T. C. White.

Voucher Clerk—J. J. Clary.

Engrossing and Enrolling Clerk—T. G. Anderson.

Stenographer—Miss Mabel Thorburn.

Sergeant at Arms—John Norris.

Bill Clerk—Geo. Ferris.

Assistant Bill Clerk—J. H. Logen.

Door Keepers—James Lynch and A. H. Crawford.

Gallery Door Keeper—Matt Gullickson.

Clerk of Judiciary Committee—Frank Gladstone.

Clerk of Appropriation Committee—Alex. Wright.

Clerk of State Affairs Committee—L. H. Patton.

Mesengers—Theo. Helberg and M. O. Olson.

Postmaster—Alix Froelich.

Chaplain—Louis Magin.

Stenographers and Typewriters—Bertha Anderson, Florence Connolly, Oscar Bredston, Tess Henry, Miss Mallough, F. E. Packard, George Schnepfer, E. R. Coleman, Gertrude Leonard.

Respectfully submitted,

W. D. AUSTIN,  
Chief Clerk.

Mr. Crane moved

That five copies each of bills and journals be supplied to members, and that the usual desk supplies be supplied to members, and that bills and files be supplied to newspaper correspondents.

Which motion prevailed.

The president administered the oath to the following officers and employes:

L. A. Simpson—President pro tem.

J. W. Foley—Secretary of Senate.

F. W. Kempf—Assistant Secretary.

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

Katherine Coleman—Stenographer.

Cora G. Simpson—Stenographer.

Mabel Peterson—Stenographer.

W. P. Thurston, chief engrossing and enrolling clerk.

Ethel M. Newberry—Stenographer.

Hawley Russell—Stenographer of the Senate.

Marion McKenzie—Stenographer.

C. W. Harris, Chaplain.

M. Skarison, bill room clerk.

Carrie Morrish—Lieutenant Governor Stenographer.

Geo. Platzner—Postmaster.

J. O. Quamme—Assistant Postmaster.

L. W. Pierson—Assistant Engrossing and Enrolling Clerk.

Leon De Roucher—Assistant Bill Clerk.

W. J. Lowe—Watchman.

A. Miller—Watchman.

James Walsh—Sergeant at Arms.

J. M. Wylie—Clerk of Appropriations.

F. A. McDonald—Messenger.

Arthur Patzman—Page.

Charles Cushing—Page.

Hubert Holmes—Page.

John Cox—Page.

James Blunt—Page.

Roy Durham—Page.

John Ehli—Page.

Roy L. Moe—Proofreader.

Mr. Talcott moved

That the senate adjourn until 2 o'clock Wednesday.

Which motion prevailed, and

The senate adjourned.

J. W. FOLEY,  
Secretary.

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SECOND DAY

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

The senate convened at two o'clock.

The president presiding.

Prayer by the chaplain.

Roll call.

All members present except Messrs. Simpson and Martin, who were excused.

F. A. Baker, senator elect from the Twenty-first district, appeared and was sworn in by the president of the senate.

Mr. Rice moved

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

Which motion prevailed.

Mr. Steele moved

That the courtesies of the floor be extended to Hon. Percy Cole, Francis J. Murphy, and Geo. E. Child of Kenmare, N. D., and Thomas Murphy of Minot, N. D.

Mr. Pierce of the committee of the senate to arrange a joint session with the house for the purpose of receiving the governor's message, made the following report:

Mr. President:

Your committee appointed to confer with a like committee from the house and with the governor relative to a joint session for the purpose of receiving the governor's message, beg leave to report that it has performed its duty

and that it will be convenient to the governor and to the house to meet the senate in joint session at 2:10 o'clock today and the joint committee has arranged the following program, viz:

Calling to order by the lieutenant governor.  
 Prayer by the chaplain of the senate.  
 Roll call of the senate.  
 Roll call of the house.  
 Appointment of a committee to wait on the governor.  
 Administering of oath to governor.  
 Administration of oath to state officers.  
 Reading of governor's message.

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

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

Mr. Pierce moved  
 That the senate proceed to the house for a joint session  
 Which motion prevailed, and  
 The senate proceeded to the house for a joint session.

#### AFTER THE JOINT SESSION.

The senate reconvened.  
 The president presiding.

Mr. Talcott moved  
 That the senate proceed to the eighth order of business.  
 Which motion prevailed.

Mr. Talcott offered the following concurrent resolution:

Resolved, That when this legislative assembly adjourn it shall stand adjourned until 2 P. M., Wednesday, January 13th.

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

Mr. Gunderson offered the following concurrent resolution:

## 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 14th, 1909, or on some other date more convenient to him, to be arranged by the president of the senate and speaker of the house.

**Mr. Gunderson moved**

The adoption of the resolution.

Which motion prevailed, and

The resolution was adopted.

**Mr. Koffel offered the following resolution:**

Resolved, That the 1905 Revised Codes of North Dakota, for use by the members of the senate, be annotated, with reference to amendments and repeals, as made in the 1907 session laws, opposite each section so amended or repealed, and that said work be performed by the clerical force of the senate, not otherwise employed, and under the direction of the secretary of the senate, during the recess of the senate, and the Codes so annotated, be ready for use, and on the desk of each senator at the first meeting of the senate after said recess.

**Mr. Koffel moved**

That the resolution be adopted.

Which motion prevailed, and

The resolution was adopted.

**Mr. Koffel offered the following resolution:**

Resolved, That Carrie King Mayfield be nominated as the eighth clerk to act as stenographer to the senators.

**Mr. Koffel moved**

That the resolution be adopted.

Which motion prevailed, and

The resolution was adopted.

**Mr. Koffel introduced the following resolution:**

Resolved, That the following offices be created, and the following named persons nominated and elected to the same, to-wit: Chief Mailing Clerk, A. L. Clubine; Assistant Mailing Clerk, I. B. Parsons; Clerk on Revision and Correction of Journal, M. J. Cashel; Committee Clerks—L. E. Stevens; D. H. Lewis, P. J. Burfining, Mrs. Hendershot, Chas. Simons, Elizabeth Jones; Assistant in Supply Room in Secretary of State's Room—Clark Fadden; Janitress—Mrs. Lyons.

**Mr. Koffel moved**

That the resolution be adopted.

Which motion prevailed, and

The resolution was adopted.

The question being upon the election of Carrie King Mayfield the roll was called and those who voted for Carrie King Mayfield were:



Messrs.—	Messrs.—	Messrs.—
Albright	Kennedy	Rice
Anderson	Koffel	Sharpe
Baker	LaMoure	Steel, of Stutsman
Bessesen	Leutz	Stevens
Cashel	Macdonald	Strom
Crane	McArthur	Syvertson
Davis	McLean	Talcott
Duis	Movius	Trimble
Gilbert	Neal	Turner
Gronvold	Overson	Wallin
Gunderson	Palmer	Walton
Holliday	Pierce	Welch
Irwin	Plain	Welo
Johnson	Purcell	Whitcher
Kelly		

Messrs. Ramsett, Simpson and Martin being excused.

Carrie King Mayfield having received a majority of all the votes cast was declared elected.

The question being upon the election of A. L. Clubine, the roll was called and those who voted for Mr. Clubine were:

Messrs.—	Messrs.—	Messrs.—
Albright	Kennedy	Rice
Anderson	Koffel	Sharpe
Baker	LaMoure	Steel, of Stutsman
Bessesen	Leutz	Stevens
Cashel	Macdonald	Strom
Crane	McArthur	Syvertson
Davis	McLean	Talcott
Duis	Movius	Trimble
Gilbert	Neal	Turner
Gronvold	Overson	Wallin
Gunderson	Palmer	Walton
Holliday	Pierce	Welch
Irwin	Plain	Welo
Johnson	Purcell	Whitcher
Kelly		

Messrs. Ramsett, Martin and Simpson being excused.

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

The question being upon the election of I. B. Parsons the roll was called and those who voted for Mr. Parsons were:

Messrs.—	Messrs.—	Messrs.—
Albright	Kennedy	Rice
Anderson	Koffel	Sharpe
Baker	LaMoure	Steel, of Stutsman
Bessesen	Leutz	Stevens
Cashel	Macdonald	Strom
Crane	McArthur	Syvertson
Davis	McLean	Talcott
Duis	Movius	Trimble
Gilbert	Neal	Turner
Gronvold	Overson	Wallin
Gunderson	Palmer	Walton

Messrs.—	Messrs.—	Messrs.—
Holliday	Pierce	Welch
Irwin	Plain	Welo
Johnson	Purcell	Whitcher
Kelly		

Messrs. Ramsett, Martin and Simpson being excused.

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

The question being upon the election of M. J. Cashel the roll was called and those who voted for Mr. Cashel were:

Messrs.—	Messrs.—	Messrs.—
Albright	Kennedy	Rice
Anderson	Koffel	Sharpe
Baker	LaMoure	Steel, of Stutsman
Bessesen	Leutz	Stevens
Cashel	Macdonald	Strom
Crane	McArthur	Syverson
Davis	McLean	Talcott
Duis	Movius	Trimble
Gilbert	Neal	Turner
Gronvold	Overson	Wallin
Gunderson	Palmer	Walton
Holliday	Pierce	Welch
Irwin	Plain	Welo
Johnson	Purcell	Whitcher
Kelly		

Messrs. Ramsett, Martin and Simpson being excused.

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

The question being upon the election of L. E. Stevens the roll was called and those who voted for Mr. Stevens were:

Messrs.—	Messrs.—	Messrs.—
Albright	Kennedy	Rice
Anderson	Koffel	Sharpe
Baker	LaMoure	Steel, of Stutsman
Bessesen	Leutz	Stevens
Cashel	Macdonald	Strom
Crane	McArthur	Syverson
Davis	McLean	Talcott
Duis	Movius	Trimble
Gilbert	Neal	Turner
Gronvold	Overson	Wallin
Gunderson	Palmer	Walton
Holliday	Pierce	Welch
Irwin	Plain	Welo
Johnson	Purcell	Whitcher
Kelly		

Messrs. Ramsett, Martin and Simpson being excused.

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

The question being upon the election of D. H. Lewis the roll was called and those who voted for Mr. Lewis were:

Messrs.—	Messrs.—	Messrs.—
Albright	Kennedy	Rice
Anderson	Koffel	Sharpe
Baker	LaMoure	Steel, of Stutsman
Bessesen	Leutz	Stevens
Cashel	Macdonald	Strom
Crane	McArthur	Syvvertson
Davis	McLean	Talcott
Duis	Movius	Trimble
Gilbert	Neal	Turner
Gronvold	Overson	Wallin
Gunderson	Palmer	Walton
Holliday	Pierce	Welch
Irwin	Plain	Welo
Johnson	Purcell	Whitcher
Kelly		

Messrs. Ramsett, Martin and Simpson being excused.

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

The question being upon the election of P. J. Burfening the roll was called and those who voted for Mr. Burfening were:

Messrs.—	Messrs.—	Messrs.—
Albright	Kennedy	Rice
Anderson	Koffel	Sharpe
Baker	LaMoure	Steel, of Stutsman
Bessesen	Leutz	Stevens
Cashel	Macdonald	Strom
Crane	McArthur	Syvvertson
Davis	McLean	Talcott
Duis	Movius	Trimble
Gilbert	Neal	Turner
Gronvold	Overson	Wallin
Gunderson	Palmer	Walton
Holliday	Pierce	Welch
Irwin	Plain	Welo
Johnson	Purcell	Whitcher
Kelly		

Messrs. Ramsett, Martin and Simpson being excused.

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

The question being upon the election of Mrs. Hendershot the roll was called and those who voted for Mrs. Hendershot were:

Messrs.—	Messrs.—	Messrs.—
Albright	Kennedy	Rice
Anderson	Koffel	Sharpe
Baker	LaMoure	Steel, of Stutsman
Bessesen	Leutz	Stevens
Cashel	Macdonald	Strom
Crane	McArthur	Syvvertson
Davis	McLean	Talcott
Duis	Movius	Trimble
Gilbert	Neal	Turner
Gronvold	Overson	Wallin

Messrs.—	Messrs.—	Messrs.—
Gunderson	Palmer	Walton
Holliday	Pierce	Welch
Irwin	Plain	Welo
Johnson	Purcell	Whitcher
Kelly		

Messrs. Ramsett, Martin and Simpson being excused.

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

The question being upon the election of Chas. Simons the roll was called and those who voted for Mr. Simons were:

Messrs.—	Messrs.—	Messrs.—
Albright	Kennedy	Rice
Anderson	Koffel	Sharpe
Baker	LaMoure	Steel, of Stutsman
Bessesen	Leutz	Stevens
Cashel	Macdonald	Strom
Crane	McArthur	Syverson
Davis	McLean	Talcott
Duis	Movius	Trimble
Gilbert	Neal	Turner
Gronvold	Overson	Wallin
Gunderson	Palmer	Walton
Holliday	Pierce	Welch
Irwin	Plain	Welo
Johnson	Purcell	Whitcher
Kelly		

Messrs. Ramsett, Martin and Simpson being excused.

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

The question being upon the election of Elizabeth Jones the roll was called and those who voted for Miss Jones were:

Messrs.—	Messrs.—	Messrs.—
Albright	Kennedy	Rice
Anderson	Koffel	Sharpe
Baker	LaMoure	Steel, of Stutsman
Bessesen	Leutz	Stevens
Cashel	Macdonald	Strom
Crane	McArthur	Syverson
Davis	McLean	Talcott
Duis	Movius	Trimble
Gilbert	Neal	Turner
Gronvold	Overson	Wallin
Gunderson	Palmer	Walton
Holliday	Pierce	Welch
Irwin	Plain	Welo
Johnson	Purcell	Whitcher
Kelly		

Messrs. Ramsett, Martin and Simpson being excused.

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

The question being upon the election of Clark Fadden the roll was called and those who voted for Mr. Fadden were:

Messrs.—	Messrs.—	Messrs.—
Albright	Kennedy	Rice
Anderson	Koffel	Sharpe
Baker	LaMoure	Steel, of Stutsman
Bessessen	Leutz	Stevens
Cashel	Macdonald	Strom
Crane	McArthur	Syverson
Davis	McLean	Talcott
Duis	Movius	Trimble
Gilbert	Neal	Turner
Gronvold	Overson	Wallin
Gunderson	Palmer	Walton
Holliday	Pierce	Welch
Irwin	Plain	Welo
Johnson	Purcell	Whitcher
Kelly		

Messrs. Ramsett, Martin and Simpson being excused.

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

The question being upon the election of Mrs. Lyons, the roll was called and those who voted for Mrs. Lyons were:

Messrs.—	Messrs.—	Messrs.—
Albright	Kennedy	Rice
Anderson	Koffel	Sharpe
Baker	LaMoure	Steel, of Stutsman
Bessesen	Leutz	Stevens
Cashel	Macdonald	Strom
Crane	McArthur	Syverson
Davis	McLean	Talcott
Duis	Movius	Trimble
Gilbert	Neal	Turner
Gronvold	Overson	Wallin
Gunderson	Palmer	Walton
Holliday	Pierce	Welch
Irwin	Plain	Welo
Johnson	Purcell	Whitcher
Kelly		

Messrs. Ramsett, Martin and Simpson being excused.

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

## INTRODUCTION AND FIRST READING OF SENATE BILLS.

Mr. Welch introduced  
Senate Bill No. 1,

A bill for an act to amend section 8799 of chapter 18 of the Penal Code as published in the revised codes of 1905.

Which was read the first time.

Mr. Welch introduced

Senate Bill No. 2,

A bill for an act making an appropriation for improvements and betterment of the public building, known as the Executive Mansion.

Which was read the first time.

Mr. Duis moved

That the courtesies of the floor be extended to Hon. Wm. Budge of Grand Forks.

### MESSAGE FROM THE HOUSE.

The following message was received from the house:

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

Mr. President:

I have the honor to inform you that the house has concurred in the senate concurrent resolution providing that when the house and senate adjourn today they stand adjourned until Wednesday, January 13, 1909 at 2 p. m.

Very respectfully,  
W. D. AUSTIN,  
Chief Clerk.

The following message was received from the house:

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

Mr. President:

I have the honor to inform you that the house has concurred in the senate resolution inviting Hon. J. L. McVey to address the assembly.

Very respectfully,  
W. D. AUSTIN,  
Chief Clerk.

The president administered the oath of office to the following:

A. S. Reitan as journal clerk; Gilbert Tien, assistant journal clerk; E. Dutton, assistant sergeant at arms; E. A. Bryn, janitor; Mrs. J. Lyon, janitress; Clark Fadden, assistant in supply room of secretary of state; Miss Elizabeth

Jones, committee clerk; Mrs. Katherine Hendershott, committee clerk; Chas. Symons, mail clerk; C. Parsons, voucher clerk; A. S. Reitan, journal clerk.

Mr. McDonald moved

That the senate do now adjourn.

Which motion prevailed, and

The senate adjourned.

J. W. FOLEY,  
Secretary.

NINTH DAY

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

The senate convened at two o'clock.

The president presiding.

Prayer by the chaplain.

Roll call.

All present except Messrs. Palmer, Pierce, Plain and Simpson.

Mr. MacDonald moved

That all absent senators be excused.

Which motion prevailed.

COMMUNICATION FROM SECRETARY OF STATE.

The following communication was received from the secretary of state:

*To the Senate and House of Representatives, of the Eleventh Legislative Session:*

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 expenses of keeping the capitol building, executive mansion and public grounds in repair and for fuel and other incidental expenses for keeping and maintaining the state offices for the ensuing two years, to-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.



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 MOTIONS AND RESOLUTIONS.

Mr. Gunderson introduced

The following concurrent resolution:

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.

Mr. Gunderson moved

That the resolution be adopted.

Which motion prevailed, and

The resolution was adopted.

 INTRODUCTION AND FIRST READING OF SENATE  
 BILLS.

Mr. Pierce introduced

Senate Bill, No. 3,

A bill for an act to provide for the protection of depositors in banking corporations.

Which was read the first time.

Mr. Gunderson introduced

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.

Which was read the first time.

Mr. Gunderson introduced

Senate Bill No. 5.

A bill for an act entitled an act providing for the establishment of a good roads department at the state agricultural college, defining the duties of such department and providing for an appropriation to pay the current and contingent expenses of same.

Which was read the first time.

Mr. Gunderson introduced

Senate Bill No. 6.

A bill for an act to amend section 9353 of the revised codes of the state of North Dakota for the year 1905, relating to prohibition, and repealing sections 9354, 9355, 9356, 9357, 9359, 9360, 9361, 9362, 9363, 9364, 9365 of the same codes and relating to the same subject.

Which was read the first time.

Mr. McArthur introduced

Senate Bill No. 7,

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.

Which was read the first time.

Mr. McArthur introduced

Senate Bill No. 8,

A bill for an act to regulate the sale of intoxicating liquors for medicinal, sacramental, scientific and mechanical purposes.

Which was read the first time.

Mr. McArthur introduced

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.

Which was read the first time.

Mr. Steele of Ward introduced

Senate Bill No. 10,

A bill for an act to amend and re-enact section 7459 of the revised codes of North Dakota of 1905, relating to foreclosure of mortgages on real property by advertisement.

Which was read the first time.

Mr. Wallin introduced

Senate Bill No. 11,

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.

Which was read the first time.

Mr. Steele of Ward introduced  
Senate Bill No. 12,

A bill for an act to amend and re-enact section 7497 of the revised code of 1905 of the state of North Dakota relating to cancellation of land contracts.

Which was read the first time.

Mr. Gunderson introduced  
Senate Bill No. 13,

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.

Which was read the first time.

Mr. Gunderson introduced  
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.

Which was read the first time.

Mr. Gunderson introduced  
Senate Bill No. 15,

A concurrent resolution for an amendment to the constitution of the state of North Dakota, relating to the right of trial by jury.

Which was read the first time.

Mr. Gilbert introduced  
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.

Which was read the first time.

Mr. McLean introduced  
Senate Bill No. 17,

A bill for an act to amend section 5187 of the revised codes of 1905 relating to order of succession.

Which was read the first time.

Mr. Purcell introduced  
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."

Which was read the first time.

Mr. Purcell introduced  
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 was read the first time.

Mr. Purcell introduced  
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.

Which was read the first time.

Mr. Neal introduced  
Senate Bill No. 21,

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

Which was read the first time.

Mr. Neal introduced  
Senate Bill No. 22,

A bill for an act entitled "An act to provide for liens upon crops and for the levy of a tax to secure the payment of the purchase price of seed grains."

Which was read the first time.

Mr. Stevens introduced  
Senate Bill No. 23,

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."

Which was read the first time.

Mr. Stevens introduced

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.

Which was read the first time.

Mr. Stevens introduced

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."

Which was read the first time.

Mr. Strom introduced

Senate Bill No. 26,

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; proscribing rules, regulations and duties of all officers and persons connected therewith; proscribing how taxes for same shall be levied and collected, and how expense and indemnity for losses by hail shall be paid.

Which was read the first time.

Mr. Welo introduced

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 was read the first time.

Mr. Sharpe introduced

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 time.

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**SECOND READING OF SENATE. BILLS**

Senate Bill No. 1,

A bill for an act to amend section 8799 of chapter 18 of the Penal Code as published in the revised codes of 1905.

Was read the second time, and

Referred to the committee on judiciary.

Senate Bill No. 2,

A bill for an act making an appropriation for improvements and betterment of the public building, known as the Executive Mansion.

Was read the second time, and

Referred to the committee on appropriations.

Mr. La Moure moved

That the senate take a recess of 15 minutes.

Which motion prevailed.

**AFTER RECESS.**

The senate reconvened.

The president presiding.

**REPORT OF COMMITTEE ON RULES.**

The committee on rules made the following report:

Mr. President:

Your committee to whom was referred the adoption of rules beg leave to report the following:

1. That the rules adopted by the Senate of the Tenth Legislative Assembly be re-enacted and adopted as the rules of the Senate for the Eleventh Legislative Assembly, excepting that Rules two and thirty-five shall be amended as hereinafter provided.

Rule 2 shall be and is hereby amended to read as follows:

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

Rule 35 shall be and is hereby amended to read as follows:

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

On judiciary to consist of fifteen members.

On education to consist of eleven members.

On elections to consist of eleven members.

On appropriations to consist of seventeen members.

On railroads to consist of seventeen members.

On state affairs to consist of seventeen members.

On public lands to consist of eleven members.

On ways and means to consist of eleven members.

On agriculture to consist of eleven members.

- On warehousing, grain and grain grading to consist of fifteen members.
- On counties to consist of eleven members.
- On engrossed and enrolled bills to consist of five members.
- On banks and banking to consist of fifteen members.
- On cities and municipal corporations to consist of eleven members.
- On Indian affairs to consist of five members.
- On statistics to consist of seven members.
- On federal relations to consist of nine members.
- On insurance to consist of eleven members.
- On public printing to consist of nine members.
- On public health to consist of nine members.
- On temperance to consist of eleven members.
- On mines and minerals to consist of nine members.
- On rules to consist of seven members.
- On immigration to consist of nine members.
- On highways, bridges and ferries to consist of eleven members.
- On irrigation and drainage to consist of nine members.
- On apportionment to consist of seventeen members.
- On corporations other than municipal to consist of nine members.
- On military affairs to consist of nine members.
- On woman suffrage to consist of seven members.
- On game and fish to consist of nine members.
- On live stock and animal husbandry to consist of fifteen members.
- Also joint committees on the following subjects:
  - On public buildings to consist of five members.
  - On charitable institutions to consist of five members.
  - On penal institutions to consist of five members.
  - On educational institutions to consist of seven members.
  - On state library to consist of five members.
  - On joint rules to consist of seven members.

ALEX MACDONALD,  
Chairman.

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

The president of the senate announced the following standing committees:

#### STANDING COMMITTEES OF THE SENATE.

*Judiciary*—Sharpe, chairman; Pierce Simpson, Koffel, Crane, Talcott, Bessesen, Overson, Movius, Steele of Ward, Cashel, Duis, Purcell, Plain, Gunderson.

*Education*—Talcott, chairman; MacDonald Rice, Gunderson, Stevens, Walton, Davis, Wallin, Steele of Stutsman, Bessesen, Cashel.

*Elections*—Palmer, chairman; Crane, LaMoure, Steele of Ward, Stevens, Welch, Koffel, Turner, Strom, Overson, Neal.

*Appropriations*—LaMoure, chairman; Sharpe, Simpson, Movius, Gilbert, Leutz, Strom, Stevens, Kennedy, Welch,

Pierce, Baker, Steel of Stutsman, Cashel, Wallin, Ramsett, McLean.

*Railroads*—Gilbert, chairman; Pierce, McLean, Plain, Purcell, Steele of Ward, Albright, Wallin, Kelly, Palmer, Whitcher, Duis, Welo, McArthur, Bessesen, Neal, Trimble.

*State Affairs*—Crane, chairman; Talcott, Sharpe, LaMoure, Gilbert, Movius, Albright, Palmer, Kennedy, Rice, MacDonald, Syvertson, Steel of Stutsman, Purcell, Leutz.

*Public Lands*—Martin, chairman; Movius, McArthur, Purcell, Turner, Koffel, Irwin, Stevens, Whitcher, Baker, Syvertson.

*Ways and Means*—Movius, chairman; McArthur, Simpson, Strom, Overson, Martin, Davis, Duis, Bessesen, Walton, Johnson.

*Agriculture*—Plain, chairman; Talcott, Palmer, Johnson, Syvertson, Albright, Kelly, Whitcher, McArthur, Walton, Irwin, Halliday, Strom.

*Warehousing, Grain and Grain Grading*—McLean, chairman; Cashel, Ramsett, Albright, Strom, Johnson, Martin, Crane, Walton, Halliday, Irwin, Bessesen, Palmer, Leutz, Anderson.

*Counties*—Rice, chairman; Gunderson, Movius, Crane, Baker, Wallin, Trimble, Welo, Anderson, Syvertson, Gronvold.

*Engraving and Enrolling Bills*—Koffel, chairman; Steele of Ward, Crane, Davis, Gunderson.

*Banks and Banking*—Pierce, chairman; Movius, Leutz, MacDonald, Kennedy, Gunderson, Davis, Martin, Cashel, Trimble, Duis, Neal, Gronvold, Steele of Ward.

*Cities and Municipal Corporations*—Kennedy, chairman; Steele of Ward, Welch, Pierce, Baker, Turner, Welo, Bessesen, Plain, Trimble, Purcell.

*Indian Affairs*—Neal, chairman; Strom, Palmer, Trimble, Anderson.

*Statistics*—Albright, chairman; Kelly, Halliday, Whitcher, Irwin, Koffel, Baker.

*Federal Relations*—Stevens, chairman; McLean, Syvertson, Walton, Steel of Stutsman, Wallin, Anderson, Sharpe, Welch.

*Insurance*—Simpson, chairman; Pierce, Albright, MacDonald, Johnson, Overson, Ramsett, Neal, Anderson, Gronvold, Welo.

*Public Health*—Leutz, chairman; Martin, Kelly, Halliday, Turner, Walton, McArthur, Johnson, Davis.

*Public Printing*—Albright, chairman; Plain, McLean, Turner, Kelly, MacDonald, Syvertson, Walton, Trimble.

*Temperance*—Strom, chairman; Talcott, Pierce, LaMoure, Gilbert, McArthur, Plain, Steel of Stutsman, Walton, Anderson, Johnson.

*Mines and Minerals*—Ramsett, chairman; Simpson, MacDonald, Neal, McLean, Overson, Martin, Davis, Movius.

*Rules*—MacDonald, chairman; LaMoure, Talcott, Sharp, Koffel, Kennedy, Cashel.

*Immigration*—Steele of Ward, chairman; Palmer, Purcell, Turner, Whitcher, Martin, Wallin, Neal, Irwin.

*Highways, Bridges and Ferries*—Welo, chairman; MacDonald, McLean, Welch, Johnson, McArthur, Strom, Baker, Syvertson, Overson, Anderson, Ramsett, Gronvold.

*Irrigation and Drainage*—Cashel, chairman; Simpson, Leutz, Kennedy, Johnson, Trimble, Turner, Neal, Overson.



*Apportionment*—Steele of Ward, chairman; Plain, MacDonald, Ramsett, Movius, Rice, Gilbert, Kelly, Stevens, Trimble, Albright, Gunderson, Johnson, Syvertson, Baker, Steel of Stutsman, Walton, Talcott, Welo.

*Corporations other than Municipal*—Purcell, chairman; Gilbert, Neal, Wallin, Davis, Whitcher, Kelly, Duis, Gronvold, Anderson, Plain.

*Military Affairs*—Baker, chairman; Rice, Welch, Steel of Stutsman, Simpson, Kennedy, Overson, Gronvold.

*Woman Suffrage*—Overson, chairman; Crane, Holliday, Anderson, Walton, Purcell, Koffel.

*Game and Fish*—Koffel, chairman; Talcott, Pierce, Rice, Crane, Gilbert, MacDonald, Syvertson, Baker.

*Live Stock Animal Husbandry*—MacDonald, chairman; Albright, Leutz, Talcott, Palmer, Welo, Johnson, Halliday, Gronvold, Irwin, Martin, Syvertson, Whitcher, Stevens, Kelly.

*Revision and Correction of the Journal*—Rice, chairman; Bessesen, Martin.

#### JOINT COMMITTEES.

*Public Buildings*—Anderson, chairman; Simpson, Duis, Kennedy, Albright.

*Charitable Institutions*—Trimble, chairman; Irwin, Gilbert, Steele of Ward, Crane.

*Educational Institutions*—Davis, chairman; Talcott, Stevens, Kelly, Wallin, Steel of Stutsman, Ramsett.

*Penal Institutions*—Welch, chairman; Pierce, Neal, McLean, Purcell.

*State Library*—Bessesen, chairman; Turner, Welo, Albright, Plain.

*Joint Rules*—Stevens, chairman; LaMoure, Sharp, Koffel, Talsott, MacDonald, Cashel.

The president of the senate administered the oath of office on January 7, to the following employees:

W. M. House, assistant enrolling and engrossing clerk.

Karrie King Mayfield, stenographer.

On January 8, the following employees:

Rurdena Gulsett, stenographer.

Luella Pennabaker, stenographer.

J. E. Smith, assistant enrolling and engrossing clerk.

On January 9, the following employees:

P. J. Burfening, committee clerk.

C. M. Iron, cloak room.

K. M. Wilcox, bill clerk.

John Wigby, assistant bill clerk.

January 11, the following officers and employees:

A. Leslie, clerk of the judiciary committee.

George Powers, page.

January 12, the following employees:

M. Samuelson, assistant enrolling and engrossing clerk.

On January 13, to the following employees:

E. M. Michelssohn, janitor.

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Jas. D. Gray, assistant enrolling and engrossing clerk.  
L. E. Stevens, assistant enrolling and engrossing clerk.  
A. Bartlett, door keeper of gallery.  
Lawrence Casey, assistant enrolling and engrossing clerk.  
M. J. Cashel, clerk on revision and correction of the  
journal.  
I. B. Parsons, assistant mailing clerk.

COURTESIES OF THE FLOOR.

The courtesies of the floor were extended to J. J. Ryan  
and Albert Bohn.

Mr. Crane moved

That the senate do now adjourn.

Which motion prevailed, and

The senate adjourned.

J. W. FOLEY,  
Secretary.

## TENTH DAY

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

The senate convened at two o'clock.

The president presiding.

Prayer by the chaplain.

Roll call.

All members present except Messrs. Davis, Palmer, Pierce, Plain and Simpson, who were excused.

### REFERENCE OF THE JOURNAL.

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

Mr. President:

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

On page 4 last roll call, insert the word Koffel.

On page 5 last roll call insert the word Koffel.

On page 8 strike out the name of Clarence Pierson and insert George W. Powers, as one of the pages, in two places on such page.

On page 11 last roll call insert the name Koffel as having voted.

On page 12 strike out first line.

On page 12 in the first roll call insert the name Koffel.

On page 16 strike out the word Stanton as having been appointed clerk on committee of state affairs, and insert the name of A. Steenson in lieu thereof.

On page 16 change the name of Miss LeRoy to A. S. Reitan, and make same correction on page 17.

On page 22, line 7, add "M" as one of the initials, making M. M. Samuelson, as assistant enrolling and engrossing clerk.

On page 25, after line 25, insert the name W. P. Thurston as chief engrossing and enrolling clerk.

On page 25, after line 25, insert the name of C. W. Harris as chaplain.

On page 26, after line 5, insert the name of M. Skarison, bill room clerk.

On page 22, change the name of Fred Cleveland to J. D. Gray, and make same correction on page 23.

**And when so corrected recommend that the same be approved.**

Also,

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 10 add the names of C. Parsons, voucher clerk, A. S. Reitan, Journal clerk.

**And when so corrected recommend that the same be approved.**

Also,

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 10, Committee on Joint Rules, add Talcott, MacDonald and Cashel as members of such committee.

On page 10 change name "Sanderson" to "Samuelson."

On page 11 change name "Morris Casey" to "Lawrence Casey."

**And when so corrected recommend that the same be approved.**

C. D. RICE,  
Chairman.

Mr. Rice moved

**That the report be adopted.**

Which motion prevailed, and

**The report was adopted.**

#### PETITONS AND COMMUNICATIONS.

Mr. La Moure presented the following statement prepared by Deputy Land Commissioner W. E. Coates and requested that the same be printed for the information of the senate.

## COMMON SCHOOLS AND INDEMNITY LANDS.

Statement of land grant and funds on January 1, 1909.

	Acres.
Area of grant .....	2,543,318.75
Sold to date .....	771,086.72
Remaining unsold .....	1,772,232.03

Total purchase price of land sold....	\$ 11,917,741.68
Average price per acre, \$15.45.	

## PERMANENT FUND RECEIPTS.

From contract payments .....	\$ 3,794,858.22
From rights of way .....	46,421.73
From other sources, being from 5 per cent sales of U. S. lands in the state, etc.....	390,040.03

Total .....	\$ 4,231,319.98
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## INVESTMENT OF PERMANENT FUND.

Bonds bearing 4 per cent interest.....	\$ 2,974,464.30
Farm loans, 5 per cent .....	563,932.85
Unappropriated balance .....	687,922.83
Transferred to scientific school.....	5,000.00

Total .....	\$ 4,231,319.98
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## DEFERRED PAYMENTS ON CONTRACTS.

Due Jan. 1, 1909 and delinquent.....	\$ 423,545.01
Due Jan. 1, 1910 .....	259,455.91
Due subsequent years .....	7,393,460.81

Total .....	\$ 8,076,461.73
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INTEREST AND INCOME.—(Estimated per year, 1909-1910.)  
(Probable receipts from interest per year.)

On land contracts .....	\$ 450,000.00
On bonds .....	175,000.00
From rent .....	75,000.00
Interest on farm loans .....	25,000.00

Total .....	\$ 725,000.00
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Cash balance interest and income fund Jan. 1, 1909, \$41,801.39.	
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## AGRICULTURAL COLLEGE.

Statement of land grant and funds on January 1, 1909.

	Acres.
Area of grant .....	130,000.00
Sold to date .....	85,151.85
Remaining unsold .....	44,848.15

Total purchase price of lands sold.....	\$ 1,060,134.34
Average per acre, \$12.45.	

## PERMANENT FUND RECEIPTS.

From contract payments .....	\$ 245,885.94
From other sources .....	1,684.19

Total .....	\$ 247,570.13
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INVESTMENTS OF PERMANENT FUNDS.

Bonds bearing 4 per cent interest.....	\$	206,039.83	
Unappropriated balance .....		41,530.30	
Total .....	\$		247,570.13

DEFERRED PAYMENTS ON CONTRACTS.

Due Jan. 1, 1909 and delinquent.....	\$	35,728.20	
Due Jan. 1, 1910 .....		24,460.54	
Due subsequent years .....		752,375.47	
Total .....	\$		812,564.21

INTEREST AND INCOME.—(Estimated per year, 1909-1910.)  
(Probable receipts from interest per year.)

On land contracts .....	\$	46,000.00	
On bonds .....		10,000.00	
From rents .....		2,000.00	
Total .....	\$		58,000.00
Cash balance interest and income fund Jan. 1, 1909, \$1,159.33.			

BLIND ASYLUM.

Statement of land grant and funds on January 1, 1909.

	Acres.		
Area of grant .....		30,000.00	
Sold to date .....		16,401.66	
Remaining unsold .....		13,598.34	
Total purchase price of lands sold....			\$ 202,751.59
Average per acre, \$12.36.			..

PERMANENT FUND RECEIPTS.

From contracts .....	\$	51,286.76	
From other sources .....		869.69	
Total .....	\$		52,156.45

INVESTMENTS OF PERMANENT FUNDS.

Bonds bearing 4 per cent interest.....	\$	45,512.80	
Unappropriated balance .....		6,643.65	
Total .....	\$		52,156.45

DEFERRED PAYMENTS ON CONTRACTS.

Due Jan. 1, 1909 and delinquent.....	\$	8,159.18	
Due Jan. 1, 1910 .....		2,142.89	
Due subsequent years .....		140,293.07	
Total .....	\$		150,595.14

INTEREST AND INCOME.—(Estimated per year, 1909-1910.)  
(Probable receipts from interest per year.)

On land contracts .....	\$	8,500.00	
On bonds .....		2,250.00	
From rents .....		450.00	
Total .....	\$		11,200.00
Cash balance interest and income fund Jan. 1, 1909, \$479.89.			

## CAPITOL BUILDING.

Statement of land grant and funds on January 1, 1909.

	Acres.	
Area of grant .....	82,000.00	
Sold to date .....	47,185.32	
Remaining unsold .....	34,814.68	
Total purchase price of lands sold.....		\$ 580,269.64
Average per acre, \$12.51.		

## PERMANENT FUND RECEIPTS.

From contract payments .....	\$ 132,759.59	
From other sources .....	714.51	
Total .....		\$ 133,474.10

## DISBURSEMENTS OF PERMANENT FUND.

Expended on capitol building.....	\$ 52,879.06	
Unappropriated balance .....	80,595.04	
Total .....		\$ 133,474.10

## DEFERRED PAYMENTS ON CONTRACTS.

Due Jan 1, 1909 and delinquent.....	\$ 19,070.87	
Due Jan. 1, 1910 .....	15,952.42	
Due subsequent years .....	411,772.25	
Total .....		\$ 446,795.54

INTEREST AND INCOME.—(Estimated per year, 1909-1910.)  
(Probable receipts from interest per year.)

On land contracts .....	\$ 25,000.00	
From rents .....	1,200.00	
Total .....		\$ 26,200.00
Cash balance interest and income fund Jan. 1, 1909, \$45,818.15.		

## SCHOOL FOR DEAF.

Statement of land grant and funds on January 1, 1909.

	Acres.	
Area of grant .....	40,000.00	
Sold to date .....	22,308.03	
Remaining unsold .....	17,691.97	
Total purchase price of lands sold.....		\$ 273,242.07
Average per acre, \$12.25.		

## PERMANENT FUND RECEIPTS.

From contract payments .....	\$ 66,826.41	
From other sources .....	1,590.42	
Total .....		\$ 68,416.83

## INVESTMENTS OF PERMANENT FUNDS.

Bonds bearing 4 per cent interest .....	\$ 60,474.15	
Unappropriated balance .....	7,942.68	
Total .....		\$ 68,416.83

## DEFERRED PAYMENTS ON CONTRACTS.

Due Jan. 1, 1909 and delinquent.....	\$ 9,383.70	
Due Jan. 1, 1910 .....	7,234.49	
Due subsequent years .....	188,207.05	
Total .....		\$ 204,825.24

INTEREST AND INCOME.—(Estimated per year, 1909-1910.)  
(Probable receipts from interest per year.)

On land contracts .....	\$ 11,500.00	
On bonds .....	3,000.00	
From rents .....	600.00	
Total .....		\$ 15,100.00

Cash balance interest and income fund Jan. 1, 1909, \$601.67.

## INSANE ASYLUM.

Statement of land grant and funds on January 1, 1909.

	Acres.	
Area of grant .....	20,000.00	
Sold to date .....	11,164.61	
Remaining unsold .....	8,835.39	
Total purchase price of lands sold....		\$ 131,205.94

Average per acre, \$11.75.

## PERMANENT FUND RECEIPTS.

From contract payments .....	\$ 31,482.35	
From other sources .....	173.59	
Total .....		\$ 31,655.94

## INVESTMENTS OF PERMANENT FUNDS.

Bonds bearing 4 per cent interest.....	\$ 26,677.80	
Unappropriated balance .....	4,978.14	
Total .....		\$ 31,655.94

## DEFERRED PAYMENTS ON CONTRACTS.

Due Jan. 1, 1909 and delinquent.....	\$ 5,907.38	
Due Jan. 1, 1910 .....	4,418.16	
Due subsequent years .....	89,224.46	
Total .....		\$ 99,550.00

INTEREST AND INCOME.—(Estimated per year, 1909-1910.)  
(Probable receipts from interest per year.)

On land contracts .....	\$ 5,500.00	
On bonds .....	1,500.00	
From rents .....	300.00	
Total .....		\$ 7,300.00

Cash balance interest and income fund Jan. 1, 1909, \$11,784.36.



## INDUSTRIAL SCHOOL.

Statement of land grant and funds on January 1, 1909.

	Acres.		
Area of grant .....	40,000.00		
Sold to date .....	24,051.14		
Remaining unsold .....	15,948.86		
Total purchase price of lands sold....		\$	295,291.73
Average per acre, \$12.28.			

## PERMANENT FUND RECEIPTS.

From contract payments .....	\$ 70,145.61		
From other sources .....	1,086.88		
Total .....		\$	71,232.49

## INVESTMENTS OF PERMANENT FUNDS.

Bonds bearing 4 per cent interest .....	\$ 60,844.91		
Unappropriated balance .....	10,387.58		
Total .....		\$	71,232.49

## DEFERRED PAYMENTS ON CONTRACTS.

Due Jan. 1, 1909 and delinquent.....	\$ 8,137.88		
Due Jan. 1, 1910 .....	8,538.05		
Due subsequent years .....	207,383.31		
Total .....		\$	224,059.24

## INTEREST AND INCOME.—(Estimated per year, 1909-1910.)

(Probable receipts from interest per year.)

On land contracts .....	\$ 13,000.00		
On bonds .....	3,000.00		
From rents .....	700.00		
Total .....		\$	16,700.00
Cash balance interest and income fund Jan. 1, 1909, \$537.85.			

## NORMAL SCHOOL.

Statement of land grant and funds on January 1, 1909.

	Acres.		
Area of grant .....	80,000.00		
Sold to date .....	48,834.31		
Remaining unsold .....	31,165.69		
Total purchase price of lands sold....		\$	596,489.82
Average per acre, \$12.21.			

(All receipts from Normal School lands are divided 3-8 to Mayville and 5-8 to Valley City.)

## PERMANENT FUND RECEIPTS.

From contract payments .....	\$ 141,817.36		
From other sources .....	806.62		
Total .....		\$	142,623.98

INVESTMENTS OF PERMANENT FUNDS.

Bonds bearing 4 per cent interest, Mayville..	\$ 46,383.06	
Bonds bearing 4 per cent interest, Valley City	77,899.44	
Unappropriated balance, Mayville .....	7,101.38	
Unappropriated balance, Valley City.....	11,240.10	
Total .....		\$ 142,623.98

DEFERRED PAYMENTS ON CONTRACTS.

Due Jan. 1, 1909 and delinquent.....	\$ 19,907.37	
Due Jan. 1, 1910 .....	20,090.88	
Due subsequent years .....	413,867.59	
Total .....		\$ 453,865.84

INTEREST AND INCOME.—(Estimated per year, 1909-1910.)  
(Probable receipts from interest per year.)

On land contracts .....	\$ 26,500.00	
On bonds .....	6,000.00	
From rents .....	1,500.00	
Total .....		\$ 34,000.00

Cash balance interest and income fund Jan. 1, 1909 (Mayville), \$686.67.  
Cash balance interest and income fund Jan. 1, 1909 (Valley City), \$994.66.

REFORM SCHOOL.

Statement of land grant and funds on January 1, 1909.

	Acres.	
Area of grant .....	40,000.00	
Sold to date .....	23,564.83	
Remaining unsold .....	16,435.17	
Total purchase price of lands sold....		\$ 291,577.22
Average per acre, \$12.37.		

PERMANENT FUND RECEIPTS.

From contract payments .....	\$ 70,050.85	
From other sources .....	434.92	
Total .....		\$ 70,485.77

INVESTMENTS OF PERMANENT FUNDS.

Bonds bearing 4 per cent interest .....	\$ 60,937.39	
Unappropriated balance .....	9,548.38	
Total .....		\$ 70,485.77

DEFERRED PAYMENTS ON CONTRACTS.

Due Jan. 1, 1909 and delinquent .....	\$ 9,285.56	
Due Jan. 1, 1910 .....	6,362.38	
Due subsequent years .....	205,443.51	
Total .....		\$ 221,091.45

INTEREST AND INCOME.—(Estimated per year, 1909-1910.)  
(Probable receipts from interest per year.)

On land contracts .....	\$ 12,000.00	
On bonds .....	3,000.00	
From rents .....	700.00	
Total .....		\$ 15,700.00
Cash balance interest and income fund Jan. 1, 1909, \$6,984.73.		

SCIENTIFIC SCHOOL.

Statement of land grant and funds on January 1, 1909.

	Acres.	
Area of grant .....	40,000.00	
Sold to date .....	24,530.32	
Remaining unsold .....	15,469.68	
Total purchase price of lands sold....		\$ 295,125.10
Average per acre, \$12.03.		

PERMANENT FUND RECEIPTS.

From contract payments .....	\$ 69,300.19	
From other sources .....	1,483.80	
Transferred from permanent fund to cover overdraft on bonds purchased .....	5,000.00	
Total .....		\$ 75,783.99

INVESTMENTS OF PERMANENT FUNDS.

Bonds bearing 4 per cent interest.....	\$ 64,326.71	
Unappropriated balance .....	11,457.28	
Total .....		\$ 75,783.99

DEFERRED PAYMENTS ON CONTRACTS.

Due Jan. 1, 1909 and delinquent .....	\$ 9,033.17	
Due Jan. 1, 1910 .....	9,525.38	
Due subsequent years .....	205,782.56	
Total .....		\$ 224,341.11

INTEREST AND INCOME.—(Estimated per year, 1909-1910.)  
(Probable receipts from interest per year.)

On land contracts .....	\$ 13,000.00	
On bonds .....	2,500.00	
From rents .....	700.00	
Total .....		\$ 16,200.00
Cash balance interest and income fund Jan. 1, 1909, \$1,410.32.		

SCHOOL OF MINES.

Statement of land grant and funds on January 1, 1909.

	Acres.	
Area of grant .....	40,000.00	
Sold to date .....	22,124.61	
Remaining unsold .....	17,875.39	
Total purchase price of lands sold....		\$ 265,729.30
Average per acre, \$12.01.		

## PERMANENT FUND RECEIPTS.

From contract payments .....	\$ 66,345.10	
From other sources .....	698.70	
Total .....		\$ 67,043.80

## INVESTMENTS OF PERMANENT FUNDS.

Bonds bearing 4 per cent interest.....	\$ 58,553.24	
Unappropriated balance .....	8,490.56	
Total .....		\$ 67,043.80

## DEFERRED PAYMENTS ON CONTRACTS.

Due Jan. 1, 1909 and delinquent.....	\$ 9,708.24	
Due Jan. 1, 1910 .....	6,444.40	
Due subsequent years .....	182,532.86	
Total .....		\$ 198,685.50

## INTEREST AND INCOME.—(Estimated per year, 1909-1910.)

(Probable receipts from interest per year.)

On land contracts .....	\$ 11,500.00	
On bonds .....	3,000.00	
From rents .....	750.00	
Total .....		\$ 15,250.00
Cash balance interest and income fund Jan. 1, 1909, \$663.99.		

## SOLDIERS' HOME.

Statement of land grant and funds on January 1, 1909.

	Acres.	
Area of grant .....	40,000.00	
Sold to date .....	22,395.22	
Remaining unsold .....	17,604.78	
Total purchase price of lands sold.....		\$ 279,569.10
Average per acre, \$12.48.		

## PERMANENT FUND RECEIPTS.

From contract payments .....	\$ 67,012.87	
From other sources .....	527.65	
Total .....		\$ 67,540.52

## INVESTMENTS OF PERMANENT FUNDS.

Bonds bearing 4 per cent interest .....	\$ 56,789.06	
Unappropriated balance .....	10,751.46	
Total .....		\$ 67,540.52

## DEFERRED PAYMENTS ON CONTRACTS.

Due Jan. 1, 1909 and delinquent.....	\$ 10,330.73	
Due Jan. 1, 1910 .....	6,759.79	
Due subsequent years .....	194,938.06	
Total .....		\$ 212,028.58

INTEREST AND INCOME.—(Estimated per year, 1909-1910.)  
(Probable receipts from interest per year.)

On land contracts .....	\$ 12,500.00	
On bonds .....	3,000.00	
From rents .....	700.00	
Total .....		\$ 16,200.00
Cash balance interest and income fund Jan. 1, 1909, \$1,060.26.		

UNIVERSITY.

Statement of land grant and funds on January 1, 1909.

	Acres.	
Area of grant .....	86,080.00	
Sold to date .....	54,766.91	
Remaining unsold .....	31,313.09	
Total purchase price of lands sold.....		\$ 678,459.97
Average per acre, \$12.39.		

PERMANENT FUND RECEIPTS.

From contract payments .....	\$ 161,003.79	
From other sources .....	948.47	
Total .....		\$ 161,952.26

INVESTMENTS OF PERMANENT FUNDS.

Bonds bearing 4 per cent interest.....	\$ 140,237.61	
Unappropriated balance .....	21,714.65	
Total .....		\$ 161,952.26

DEFERRED PAYMENTS ON CONTRACTS.

Due Jan. 1, 1909 and delinquent.....	\$ 24,255.22	
Due Jan. 1, 1910 .....	16,830.74	
Due subsequent years .....	475,421.75	
Total .....		\$ 516,507.71

INTEREST AND INCOME.—(Estimated per year, 1909-1910.)  
(Probable receipts from interest per year.)

On land contracts .....	\$ 30,000.00	
On bonds .....	7,000.00	
From rents .....	1,500.00	
Total .....		\$ 38,500.00
Cash balance interest and income fund Jan. 1, 1909, \$1,427.09.		

RECAPITULATION.

Statement of all land grants on January 1, 1909.

	Acres.	
Area of grants .....	3,211,398.75	
Sold to date .....	1,173,565.53	
Remaining unsold .....	2,037,833.22	
Total purchase price of lands sold.....		\$ 16,867,587.50
Average price per acre, \$14.37.		

PERMANENT FUND RECEIPTS.

From contract payments .....	\$ 4,968,775.04	
From rights of way, etc.....	57,441.17	
From other sources, being from 5 per cent sales of U. S. lands in the state and other items .....	390,040.03	
Total .....		\$ 5,416,256.24

PERMANENT FUND INVESTMENTS AND PAYMENTS.

Expended on capitol building.....	\$ 52,879.06	
Bonds bearing 4 per cent interest .....	3,879,140.30	
Farm loans, 5 per cent and 6 per cent.....	563,932.85	
Unappropriated balances .....	920,304.03	
Total .....		\$ 5,416,256.24

DEFERRED PAYMENTS ON CONTRACTS.

Due Jan. 1, 1909 and delinquent.....	\$ 592,452.51	
Due Jan. 1, 1910 .....	388,216.03	
Due subsequent years .....	10,860,702.75	
Total .....		\$ 11,841,371.29

INTEREST AND INCOME.—(Estimated 1909-1910.)

(Probable receipts from interest per year.)

On land contracts .....	\$ 665,000.00	
On bonds .....	219,250.00	
On farm loans .....	25,000.00	
From rents .....	86,100.00	
Total .....		\$ 995,350.00

Cash balances in interest and income funds on Jan. 1, 1909, \$115,410.36.

MOTIONS AND RESOLUTIONS.

Mr. Baker nominated M. O. Simonstad as assistant enrolling and engrossing clerk.

The roll was called and those who voted for Mr. Simonstad were:

Messrs.—	Messrs.—	Messrs.—
Albright	Kennedy	Sharpe
Anderson	Koffel	Steel, of Stutsman
Baker	LaMoure	Steele of Ward
Bessesen	Leutz	Stevens
Cashel	Martin	Strom
Crane	Macdonald	Syverson
Duis	McArthur	Talcott
Gilbert	McLean	Trimble
Gronvold	Movius	Turner
Gunderson	Neal	Wallin
Holliday	Overson	Walton
Irwin	Purcell	Welch
Johnson	Ramsett	Welo
Kelly	Rice	Whitcher

**Absent and not voting:**

Messrs.—  
 Davis  
 Palmer

Messrs.—  
 Pierce  
 Plain

Messrs.—  
 Simpson

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

Mr. Baker introduced the following resolution:

Resolved, That M. O. Simonsted be allowed pay from and after the date he signed the roll of employes, on the fifth legislative day.

Mr. Baker moved

That the resolution be adopted.

Which motion prevailed, and

The resolution was adopted.

Mr. Leutz introduced 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 in this state are of not much value as mining properties more so as the quality of the 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.

Mr. Leutz moved

That the resolution be adopted.

Which motion prevailed, and

The resolution was adopted.

Mr. McLean introduced the following 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.

Mr. McLean moved

That the concurrent resolution be adopted.

Which motion prevailed, and

The resolution was adopted.



Mr. Rice introduced the following 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 birth place 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."*

Mr. Rice moved

That the resolution be adopted.

Which motion prevailed, and

The resolution was adopted.

#### FIRST READING OF SENATE BILLS.

Mr. Gunderson introduced

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.

Which was read the first time.

Mr. Duis introduced

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.

Which was read the first time.

Mr. Welch introduced

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.

Which was read the first time.

Mr. Stevens introduced

Senate Bill No. 32,

A bill for an act entitled an act to provide for the appointment of a board of "State Flag Commissioners," and to provide funds for the selection and purchase of a state flag for the state of North Dakota.

Which was read the first time.

Mr. Strom introduced

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.

Which was read the first time.

Mr. Syvertson introduced

Senate Bill No. 34,

A bill for an act to amend and re-enact section 1582 of the revised codes of North Dakota of 1905, relating to the redemption of real estate from tax sale.

Which was read the first time.

Mr. Syverston introduced

Senate Bill No. 35,

A bill for an act relating to the qualifications of all state, county and city elective officers.

Which was read the first time.

Mr. Johnson introduced

Senate Bill No. 36,

An act amending chapter 92 of the session laws of 1907 relating to county funds.

Which was read the first time.

Mr. Cashel introduced

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.

Which was read the first time.

Mr. Cashel introduced

Senate Bill No. 38,

A bill for an act to provide for a non-resident executor or administrator.

Which was read the first time.

Mr. LaMoure introduced

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.

Which was read the first time.

## SECOND READING OF SENATE BILLS.

Senate Bill No. 3,

A bill for an act to provide for the protection of depositors in banking corporations.

Was read the second time, and

Referred to the committee on banks and banking.

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 second time, and

Referred to the committee on live stock and animal husbandry.

Senate Bill No. 5.

A bill for an act entitled an act providing for the establishment of a good roads department at the state agricultural college, defining the duties of such department and providing for an appropriation to pay the current and contingent expenses of same.

Was read the second time, and

Referred to the committee on highways, bridges and ferries.

**Senate Bill No. 6.**

A bill for an act to amend section 9353 of the revised codes of the state of North Dakota for the year 1905, relating to prohibition, and repealing sections 9354, 9355, 9356, 9357, 9359, 9360, 9361, 9362, 9363, 9364, 9365 of the same codes and relating to the same subject.

Was read the second time, and

Referred to the committee on temperance.

**Senate Bill No. 7,**

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.

Was read the second time, and

Referred to the committee on agriculture.

**MOTIONS AND RESOLUTIONS.**

Mr. McDonald moved

That the senate return to the eighth order of business.

Which motion prevailed.

Mr. MacDonald moved

That the president of the senate appoint a committee of three to select and assign committee rooms.

Which motion prevailed.

And the president appointed Senators Welch, MacDonald and Steele of Ward.

Mr. Purcell introduced the following 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.

Mr. Purcell moved

That the resolution be adopted.

Which motion prevailed, and

The resolution was adopted.

Mr. Purcell said:

Mr. President:

In support of this resolution I wish to say that it was my good fortune to know Governor Miller well. He resided for many years a short distance from where I reside and I had many business relations with him. During his term of governor we all remember an attempt to foist an institution on this state which would have been a lasting disgrace had it been accomplished. Much pressure was brought to bear on the governor in relation to this matter. His sense of honor, his fairness, and his firmness stood him in need and the attempt was foiled. His administration of the office of governor has been an example for others to follow. At all times, to all persons and to every interest, he sought to do what was just and right.

Governor Shortridge came to the office of governor a poor man and left the same a poor man. While he had some weaknesses he had many qualities which innumera- bly outweighed his weaknesses. He appreciated the honor of the position that he occupied and sought to give to the people of the state a good administration.

Both of these men have left their impress on the institutions of the state, and it will now be a pleasure, Mr. President, to their relatives and friends to know that, (while republics are ungrateful), we, as a body, pause in this great business era to pay a deserved tribute to their memory. It will be a consolation to them to know that their labors, though poorly paid, are justly appreciated.

### COURTESIES OF THE FLOOR.

The courtesies of the floor were extended to the following: H. C. Sprague, J. H. Kelly, Eugene Weigel, Ed Nichols, C. L. Richardson.

The president administered the oath to A. L. Clubine, chief mailing clerk.

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Mr. Purcell moved

That as a further mark of respect

That the senate do now adjourn.

Which motion prevailed, and

The senate adjourned.

J. W. FOLEY,  
Secretary.

ELEVENTH DAY

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SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
January 15, 1909.

The senate convened at two o'clock.

The president presiding.

Prayer by the chaplain.

Roll call.

All present but Messrs. Plain, Rice and Simpson, 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 tenth day and find the same correct.

H. J. BESSESEN,  
Acting Chairman.

Mr. Bessesen moved

That the report be adopted.

Which motion prevailed, and

The report was adopted.

## MESSAGE FROM THE HOUSE.

The following mesage was received from the house :

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

Mr. President:

I have the honor to return the following

## 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.

In which the house has concurred and

The speaker has appointed as members of the joint committee from the house, Messrs. Ward, Peart and Hale.

Very respectfully,

W. D. AUSTIN,  
Chief Clerk.

Also,

I have the honor to return 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 birth place 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."

In which the house has concurred.

Also,

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

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 Lieutenant 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.

In which the house has concurred.

Very respectfully,  
W. D. AUSTIN,  
Chief Clerk.

Mr. Talcott moved

That the senate proceed to the house for a joint assembly.

Which motion prevailed, and

The senate proceeded to the house for a joint assembly.

#### AFTER JOINT ASSEMBLY.

#### REPORT OF COMMITTEE ON JOINT RULES.

The committee on joint rules made the following report:

Mr. President:

The 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. Stevens moved

That the report be adopted.

Which motion prevailed, and

The report was adopted.

Mr. Crane introduced the following resolution:

CONCURRENT RESOLUTION.

*Resolved by the Senate of the Eleventh Legislative Assembly, the House of Representatives Concurring:*

That a committee consisting of three members from each branch be appointed by the respective presiding officers to arrange for a memorial gathering of the legislature, and our state officials, on the occasion of the one hundredth anniversary of the birth of Abraham Lincoln.

And be it further Resolved, That this committee be empowered to have printed a "one hundredth anniversary program," the cost of which shall be charged to the state as part of this legislature's expenditures and which program shall have printed therein the full text of the "Gettysburg Address" of President Lincoln.

And be it further Resolved, That this program shall be issued in sufficient quantity to allow of the mailing by this legislature of at least twenty copies of said program to every county school superintendent, and ten copies to every public school teacher now employed in this state for distribution among the older scholars within their jurisdiction and charge.

Mr. Crane moved

That the resolution and the house concurrent resolution on the same subject be referred to the committee on state affairs.

Which motion prevailed.

Mr. Gunderson introduced the following 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.

Mr. Gunderson moved

That the resolution be referred to the committee on state affairs.

Which motion prevailed.

#### FIRST READING OF SENATE BILLS.

Mr. Pierce by request introduced

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.

Which was read the first time.

Mr. Pierce introduced

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.

Which was read the first time.

Mr. Pierce introduced

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.

Which was read the first time.

Mr. Pierce introduced

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.

Which was read the first time.

Mr. LaMoure introduced

Senate Bill No. 44,

A bill for an act providing when surety may be released on bond and prescribing mode of procedure.

Which was read the first time.

Mr. Leutz introduced

Senate Bill No. 45,

A bill for an act to provide for the establishment and maintenance of county training schools for teachers.

Which was read the first time.

Mr. Neal introduced

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.

Which was read the first time.

Mr. Steel of Stutsman introduced

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.

Which was read the first time.

Mr. Steel of Stutsman introduced

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.

Which was read the first time.

Mr. McArthur introduced

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 was read the first time.

Mr. Martin introduced

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.

Which was read the first time.

Mr. Purcell (by request) introduced

Senate Bill No. 51,

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

Which was read the first time.

Mr. Purcell introduced

Senate Bill No. 52,

A bill for an act creating a state banking board, establishing a depositors' guaranty fund to insure depositors against loss when the bank becomes insolvent, prescribing the qualifications of officers and directors, fixing the salary of bank commissioner and his assistants and providing for more frequent examination, fixing penalty for embezzlement, limiting the amount of the bank funds that can be

loaned to any one person, corporation or firm; declaring an emergency.

Which was read the first time.

Mr. Bessesen introduced  
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.

Which was read the first time.

Mr. Leutz introduced  
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 was read the first time.

Mr. Talcott introduced  
Senate Bill No. 55,

A bill for an act providing for the granting of certificates to teach to certain students of the North Dakota agricultural college.

Which was read the first time.

Mr. Cashel introduced  
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.

Which was read the first time.

## 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 second time, and

Referred to the committee on temperance.

Senate Bill No. 12,

A bill for an act to amend and re-enact section 7497 of the revised code of 1905 of the state of North Dakota, relating to cancellation of land contracts.

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

Senate Bill No. 13,

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.

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

Senate Bill No. 15,

A concurrent resolution for an amendment to the constitution of the state of North Dakota, relating to the right of trial by jury.

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

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 second time, and  
Referred to the committee on appropriations.

Senate Bill No. 23,

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."

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

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."

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

## 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 second time, and

Referred to the committee on state affairs.

## 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

Was read the second time, and

Referred to the committee on education.

## COURTESIES OF THE FLOOR.

The courtesies of the floor were extended to J. L. McVey.

COMMUNICATION FROM THE SECRETARY OF  
STATE.

The following communication was received from the secretary of state:

*To the Members of the Senate 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.



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**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 officer or officers to be designated by law, of 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 any 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 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 act 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 such other 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 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 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 prop-

erty 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 assesment of railroad property shall cease to be in force.

The communication was referred to the committee on judiciary.

Mr. Movius moved

That the senate do now adjourn.

Which motion prevailed, and

The senate adjourned.

J. W. FOLEY,  
Secretary.

## TWELFTH DAY

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

The senate convened at two o'clock.  
The president presiding.  
Prayer by the chaplain.  
Roll call.

All present but Messrs. Gronvold, Plain, Rice, Simpson,  
who were excused.

### REFERENCE OF THE JOURNAL.

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

Mr. President:

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

On page 10 change "House of Representatives" to "Senate" in the intro-  
duction to the communication from the Secretary of State.

And when so corrected recommend that the same be ap-  
proved.

H. J. BESSESEN,  
Acting Chairman.

Mr. Bessesen moved

That the report be adopted.

Which motion prevailed, and

The report was adopted.

The president of the senate appointed as members of the joint committee to draft memorials of respect for the late John Miller and E. C. D. Shortridge, Senators Purcell, LaMoure and Talcott.

### MESSAGE FROM THE HOUSE.

The following message was received from the house :

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

Mr. President:

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

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 house has amended as follows:

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 subpoenae 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 or 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 this 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 this 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.

And in which amended resolution the house has concurred.

Very respectfully,  
W. D. AUSTIN,  
Chief Clerk.

Mr. Gunderson moved

That the resolution as amended be referred to the committee on state affairs.

Which motion prevailed.

#### REPORT OF SPECIAL COMMITTEE.

The committee on committee rooms made the following report:

Mr. President:

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

The committees on Judiciary, State Affairs and Appropriations will meet in office of state engineer.

The committees on Apportionment, and Warehouses and Grain Grading will meet in the agricultural exhibit rooms, basement floor.

The committees on Insurance, Engrossing and Enrolling Bills, and Game and Fish will meet in private office insurance department.

The committee on Military Affairs will meet in adjutant general's office.

The committee on Elections will meet in senate retiring rooms.

The committees on Education and Railroads will meet in senate committee room.

The remaining committees will occupy the rooms adjoining the cloak room.

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 senate 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 we also recommend that an efficient janitor be employed to take proper care of said rooms.

Respectfully submitted,  
GEO. A. WELCH,  
ALEX MACDONALD,  
H. H. STEELE.

Mr. Welch moved

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

#### FIRST READING OF SENATE BILLS.

Mr. Movius introduced

Senate Bill No. 57,

A bill for an act to amend section 7497 of the 1905 revised codes of the state of North Dakota relating to foreclosure of land contracts.

Which was read the first time.

Mr. Movius introduced

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 was read the first time.

Mr. Koffel introduced

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.

Which was read the first time.

Mr. Crane introduced

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 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.

Which was read the first time.

Mr. Anderson introduced

Senate Bill No. 61,

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 time.

Mr. Talcott introduced

Senate Bill No. 62,

A bill for an act to provide for the nonpartisan nomination and election of state superintendent of public instruction and county superintendents of schools.

Which was read the first time.

Mr. Talcott introduced

Senate Bill No. 63,

A bill for an act to encourage elementary education and appropriate money therefor.

Which was read the first time.

Mr. Cashel introduced

Senate Bill No. 64,

A bill for an act to provide for nominating candidates by political parties for United States senators, members of congress, and certain state officers, calling caucuses, county and state conventions, regulating and governing the same, providing an appropriation therefor and suitable penalties for violations thereof.

Which was read the first time.

Mr. Duis introduced

Senate Bill No. 65,

A bill for an act to amend section 1554 of the revised codes of 1905 relating to taxes, when due, personal, distress and delinquent personal property taxes, and to repeal sec-

tion 1571 of the revised codes of 1905 relating to real estate taxes due and delinquent, penalty and interest.

Which was read the first time.

Mr. Cashel introduced

Senate Bill No. 66,

A bill for an act providing for calling caucuses of political parties, regulating the same and providing suitable penalties for their violation.

Which was read the first time.

Mr. Kennedy introduced

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.

Which was read the first time.

Mr. Strom introduced

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.

Which was read the first time.

Mr. Strom introduced

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.

Which was read the first time.

## SECOND 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 second time, and

Referred to the committee on Temperance.

Senate Bill No. 11,

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.

Was read the second time, and

Referred to the committee on Education.

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 second time, and

Referred to the committee on Appropriations.

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 second time, and

Referred to the committee on Judiciary.

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 second time, and

Referred to the committee on Education.

**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 second time, and  
Referred to the committee on Judiciary.

**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.

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

**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 second time, and  
Referred to the committee on Judiciary.

**Senate Bill No. 26,**

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; proscribing rules, regulations and duties of all officers and persons connected therewith; proscribing how taxes for same shall be levied and collected, and how expense and indemnity for losses by hail shall be paid.

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

**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 second time, and  
Referred to the committee on Judiciary.



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 second time, and

Referred to the committee on Banks and Banking.

Senate Bill No. 55,

A bill for an act providing for the granting of certificates to teach to certain students of the North Dakota agricultural college.

Was read the second time, and

Referred to the committee on Agriculture.

Mr. Crane moved

That the senate return to the eighth order of business.

Which motion prevailed.

Mr. Crane moved

That the name of J. D. Wakeman be substituted for that of D. H. Lewis on page 3 of the senate journal for the second day.

Which motion prevailed.

Mr. Pierce moved

That all senate bills having received their first reading be given their second reading and reference.

Which motion was adopted.

#### SECOND READING OF SENATE BILLS.

Senate Bill No. 57,

A bill for an act to amend section 7497 of the 1905 revised codes of the state of North Dakota relating to foreclosure of land contracts.

Was read the second time, 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 second time, 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 second time, and

Referred to the committee on State Affairs.

**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 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 second time, and

Referred to the committee on Public Health.

**Senate Bill No. 61,**

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.

Was read the second time, and

Referred to the committee on State Affairs.

**Senate Bill No. 62,**

A bill for an act to provide for the nonpartisan nomination and election of state superintendent of public instruction and county superintendents of schools.

Was read the second time, and

Referred to the committee on Education.

**Senate Bill No. 63,**

A bill for an act to encourage elementary education and appropriate money therefor.

Was read the second time, and

Referred to the committee on Education.

**Senate Bill No. 64,**

A bill for an act to provide for nominating candidates by political parties for United States senators, members of congress, and certain state officers, calling caucuses, county

and state conventions, regulating and governing the same, providing an appropriation therefor and suitable penalties for violations thereof.

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

Senate Bill No. 65,

A bill for an act to amend section 1554 of the revised codes of 1905 relating to taxes, when due, personal, distress and delinquent personal property taxes, and to repeal section 1571 of the revised codes of 1905 relating to real estate taxes due and delinquent, penalty and interest.

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

Senate Bill No. 66,

A bill for an act providing for calling caucuses of political parties, regulating the same and providing suitable penalties for their violation.

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

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 second time, and  
Referred to the committee on State Affairs.

**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 second time, 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 second time, and  
Referred to the committee on Appropriations.

Mr. Talcott moved

That the senate return to the eighth order of business.

Which motion prevailed.

Mr. Talcott moved

That it be the sense of the senate that L. B. Hanna, former senator in this body and now congressman-elect be requested to address the senate.

Which motion prevailed by a rising vote.

The president appointed Senator Talcott to escort Mr. Hanna to the president's desk.

Mr. Hanna addressed the senate.

**COURTESIES OF THE FLOOR.**

The courtesies of the floor were extended to the following: H. L. Kelly of Billings county, S. L. Sheldon and W. H. McCann.

The president administered the oath to the following employees: A. Steenson, clerk committee on state affairs; J. D. Wakeman, committee clerk, unassigned.

Mr. Welch moved

That the senate do now adjourn.

Which motion prevailed, and

The senate adjourned.

J. W. FOLEY,  
Secretary.

FOURTEENTH DAY

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

The senate convened at two o'clock.

The president presiding.

Prayer by the chaplain.

Roll call.

All members present except Messrs. Johnson, Walton and Rice, who were excused.

## REFERENCE OF THE JOURNAL.

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

Mr. President:

Your committee on revision and correction of the journal have carefully examined the journal of the twelfth day and find the same correct.

H. J. BESSESEN,  
Acting Chairman.

Mr. Bessesen moved

That the report be adopted.

Which motion prevailed, and

The report was adopted.

## PETITIONS AND COMMUNICATIONS.

The following communication was laid before the senate:  
*To the Members of the Senate 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,

J. B. TAYLOR,

A. F. BAILEY,

J. F. DOUGLAS,

Committee.

#### MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,

BISMARCK, NORTH DAKOTA,

January 18, 1909.

Mr. President:

I have the honor to transmit 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.

Very respectfully,  
W. D. AUSTIN,  
Chief Clerk.

Mr. Crane moved

That the resolution be referred to the committee on education.

Which motion prevailed.

#### REPORT OF SENATE COMMITTEE ON JUDICIARY.

The committee on judiciary made the following report:

Mr. President:

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

A bill for an act 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.

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

J. B. SHARPE,  
Chairman.

Mr. Sharpe moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

#### REPORT OF SENATE COMMITTEE ON JUDICIARY.

The committee on judiciary made the following report:

Mr. President:

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 amended as follows:

In section 2 line 6, after the word "father" add the words "and mother in equal shares." In the same line change the word "he" to the word "either." Strike out the last word of line 6 and the first word of line seven, section 2 and add thereto the word "survivor."

In section 2 line 12, after the word father add the words "and mother in equal shares." In line 13 change the word "he" to the word "either." In the same line change the word "mother" to the word "survivor."

And when so amended recommend the same do pass.

J. B. SHARPE,  
Chairman.

Mr. Sharpe moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

#### MOTIONS AND RESOLUTIONS.

Mr. Koffel introduced the following resolution:

Resolved, That compensation of the official stenographer to the Lieutenant Governor shall be five dollars per day and that said official stenographer to the Lieutenant Governor shall be paid said sum during the time of actual employment

Mr. Koffel moved

That the resolution be adopted.

Which motion prevailed, and

The resolution was adopted.

Mr. Koffel introduced the following resolution:

Resolved, That the compensation for all the Senate employes engaged under and by virtue of resolutions creating offices for same where otherwise not provided shall be four dollars per day and that said employes shall be paid said sum during the time of actual employment under and by virtue of said employment. Except that the additional pages employed under and by virtue of such resolutions shall receive the sum of two dollars per day.

Mr. Koffel moved

That the resolution be adopted.

Which motion prevailed, and

The resolution was adopted.

Mr. Plain introduced the following resolution:

Whereas, K. Koppang was on the sixth day of January, 1909, assigned to the position of mailing clerk in the senate, and on said day was sworn in;

and whereas, his name does not appear in the senate journal, therefore be it Resolved, That he be allowed pay from and after the said sixth day of January, 1909.

Mr. Crane moved

That the resolution be referred to the committee on rules.  
Which motion prevailed.

Mr. Welo introduced the following 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.

Mr. Welo moved

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

#### FIRST READING OF SENATE BILLS.

Mr. Baker introduced

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.

Which was read the first time.

Mr. Duis introduced

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.

Which was read the first time.

Mr. McArthur introduced

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.

Which was read the first time.

Mr. McArthur introduced

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.

Which was read the first time.

Mr. McDonald introduced

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.

Which was read the first time.

Mr. Crane introduced

Senate Bill No. 75,

A bill for an act to amend section 8359 of the revised codes of 1905.

Which was read the first time.

Mr. Crane introduced

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.

Which was read the first time.

Mr. Ramsett introduced

Senate Bill No. 77,

A bill for an act to amend section 3012 of the revised codes of the state of North Dakota for the year 1905, relating to road and bridge taxes.

Which was read the first time.

Mr. Gunderson introduced

Senate Bill No. 78,

A bill for an act to amend section 2437 of the revised codes of the state of North Dakota for the year 1905.

Which was read the first time.

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**SECOND READING OF SENATE BILLS.**

Senate Bill No. 10,

A bill for an act to amend and re-enact section 7459 of the revised codes of North Dakota of 1905, relating to foreclosure of mortgages on real property by advertisement.

Was read the second time, and

Referred to the committee on judiciary.

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 second time and

Referred to the committee on state affairs.

Senate Bill No. 22,

A bill for an act entitled "An act to provide for liens upon crops and for the levy of a tax to secure the payment of the purchase price of seed grains."

Was read the second time and

Referred to the committee on agriculture.

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 second time, and

Referred to the committee on appropriations.

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 second time, and

Referred to the committee on cities and municipal corporations.

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 second time, and

Referred to the committee on judiciary.

## Senate Bill No. 32,

A bill for an act entitled an act to provide for the appointment of a board of "State Flag Commissioners," and to provide funds for the selection and purchase of a state flag for the state of North Dakota.

Was read the second time, and

Referred to the committee on state affairs.

## 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 second time, and

Referred to the committee on highways, bridges and fences.

## Senate Bill No. 34,

A bill for an act to amend and re-enact section 1582 of the revised codes of North Dakota of 1905, relating to the redemption of real estate from tax sale.

Was read the second time and

Referred to the committee on judiciary.

## Senate Bill No. 38,

A bill for an act to provide for a non-resident executor or administrator.

Was read the second time 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 second time and

Referred to the committee on judiciary.

## Senate Bill No. 40,

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.

Was read the second time and

Referred to the committee on railroads.

## 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 second time and

Referred to the committee on corporations other than municipal.

## 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 second time and

Referred to committee on judiciary.

## 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 denatured 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.

Was read the second time and

Referred to the committee on appropriations.

## 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 second time and

Referred to committee on judiciary.

## Senate Bill No. 45,

A bill for an act to provide for the establishment and maintenance of county training schools for teachers.

Which was read the second time and

Referred to the committee on education.

## 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.

Which was read the second time and

Referred to the committee on education.

## 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.

Which was read the second time 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.

Which was read the second time and

Referred to the committee on appropriations.

## 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 was read the second time and

Referred to the committee on highways, bridges and ferries.

## 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.

Which was read the second time and

Referred to the committee on state affairs.

## Senate Bill No. 51,

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

Which was read the second time 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 instiutio for the feeble minded, at Grafton.

Which was read the second time and

Referred to the committee on appropriations.

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COURTESIES OF THE FLOOR.

The courtesies of the floor were extended to Hon. A. J. Stade, F. T. Fox, Norman Morrison, A. H. Bell, Frank Honett, Geo. Rodenbach, Alex Morrison and Gunder Olson.

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

J. W. FOLEY,  
Secretary.



FIFTEENTH DAY

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SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
January 19, 1909.

The senate convened at two o'clock.

The president presiding.

Prayer by the chaplain.

Roll call.

All members present except Mr. Rice, who was excused on account of illness.

## REFERENCE OF THE JOURNAL.

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

Mr. President:

Your committee on correction and revision of the journal have carefully examined the journal of the fourteenth day and find the same correct.

H. J. BESSESEN,  
Acting Chairman.

Mr. Bessesen moved

That the report be adopted.

Which motion prevailed, and

The report was adopted.

## MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,  
BISMARCK, NORTH DAKOTA,  
January 19, 1909.

Mr. President:

I have the honor to return 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.

In which the house has concurred.

Very respectfully,  
W. D. AUSTIN,  
Chief Clerk.

## COMMUNICATION FROM THE SECRETARY OF STATE.

The following communication was received from the secretary of state:

OFFICE OF SECRETARY OF STATE,  
BISMARCK, NORTH DAKOTA,  
January 19, 1909.

*To the Members of the Senate of the Eleventh Legislative Assembly of the State of North Dakota:*

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 Board:

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.

(SEAL)

Very respectfully,  
ALFRED BLAISDELL,  
Secretary of State.

## REPORT OF SENATE COMMITTEE ON TEMPERANCE.

The committee on temperance made the following report:

Mr. President:

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 be amended as follows:

In line 5, section 1, strike out the words "any percentage" and insert in lieu thereof the words "in excess of one per cent."

And when so amended recommend the same do pass.

H. H. STROM,  
Chairman.

Mr. Strom moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Mr. Koffel introduced the following resolution:

Whereas, the membership of the senate has been largely increased and additional services required by reason thereof; therefore, be it

Resolved, That the services of one additional clerk to act as stenographer to the senators is hereby declared necessary, and that Miss H. M. Barber be elected as such clerk, and that the compensation therefor shall be \$5.00 per day, which sum shall be paid her during the time of actual employment.

Mr. Koffel moved

That the resolution be adopted.

The roll was called and those who voted for Miss Barber were:

Messrs.—

Albright  
Anderson  
Baker  
Bessesen  
Cashel  
Crane  
Davis  
Duis  
Gilbert  
Gronvold  
Gunderson  
Holliday  
Irwin  
Johnson  
Kelly

Messrs.—

Kennedy  
Koffel  
LaMoire  
Leutz  
Macdonald  
McArthur  
McLean  
Movius  
Neal  
Overson  
Palmer  
Pierce  
Plain  
Purcell

Messrs.—

Sharpe  
Steel, of Stutsman  
Steele of Ward  
Stevens  
Strom  
Syvertson  
Talcott  
Trimble  
Turner  
Wallin  
Walton  
Welch  
Welo  
Whitcher

Miss Barber, receiving a majority of all votes cast, was declared elected.

Mr. Crane introduced the following concurrent resolution:

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.

Mr. Crane moved

That the concurrent resolution be adopted.

Which motion prevailed, and

The resolution was adopted.

MESSAGE FROM THE HOUSE.

The following message was received from the house:

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

Mr. Strom objected to the consideration of the resolution.

Which went over one day.

## FIRST READING OF SENATE BILLS.

Mr. Pierce introduced

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 was read the first time.

Mr. Walton introduced

Senate Bill No. 80,

A bill for an act to amend section No. 4657 of the revised code of 1905, relating to the limitations of loans to one concern.

Which was read the first time.

Mr. Welch introduced

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.

Which was read the first time.

Mr. Plain introduced

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 was read the first time.

Mr. Koffel introduced

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.

Which was read the first time.

Mr. Bessesen introduced

Senate Bill No. 84,

A bill for an act relating to the granting of a new trial in all actions, civil or criminal, tried to a jury.

Which was read the first time.

Mr. Wallin introduced

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.

Which was read the first time.

Mr. Gronvold introduced

Senate Bill No. 86,

A bill for an act to amend section 1554 of the revised codes of 1905 of North Dakota, relating to delinquent personal property taxes when due.

Which was read the first time.

Mr. Strom introduced

Senate Bill No. 87,

A bill for an act to amend sections 5510 and 5511 of the revised codes of 1905, relating to the legal rate of interest, and defining usury.

Which was read the first time.

Mr. Welo introduced

Senate Bill No. 88,

A bill for a concurrent resolution 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 time.

Mr. Ramsett introduced

Senate Bill No. 89,

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 time.

Mr. Simpson introduced

Senate Bill No. 90,

A bill for an act making an appropriation for the Dickinson experiment station, located at the city of Dickinson,

Which was read the first time.

Mr. Simpson introduced

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.

Which was read the first time.

### SECOND READING OF SENATE BILLS.

Senate Bill No. 35,

A bill for an act relating to the qualifications of all state, county and city elective officers.

Was read the second time, and

Referred to the committee on Judiciary.

Senate Bill No. 36,

An act amending chapter 92 of the session laws of 1907 relating to county funds.

Was read the second time, and

Referred to the committee on ways and means.

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.

Was read the second time, and

Referred to the committee on Appropriations.

Senate Bill No. 52,

A bill for an act creating a state banking board, establishing a depositors' guaranty fund to insure depositors against loss when the bank becomes insolvent, prescribing the qualifications of officers and directors, fixing the salary of bank commissioner and his assistants and providing for more frequent examination, fixing penalty for embezzlement, limiting the amount of the bank funds that can be

loaned to any one person, corporation or firm; declaring an emergency.

Was read the second time, and

Referred to the committee on Banks and Banking.

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 second time, and

Referred to the committee on appropriations.

Mr. Gunderson moved

That the senate now proceed to vote for the election of a United States senator.

Which motion prevailed.

Mr. LaMoure nominated M. N. Johnson of Nelson county.

Mr. Bessesen seconded on behalf of Wells county.

Mr. Stevens seconded on behalf of Grand Forks county.

Mr. Gunderson seconded on behalf of Nelson county.

Mr. Strom seconded on behalf of Traill county.

Mr. Gronvold seconded on behalf of Pierce county.

Mr. Simpson seconded on behalf of Stark county.

Mr. Purcell nominated John L. Cashel.

Mr. Duis seconded on behalf of Grand Forks county.

The roll was called and those who voted for Mr. Johnson were:

Messrs.—	Messrs.—	Messrs.—
Albright	Leutz	Steel, of Stutsman
Anderson	Martin	Steele of Ward
Baker	Macdonald	Stevens
Bessessen	McLean	Strom
Crane	Movius	Syverson
Davis	Neal	Talcott
Gilbert	Overson	Trimble
Gronvold	Palmer	Wallin
Gunderson	Pierce	Walton
Johnson	Plain	Welch
Kennedy	Ramsett	Welo
Koffel	Sharpe	Whitcher
LaMoure	Simpson	

Those who voted for Mr. Cashel were:

Messrs.—	Messrs.—	Messrs.—
Duis	Kelly	Purcell
Holliday	McArthur	Turner
Irwin		



Mr. Cashel voted for W. E. Purcell.

Mr. Rice was absent and not voting because of illness.

The president of the senate announced that M. N. Johnson had received 38 votes, John L. Cashel 7 votes, and W. E. Purcell one vote for the office of United States senator, with 1 senator absent and not voting.

Mr. Simpson moved

That Mr. Johnson be invited to address the senate.

Which motion prevailed, and

Mr. Johnson addressed the senate.

### COURTESIES OF THE FLOOR.

The courtesies of the floor were extended to the following:

J. W. Schwitzler of Mohall, Vic Rose of Donnybrook, Wm. Buttz of Minot, Gunder Olson, John F. Anderson, G. A. Herolz, Lome Kelly, M. Rush, A. L. Mikalson, A. L. Geil, E. L. Beaverstad, A. B. Hutchinson, Geo. Engebretson, E. N. Disney of Williams county, C. A. Jahdan, Sargent county, John T. Nelson, S. M. Ferris.

The president administered the oath of office to the following: Miss H. M. Barber, stenographer to the senate.

Mr. Simpson moved

That the senate do now adjourn to meet at 12 o'clock Wednesday, January 20.

Which motion prevailed, and

The senate adjourned.

J. W. FOLEY,  
Secretary.

FIFTEENTH DAY—AFTER RECESS

AND

SIXTEENTH DAY

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SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
January 20, 1909.

The senate convened at 12 o'clock.  
The president presiding.

MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,  
BISMARCK, NORTH DAKOTA,  
January 20, 1909.

Mr. President:

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

Very respectfully,  
W. D. AUSTIN,  
Chief Clerk.

Mr. Talcott moved

That the senate proceed to the house for a joint session.  
Which motion prevailed.

AFTER JOINT SESSION.

The senate reconvened.  
The president presiding.

The following certificate was filed:

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 on Wednesday, the 20th day of January, A. D. 1909, at 12 o'clock meridian, 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 4th, 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. Stevens moved

That the senate do now adjourn.

Which motion prevailed, and

The senate adjourned.

J. W. FOLEY,  
Secretary.

SIXTEENTH DAY

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SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
January 20, 1909.

The senate convened at two o'clock.

The president presiding.

Prayer by the chaplain.

Roll call.

All members present except Mr. Rice, who was excused.

## REFERENCE OF THE JOURNAL.

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

Mr. President:

Your committee on revision and correction of the journal have carefully examined the journal of the fifteenth day and find the same correct.

H. J. BESSESEN,  
Acting Chairman.

Mr. Bessesen moved

That the report be adopted.

Which motion prevailed, and

The report was adopted.

## REPORT OF SENATE COMMITTEE ON AGRICULTURE.

The committee on agriculture made the following report:

Mr. President:

Your committee on agriculture to whom was referred Senate Bill No. 7,

A bill for an act to prohibit the removing of threshing machines or bundle wagons from one farm to another, be-

fore cleaning and providing penalties for violations thereof.  
Have had the same under consideration and recommend  
that the same do pass.

C. W. PLAIN,  
Chairman.

Mr. Plain moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

#### REPORT OF SENATE COMMITTEE ON EDUCATION.

The committee on education made the following report:

Mr. President:

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.

F. S. TALCOTT,  
Chairman.

Mr. Talcott moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

#### REPORT OF SENATE COMMITTEE ON JUDICIARY.

The committee on judiciary made the following report:

Mr. President:

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 states' attorney, assistant, and clerk.

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

J. B. SHARPE,  
Chairman.

Mr. Sharpe moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

#### REPORT OF SENATE COMMITTEE ON EDUCATION.

The committee on education made the following report:

Mr. President:

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.

F. S. TALCOTT,  
Chairman.

Mr. Talcott moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

#### REPORT OF SENATE COMMITTEE ON EDUCATION.

The committee on education made the following report:

Mr. President:

Your committee on education to whom was referred concurrent resolution of January 18, 1909.

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.

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

F. S. TALCOTT,  
Chairman.

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

### SENATE COMMITTEE ON ENROLLED AND EN- GROSSED BILLS.

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

Mr. President:

Your committee on enrolled and engrossed bills have examined

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 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 find the same correctly engrossed.

THEODORE KOFFEL,  
Chairman.

### MOTIONS AND RESOLUTIONS.

Mr. Bessen introduced the following resolution:

Whereas, there are not sufficient typewriting machines for the use of the Senate and the Senate Committees; therefore be it

Resolved, That the Secretary of State be forthwith instructed and authorized to procure and furnish three visible typewriting machines of standard make and having the single shift key, standard board, and that the same be furnished for the use of the Senate.



Mr. Bessesen moved

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

Mr. Bessesen introduced the following resolution:

Resolved, That the 1905 Revised Codes of North Dakota for use by the different committees of the Senate, particularly the codes now for use in the room of the Judiciary committee, be annotated forthwith, with reference to amendments and repeals as made in the 1907 session laws, opposite each section which was amended or repealed, and that said work be at once performed by the clerical force of the Senate, not otherwise employed, and under the direction of the Secretary of the Senate.

Mr. Bessesen moved

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

Mr. LaMoure moved

That the senate concur in the house resolution with reference to an adjournment.

Mr. LaMoure withdrew his motion.

### MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,  
BISMARCK, NORTH DAKOTA,  
January 20, 1909.

Mr. President:

I have the honor to inform you that the house respectfully requests the return of 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, January 20, 1909, it extend to two o'clock p. m., January 26, 1909.

Very respectfully,

W. D. AUSTIN,  
Chief Clerk.

## FIRST READING OF SENATE BILLS.

Mr. Movius introduced  
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 therefor 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.

Which was read the first time.

Mr. Walton introduced  
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.

Which was read the first time.

Mr. Ramsett introduced  
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.

Which was read the first time.

Mr. Strom introduced  
Senate Bill No. 95,

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 time.

Mr. Kennedy introduced  
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.

Which was read the first time.

Mr. Kennedy introduced

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 was read the first time.

Mr. Sharpe introduced

Senate Bill No. 98,

A bill for an act to encourage education in agriculture and domestic science, by providing for the establishment and maintenance of county schools of agriculture and domestic economy, for the certification of graduates of such schools, and making appropriations for such schools.

Which was read the first time.

Mr. Holliday introduced

Senate Bill No. 99,

A bill for an act to provide for the location, erection, organization and management of a state sanitorium 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 sanitorium.

Which was read the first time.

#### MOTIONS AND RESOLUTIONS.

Mr. Crane moved

That the senate return to the sixth order of business.

Which motion prevailed.

#### REPORT OF SENATE COMMITTEE ON STATE AFFAIRS.

The committee on state affairs made the following report:

Mr. President:

Your committee on state affairs to whom was referred senate concurrent resolution, relating to investigation of various managements of the state penitentiary, and which resolution was amended by the house.

Have had the same under consideration and report inability to concur in the house amendments, and ask that a con-

ference committee of three each from house and senate be appointed to consider said concurrent resolution.

MAYNARD CRANE,  
Chairman.

Mr. Crane moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

## SECOND READING OF SENATE BILLS.

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 second time, and

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

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 second time, and

Referred to the committee on Temperance.

Senate Bill No. 75,

A bill for an act to amend section 8359 of the revised codes of 1905.

Was read the second time, and

Referred to the committee on judiciary.

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 second time, and

Referred to the committee on appropriations.

## Senate Bill No. 77,

A bill for an act to amend section 3012 of the revised codes of the state of North Dakota for the year 1905, relating to road and bridge taxes.

Was read the second time, and

Referred to the committee on highways, bridges and ferries.

The president of the senate named as conference committee on the senate resolution for a penitentiary investigation, Messrs. LaMoure, Pierce and Talcott.

## THIRD 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 third time.

The question being on the final passage of the bill.

The roll was called there were ayes 40, nays 1, absent and not voting 6.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Anderson	LaMoure	Steel, of Stutsman
Baker	Maccdonald	Steele of Ward
Bessesen	McArthur	Stevens
Cashel	McLean	Strom
Crane	Movlus	Syvertson
Davis	Neal	Talcott
Duis	Overson	Trimble
Gilbert	Palmer	Turner
Gronvold	Pierce	Wallin
Gunderson	Plain	Walton
Irwin	Ramsett	Welch
Kelly	Sharpe	Welo
Kennedy	Simpson	Whitcher
Koffel		

## Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Albright	Johnson	Purcell
Holliday	Martin	Rice

Mr. Leutz voted in the negative.

So the bill passed and the title was agreed to.

Mr. Crane moved

That the senate return to the sixth order of business.

Which motion prevailed.

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REPORT OF SENATE COMMITTEE ON STATE  
AFFAIRS.

The committee on state affairs made the following report:

Mr. President:

Your committee on state affairs 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:

On line 14, page 2 of the printed bill, strike out the word "of" where it appears after the word "sub-division," and insert the word "on" in lieu thereof.

On line 26, page 2 of the printed bill, strike out the word "five" where it appears after the words "rate of," and insert the word "six" in lieu thereof.

On line 45, page 3 of the printed bill, strike out the word "and" where it appears after the word "payment," and insert the word "on" in lieu thereof.

On line 57, page 4 of the printed bill, strike out the word "votes" where it appears after the words "and the," and insert the word "vote" in lieu thereof.

On line 30, page 3 of the printed bill, after the word "annually" insert the following, "and commencing with the sixth year the interest shall be paid annually."

Line 44 of the printed bill strike out the words "to the" and insert the words "principal and" in lieu thereof.

Line 44 also strike out the word "same" and insert in lieu thereof the word "principal."

Line 45 of the printed bill strike out the words "and the whole amount."

Line 46 of the printed bill strike out the words "remaining due in such payments."

On line 1 of section 2 of page 4 of printed bill strike out the figure "two" and insert in lieu thereof the figure "three."

On line 1 of section 3, page 4 of printed bill strike out the figure "three" and insert in lieu thereof the figure "four."

After line 29 of printed bill insert the following:

Sec. 2. Satisfaction or Mortgage Loans on Real Estate.)  
The governor and superintendent of public instruction, who 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.

And when so amended recommend the same do pass.

MAYNARD CRANE,  
Chairman.

Mr. Crane moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

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 third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 45, nays 0, absent and not voting 2.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Koffel	Sharpe
Anderson	LaMoure	Simpson
Baker	Leutz	Steel, of Stutsman
Bessesen	Martin	Steele of Ward
Cashel	Macdonald	Stevens
Crane	McArthur	Strom
Davis	McLean	Syverson
Duis	Movius	Talcott
Gilbert	Neal	Trimble
Gronvold	Overson	Turner
Gunderson	Palmer	Wallin
Holliday	Pierce	Walton
Irwin	Plain	Welch
Kelly	Purcell	Welo
Kennedy	Ramsett	Whitcher

Absent and not voting:

Messrs.—  
Johnson

Messrs.—  
Rice

Messrs.—

So the bill passed and the title was agreed to.

Mr. Sharpe moved

That the senate return to the sixth order of business.

Which motion prevailed.

## REPORT OF SENATE COMMITTEE ON JUDICIARY.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred

Senate Bill No. 23,

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."

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

That the title be amended to read as follows: "A bill for an act, 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."

In section 1 strike out all of lines 1, 2 and 3, and insert therein the following: "Section 1. Amendment.) Chapter 119 of the session laws of North Dakota for the year 1907 is hereby amended to read as follows:

Section 7253. Who Not Excluded. Husband and Wife. Decedent's Testimony.) No person offered as a witness in any action or proceeding in any court, or before any officer or person having authority to examine witnesses or hear evidence, shall be excluded or excused by reason of such person's interest in the event of the action or proceeding; or because such person is a party thereto, or because such person is the husband or wife of a party thereto, or of any person in whose behalf such action or proceeding is commenced, prosecuted, opposed or defended, except as hereinafter provided.

1. A husband cannot be examined for or against his wife without her consent, nor a wife, for or against a husband without his consent, nor can either, during the mar-



riage or afterwards, be, without the consent of the other, examined as to any communication made by one to the other during the marriage; but this subdivision does not apply to a civil action or proceeding by one against the other, nor to a criminal action or proceeding for a crime committed by one against the other.

2. In civil action or proceeding by or against executors, administrators, heirs-at-law or next of kin, in which judgment may be rendered or order entered for or against them, neither party shall be allowed to testify against the other as to any transaction whatever with or statement by the testator or intestate, unless called to testify thereto by the opposite party; and where a corporation is a party in proceedings mentioned in this section, no agent, stockholder, officer or manager of such corporation shall be permitted to testify to any transaction had with the testator or intestate. But if the testimony of a party to the action or proceeding has been taken, and he shall afterwards die, and after his death the testimony so taken shall be used upon any trial or bearing in behalf of his executors, administrators, heirs-at-law or next of kin, then the other party shall be a competent witness as to any and all matters to which the testimony so taken relates."

In line 8, same section, after the word "testify" insert the words "under the general rules of evidence."

And when so amended recommend the same do pass.

J. B. SHARPE,  
Chairman.

Mr. Sharpe moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Mr. Martin moved

That the senate return to the ninth order of business.

Which motion prevailed.

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

Mr. Martin introduced

Senate Bill No. 100,

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 time.

### THIRD READING OF SENATE BILLS.

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.

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 0, absent and not voting 4.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Koffel	Simpson
Anderson	LaMoure	Steel, of Stutsman
Baker	Leutz	Steele of Ward
Bessesen	Macdonald	Stevens
Cashel	McArthur	Strom
Crane	McLean	Syvertson
Davis	Movius	Talcott
Duis	Neal	Trimble
Gilbert	Overson	Turner
Gronvold	Palmer	Wallin
Gunderson	Plain	Walton
Holliday	Purcell	Welch
Irwin	Ramsett	Welo
Kelly	Sharpe	Whitcher
Kennedy		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Johnson	Pierce	Rice
Martin		

So the bill passed and the title was agreed to.

Mr. Bessesen moved

That the senate return the house resolution regarding adjournment.

Which motion prevailed.

Mr. Crane moved

That the senate take a recess of ten minutes.

Which motion prevailed.

### AFTER RECESS.

Mr. Neal moved

That the senate return to the eighth order of business.

Which motion prevailed.

**Mr. Neal introduced the following****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.

Mr. McDonald moved

That the resolution be referred to the committee on state affairs.

Which motion prevailed.

Mr. Neal moved

That the senate take a recess for five minutes.

Which motion prevailed.

#### AFTER RECESS.

Mr. Overson moved

That the vote by which resolution regarding waterways was referred be reconsidered.

Which motion prevailed.

Mr. Crane moved

That the resolution be adopted.

Which motion prevailed.

The name of Senator Walton was added to the committee on banking.

#### COURTESIES OF THE FLOOR.

The courtesies of the floor were extended to the following: John F. Anderson, President W. M. Kern of the state normal and industrial school, Hans Oppegaard, Valley City; Prof. Geo. A. McFarland, Valley City; R. R. Hedke, I. E. Shepard, T. P. Lee, H. A. Armstrong, T O'Brien, P. G. Rooks, Chas. Whitmer, Alf Estgate of Nelson county.

Mr. Crane moved

That the senate do now adjourn.

Which motion prevailed, and

The senate adjourned.

J. W. FOLEY,  
Secretary.

## SEVENTEENTH DAY

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
January 21, 1909.

The senate convened at two o'clock.

The president presiding.

Prayer by the chaplain.

Roll call.

All members present except Messrs. Johnson and Rice,  
who were excused.

## REFERENCE OF THE JOURNAL.

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

Mr. President:

Your committee on revision and correction of the journal  
have carefully examined the journals of the fifteenth day,  
after recess, and sixteenth day, and found the same correct.

H. J. BESSESEN,  
Acting Chairman.

Mr. Bessesen moved

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

## MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,  
BISMARCK, NORTH DAKOTA.  
January 21, 1909.

Mr. President:

I have the honor to inform you that the speaker has appointed as members of the conference committee, regarding penitentiary resolution, Messrs. Peart, Gibbens and Hale.

Also,

I have the honor to return 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.

In which the house has concurred.

Very respectfully,  
W. D. AUSTIN,  
Chief Clerk.

## REPORTS OF STANDING COMMITTEES.

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

Your committee on education to whom was referred

Senate Bill No. 62,

A bill for an act to provide for the nonpartisan nomination and election of state superintendent of public instruction and county superintendents of schools.

Have had the same under consideration and recommend that the same do pass, and that same bill be referred to committee on elections.

F. S. TALCOTT,  
Chairman.

Mr. Talcott moved

That the report be adopted  
Which motion prevailed, and

The report of the committee was adopted.

The committee on education made the following report:

Mr. President:

Your committee on education to whom was referred

Senate Bill No. 55,

A bill for an act providing for the granting of certificates to teach to certain students of the North Dakota agricultural college have had the same under consideration and recommend that the same be amended as follows:

That the title be amended as follows: "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."

Also add the following:

Section 2. Any person completing the full normal course of the state normal-industrial school, as prescribed by the board of trustees of said school and approved by the superintendent of public instruction, shall be entitled to certification as a teacher upon the same terms as graduates of the state normal school.

And when so amended recommend the same do pass.

F. SM. TALCOTT,  
Chairman.

Mr. Talcott moved

That the report be adopted  
Which motion prevailed, and

The report of the committee was adopted.

The committee on banks and banking made the following report:

Mr. President:

Your committee on banks and banking to whom was referred

Senate Bill No. 13,

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.

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

By striking out the words "twenty-five" in line 2 of section 1 and inserting the word "thirty" in lieu thereof.

And when so amended recommend the same do pass.

ED. PIERCE,  
Chairman.

Mr. Pierce moved

That the report be adopted

Which motion prevailed, and

The report of the committee was adopted.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred

Senate Bill No. 34,

A bill for an act to amend and re-enact section 1582 of the revised codes of North Dakota of 1905, relating to the redemption of real estate from tax sale.

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

J. B. SHARPE,  
Chairman.

Mr. Sharpe moved

That the report be adopted

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred

Senate Bill No. 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 be amended as follows:

In section 1, line 16, strike out the words "three-fourths of."

And when so amended recommend the same do pass.

J. B. SHARPE,  
Chairman.



Mr. Sharpe moved

That the report be adopted

Which motion prevailed, and

The report of the committee was adopted.

The committee on judiciary made the following report:

Mr. President:

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 amended as follows:

In section 4, line 12, strike out the words "and all."

And when so amended recommend the same do pass.

J. B. SHARPE,  
Chairman.

Mr. Sharpe moved

That the report be adopted

Which motion prevailed, and

The report of the committee was adopted.

The committee on judiciary made the following report:

Mr. President:

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.

J. B. SHARPE,  
Chairman.

Mr. Sharpe moved

That the report be adopted

Which motion prevailed, and

The report of the committee was adopted.

The committee on ways and means made the following report:

Mr. President:

Your committee on ways and means to whom was referred

Senate Bill No. 36,

An act amending chapter 92 of the session laws of 1907 relating to county funds.

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

In the second line of the emergency clause change the word "legitimate" to "reasonable."

And when so amended recommend the same do pass.

E. A. MOVIUS,  
Charman.

Mr. Movius moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on state affairs made the following report:

Mr. President:

Your committee on state affairs to whom was referred

Senate concurrent resolution concerning the Carnegie foundation for promotion of teaching.

Have had the same under consideration and recommend that the same be adopted

MAYNARD CRANE,  
Chairman.

Mr. Crane moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

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

Mr. President:

Your committee on enrolled and engrossed bills to whom was referred

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 re-

gard 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 state's 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.

Also,

Senate Bill No. 7,

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. And find the same correctly engrossed.

THEODORE KOFFEL,  
Chairman.

The committee on live stock and animal husbandry made the following report:

Mr. President:

Your committee on live stock and animal husbandry 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 amended as follows:

On line 4 of section 1 of the printed bill, after the words "now on file" insert the words "or that may hereafter be filed."

And when so amended recommend the same be referred to the committee on appropriations.

ALEX MACDONALD,  
Chairman.

Mr. Macdonald moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

#### PETITONS AND COMMUNICATIONS.

Mr. Anderson presented a communication from residents of Ward county.

Mr. Crane moved

That Senate Bill No. 27 be referred to the committee on state affairs.

Which motion prevailed.

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

Mr. Koffel (by request) introduced

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 was read the first time.

Mr. LaMoure introduced

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.

Which was read the first time.

Mr. Plain introduced

Senate Bill No. 103,

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

Which was read the first time.

Mr. Walton introduced

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.

Which was read the first time.

Mr. McLean introduced

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.

Which was read the first time.

Mr. Movius introduced

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.

Which was read the first time.

Mr. Kennedy introduced

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.

Which was read the first time.

Mr. Kennedy introduced

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.

Which was read the first time.

Mr. Palmer introduced

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.

Which was read the first time.

Mr. Gronvold introduced

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.

Which was read the first time.

Mr. Syvertson introduced

Senate Bill No. 111,

A bill for an act to amend section 417 of the revised codes of North Dakota, 1905, relating to officers and offices, and the qualification of officers.

Which was read the first time.

Mr. Sharpe introduced

Senate Bill No. 112,

A bill for a concurrent resolution amending the constitution of the state of North Dakota.

Which was read the first time.

## SECOND 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 second time, and

Referred to the committee on state affairs.

## Senate Bill No. 78,

A bill for an act to amend section 2437 of the revised codes of the state of North Dakota for the year 1905.

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

## Senate Bill No. 80,

A bill for an act to amend section No. 4657 of the revised code of 1905, relating to the limitations of loans to one concern.

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

## 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 second time, and  
Referred to the committee on Judiciary.

## 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 second time, and  
Referred to the committee on appropriations.

## Senate Bill No. 84,

A bill for an act relating to the granting of a new trial in all actions, civil or criminal, tried to a jury.

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

## 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 second time, and  
Referred to the committee on cities and municipal corporations.

## Senate Bill No. 86,

A bill for an act to amend section 1554 of the revised codes of 1905 of North Dakota, relating to delinquent personal property taxes when due.

Was read the second time, and

Referred to the committee on ways and means.

## Senate Bill No. 87,

A bill for an act to amend sections 5510 and 5511 of the revised codes of 1905, relating to the legal rate of interest, and defining usury.

Was read the second time, and

Referred to the committee on State Affairs.

## Senate Bill No. 88,

A bill for a concurrent resolution amending the constitution of the state of North Dakota, establishing and locating a state normal school in the city of Velva, county of McHenry.

Was read the second time, and

Referred to the committee on Education.

## 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 second time, 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 second time, and

Referred to the committee on appropriations.

Mr. Simpson in the chair.

## THIRD READING OF SENATE BILLS.

## Senate Bill No. 7,

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.

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 1, absent and not voting 2.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Koffel	Sharpe
Anderson	LaMoure	Simpson
Baker	Leutz	Steel, of Stutsman
Bessesen	Martin	Steele of Ward
Cashel	Macdonald	Stevens
Crane	McArthur	Strom
Davis	McLean	Syverson
Duis	Movius	Talcott
Gilbert	Neal	Trimble
Gronvold	Overson	Turner
Gunderson	Palmer	Wallin
Holliday	Pierce	Walton
Irwin	Plain	Welo
Kelly	Purcell	Whitcher
Kennedy	Ramsett	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Johnson	Rice	

Messrs. Johnson and Rice being excused.

Mr. Welch voted in the negative.

Mr. Welch explained his vote.

So the bill passed and the title was agreed to.

Mr. Gunderson moved

That the senate returned to the eighth order of business.

Which motion prevailed.

Mr. Gunderson offered the following 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.

Mr. Gunderson moved

That the resolution be adopted.

Which motion prevailed, and

The resolution was adopted.

## Senate Bill No. 23,

A bill for an act, entitled an act to amend chapter 119 of the laws of the state of North Dakota, in regard to evidence as to statements and transactions with session laws of 1907 of the state of North Dakota, in recedent.

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 0, absent and not voting 3.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Koffel	Sharpe
Anderson	LaMoure	Simpson
Baker	Leutz	Steel, of Stutsman
Bessesen	Martin	Steele of Ward
Cashel	Macdonald	Stevens
Crane	McArthur	Strom
Davis	McLean	Syverson
Duis	Movius	Talcott
Gilbert	Neal	Turner
Gronvold	Overson	Wallin
Gunderson	Palmer	Walton
Holliday	Pierce	Welch
Irwin	Plain	Welo
Kelly	Purcell	Whitcher
Kennedy	Ramsett	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Johnson	Rice	Trimble

Messrs. Johnson and Rice being excused.

So the bill passed and the title was agreed to.

## 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.

The question being on the final passage of the bill.

The roll was called and there were ayes 42, nays 0, absent and not voting 5.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Koffel	Sharpe
Anderson	LaMoure	Simpson
Baker	Leutz	Steel, of Stutsman
Bessesen	Martin	Stevens
Cashel	Macdonald	Strom
Crane	McArthur	Syverson
Davis	McLean	Talcott
Duis	Movius	Trimble

Messrs.—

Gilbert  
Gronvold  
Gunderson  
Halliday  
Irwin  
Kelly

Messrs.—

Neal  
Overson  
Palmer  
Plain  
Purcell  
Ramsett

Messrs.—

Turner  
Wallin  
Walton  
Welch  
Welo  
Whitcher

Absent and not voting:

Messrs.—

Johnson  
Kennedy

Messrs.—

Pierce  
Rice

Messrs.—

Steele of Ward

Messrs. Johnson and Rice being excused.

So the bill passed and the title was agreed to.

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 43, nays 0, absent and not voting 4.

Those who voted in the affirmative were:

Messrs.—

Albright  
Baker  
Bessesen  
Cashel  
Crane  
Davis  
Duis  
Gilbert  
Gronvold  
Gunderson  
Halliday  
Irwin  
Kelly  
Kennedy

Messrs.—

Koffel  
LaMoure  
Leutz  
Martin  
Macdonald  
McArthur  
McLean  
Movius  
Neal  
Overson  
Palmer  
Pierce  
Plain  
Purcell

Messrs.—

Ramsett  
Sharpe  
Simpson  
Steel, of Stutsman  
Strom  
Syvertson  
Talcott  
Trimble  
Turner  
Wallin  
Walton  
Welch  
Welo  
Whitcher

Absent and not voting:

Messrs.—

Anderson  
Johnson

Messrs.—

Rice  
Steele of Ward

Messrs.—

Stevens

Messrs. Johnson and Rice being excused.

So the bill passed and the title was agreed to.

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 43, nays 0, absent and not voting 4.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	LaMoure	Sharpe
Anderson	Leutz	Simpson
Baker	Martin	Steel, of Stutsman
Bessesen	Macdonald	Steele of Ward
Cashel	McArthur	Strom
Crane	McLean	Syvertson
Davis	Movius	Talcott
Duis	Neal	Trimble
Gilbert	Overson	Turner
Gronvold	Palmer	Wallin
Gunderson	Pierce	Walton
Irwin	Plain	Welch
Kelly	Purcell	Welo
Kennedy	Ramsett	Whitcher
Koffel		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Holliday	Rice	Stevens
Johnson		

Messrs. Johnson and Rice being excused.

So the bill passed and the title was agreed to.

#### MOTIONS AND RESOLUTIONS.

Mr. McDonald moved

That the vote by which Senate Bill No. 7 passed be re-considered.

Which motion prevailed.

Mr. McDonald moved

That Senate Bill No. 7 be referred to the committee on agriculture.

Which motion prevailed.

The president announced as the senate members of the joint committee on Lincoln's birthday, Messrs. Crane, Steel of Stutsman and Davis.

#### COURTESIES OF THE FLOOR.

The courtesies of the floor were extended to the following: I. L. Berge of Velva, F. E. Gorham of Billings county and Vic Rose of Donnybrook.

Mr. Movius moved

That the senate do now adjourn

Which motion prevailed, and

The senate adjourned.

J. W. FOLEY,  
Secretary.

## EIGHTEENTH DAY

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SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
January 22, 1909.

The senate convened at two o'clock.

The president presiding.

Prayer by the chaplain.

Roll call.

All members present except Messrs. Johnson, Movius, Rice and Steele of Ward, who were excused.

### MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,  
BISMARCK, NORTH DAKOTA,  
January 22, 1909.

Mr. President:

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.

In which the house has concurred.

Also,

I have the honor to inform you that the speaker has appointed as members of joint committee on Lincoln's birthday program, Messrs. Skulason, McCrea and Law.

Also,

I have the honor to return 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.

In which the house has concurred.

Also,

I have the honor to transmit herewith  
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. 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. 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. 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. 44

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

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.

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

Very respectfully,  
W. D. AUSTIN,  
Chief Clerk.

#### REFERENCE OF THE JOURNAL.

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

Mr. President:

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

On page 3, line 14, insert "the right" after the word "granting."

And when so corrected recommend that the same be approved.

H. J. BESSESEN,  
Acting Chairman.

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



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**REPORT OF STANDING COMMITTEES.**

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred  
Senate Bill No. 75,

A bill for an act to amend section 8359 of the revised  
codes of 1905.

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

Mr. Sharpe 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. President:

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.

Mr. Sharpe moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred  
Senate Bill No. 10,

A bill for an act to amend and re-enact section 7459 of  
the revised codes of North Dakota of 1905, relating to fore-  
closure of mortgages on real property by advertisement.

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

To amend the title to read as follows: "A bill for an act  
defining the duties of the register of deeds relating to fore-

closure of mortgages on real property by advertisement, and prescribing the penalty for violating the same.”

Strike out all after the enacting clause and insert the following:

Section 1. It shall be the duty of the register of deeds within ten days after the filing of the sheriff's certificate of sale in foreclosure of real estate mortgages by advertisement, to send by registered mail a copy of such sheriff's certificate of sale to the record title owner, addressed to him at the postoffice given of record in his office, if no postoffice address appears of record or is unknown to the register of deeds, then to the postoffice located nearest the land described in such certificate.

Sec. 2. The register of deeds shall make affidavit setting forth the time and manner of such mailing, the description of such land, the name and postoffice address of the person to whom such notice was mailed, and attach thereto the registry receipt, which said affidavit and registry receipt shall be filed and recorded in his office.

Provided, the failure of the register of deeds to comply with the provisions of this act, shall in no way invalidate the foreclosure proceedings nor affect the title to the property involved.

Sec. 3. The failure of the register of deeds to comply with the provisions of this act, shall render him liable, in a civil action, to the party entitled to the copy herein described, for any damage sustained by him for reason of such failure.

And when so amended recommend the same do pass.

J. B. SHARPE,  
Chairman.

Mr. Sharpe moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on highways, bridges and ferries made the following report:

Mr. President:

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 sec-

tion 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 do pass.

T. WELO,  
Chairman.

Mr. Welo 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. President:

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 do pass.

T. WELO,  
Chairman.

Mr. Welo moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on state affairs made the following report:

Mr. President:

Your committee on state affairs to who was referred

Senate Bill No. 32,

A bill for an act entitled an act to provide for the appointment of a board of "State Flag Commissioners," and to provide funds for the selection and purchase of a state flag for the state of North Dakota.

Reports in lieu thereof the following:

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.

And recommend the same do pass.

MAYNARD CRANE,  
Chairman.

Mr. Crane moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

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

Mr. President:

Your committee on enrolled and engrossed bills have examined

Senate Bill No. 36,

An act amending chapter 92 of the session laws of 1907 relating to county funds.

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. 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. 44,

A bill for an act providing when surety may be released on bond and prescribing mode of procedure.

And find the same correctly engrossed.

THEODORE KOFFEL,  
Chairman.

The committee on state affairs made the following report:

Mr. President:

Your committee on state affairs to whom was referred the following senate concurrent resolution concerning a "Lincoln Day Memorial Meeting" of this legislature.

CONCURRENT RESOLUTION.

*Resolved by the Senate of the Eleventh Legislative Assembly, the House of Representatives Concurring:*

That a committee consisting of three members from each branch be appointed by the respective presiding officers to arrange for a memorial gathering of the legislature, and our state officials, on the occasion of the one hundredth anniversary of the birth of Abraham Lincoln.

And be it further Resolved, That this committee be empowered to have printed a "one hundredth anniversary program," the cost of which shall be charged to the state as part of this legislature's expenditures and which program shall have printed therein the full text of the "Gettysburg Address" of President Lincoln.

And be it further Resolved, That this program shall be issued in sufficient quantity to allow of the mailing by this legislature of at least twenty copies of said program to every county school superintendent, and ten copies to every public school teacher now employed in this state for distribution among the older scholars within their jurisdiction and charge.

Have had the same under consideration and recommend that the same be adopted.

MAYNARD CRANE,  
Chairman.

Mr. Crane moved

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

REPORT OF CONFERENCE COMMITTEE.

Mr. President:

Your conference committee appointed to confer concerning the final adoption of Lincoln memorial day resolutions, begs leave to report an agreement to adopt the senate concurrent resolutions on this subject.

MAYNARD CRANE,  
Chairman Senate Conference Committee.  
B. G. SKULASON,  
Chairman House Conference Committee.

Mr. Crane moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Mr. Simpson moved

That Senate Bill No. 36 be referred to the committee on banks and banking.

Which motion prevailed.

### MOTIONS AND RESOLUTIONS.

Mr. Pierce introduced the following concurrent resolution:

#### CONCURRENT RESOLUTION.

Whereas, there is now pending in congress the consideration of certain measures looking toward the establishment of postal savings banks, alleged to be in the interests of depositors in banking institutions and for the purpose of giving greater stability to the financial system of the country, and

Whereas, it is the belief of this Legislative Assembly that the enactment of such laws would work a great and irreparable injury, not only to the banking system, but to the commercial, manufacturing and agricultural interest of the country, and would fall far short of accomplishing its purpose in this.

The recent monetary disturbance did not come from the army of small savings bank depositors (the ones who would avail themselves of postal savings banks), but largely from the millionaire depositors and bankers, who drew their money out by the wagon load and put it in safety deposit vaults.

The postal savings bank does not meet the popular demand, in that it can only protect a small number and small accounts, and will not protect the great army of tradesmen, manufacturers and farmers who must in the nature of things, have active or semi-active bank accounts. The postal savings bank will not prevent bank runs, but on the contrary will induce them, because upon the slightest show of stringency, depositors will withdraw from the commercial banks and put their money in postal savings banks (as they suppose temporarily), while if such postal banks did not exist, the money would remain in the commercial banks rather than risk its safety at home. If the 50,000 postal banks were established, their deposits must be sent to Washington or deposited with favored national banks, and in either case withdrawn from circulation in the places where it belongs, withdrawn entirely from the state banks, savings banks and trust companies; and, as national banks are prohibited by law from making loans upon such security as is usually available in agricultural communities, the loaning capacity of the institutions which furnish by far the greater part of the money necessary to carry on the business of and develop such agricultural communities, would be largely curtailed, and a money stringency in such communities must necessarily follow.

The favored national banks being loaded with redeposits of postal banks, and limited by law in the nature of their loans, would not find local use for their surplus funds, and would be obliged to send them to the great financial centers, much again to the loss of the rural districts.

The proposed cure for this, to provide for redepositing in banks other than those having national charters, is chimerical and is not seriously

considered. Postal banks as proposed, would be demoralizing in business as it is contemplated to make such deposits execution proof, and persons so desiring could and would divide up their accounts, grow rich and evade the payment of honest debts under the protection of the national government. The creating of such postal banks would add an intricate system to our already complex government departments, open the road for fraud and embezzlement unlimited, and an enormous extension of the field of political favoritism; therefore, be it

*Resolved by the Senate of the Eleventh Legislative Assembly, the House of Representatives Concurring:*

That the Senators and members of the House of Representatives representing the State of North Dakota in the National Congress, be and they are hereby requested to oppose the enactment of such laws as are now pending and contemplated in or before congress looking toward the creating of postal savings banks.

That the Secretary of the Senate and the Chief Clerk of the House transmit copies of this resolution to the senators and members of congress from North Dakota.

Mr. Pierce moved

That the resolution be referred to the committee on state affairs.

Mr. Davis moved

As a substitute that it be referred to the committee on banks and banking.

Which substitute motion was lost, and  
The original motion prevailed.

Mr. Crane moved

That the senate take a recess of thirty minutes.  
Which motion prevailed.

AFTER RECESS.

Mr. Purcell moved

That the senate return to the seventh order of business.  
Which motion prevailed.

### REPORT OF SPECIAL COMMITTEE.

The special committee on governor's memorial made the following report:

Mr. President:

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 courtesies; 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.

Also,

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.

Mr. Purcell moved

That the report be adopted.

Which motion prevailed, and

The report was adopted.

Mr. Stevens seconded the motion for the adoption of the report with a brief tribute as to the regard in which he held the deceased governors.

Mr. Strom also seconded with a tribute of regard.

## FIRST READING OF SENATE BILLS.

Mr. Purcell introduced

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.

Which was read the first time.



Mr. Purcell introduced

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 was read the first time.

Mr. Purcell introduced

Senate Bill No. 115,

A bill for an act amending and re-enacting section 4267 of the revised codes of 1905.

Which was read the first time.

Mr. Palmer introduced

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 was read the first time.

Mr. Walton introduced

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.

Which was read the first time.

Mr. Gunderson introduced

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.

Which was read the first time.

Mr. Cashel introduced

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.

Which was read the first time.

Mr. Cashel introduced

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.

Which was read the first time.

Mr. Ramsett introduced

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.

Which was read the first time.

Mr. Gronvold introduced

Senate Bill No. 122,

A bill for an act to amend section 4670 of the revised codes of 1905, relating to lists of shareholders kept by banking association and the manner of transferring shares.

Which was read the first time.

Mr. Plain introduced

Senate Bill No. 123,

A bill for an act creating a commissioner of Canada and sow thistles, and providing for the manner of his appointment.

Which was read the first time.

## SECOND READING OF SENATE BILLS.

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 second time and

Referred to the committee on Appropriations.

Senate Bill No. 89,

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 second time, and

Referred to the committee on corporations other than municipal.

Mr. Simpson moved  
That the senate take a recess of ten minutes.  
Which motion prevailed, and  
A recess was taken.

## AFTER RECESS.

Mr. Plain moved  
That the senate return to the sixth order of business.  
Which motion prevailed.

## REPORTS OF STANDING COMMITTEES.

The committee on agriculture made the following report:

Mr. President:

Your committee on agriculture to whom was referred  
Senate Bill No. 7,

A bill for an act to prohibit the removing of threshing  
machines or bundle wagons from one farm to another, be-  
fore cleaning and providing penalties for violations thereof.

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

Amend the title of the bill by striking out the word "or"  
after the word "machines;" after the word "wagons" in-  
sert "or grain wagons."

In line two after the word "machines" strike out the  
word "or."

In line two after the word "wagon" insert "or grain  
wagon."

In line three after the word "such" strike out the word  
"bundle."

In line five after the word "place" insert the following:  
"Provided, that nothing in this act shall be construed  
so as to prevent the carrying of sufficient straw to be used  
for fuel, while going from one place to another; provided,  
it is carried in a basket rack, and that such rack be swept  
and contents burned in engine before reloading."

And when so amended recommend the same do pass.

C. W. PLAIN,  
Chairman.

Mr. Plain moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

#### COURTESIES OF THE FLOOR.

The courtesies of the floor were extended to the following:

Wm. Baxter, Braddock; John O'Connel, G. N. Lindahl, N. M. Muns, John Burges, James Taylor, Chas. Blockorby, Wm. Atkins of Cando.

Mr. Bessesen moved

That the senate do now adjourn.

Which motion prevailed, and

The senate adjourned.

J. W. FOLEY,  
Secretary.

NINETEENTH DAY

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SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
January 23, 1909.

The senate convened at two o'clock.

The president presiding.

Prayer by the chaplain.

Roll call.

All members present except Messrs. Movius, Palmer, Pierce and Rice, who were excused.

## MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
BISMARCK, NORTH DAKOTA,  
January 23, 1909.

Mr. President:

I have the honor to return 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.

In which the house has concurred.

Very respectfully,  
W. D. AUSTIN,  
Chief Clerk.

### REFERENCE OF THE JOURNAL.

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

Mr. President:

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

On page 6, line 3, insert the word "out" after the word "strike."

And when so amended recommend that the same be approved.

H. J. BESSESEN,  
Acting Chairman.

Mr. Bessesen moved

That the report be adopted.

Which motion prevailed, and

The report was adopted.

The president announced as members of the joint committee for Lincoln's birthday Messrs. Crane, Davis and Steel of Stutsman.

### FIRST READING OF SENATE BILLS.

Mr. Baker introduced

Senate Bill No. 124,

A bill for an act to amend section 2005 of the revised code of 1905.

Which was read the first time.

Mr. Wallin introduced

Senate Bill No. 125,

A bill for an act to amend section 645, chapter 8 of the revised codes of 1905.

Which was read the first time.

Mr. Ramsett introduced

Senate Bill No. 126,

A bill for an act making appropriation for the Valley City normal school, located in Valley City, Barnes county, N. D.  
Which was read the first time.

## SECOND READING OF SENATE BILLS.

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 second time, and

Referred to the committee on appropriations.

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 second time, and

Referred to the committee on temperance.

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 second time and

Referred to the committee on highways, bridges and ferries.

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 second time and

Referred to the committee on school and public lands.

**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 second time, and

Referred to the committee on state affairs.

**Senate Bill No. 95,**

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.

Was read the second time, and

Referred to the committee on agriculture.

**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 second time, and

Referred to the committee on cities and municipal corporations.

**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 second time, and

Referred to the committee on judiciary.

**Senate Bill No. 103,**

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

Was read the second time, and

Referred to the committee on railroads.



## 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 second time, and

Referred to the committee on education.

## 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 second time, and

Referred to the committee on judiciary.

## 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 second time, and

Referred to the committee on judiciary.

## THIRD READING OF SENATE BILLS.

## 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 38, nays 0, absent and not voting 9.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Johnson	Sharpe
Anderson	Kelly	Steel, of Stutsman
Baker	Kennedy	Stevens
Bessesen	Koffel	Strom
Cashel	LaMoure	Syverson
Crane	Leutz	Trimble
Davis	Martin	Turner
Duis	McLean	Wallin
Gilbert	Neal	Walton
Gronvold	Overson	Welch
Gunderson	Plain	Welo

Messrs.—  
Holliday  
Irwin

Messrs.—  
Purcell  
Ramsett

Messrs.—  
Whitcher

**Absent and not voting:**

Messrs.—  
Macdonald  
McArthur  
Movius

Messrs.—  
Palmer  
Pierce  
Rice

Messrs.—  
Simpson  
Steele of Ward  
Talcott

Messrs. Movius, Palmer, Pierce and Rice being excused.  
So the bill passed and the title was agreed to.

**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 42, nays 0, absent and not voting 5.

Those who voted in the affirmative were:

Messrs.—  
Albright  
Anderson  
Baker  
Bessesen  
Cashel  
Crane  
Davis  
Duis  
Gilbert  
Gronvold  
Gunderson  
Holliday  
Irwin  
Johnson

Messrs.—  
Kelly  
Kennedy  
Koffel  
LaMoure  
Leutz  
Martin  
Macdonald  
McArthur  
McLean  
Neal  
Overson  
Plain  
Purcell  
Ramsett

Messrs.—  
Sharpe  
Simpson  
Steel, of Stutsman  
Steele of Ward  
Stevens  
Strom  
Syvertson  
Trimble  
Turner  
Wallin  
Walton  
Welch  
Welo  
Whitcher

**Absent and not voting:**

Messrs.—  
Movius  
Palmer

Messrs.—  
Pierce  
Rice

Messrs.—  
Talcott

Messrs. Movius, Palmer, Pierce and Rice being excused.  
So the bill passed and the title was agreed to.

**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 third time

The question being on the final passage of the bill.

The roll was called and there were ayes 40, nays 0, absent and not voting 7.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Kelly	Ramsett
Anderson	Kennedy	Sharpe
Baker	Koffel	Simpson
Bessesen	LaMoure	Steel, of Stutsman
Cashel	Leutz	Stevens
Crane	Martin	Strom
Davis	Macdonald	Syverson
Duis	McArthur	Trimble
Gilbert	McLean	Turner
Gronvold	Neal	Walton
Gunderson	Overson	Welch
Holliday	Plain	Welo
Irwin	Purcell	Whitcher
Johnson		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Movius	Rice	Talcott
Palmer	Steele of Ward	Wallin
Pierce		

Messrs. Movius, Palmer, Pierce and Rice being excused.  
So the bill passed and the title was agreed to.

Mr. LaMoure moved

That the rules be suspended and that all house bills be given their first and second reading and reference.

Which motion prevailed.

#### FIRST AND SECOND READING OF HOUSE BILLS.

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

House Bill No. 11,

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

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

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.

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

## 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.

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

## 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.

## 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 first and second times, and  
Referred to the committee on Education.

## 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.

## COURTESIES OF THE FLOOR.

The courtesies of the floor were extended to the following:

Geo. Thorpe of Jamestown, J. F. Mager, J. E. McGregor of Billings county.

Mr. Crane moved.

That the senate do now adjourn.

Which motion prevailed, and  
The senate adjourned.

J. W. FOLEY,  
Secretary.

TWENTY-FIRST DAY

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SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
January 25, 1909.

The senate convened at two o'clock.

The president presiding.

Prayer by the chaplain.

Roll call.

All members present except Messrs. Leutz, Martin, Movius, Palmer, Pierce and Whitcher, who were excused.

## MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,  
BISMARCK, NORTH DAKOTA,  
January 25, 1909.

Mr. President:

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

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 unfailing 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.

In which the house has concurred.

Also,

I have the honor to transmit herewith

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.

Also,

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 house has passed and your favorable consideration is respectfully requested.

Very respectfully,  
W. D. AUSTIN,  
Chief Clerk.

### REFERENCE OF THE JOURNAL.

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

Mr. President:

Your committee on revision and correction of the journal have carefully examined the journal of the nineteenth day and find the same correct.

H. J. BESSESEN,  
Acting Chairman.

Mr. Bessesen moved

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

### PETITONS AND COMMUNICATIONS.

Mr. Neal laid before the senate several petitions from residents of McLean county.

The following communication was laid before the senate:

WASHINGTON, January 22, 1909.

*Hon. James W. Foley, Secretary of the Senate, Bismarck, N. Dak.:*

My Dear Mr. Foley: I beg to acknowledge receipt of your favor enclosing concurrent resolution introduced by Mr. Rice relative to appropriation for the purpose of carrying out the work begun by the Lincoln Farm Memorial Association. In reply thereto I beg to advise you that there

is a bill now pending before the senate for a suitable memorial for the great war president, which will probably be a monument or great highway, or something of that sort, to start from Washington. I take pleasure, however, in introducing this memorial from our legislature in the senate and having it referred to the proper committee for its consideration when the house bill referred to comes over.

Very truly yours,

P. J. McCUMBER,

## REPORT OF STANDING COMMITTEES

The committee on state affairs made the following report:

Mr. President:

Your committee on state affairs to whom was referred Senate Bill No. 87,

A bill for an act to amend sections 5510 and 5511 of the revised codes of 1905, relating to the legal rate of interest, and defining usury.

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

MAYNARD CRANE,  
Chairman.

Mr. Crane moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

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

Mr. President:

Your committee on enrolled and engrossed bills have examined

Senate Bill No. 13,

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.

Also,

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. 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.

Also,

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.

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. 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. 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.

And find the same correctly engrossed.

THEODORE KOFFEL,  
Chairman.

#### 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. President:

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 relative to the affairs of the penitentiary and twine plant. Be it further

Resolved, That the said committee be and hereby 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. LaMoure moved

That the report be adopted.

Which motion prevailed, and

The report was adopted.

Mr. Crane moved

That the senate return to the sixth order of business.

Which motion prevailed

The committee on state affairs made the following report:

Mr. President:

Your committee on state affairs to whom was referred Senate Bill No. 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 amended as follows:

Strike out all after the words "A bill" and substitute the following, which is a re-enactment of the law of 1901, pertaining to the same subject, with few changes:

For an Act Authorizing Counties to Issue Bonds to Procure Seed Grain for Needy Farmers Resident Therein.

*Be it Enacted by the Legislative Assembly of the State of North Dakota:*

SECTION 1. *Bonds—How Issued—Denomination. Rate of Interest.* In any county of the state where the crops have hertofore, or may hereafter, become a total or partial failure by reason of drought, hail or other cause, it shall be lawful for the board of county commissioners of such county to issue bonds of the county under and pursuant to the provisions 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 one hundred free holders, resident in the county; and said board at a meeting called as hereinafter provided to consider said petition, shall by a majority determine that the prayer of the petitioners should be granted; provided, that all such petitions shall be filed with the county auditor, on or before the 10th day of March of each year; 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 petition, and provided, further, that the 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 cases; that said bonds shall be in denominations of five hundred dollars (\$500); shall bear a rate of interest not exceeding 7 per cent per annum, payable semi-annually at such place and times as shall be determined by said board, and that all bonds issued under the provisions of this act shall become due and payable in not more than two years from the date thereof, the date of maturity being fixed by the board of county commissioners at the time of the issuance thereof, within the above limitations.

SEC. 2. *Bonds to Be Endorsed.* Such bonds shall be signed by the chairman of the board of county commissioners, and be attested by the county auditor, also a certificate endorsed thereon and signed by the county auditor stating that said bonds are issued pursuant to law and are within the debt limit.

SEC. 3. *Bond—How Sold.* It shall be the duty of said board of county commissioners to receive sealed proposals for the purchase of said bonds after giving notice for at least ten days in such newspaper or newspapers, as such board by vote determine, and said bond 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 said board may reject all bids and postpone the sale of said bonds for a time not exceeding ten days.

SEC. 4. *Proceeds. How Paid Out.* The proceeds arising from the sale of said bonds shall be paid by the purchaser thereof to the county treasurer of the county 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. *Tax. Bond Registry. Board May Issue Warrants Instead of Bonds. When.* 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 that other taxes are levied in case said indebtedness is not fully paid by the applicants such sums as may be sufficient to pay such principal and interest 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 it shall fall due. No tax or fund provided for the payment of said 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 be approved by the board and receive interest upon the same, it shall be credited to the sinking fund. It shall be the duty of the county treasurer when said bonds or any coupons attached thereto are paid, to cancel the same by writing on 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 of maturity, amount, rate of interest, to whom and where payable. 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 the constitutional debt limit.

SEC. 6. *Fund. How to Be Used.* The funds arising from the sale of said bonds or warrants shall be applied exclusively by said board for the purchase of seed grain for residents of the county who are poor and are unable to procure the same;

Provided that not more than 150 bushels of wheat or its equivalent in any grain shall be furnished to any one person.

SEC. 7. *Who May Have Benefit of Act.* All persons entitled to and wishing to avail themselves of the benefit of this act, shall file with the county auditor of the county where said applicant resides, on or before the 10th day of March of each year an application duly sworn to before said auditor, 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 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 full and true description of all the real and personal property owned by the applicant and the incumbrances thereon; and a true description by government sub-divisions 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 applications made after the time so specified.

**SEC. 8. Board of Examination and Adjustment.** The board of county commissioners of each county issuing bonds or warrants under the provisions of this act, are hereby appointed and constitute a board of examination and adjustment of the applications for seed grain filed under the preceding section, and it shall be the duty of the said board to meet at the county auditor's office on the third Tuesday in March of each year, 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 fourth Tuesday of March each year deliver to and file with the county auditor, its adjustment of the said applications which shall be signed by the chairman of the board.

**SEC. 9. How Grain to Be Issued to Applicant. Value Taxed Against Land. When.** The auditor 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 therefor.

Provided, however, that said order shall not be delivered until said applicant shall have signed a contract in duplicate, attested by the county auditor to the effect that said applicant for and in consideration of..... bushels of seed grain received from..... county, promises to pay said county..... Dollars, the amount of the cost of said seed grain with interest thereon at seven percent until paid; interest payable annually; that the amount of such indebtedness shall become due and payable on the first day of October in the year in which seed grain is furnished, together with interest on such amount from the date of said contract at the rate of seven percent per annum, interest payable annually.

**SEC. 10. A Lien Upon Crop.** Upon the filing of the contracts provided for in section 9, the county shall acquire a just and valid lien upon all the crop of grain raised 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 a 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. 11. Payment. When to Be Made.** Each and every person who has received seed grain under the provisions of this act shall, as soon as his crops 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. 12. Penalty.** 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 fifty dollars nor more than one hundred and fifty 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 upon conviction shall 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 of the growing crop, and 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 the said seed.

SEC. 13. *Information. Who to Give.* 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 and dismiss the complaint or bind the offender over to the district court as the case may be.

SEC. 14. *Grain. How Distributed. Application. How Received.* 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 10th day of March of each year as is possible for them to do, giving notice that all application must be filed with the county auditor by the 10th day of March each year.

Provided, that no distribution of seed grain under the provisions of this act shall take place prior to the fourth Tuesday of March of each year. 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. 15. *Duties of Commissioners in Relation to Distribution of Grain.* 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 the applicants at actual cost thereof to the commissioners, with transportation and handling charges add if any there be, provided that the commissioners may add thereto a sum not to exceed five cent per bushel to cover expenses, and cost of collections, 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. 16. *Sinking Fund to Pay Bonds.* 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. 17. *Option.* 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 par value thereof, with accrued interest.

SEC. 18. *Taxes. When Not to Be Levied.* In case a sufficient fund has been paid into the county treasury in any one year, as provided in section ten of this act, on or before November first of each year, to meet the interest and sinking fund, provided for in this act, then there shall be no tax levied for such purposes in that year, and in no year shall there be a greater sum levied than will, together with the balance at that date

in the treasury belonging to the said seed grain fund, be sufficient to pay the warrants, bonds and interest.

SEC. 19. *Emergency.* As there are settlers who are unable to procure seed for their farms for the coming spring an emergency exists, and this act take effect and be in force immediately after its passage and approval.

MAYNARD CRANE,  
Chairman.

Mr. Crane moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

### REPORT OF SPECIAL COMMITTEE.

The committee on assignment of committee rooms made the following report:

Mr. President:

Your committee on assignment of committee rooms have secured one room at the Northwest Hotel, and Senator Pierce has kindly offered the use of his room for the two committee rooms left for the committee to select down town.

Respectfully,  
GEO. A. WELCH,  
Chairman.

Mr. Welch moved

That the report be adopted.

Which motion prevailed and

The report was adopted.

### MOTIONS AND RESOLUTIONS.

Mr. Talcott offered 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 northwest, 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.

Mr. Talcott moved

That the resolution be adopted.

Which motion prevailed, and

The resolution was adopted.

## FIRST READING OF SENATE BILLS.

Mr. Steele of Ward introduced

Senate Bill No. 127,

A bill for an act to divide the state of North Dakota into congressional districts, and defining the boundaries thereof.

Which was read the first time.

Mr. Macdonald introduced

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.

Which was read the first time.

Mr. Simpson introduced

Senate Bill No. 129,

A bill for an act to create the office of tax commissioner and to define his powers, duties and compensation, and making an appropriation therefor.

Which was read the first time.



Mr. Koffel introduced

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.

Which was read the first time.

Mr. Crane introduced

Senate Bill No. 131,

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.

Which was read the first time.

Mr. Simpson introduced

Senate Bill No. 132,

A bill for an act designating those authorized to solemnize marriages, and concerning the license therefor.

Which was read the first time.

Mr. Syvertson introduced

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.

Which was read the first time.

Mr. Wallin introduced

Senate Bill No. 134,

A bill for an act providing for all county officers to keep a record of all fees collected by them and report to the board of county commissioners.

Which was read the first time.

Mr. Cashel introduced

Senate Bill No. 135,

A bill for an act to punish derogatory statements affecting banks, and providing penalties therefor.

Which was read the first time.

Mr. Kelly introduced

Senate Bill No. 136,

A bill for an act prescribing additional duties of the county surveyor and state engineer.

Which was read the first time.

Mr. Ramsett introduced

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.

Which was read the first time.

Mr. Gilbert introduced

Senate Bill No. 138,

A bill for an act, entitled "An act concerning railroads and to better protect the lives of railway employes and the traveling public, and providing penalties for the violation thereof."

Which was read the first time.

Mr. Crane moved

That the senate return to the sixth order of business.

Which motion prevailed.

## REPORT OF STANDING COMMITTEES.

The committee on state affairs made the following report:

Mr. President:

Your committee on state affairs to whom was referred

Senate Bill No. 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 further amended as follows:

Withdraw amendment which struck out the words "to the" in line 44 of the printed bill, and insert in lieu thereof the words "principal and."

Withdraw amendment to line 45, page 3 of printed bill, which inserted the word "on" in lieu of the word "and" where latter appears after the word "payment."

In line 44 of the printed bill insert before the word "interest" where it occurs the first time, the words "principal and."

In line 27, page 2 of the printed bill, strike out the words "county treasurer" where the same appear after the words "to the," and insert in lieu thereof the word "treasurer." In the same line strike out the words "county in which" where the same appear after the words "of the," and insert in lieu thereof "state of North Dakota."

Strike out all of line 28, page 3 of the printed bill.

In section 1, line 16, printed bill, after the word "provided" and before the word "that," insert the following: "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 each fiscal year, shall be invested in first mortgages on cultivated farm lands in this state, if there is a sufficient demand for investment in such loans. Provided, further."

In line 38, printed bill, strike out the word "five" and insert in lieu thereof the word "three."

In line 37, page 3, printed bill, strike out the word "seven" and insert in lieu thereof the word "ten."

In same line strike out the words "and fifty cents."

And when so amended recommend the same do pass.

MAYNARD CRANE,  
Chairman.

Mr. Crane moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

## SECOND READING OF SENATE BILLS.

Senate Bill No. 98,

A bill for an act to encourage education in agriculture and domestic science, by providing for the establishment and maintenance of county schools of agriculture and do-

mestic economy, for the certification of graduates of such schools, and making appropriations for such schools.

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

Senate Bill No. 99,

A bill for an act to provide for the location, erection, organization and management of a state sanitorium 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 sanitorium.

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

Senate Bill No. 100,

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 second time, and  
Referred to the committee on apportionment

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 second time, and  
Referred to the committee on Education.

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 second time, and  
Referred to the committee on judiciary.

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 second time, and  
Referred to the committee on temperance.

## 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 second time, and

Referred to the committee on military affairs.

## 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 second time, and

Referred to the committee on railroads.

## Senate Bill No. 111,

A bill for an act to amend section 417 of the revised codes of North Dakota, 1905, relating to officers and offices, and the qualification of officers.

Was read the second time and

Referred to the committee on state affairs.

## Senate Bill No. 112,

A bill for a concurrent resolution amending the constitution of the state of North Dakota.

Was read the second time and

Referred to the committee on judiciary.

## 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 second time and

Referred to the committee on appropriations.

## 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 second time and

Referred to the committee on education.

## Senate Bill No. 115,

A bill for an act amending and re-enacting section 4267 of the revised codes of 1905.

Was read the second time and

Referred to the committee on railroads.

## 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 second time and

Referred to the committee on education.

## 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 second time 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 second time, and

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

## 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 second time, and

Referred to the committee on agriculture.

## 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 second time, and

Referred to the committee on education.

## 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 second time, and

Referred to the committee on railroads.

## Senate Bill No. 122,

A bill for an act to amend section 4670 of the revised codes of 1905, relating to lists of shareholders kept by banking association and the manner of transferring shares.

Was read the second time, and

Referred to the committee on Banks and Banking.

## Senate Bill No. 123,

A bill for an act creating a commissioner of Canada and sow thistles, and providing for the manner of his appointment.

Was read the second time, 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 second time, and

Referred to the committee on live stock and animal husbandry.

## Senate Bill No. 125,

A bill for an act to amend section 645, chapter 8 of the revised codes of 1905.

Was read the second time, and

Referred to the committee on Elections.

## 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 second time, and

Referred to the committee on appropriations.

## 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 third time .

The question being on the final passage of the bill.

The roll was called and there were ayes 39, nays 2, absent and not voting 6.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Johnson	Simpson
Anderson	Kelly	Steel, of Stutsman
Baker	Kennedy	Steele of Ward
Bessesen	Koffel	Stevens
Cashel	LaMoure	Strom
Crane	Macdonald	Syverson
Davis	McArthur	Talcott
Duis	Neal	Trimble
Gilbert	Overson	Turner
Gronvold	Plain	Wallin
Gunderson	Purcell	Walton
Holliday	Ramsett	Welch
Irwin	Sharpe	Welo

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
McLean	Rice	

Absent and not voting:

Leutz	Movius	Pierce
Martin	Palmer	Whitcher

Messrs. Leutz, Martin, Movius, Palmer, Pierce and Whitcher, being excused.

So the bill passed and the title was agreed to.

Mr. Talcott in the chair.

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 40, nays 0, absent and not voting 7.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Kennedy	Simpson
Anderson	Koffel	Steel, of Stutsman
Baker	LaMoure	Steele of Ward
Bessesen	Macdonald	Stevens
Cashel	McArthur	Strom
Crane	McLean	Syverson
Davis	Neal	Talcott
Duis	Overson	Trimble



Messrs.—	Messrs.—	Messrs.—
Gilbert	Plain	Turner
Gronvold	Purcell	Wallin
Gunderson	Ramsett	Walton
Holliday	Rice	Welch
Irwin	Sharpe	Welo
Kelly		

**Absent and not voting:**

Messrs.—	Messrs.—	Messrs.—
Johnson	Movius	Pierce
Leutz	Palmer	Whitcher
Martin		

Messrs. Leutz, Martin, Movius, Palmer, Pierce and Whitcher, being excused.

So the bill passed and the title was agreed to.

**Senate Bill No. 13,**

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.

Was read the third time

Mr. Crane moved

That the bill be referred to the committee on judiciary..  
Which motion prevailed.

**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 third time

Mr. LaMoure moved

That that portion of Senate Bill No. 33 that authorized county commissioners to rebuild a bridge without advertising be stricken out.

Which motion prevailed.

Mr. Crane moved

That Senate Bill No. 33 be referred to the committee on highways, bridges and ferries.

Which motion prevailed.

## 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 40, nays 0, absent and not voting 7.

Those who voted in the affirmative were:

Messrs.—

Albright  
Anderson  
Baker  
Bessesen  
Cashel  
Crane  
Davis  
Duis  
Gilbert  
Gronvold  
Gunderson  
Holliday  
Irwin  
Johnson

Messrs.—

Kelly  
Koffel  
LaMoure  
Macdonald  
McArthur  
McLean  
Neal  
Overson  
Plain  
Purcell  
Ramsett  
Rice  
Sharpe

Messrs.—

Simpson  
Steel, of Stutsman  
Steele of Ward  
Stevens  
Strom  
Syvertson  
Talcott  
Trimble  
Turner  
Wallin  
Walton  
Welch  
Welo

Absent and not voting:

Messrs.—

Kennedy  
Leutz  
Martin

Messrs.—

Movius  
Palmer

Messrs.—

Pierce  
Whitcher

Messrs. Leutz, Martin, Movius, Palmer, Pierce and Whitcher, being excused.

So the bill passed and the title was agreed to.

## 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

The question being on the final passage of the bill.

The roll was called and there were ayes 39, nays 0, absent and not voting 8.

Those who voted in the affirmative were:

Messrs.—

Albright  
Anderson  
Baker  
Bessesen

Messrs.—

Johnson  
Kelly  
Kennedy  
Koffel

Messrs.—

Rice  
Sharpe  
Simpson  
Steel, of Stutsman

Messrs.—	Messrs.—	Messrs.—
Cashel	LaMoure	Stevens
Crane	Macdonald	Strom
Davis	McArthur	Syverson
Duis	McLean	Talcott
Gilbert	Neal	Trimble
Gronvold	Overson	Turner
Gunderson	Plain	Walton
Holliday	Purcell	Welch
Irwin	Ramsett	Welo

**Absent and not voting:**

Messrs.—	Messrs.—	Messrs.—
Leutz	Palmer	Wallin
Martin	Pierce	Whitcher
Movius	Steele of Ward	

Messrs. Leutz, Martin, Movius, Palmer, Pierce and Whitcher, being excused.

So the bill passed and the title was agreed to.

The president in the chair.

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 third time

Mr. Purcell moved

That the bill be referred to the committee on education.

Which motion prevailed.

The following communication was laid before the senate:

*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.

**COURTESIES OF THE FLOOR.**

The courtesies of the floor were extended to the following:

J. S. Patterson and Frank Gaulkey of Ross; W. E. Barker, Stanley; D. F. Miller, Belden; Dr. Orr Sanders, W.

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E. Dickson, of Langdon; Bert B. Matin, F. W. McLean, John Sterling, of Hazelton; Captain B. C. Boyd, of Hillsboro; Frank Alger, Stanley; O. G. Bothen, of Nelson county; H. D. Eikenes, D. H. Hansen, of Walford; Geo. H. Naramore, Linton; W. J. Morrish, Page; A. G. Anderson, Andrew Liberg, E. Liben, Ed. Gilbertson, C. B. Swanson, A. E. Walley, G. N. Livdall, I. Berge, John Burgess, N. M. Movius, E. J. Stewart, all of Velva.

Mr. Duis moved

That the senate do now adjourn.

Which motion prevailed, and

The senate adjourned.

J. W. FOLEY,  
Secretary.

## TWENTY-SECOND DAY

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
January 26, 1909.

The senate convened at two o'clock.

The president presiding.

Prayer by the chaplain.

Roll call.

All members present except Mr. Witcher, who was excused.

## REFERENCE OF THE JOURNAL.

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

Mr. President:

On page 15, in lines 3 and 8, change the word "principle" to "principal."

And when so amended recommend that the same be approved.

C. D. RICE,  
Chairman.

Mr. Rice moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

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 PETITONS AND COMMUNICATIONS.

Mr. Steele of Ward presented the following petition:

We, the members of the Woman's Club of Minot, 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

MRS. A. CARR,  
And 20 Others.

Mr. Talcott presented the following petition:

We, the members of the Woman's Club of Fargo, 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.

MRS. G. A. CARPENTER,  
And 14 Others.

## REPORTS OF STANDING COMMITTEES.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred Senate Bill No. 15,

A concurrent resolution for an amendment to the constitution of the state of North Dakota, relating to the right of trial by jury.

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

J. B. SHARPE,  
Chairman.

Mr. Sharpè moved

That the report be adopted.

A minority of the committee on judiciary made the following report:

Mr. President:

We, members of your judiciary committee, to whom was referred

Senate Bill No. 15,

A concurrent resolution for an amendment to the constitution of the state of North Dakota, relating to the right of trial by jury.

Do desire to make the following minority report:

We recommend that the bill be amended as follows:

In line 6 of the printed bill strike out the words "and in criminal cases."

In same line strike out the words "three-fourths" and insert in lieu thereof the words "five-sixths."

Strike out all of lines 8, 9, 10, 11 and 12.

And when so amended we recommend that the same do pass.

J. G. GUNDERSON,  
W. B. OVERSON,  
H. J. BESSESEN,  
C. W. PLAIN,  
H. H. STEELE.

Mr. Gunderson moved

That the minority report be adopted.

Mr. Pierce moved

That the reports go over one day.

Which motion prevailed.

The committee on state affairs made the following report:

Mr. President:

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

MAYNARD CRANE,  
Chairman.

Mr. Crane moved

That the report be adopted.

Which motion prevailed.

The report of the committee was adopted.

### MOTIONS AND RESOLUTIONS.

Mr. Talcott offered 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.

Mr. Talcott moved the adoption of the resolution.

Mr. Davis moved

As a substitute that the resolution be referred to the committee on education.

Which substitute was lost, and

The original motion prevailed.

### FIRST READING OF SENATE BILLS.

Mr. Crane introduced

Senate Bill No. 139,

A bill for an act 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 holder 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 restriction on road inspector and expenditure of road tax funds.

Which was read the first time.

Mr. Neal introduced

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.

Which was read the first time.

Mr. Neal introduced

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.

Which was read the first time.

Mr. Neal introduced

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.

Which was read the first time.

Mr. Simpson introduced  
Senate Bill No. 143,

A bill for an act to fix the rate of interest on delinquent taxes and to permit the payment of yearly taxes in two installments.

Which was read the first time.

Mr. LaMoure introduced  
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.

Which was read the first time.

Mr. LaMoure introduced  
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.

Which was read the first time.

Mr. LaMoure introduced  
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.

Which was read the first time.

Mr. LaMoure introduced  
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.

Which was read the first time.

Mr. LaMoure introduced

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.

Which was read the first time.

Mr. Gronvold introduced

Senate Bill No. 149,

A concurrent resolution amending the constitution of the state of North Dakota, establishing and locating a state normal school at such place in the counties of Pierce, McHenry or Ward as the legislative assembly may hereafter determine.

Which was read the first time.

Mr. McArthur introduced

Senate Bill No. 150,

A bill for an act to provide for the regulation of telephone and telegraph rates and to compel an interchange of telephone and telegraph service.

Which was read the first time.

Mr. Purcell introduced

Senate Bill No. 151,

A bill for an act providing for changes of venue in preliminary hearings before county judges acting as committing magistrates in counties with increased jurisdiction.

Which was read the first time.

Mr. Movius introduced

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.

Which was read the first time:

Mr. Cashel introduced

Senate Bill No. 153,

A bill for an act to punish the making or use of false statements to obtain credit, and providing penalties therefor.

Which was read the first time.

The president of the senate announced as the committee of the senate pursuant to a resolution for a penitentiary investigation, Messrs. Pierce, McArthur and Overson.

#### FIRST AND SECOND READING OF HOUSE BILLS.

Mr. Talcott in the chair.

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 second time, and

Referred to the committee on ways and means.

House Bill No. 65,

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

Was read the second time, and

Referred to the committee on judiciary.

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 second time, and

Referred to the committee on judiciary.

#### COURTESIES OF THE FLOOR.

The courtesies of the floor were extended to the following:

Rev. J. O. E. Lee of Oakwood, Wm. Thorson of Mohall, E. J. Walton, F. I. Root, Ralph Ward, A. E. Wally, G. N. Lev Dahl, Ed. Gilbertson, Carl Swanson, Henry Braseth of Sawyer, W. R. McIntosh, Hon. C. F. McGray of Garrison, G. C. Sempel, A. E. Klabunde, J. J. Ryan of Emmons county, Adam Sailor of Mercer county, M. S. Cuskelly, Wm. McConnell and R. D. Lytle of Dunn county, L. Petricka of Dickinson.

Mr. Movius moved

That the senate do now adjourn.

Which motion prevailed, and

The senate adjourned.

J. W. FOLEY,  
Secretary.

TWENTY-THIRD DAY

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SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
January 27, 1909.

The senate convened at two o'clock.

The president presiding.

Prayer by the chaplain.

Roll call.

All members present except Messrs. Kennedy and Whitcher, who were excused.

## REFERENCE OF THE JOURNAL.

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

Mr. President:

Your committee on revision and correction of the journal have carefully examined the journal of the twenty-second day and find the same correct.

H. J. BESSESEN,  
Acting Chairman.

Mr. Bessesen moved

That the report be adopted.

Which motion prevailed, and

The report was adopted.

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MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,  
BISMARCK, NORTH DAKOTA,  
January 27, 1909.

Mr. President:

I have the honor to transmit herewith

House Bill No. 36,

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

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. 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. 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. 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. 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 house has passed and your favorable consideration is respectfully requested.

Also,

Mr. President:

I have the honor to inform you that the house has concurred in the following substitute concurrent resolution:

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.

Also,

Mr. President:

I have the honor to return 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.

In which the house has concurred.

Also,

Mr. President:

I have the honor to inform you that the speaker has appointed as house members of the joint committee to investigate the penitentiary, Messrs. Traynor, Peart and Atwood.

Also,

Mr. President:

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

*Resolved by the House of Representatives of the State of North Dakota, the Senate Concurring:*

That when the legislative assembly adjourns on Thursday, January 28, 1909, it shall stand adjourned until 2 o'clock p. m. February 4, 1909.

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

Very respectfully,  
W. D. AUSTIN,  
Chief Clerk.



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 PETITONS AND COMMUNICATIONS.

The following communications were laid before the senate:

HOUSE OF REPRESENTATIVES. WASHINGTON,  
January 23, 1909.

*Hon. James W. Foley, Secretary of the Senate, Bismarck, N. Dak.:*

Dear Sir: I have the honor to acknowledge receipt of your letter of the 15th inst., transmitting copy of a resolution adopted by the legislative assembly of North Dakota. It has given me great pleasure to introduce the memorial in the house of representatives.

Very truly yours,  
A. J. GRONNA,

HOUSE OF REPRESENTATIVES. WASHINGTON,  
January 22, 1909.

*Hon. James W. Foley, Secretary of the Senate, Bismarck, N. D.:*

My Dear Mr. Foley: I am pleased to acknowledge yours enclosing concurrent resolution relative to an appropriation for Lincoln Farm Association. I shall be only too glad to file this and do what I can to secure the appropriation.

Yours very truly,  
THOMAS F. MARSHALL,

Mr. Talcott presented the following petition:

AGRICULTURAL COLLEGE, N. D., January 19, 1909.

We, the undersigned students in the sub-collegiate teachers' course at the North Dakota Agricultural College, respectfully petition for the passage of Senate Bill 55, which would secure for us and later students in the teachers' course suitable certification as teachers upon the completion of the course.

The lack of such provisions at present is a serious disadvantage to us in preparing ourselves as teachers for North Dakota schools.

OLAF HENRICKSON,  
And Fifty Others.

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**REPORT OF STANDING COMMITTEES.**

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred  
Senate Bill No. 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 amended as follows:

In line 12 of the printed bill strike out the words "blind asylum" and insert in lieu thereof the words "school for the blind."

In line 26 of the printed bill insert after the word "A" the words "state normal."

To add as section 6, "A state training school at the city of Mandan in the county of Morton."

And when so amended recommend the same do pass.

J. B. SHARPE,  
Chairman.

Mr. Sharpe moved

That the report be adopted

Which motion prevailed, and

The report of the committee was adopted.

The committee on state affairs made the following report:

Mr. President:

Your committee on state affairs to whom was referred  
Senate Bill No. 78,

A bill for an act to amend section 2437 of the revised codes of the state of North Dakota for the year 1905.

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

MAYNARD CRANE,  
Chairman.

Mr. Crane 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. President:

Your committee on ways and means to whom was referred

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.

Have had the same under consideration and recommend that the same be 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 when so amended recommend the same do pass.

E. A. MOVIUS,  
Charman.

Mr. Movius moved

That the report be adopted.

Which motion prevailed.

The report of the committee was adopted.

The committee on education made the following report:

Mr. President:

Your committee on education to whom was referred

Senate Bill No. 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 do pass.

F. S. TALCOTT,  
Chairman.

Mr. Talcott moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on judiciary made the following report:

Also,

Mr. President:

Your committee on education to whom was referred  
Senate Bill No. 63,

A bill for an act to encourage elementary education and appropriate money therefor.

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

On line 13, page 2 of printed bill insert the words "county" after the word "grade" and before the word "certificate."

On line 32, page 3, insert the word "county" after the word "grade" and before the word "certificate."

In line 8, section 4, instead of the word "wherein" insert in lieu thereof the words "superintendent of school in."

And when so amended recommend the same do pass.

F. S. TALCOTT,  
Chairman.

Mr. Talcott moved

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

Also,

Mr. President:

Your committee on education 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.

And that same bill be referred to the committee on appropriations.

F. S. TALCOTT,  
Chairman.

Mr. Talcott moved

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

Also,

Mr. President:

Your committee on education 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 appropri-  
ations therefor.

Have had the same under consideration and recommend  
that the same be referred to the committee on appropri-  
ations.

F. S. TALCOTT,  
Chairman.

Mr. Talcott moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. President:

Your committee on education 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 commis-  
sion, defining its duties and making an appropriation for  
its maintenance.

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

And that same bill be referred to committee on approp-  
riations.

F. S. TALCOTT,  
Chairman.

Mr. Talcott moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. President:

Your committee on education 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 El-  
lendale.

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

And that same bill be referred to committee on appropriations.

F. S. TALCOTT,  
Chairman.

Mr. Talcott moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on ways and means made the following report:

Mr. President:

Your committee on ways and means to whom was referred

Senate Bill No. 86,

A bill for an act to amend section 1554 of the revised codes of 1905 of North Dakota, relating to delinquent personal property taxes when due.

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

E. A. MOVIUS,  
Chairman.

Mr. Movius moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on banks and banking made the following report:

Mr. President:

Your committee on banks and banking to whom was referred

Senate Bill No. 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 be amended as follows:

By striking out the words "corporation or" in line 5, and the words "stockholders or directors" in line 6.

Also by striking out all of line 18 following the word "negotiators" and all of line 19.

And when so amended recommend the same do pass.

ED. PIERCE,  
Chairman.

Mr. Pierce moved

That the report be adopted

Which motion prevailed, and

The report of the committee was adopted.

The committee on public health made the following report:

Mr. President:

Your committee on public health to whom was referred Senate Bill No. 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 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 re-referred to the committee on judiciary.

FERD LEUTZ,  
Chairman.

Mr. Leutz moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred Senate Bill No. 101,

A 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 be amended as follows:

In section 1, line 7, strike out the word "two" and insert in lieu thereof the word "three."

And when so amended recommend the same do pass.

J. B. SHARPE,  
Chairman.

Mr. Sharpe moved

That the report be adopted

Which motion prevailed, and

The report of the committee was adopted.

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

Mr. President:

Your committee on enrolled and engrossed bills have examined

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.

Also,

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. 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.

And find the same correctly engrossed.

THEODORE KOFFEL,  
Chairman.

Mr. Sharpe moved

That the majority report of the committee on judiciary on

Senate Bill No. 15,

A concurrent resolution for an amendment to the constitution of the state of North Dakota, relating to the right of trial by jury.

Be adopted.

Mr. Gunderson moved

As an amendment that the minority report on

Senate Bill No. 15,

A concurrent resolution for an amendment to the constitution of the state of North Dakota, relating to the right of trial by jury.

Be adopted.

Which amended motion was lost, and

The original motion prevailed, and

The further consideration of the bill was indefinitely postponed.

### MOTIONS AND RESOLUTIONS.

Mr. Davis moved

That the senate concur in the house concurrent resolution regarding adjournment.

Mr. Talcott moved

As a substitute that the time of adjournment be fixed from Friday, January 29, until Tuesday, February 2d.

Mr. McDonald moved

As a substitute that the time of adjournment be fixed from Saturday, January 30, to Wednesday, February 3d.

Mr. Stevens moved the previous question.

The question being upon the motion to concur in the house resolution.

The motion prevailed, and

The senate concurred in the house resolution.

### 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 Senate 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 de-

partment 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,

Mr. Simpson moved

That the communication be referred to the committee on railroads.

Which motion prevailed

### FIRST READING OF SENATE BILLS.

Mr. Steel of Stutsman (by request) introduced

Senate Bill No. 154,

A bill for an act to amend section 6710 of the revised codes of 1905, relating to holidays.

Which was read the first time.

Mr. Crane introduced

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.

Which was read the first time.

Mr. Overson introduced

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.

Which was read the first time.

Mr. Simpson introduced

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.

Which was read the first time.

Mr. Martin introduced

Senate Bill No. 158,

A bill for an act to amend and re-enact section 2489 of the revised codes of 1905.

Which was read the first time.

Mr. Simpson introduced

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.

Which was read the first time.

Mr. Cashel introduced

Senate Bill No. 160,

A bill for an act for calling and regulating caucuses and conventions for nominating judges of the district court, county officers and members of the legislative assembly.

Which was read the first time.

Mr. Welo introduced

Senate Bill No. 161,

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.

Which was read the first time.

Mr. Duis introduced

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.

Which was read the first time.

## SECOND READING OF SENATE BILLS.

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 second time, and

Referred to the committee on judiciary.

Senate Bill No. 131,

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.

Was read the second time, and

Referred to the committee on Public Health.

Senate Bill No. 132,

A bill for an act designating those authorized to solemnize marriages, and concerning the license therefor.

Was read the second time, and

Referred to the committee on judiciary.

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 second time, 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 second time, and

Referred to the committee on judiciary.

Senate Bill No. 138,

A bill for an act, entitled "An act concerning railroads and to better protect the lives of railway employes and the traveling public, and providing penalties for the violation thereof."

Was read the second time, and

Referred to the committee on railroads.

Mr. Crane in the chair.

### THIRD 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 third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 43, nays 0, absent and not voting 4.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Koffel	Ramsett
Anderson	LaMoure	Rico
Baker	Leutz	Sharpe
Bessesen	Martin	Simpson
Cashel	Macdonald	Stevens
Crane	McArthur	Strom
Davis	McLean	Syvertson
Duis	Movius	Talcott
Gilbert	Neal	Trimble
Gronvold	Overson	Turner
Gunderson	Palmer	Wallin
Holliday	Pierce	Walton
Irwin	Plain	Welch
Johnson	Purcell	Welo
Kelly		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Kennedy	Steele of Ward	Whitcher
Steel, of Stutsman		

Messrs. Kennedy and Whitcher being excused.

So the bill passed and the title was agreed 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.

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 1, absent and not voting 4.



## Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Koffel	Ramsett
Anderson	LaMoure	Rice
Baker	Leutz	Sharpe
Bessesen	Martin	Simpson
Cashel	Macdonald	Stevens
Crane	McArthur	Strom
Davis	McLean	Syverson
Duis	Movius	Talcott
Gilbert	Neal	Trimble
Gronvold	Overson	Turner
Gunderson	Palmer	Wallin
Irwin	Pierce	Walton
Johnson	Plain	Welch
Kelly	Purcell	Welo

## Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Holliday	Steele of Ward	Whitcher
Kennedy		

Mr. Steel of Stutsman voted in the negative.

Messrs. Kennedy and Whitcher being excused.

So the bill passed and the title was agreed to.

Mr. LaMoure asked that Senate Bill No. 67 be laid over one day.

## COURTESIES OF THE FLOOR.

The courtesies of the floor were extended to the following:

V. B. Noble, Father Sailer of Valley City, E. E. Cassles, J. M. Caspers, D. T. Yonker, Benj. Tufte, Rev. Bushle of Balfour, W. L. Wiessle of Washburn, H. L. Emery, Dr. Rindlaub, Henry Boyle, C. N. Barnes, J. H. Worst of Fargo, Messrs. Hutchinson and Baker of LaMoure, Mr. White of Edgeley, B. B. Grenley of Portland, E. A. Bjelde of Mayville, N. D. Nelson of Mayville, Hon. Jas. Johnson, ex-Gov. J. M. Devine, Peter Fugelso, Major J. S. Murphy, F. E. Graves, Martin Jacobson, Joseph Roach, A. W. Tracy, L. M. Davies, Hon. L. W. Gammons, A. A. Robinson, Wm. Smart, A. E. Stofmeister, E. G. Warren, Frank Lymon, David Denney, L. C. Prescott, J. E. McKoane, H. Halverson, Geo. Hall, Nelson Burdick.

Mr. Duis moved

That the senate do now adjourn

Which motion prevailed, and

The senate adjourned.

J. W. FOLEY,  
Secretary.

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TWENTY-FOURTH DAY

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SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
January 28, 1909.

The senate convened at two o'clock.

The president presiding.

Prayer by the chaplain.

Roll call.

All members present except Messrs. Kennedy, Purcell, Steele of Ward and Witcher, who were excused.

REFERENCE OF THE JOURNAL.

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

Mr. President:

Your committee on revision and correction of the journal have carefully examined the journal of the twenty-third day and find the same correct.

C. D. RICE,  
Chairman.

Mr. Rice moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

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 REPORTS OF STANDING COMMITTEES.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred Senate Bill No. 1,

A bill for an act to amend section 8799 of chapter 18 of the Penal Code as published in the revised codes of 1905.

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

J. B. SHARPE,  
Chairman.

Mr. Sharpe moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Also,

Mr. President:

Your committee on judiciary to whom was referred

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.

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

To amend the title to read as follows: "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."

To insert in line 3 of section 1, after the words "stock" the words "and surplus."

To insert after section 1 the following: "Section 2. Powers as to Other Real Estate.) It shall have the power to purchase, hold and convey such other real estate as shall be mortgaged to it in good faith by way of security for loans, or for debts previously contracted.

"Such as may or shall be mortgaged to it in good faith

in satisfaction of debts previously contracted in the course of its dealings.

“Such as it shall purchase at sales under judgments, decrees or mortgages held by the corporation, or shall purchase to secure debts due it; but no banking corporation shall hold the possession of any real estate under mortgage, or the title and possession of any real estate purchased to secure an indebtedness, for a longer period than five years from date of acquiring title thereto. And all real estate heretofore and hereinafter conveyed by any such banking corporation, shall be deemed to have been acquired, held and disposed of in conformity with the provisions of this chapter.”

Change “section 2” to read “section 3.”

Change “section 3” to read “section 4,” and add:

“Section 5. Section 4640 of the revised codes of the year 1905 is hereby repealed.”

And when so amended recommend the same do pass.

J. B. SHARPE,  
Chairman.

Mr. Sharpe moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

## MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,  
BISMARCK, NORTH DAKOTA,  
January 28, 1909.

Mr. President:

I have the honor to transmit 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 house has passed and your favorable consideration is respectfully requested.

Very respectfully,  
W. D. AUSTIN,  
Chief Clerk.

### REPORTS OF STANDING COMMITTEES.

The committee on judiciary made the following report:

Mr. President:

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

In section 7 of the printed bill, line 2, after the word "adultery" insert the words "or fornication."

And when so amended recommend the same do pass.

J. B. SHARPE,  
Chairman.

Mr. Sharpe moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. President:

Your committee on judiciary 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 be amended as follows:

To add as section 2. Emergency.) An emergency exists in that under the present law there is no one to take the place of the county judge in such cases, 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.

J. B. SHARPE,  
Chairman.

Mr. Sharpe moved

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

Also,

Mr. President:

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 title be amended as follows:

Insert in line 14 of the printed bill after the word "wood" the word "buildings."

And when so amended recommend that the same do pass.

J. B. SHARPE,  
Chairman.

Mr. Sharpe moved

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

The committee on state affairs made the following report:

Mr. President:

Your committee on state affairs to whom was referred  
Senate Bill No. 59,

A bill for an act authorizing and regulating the incorporation, organization and operation of co-operative associa-

tions, and providing for the regulation and control of the same.

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

MAYNARD CRANE,  
Chairman.

Mr. Crane moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on public health made the following report:

Mr. President:

Your committee on public health to whom was referred Senate Bill No. 131,

A bill for an act 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.

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

F. LEUTZ,  
Chairman.

Mr. Leutz moved

That the report be adopted.

Which motion prevailed and,

The report of the committee was adopted.

The committee on education made the following report:

Mr. President:

Your committee on education to whom was referred

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.

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

F. S. TALCOTT,  
Chairman.

Mr. Talcott moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on railroads made the following report:

Mr. President:

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 be amended as follows:

In line 4 of printed bill where "twenty-four hours" appears be stricken out, and that in lieu thereof "forty-eight hours" be inserted.

In line 4 after the word "receiving" insert the word "written."

And when so amended recommend the same do pass.

E. F. GILBERT,  
Chairman.

Mr. Gilbert moved

That the report be adopted.

Which motion prevailed, and

The report was adopted.

Also,

Mr. President:

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 be amended as follows:

Strike out all of section 2 and in lieu thereof that the expense of such proceedings not to exceed "two thousand dollars in the aggregate, shall be audited and allowed in the same manner as other expenses of the government and paid out of the general fund."

And when so amended recommend the same do pass.

E. F. GILBERT,  
Chairman.

Mr. Gilbert moved

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

The committee on state affairs made the following report:

Mr. President:

Your committee on state affairs to whom was referred  
Senate Bill No. 72,

A bill for an act creating the 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 do pass.

MAYNARD CRANE,  
Chairman.

Mr. Crane moved

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

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

Mr. President:

Your committee on enrolled and engrossed bills 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.

Also,

Senate Bill No. 86,

A bill for an act to amend section 1554 of the revised codes of 1905 of North Dakota, relating to delinquent personal property taxes when due.

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.

Also,

Senate Bill No. 63,

A bill for an act to encourage elementary education and appropriate money therefor.

Also,

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.

And find the same correctly engrossed.

THEODORE KOFFEL,  
Chairman.

#### 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.

ED. PIERCE,  
W. B. OVERSON,  
FRED J. TRAYNOR,  
A. L. PEART,  
T. J. ATWOOD,  
D. H. McARTHUR.

Dated, January 28, 1909.

### MOTIONS AND RESOLUTIONS.

Mr. Trimble introduced 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 House of Representatives of the State of North Dakota, the Senate 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.

Mr. Trimble moved

That the resolution be adopted.

Which motion prevailed, and

The resolution was adopted.

### MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,  
BISMARCK, NORTH DAKOTA,  
January 28, 1909.

Mr. President:

I have the honor to transmit the following concurrent resolution:

*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 the house has adopted and your favorable consideration is respectfully requested.

Very respectfully,  
W. D. AUSTIN,  
Chief Clerk.

### FIRST READING OF SENATE BILLS.

Mr. Bessesen introduced

Senate Bill No. 163,

A bill for an act relating to the establishing of heirship of deceased government homestead and tree claim entrymen in the county court.

Which was read the first time.

Mr. Bessesen introduced

Senate Bill No. 164,

A bill for an act to amend section 1 of chapter 45 of the session laws of North Dakota for 1907, relating to the size of cities which may become incorporated under the commission system of government.

Which was read the first time.

Mr. Overson introduced

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.

Which was read the first time.

Mr. Overson introduced

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 was read the first time.

Mr. Crane introduced

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.

Which was read the first time.

Mr. Crane introduced

Senate Bill No. 168,

A bill for an act to amend section 9151 of the revised codes of 1905 of North Dakota.

Which was read the first time.

Mr. Overson introduced

Senate Bill No. 169,

A bill for an act compelling druggists to whom a permit has been issued to sell intoxicating liquors, to make a statement of sale, giving the names of persons to whom sold,

the disease for which sold, the date of sale and the amount sold, for posting said statements, and sending a copy thereof to the state's attorney.

Which was read the first time.

Mr. Gronvold introduced

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 was read the first time.

Mr. Ramsett introduced

Senate Bill No. 171,

A bill for an act to prohibit corrupt practices in elections and provide penalties therefor.

Which was read the first time.

Mr. Strom (by request) introduced

Senate Bill No. 172,

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 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 liquors shipped into the state shall be inspected.

Which was read the first time.

#### PETITONS AND COMMUNICATIONS.

The following communication was read:

STATE PENITENTIARY, January 25, 1909.

*To the Honorable President, Senate Chamber:*

Hon. Gentlemen: Through proper prison channels, I have the honor to address the honorable senators of this grand state of North Dakota, and ask of your honors if the privilege and honor will be granted me to deliver an address on capital punishment. I am not bitterly opposed

to capital punishment, but I feel as I would like to say a few words on that subject.

Your obedient servant,

D. M. NOAH.

Care of Hon. F. O. Hellstrom, Warden.

### SECOND READING OF SENATE BILLS.

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 second time and

Referred to the committee on Appropriations.

Senate Bill No. 129,

A bill for an act to create the office of tax commissioner and to define his powers, duties and compensation, and making an appropriation therefor.

Was read the second time, and

Referred to the committee on appropriations.

Senate Bill No. 136,

A bill for an act prescribing additional duties of the county surveyor and state engineer.

Was read the second time, and

Referred to the committee on state affairs.

### THIRD READING OF SENATE BILLS.

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 42, nays 0, absent and not voting 5.

## Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Koffel	Sharpe
Anderson	LaMoure	Simpson
Baker	Leutz	Steel, of Stutsman
Bessesen	Martin	Steele of Ward
Cashel	Macdonald	Stevens
Crane	McLean	Strom
Davis	Movius	Syvertson
Duis	Neal	Talcott
Gilbert	Overson	Trimble
Gronvold	Palmer	Turner
Gunderson	Pierce	Wallin
Holliday	Plain	Walton
Irwin	Ramsett	Welch
Johnson	Rice	Welo

## Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Kelly	McArthur	Whitcher
Kennedy	Purcell	

Messrs. Kennedy, Purcell and Whitcher being excused.  
So the bill passed and the title was agreed to.

## MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,  
BISMARCK, NORTH DAKOTA,  
January 28, 1909.

Mr. President:

I have the honor to return herewith the following current 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 in 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.

In which the house has concurred.

Also,

Mr. President:

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

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

Very respectfully,

W. D. AUSTIN,  
Chief Clerk.

Mr. Simpson moved

That the secretary of the senate advise Congressmen T. F. Marshall and A. J. Gronna by wire of the passage of the resolution regarding public lands.

Which motion prevailed.

Mr. Pierce moved

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

Mr. Pierce moved

That the senate do now concur in the house resolution enlarging the authority and powers of the penitentiary investigating committee transmitted this day.

Mr. Simpson moved

That the resolution be referred to the committee on judiciary to inquire into the legal status of the matter of an appropriation by concurrent resolution.

Mr. Simpson withdrew his motion.

Mr. Rice moved

That that portion of the resolution making an appropriation be stricken out.

Which motion was lost.

The question being upon the original motion to concur in the house concurrent resolution.

The motion prevailed, and

The resolution was concurred in.

Mr. Talcott moved

That Senate Bill No. 63,

Be re-referred to the committee on appropriations.

Which motion prevailed.

Mr. LaMoure moved

That the senate return to the tenth order of business.

Which motion prevailed.

Mr. LaMoure moved

That the senate do now concur in the house resolution authorizing the appointment of committees to visit state, penal, educational and charitable institutions.

Which motion prevailed.

Mr. LaMoure moved

That the following named persons be appointed to visit these institutions 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.

Which motion prevailed.

The president of the senate announced as members of the committee to visit St. Paul and Minneapolis on the subject of grain and grading, Messrs. Talcott, Trimble and Bessen.

Mr. Pierce offered the following resolution:

Resolved, That the Senate has learned with sincere regret of the sudden death of Robert C. Sanborn, a former member of this body, which occurred last night at West Baden, Indiana.

That the president of the senate appoint a committee of three to prepare a suitable memorial to be entered upon the journal, and that as a mark of respect to him, the senate do now adjourn.

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

#### COURTESIES OF THE FLOOR.

The courtesies of the senate were extended to the following:

E. W. Bowen of Sargent county, Dan Waring, F. E. Plymet of Rolla, Attorney Jones of LaMoure, Col. John A. Carroll, Col. A. F. Seigfried, C. W. Louck, Prof. L. R. Waldron and T. N. Hartung of Dickinson, J. S. Layne of Fessenden, Edward T. Burke of Valley City.

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

J. W. FOLEY,  
Secretary.

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THIRTY-FIRST DAY

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SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
February 4, 1909.

The senate convened at two o'clock.

The president presiding.

Prayer by the chaplain.

Roll call.

All members present except Messrs. Kennedy, McDonald, Plain and Walton, who were excused.

MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,  
BISMARCK, NORTH DAKOTA,  
February 4, 1909.

Mr. President:

I have the honor to return 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.

In which the house has concurred.

Also,

Mr. President:

I have the honor to transmit herewith

House Bill No. 70,

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

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

Very respectfully,  
W. D. AUSTIN,  
Chief Clerk.

#### REFERENCE OF THE JOURNAL.

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

Mr. President:

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

- On page 2, line 21, change the word "twenty-five" to the word "thirty."
- On page 2, last line, change "of" to "or."
- On page 3, strike out third line and insert "Such as it shall purchase at sales under judgments."
- On page 3, line 10, insert the word "any" after the word "by."
- On page 11, line 23, strike out "is it" and insert in lieu thereof "it is."

C. D. RICE,  
Chairman.

Mr. Rice moved

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

### PETITIONS AND COMMUNICATIONS.

The following communications were laid before the senate:

Washington, D. C., January 29, 1909.

*Hon. J. W. Foley, Secretary of Senate, Bismarck, N. D.:*

Telegram received. Am doing all in my power to secure legislation authorizing full patents for all homesteaders in North Dakota. Under no circumstances is legislation contemplated which will take away or abridge any of the rights that the homesteaders now have. The idea is to give those who desire to avail themselves of additional rights privileges and protection.

THOMAS F. MARSHALL, M. C.

*Hon. F. Leutz, Bismarck, N. D.:*

DEAR SIR: I shall be pleased to address the joint session of the senate and the house on the subject of tuberculosis on Friday, February 5th.

Very truly yours,

G. F. RUEDIGER.

February 1, 1909.

*Hon. F. Leutz, Bismarck, N. D.:*

DEAR SIR: I am in receipt of your favor of January 30th. I will be pleased to accept your kind invitation to be present and prepared to address the legislature on the subject of tuberculosis on Friday, Feb. 5th, at 3 p. m.

Thanking you for the opportunity of appearing before your honorable body, I am,

Yours very truly,

J. GRASSICK,

Mr. Leutz moved

That the senate and house meet in joint session at 3 o'clock on Feb. 5th to hear addresses on tuberculosis from Dr. Grassick and Dr. Ruediger.

Which motion prevailed.

### REPORT OF STANDING COMMITTEES.

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

Mr. President:

Your committee on enrolled and engrossed bills have examined

Senate Bill No. 13,

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.

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. 40,

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.

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. 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 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. 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. 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.

And find the same correctly engrossed.

THEODORE KOFFEL,  
Chairman.

#### REPORT OF SPECIAL COMMITTEE.

The following report from a special committee was presented:

Your committee appointed to inquire into the needs and work of the state agricultural college and state university begs leave to report having given these institutions all the attention possible during a day's visit to each, and will sub-



mit a detailed statement of its observations to the appropriation committee at a later date.

(Signed)

MAYNARD CRANE,  
ALFRED STEEL.

### MOTIONS AND RESOLUTIONS.

Mr. Crane introduced 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.

Mr. Purcell moved

That the resolution be adopted.

Which motion prevailed, and

The resolution was adopted.

Mr. Purcell introduced 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 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.

Mr. Purcell moved

That the resolution be referred to the committee on banks and banking.

Which motion prevailed.

## INTRODUCTION AND FIRST READING OF SENATE BILLS.

Mr. Irwin introduced

Senate Bill No. 173,

A bill for an act to amend section 7329 of the revised codes of 1905, relating to cases when continued.

Which was read the first time.

Mr. Kellev introduced

Senate Bill No. 174,

A bill for an act to amend section 8841, chapter 20, of the revised codes of 1905, relating to the crime of kidnaping; and providing a penalty therefor.

Which was read the first time.

Mr. Wallin introduced

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.

Which was read the first time.

Mr. Strom introduced

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 was read the first time.

Mr. Strom introduced

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.

Which was read the first time.

## 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 second time, and

Referred to the committee on apportionment

Senate Bill No. 134,

A bill for an act providing for all county officers to keep a record of all fees collected by them and report to the board of county commissioners.

Was read the second time, and

Referred to the committee on ways and means.

Senate Bill No. 135,

A bill for an act to punish derogatory statements affecting banks, and providing penalties therefor.

Was read the second time, and

Referred to the committee on banks and banking.

Senate Bill No. 139,

A bill for an act 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 holder 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 restriction on road inspector and expenditure of road tax funds.

Was read the second time, and

Referred to the committee on highways, bridges and fences.

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 second time, and

Referred to the committee on ways and means.

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 second time, and

Referred to the committee on ways and means.

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 second time, and

Referred to the committee on ways and means.

Senate Bill No. 143,

A bill for an act to fix the rate of interest on delinquent taxes and to permit the payment of yearly taxes in two installments.

Was read the second time, and

Referred to the committee on ways and means.

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 second time, and

Referred to the committee on temperance.

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 second time, 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 second time, 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, pro-

viding 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 second time, 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 second time, and

Referred to the committee on Appropriations.

Senate Bill No. 149,

A concurrent resolution amending the constitution of the state of North Dakota, establishing and locating a state normal school at such place in the counties of Pierce, McHenry or Ward as the legislative assembly may hereafter determine.

Was read the second time and

Referred to the committee on education.

Senate Bill No. 150,

A bill for an act to provide for the regulation of telephone and telegraph rates and to compel an interchange of telephone and telegraph service.

Was read the second time, and

Referred to the committee on state affairs.

Senate Bill No. 151,

A bill for an act providing for changes of venue in preliminary hearings before county judges acting as committing magistrates in counties with increased jurisdiction.

Was read the second time, 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 second time and

Referred to the committee on judiciary.

## Senate Bill No. 153,

A bill for an act to punish the making or use of false statements to obtain credit, and providing penalties therefor.

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

## 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 second time and  
Referred to the committee on state affairs.

## 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 second time and  
Referred to the committee on state affairs.

## 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 second time, 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 second time and  
Referred to the committee on education.

## 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 second time and  
Referred to the committee on judiciary.

## 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 second time, and  
Referred to the committee on appropriations.

## Senate Bill No. 160,

A bill for an act for calling and regulating caucuses and conventions for nominating judges of the district court, county officers and members of the legislative assembly.

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

## Senate Bill No. 161,

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.

Was read the second time, and  
Referred to the committee on highways, bridges and ferries.

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

## Senate Bill No. 163,

A bill for an act relating to the establishing of heirship of deceased government homestead and tree claim entrymen in the county court.

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



## Senate Bill No. 164,

A bill for an act to amend section 1 of chapter 45 of the session laws of North Dakota for 1907, relating to the size of cities which may become incorporated under the commission system of government.

Was read the second time and

Referred to the committee on municipal corporations.

## 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 second time, 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 second time, and

Referred to the committee on Appropriations.

## 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 second time, and

Referred to the committee on railroads.

## 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 second time, and

Referred to the committee on Judiciary.

## Senate Bill No. 169,

A bill for an act compelling druggists to whom a permit has been issued to sell intoxicating liquors, to make a statement of sale, giving the names of persons to whom sold, the disease for which sold, the date of sale and the amount

sold, for posting said statements, and sending a copy thereof to the state's attorney.

Was read the second time, and

Referred to the committee on temperance.

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 second time and

Referred to the committee on judiciary.

Senate Bill No. 171,

A bill for an act to prohibit corrupt practices in elections and provide penalties therefor.

Was read the second time and

Referred to the committee on Elections.

Senate Bill No. 172,

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 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 liquors shipped into the state shall be inspected.

Was read the second time, and

Referred to the committee on Temperance.

### THIRD READING OF SENATE BILLS.

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 third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 40, ayes 2, absent and not voting 5.

## Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	LaMoure	Sharpe
Anderson	Leutz	Simpson
Bessesen	Martin	Steel, of Stutsman
Cashel	McArthur	Steele of Ward
Crane	McLean	Stevens
Davis	Movius	Strom
Duis	Neal	Syverson
Gilbert	Overson	Talcott
Gunderson	Palmer	Turner
Holliday	Pierce	Wallin
Irwin	Purcell	Welch
Johnson	Ramsett	Welo
Kelly	Rice	Whitcher
Koffel		

## Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Baker	Trimble	

## Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Gronvold	Macdonald	Walton
Kennedy	Plain	

Messrs. Kennedy, Macdonald, Plain and Walton being excused.

So the bill passed and the title was agreed to.

Mr. Rice moved

That Senate Bill No. 86 be re-referred to the committee on state affairs.

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 ays 39, nays 0, absent and not voting 8.

## Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Kelly	Rice
Anderson	Koffel	Sharpe
Baker	LaMoure	Simpson
Bessesen	Leutz	Steel, of Stutsman
Cashel	Martin	Steele of Ward
Crane	McLean	Stevens

Messrs.—	Messrs.—	Messrs.—
Davis	Movius	Syverson
Duis	Neal	Talcott
Gilbert	Overson	Trimble
Gunderson	Palmer	Turner
Holliday	Pierce	Wallin
Irwin	Purcell	Welch
Johnson	Ramsett	Whitcher

**Absent and not voting:**

Messrs.—	Messrs.—	Messrs.—
Gronvold	McArthur	Walton
Kennedy	Plain	Welo
Macdonald	Strom	

Messrs. Kennedy, Macdonald, Plain and Walton being excused.

So the bill passed and the title was agreed to.

**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 41, nays 0, absent and not voting 6.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Koffel	Simpson
Anderson	LaMoure	Steel, of Stutsman
Baker	Leutz	Steele of Ward
Bessesen	Martin	Stevens
Cashel	McLean	Strom
Crane	Movius	Syverson
Davis	Neal	Talcott
Duis	Overson	Trimble
Gilbert	Palmer	Turner
Gunderson	Pierce	Wallin
Holliday	Purcell	Welch
Irwin	Ramsett	Welo
Johnson	Rice	Whitcher
Kelly	Sharpe	

**Absent and not voting:**

Messrs.—	Messrs.—	Messrs.—
Gronvold	Macdonald	Plain
Kennedy	McArthur	Walton

Messrs. Kennedy, Macdonald, Plain and Walton being excused.

So the bill passed and the title was agreed to.

## 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 42, nays 0, absent and not voting 5.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Koffel	Sharpe
Anderson	LaMoure	Simpson
Baker	Leutz	Steel, of Stutsman
Bessesen	Martin	Steele of Ward
Cashel	McArthur	Stevens
Crane	McLean	Strom
Davis	Movius	Syvertson
Duis	Neal	Talcott
Gilbert	Overson	Trimble
Gunderson	Palmer	Turner
Holliday	Pierce	Wallin
Irwin	Purcell	Welch
Johnson	Ramsett	Welo
Kelly	Rice	Whitcher

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Gronvold	Macdonald	Walton
Kennedy	Plain	

Messrs. Kennedy, Macdonald, Plain and Walton being excused.

So the bill passed and the title was agreed to.

## 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 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

Mr. Overson moved

That Senate Bill No. 60 be amended as follows:

In line 4 of the title of the engrossed bill, add after the word "adultery" the words "or fornication."

In section 7, line 2, after the word "adultery" add the words "or fornication."

Mr. Overson moved

That the amendment be adopted.

Which motion prevailed, and

The amendment was adopted.

Mr. Bessesen moved

To amend the title of the bill to read as follows:

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.

Mr. Bessesen moved

That the amendment be adopted.

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 39, nays 1, absent and not voting 7.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Koffel	Sharpe
Anderson	LaMoure	Steel, of Stutsman
Baker	Martin	Steele of Ward
Bessesen	McArthur	Stevens
Cashel	McLean	Strom
Crane	Movius	Syvertson
Davis	Neal	Talcott
Duis	Overson	Trimble
Gilbert	Palmer	Turner
Gunderson	Pierce	Wallin
Irwin	Purcell	Welch
Johnson	Ramsett	Welo
Kelly	Rice	Whitcher

## Absent and not voting:

Messrs.—

Gronvold  
Holliday  
Kennedy

Messrs.—

Leutz  
Macdonald

Messrs.—

Plain  
Walton

Mr. Simpson voted in the negative.

Mr. Simpson explained his vote.

Messrs. Kennedy, Macdonald, Plain and Walton being excused.

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

Mr. Cashel in the chair.

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

Mr. Stevens moved

That Senate Bill No. 72 be amended as follows:

In section 3, line 5, engrossed bill, strike out the word "life" and insert in lieu thereof the word "like."

Mr. Stevens moved

That the amendment be adopted

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 39, nays 1, absent and not voting 7.

Those who voted in the affirmative were:

Messrs.—

Albright  
Anderson  
Baker  
Bessesen  
Cashel  
Crane  
Davis  
Duis  
Gilbert  
Gunderson  
Irwin  
Johnson  
Kelly

Messrs.—

Koffel  
Leutz  
Martin  
McArthur  
McLean  
Movius  
Neal  
Overson  
Palmer  
Pierce  
Purcell  
Ramsett  
Rice

Messrs.—

Sharpe  
Steel, of Stutsman  
Steele of Ward  
Stevens  
Strom  
Syvertson  
Talcott  
Trimble  
Turner  
Wallin  
Welch  
Welo  
Whitcher

**Absent and not voting:**

Messrs.—	Messrs.—	Messrs.—
Gronvold	Macdonald	Simpson
Holliday	Plain	Walton
Kennedy		

Mr. LaMoure voted in the negative.

Messrs. Kennedy, Macdonald, Plain and Walton being excused.

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

Mr. Koffel moved

That Senate Bill No. 101 go over one day.

Which motion prevailed.

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 41, nays 0, absent and not voting 6.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	LaMoure	Simpson
Anderson	Leutz	Steel, of Stutsman
Baker	Martin	Steele of Ward
Bessesen	McArthur	Stevens
Cashel	McLean	Strom
Crane	Movius	Syverson
Davis	Neal	Talcott
Duis	Overson	Trimble
Gilbert	Palmer	Turner
Gunderson	Pierce	Wallin
Irwin	Purcell	Welch
Johnson	Ramsett	Welo
Kelly	Rice	Whitcher
Koffel	Sharpe	

**Absent and not voting:**

Messrs.—	Messrs.—	Messrs.—
Gronvold	Kennedy	Plain
Holliday	Macdonald	Walton

Messrs. Kennedy, Macdonald, Plain and Walton being excused.

So the bill passed and the title was agreed to.



## 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 42, nays 0, absent and not voting 5.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Koffel	Sharpe
Anderson	LaMoure	Simpson
Baker	Leutz	Steel, of Stutsman
Bessesen	Martin	Steele of Ward
Cashel	McArthur	Stevens
Crane	McLean	Strom
Davis	Movius	Syvertson
Duis	Neal	Talcott
Gilbert	Overson	Trimble
Gronvold	Palmer	Turner
Gunderson	Pierce	Wallin
Irwin	Purcell	Welo
Johnson	Ramsett	Whitcher
Kelly	Rico	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Holliday	Macdonald	Walton
Kennedy	Plain	

Messrs. Kennedy, Macdonald, Plain and Walton being excused.

So the bill passed and the title was agreed to.

## Senate Bill No. 112,

A bill for a concurrent resolution amending the constitution 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 38, nays 1, absent and not voting 8.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Koffel	Rico
Anderson	LaMoure	Sharpe
Baker	Leutz	Simpson
Bessesen	Martin	Steel, of Stutsman
Cashel	McArthur	Stevens
Davis	McLean	Strom

Messrs.—	Messrs.—	Messrs.—
Duis	Movius	Syverson
Gilbert	Neal	Talcott
Gronvold	Overson	Trimble
Gunderson	Palmer	Turner
Irwin	Pierce	Welch
Johnson	Purcell	Welo
Kelly	Ramsett	

**Absent and not voting:**

Messrs.—	Messrs.—	Messrs.—
Crane	Macdonald	Wallin
Holliday	Plain	Walton
Kennedy	Steele of Ward	

Mr. Whitcher voted in the negative.

Messrs. Kennedy, Macdonald, Plain and Walton being excused.

So the bill passed and the title was agreed to.

The president in the chair.

**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 40, nays 0, absent and not voting 7.

**Those who voted in the affirmative were:**

Messrs.—	Messrs.—	Messrs.—
Albright	LaMoure	Simpson
Anderson	Leutz	Steel, of Stutsman
Baker	McArthur	Steele of Ward
Bessesen	McLean	Stevens
Cashel	Movius	Strom
Crane	Neal	Syverson
Davis	Overson	Talcott
Duis	Palmer	Trimble
Gilbert	Pierce	Turner
Gronvold	Purcell	Wallin
Gunderson	Ramsett	Welch
Irwin	Rice	Welo
Johnson	Sharpe	Whitcher
Koffel		

**Absent and not voting:**

Messrs.—	Messrs.—	Messrs.—
Holliday	Martin	Plain
Kelly	Macdonald	Walton
Kennedy		

Messrs. Kennedy, Macdonald, Plain and Walton being excused.

So the bill passed and the title was agreed to.

Mr. LaMoure moved

That the rules be suspended and all house bills be given their first and second readings and reference.

Which motion prevailed.

#### FIRST AND SECOND READING OF HOUSE BILLS.

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.

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.

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

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.

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

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 first and second times, and  
Referred to the committee on State Affairs.

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

## House Bill No. 71,

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

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

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

## House Bill No. 94,

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

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

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

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

### THIRD READING OF HOUSE BILLS.

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.

Was read the third time

The question being on the final passage of the bill.

The roll was called and there were ayes 38, nays 0, absent and not voting 9.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Koffel	Steel, of Stutsman
Anderson	LaMoure	Steele of Ward
Baker	Leutz	Stevens
Bessesen	McLean	Strom
Cashel	Movius	Syverson
Crane	Neal	Talcott
Davis	Overson	Trimble
Duis	Palmer	Turner
Gilbert	Pierce	Wallin
Gronvold	Purcell	Welch
Gunderson	Rice	Welo
Irwin	Sharpe	Whitcher
Kelly	Simpson	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Holliday	Martin	Plain
Johnson	Macdonald	Ramsett
Kennedy	McArthur	Walton

Messrs. Kennedy, Macdonald, Plain and Walton being excused.

So the bill passed and the title was agreed to.

### COURTESIES OF THE FLOOR.

The courtesies of the floor were extended to the following:

M. A. Liles and Torger Sinness of Minnewaukan, G. O. Raugust of Washburn, Herm Kroeger, John Christianson, Chas. Lorany, N. McKinnon of Bottineau, J. A. Dunn of Park River, A. H. Hillemann, David Sternes, Geo. Springsted, Robert McBride, Andrew Robie of Pembina county, E. B. Haney of Henderson, Minn.

Mr. Crane moved

That the senate do now adjourn.

Which motion prevailed, and

The senate adjourned.

J. W. FOLEY,  
Secretary.

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## THIRTY-SECOND DAY

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

The senate convened at two o'clock.

The president presiding.

Prayer by the chaplain.

Roll call.

All members present except Messrs. Kennedy, Macdonald and Walton, who were excused.

### REFERENCE OF THE JOURNAL.

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

Mr. President:

Your committee on revision and correction of the journal have carefully examined the journal of the thirty-first day and have found the same correct.

C. D. RICE,  
Chairman.

Mr. Rice moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

## MESSAGE FROM THE HOUSE.

The following message was received from the house:

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

Mr. President:

I have the honor to transmit herewith  
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.

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

Also,

Mr. President:

I have the honor to inform you that the house will be pleased to receive the senate in joint session at 3 o'clock p. m. to day to hear the addresses of Drs. Grassick and Ruediger on the subject of tuberculosis.

Very respectfully,  
W. D. AUSTIN,  
Chief Clerk.

## PETITONS AND COMMUNICATIONS.

The following communication was received:

*To the Senate 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 com-

munication 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.

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, Colgate 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 looks 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 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 town-



ship, 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.

## REPORTS OF STANDING COMMITTEES.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred  
Senate Bill No. 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 amended as follows:

Beginning with line 4 of the printed bill strike out all of the rest of the bill and insert in lieu thereof the following:

Section 2580. Salary of Clerk of District Court, How Determined.) The salary of the clerk of the district court shall be regulated by the value of the property in his county as fixed by the state board of equalization for the preceding year, as follows:

He shall receive one thousand dollars in counties where the assessed valuation does not exceed two million dollars; eleven hundred dollars in counties where the assessed valuation exceeds two million dollars but does not exceed two million five hundred thousand dollars; twelve hundred dollars in counties where the assessed valuation exceeds two million five hundred thousand dollars and does not exceed three million dollars; thirteen hundred dollars in counties where the assessed valuation exceeds three million dollars and does not exceed three million five hundred thousand dollars; fourteen hundred dollars in counties where the assessed valuation exceeds three million five hundred thousand dollars but does not exceed four million dollars; fifteen hundred dollars in counties where the assessed valuation exceeds four million dollars but does not exceed five million dollars; sixteen hundred dollars in counties where the assessed valuation exceeds five million dollars but does not exceed six million dollars; seventeen hundred dollars in counties where the assessed valuation exceeds six million dollars but does not exceed seven million dollars; eighteen hundred dollars in counties where the assessed valuation exceeds seven million dollars but does not exceed eight million dollars; nineteen hundred dollars in counties where assessed valuation exceeds eight million dollars but does not exceed nine million dollars; two thousand dollars in counties where the assessed valuation exceeds nine million dollars but does not exceed ten million dollars; twenty-two hundred dollars in counties where the assessed valuation exceeds ten million dollars; provided, that no clerk of the district court shall receive for his personal services an amount in excess of twenty-two hundred dollars in any one year, to be paid monthly from the general county fund on the warrant of the county auditor; provided, that the clerk of court shall not keep or retain any fees whatever, but the same shall be the property of the county and shall be turned over by said clerk of court to the treasurer of said county and credited to the general fund; and all fees received by him as such clerk of court, includ-

ing all fees collected by clerks of the county courts in counties where there is increased jurisdiction, must be paid over by said clerk of the court to the treasurer of said county and credited to the general fund; that the salary herein provided for said clerk of the court in all counties, whether having increased jurisdiction or not, shall be exclusive of any fees, and that such clerks shall receive no fees whatever.

Sec. 2. All acts and parts of acts in conflict with this act are hereby repealed.

And when so amended recommend the same do pass.

J. B. SHARPE,  
Chairman.

Mr. Sharpe moved

That the report be adopted

Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. President:

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.

J. B. SHARPE,  
Chairman.

Mr. Sharpe moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. President:

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 amended as follows:**

After the enacting clause insert the following:

“(Section 1. Amendment.) Section 6187 of the revised codes of North Dakota for the year 1905 be and the same is hereby amended to read as follows:”

In line 10 of the printed bill strike out the word “is” and insert in lieu thereof the word “are.”

**And when so amended recommend the same do pass.**

J. B. SHARPE,  
Chairman.

Mr. Sharpe moved

**That the report be adopted.**

Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. President:

Your committee on judiciary to whom was referred  
Senate Bill No. 153,

A bill for an act to punish the making or use of false statements to obtain credit, and providing penalties therefor.

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

J. B. SHARPE,  
Chairman.

Mr. Sharpe moved

**That the report be adopted**

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Also,

Mr. President:

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, compris-

ing 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.

J. B. SHARPE,  
Chairman.

Mr. Sharpe moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on ways and means made the following report:

Mr. President:

Your committee on ways and means to whom was referred

Senate Bill No. 134,

A bill for an act providing for all county officers to keep a record of all fees collected by them and report to the board of county commissioners.

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

That section 2 of said bill be amended by striking out in lines 1 and 2, section 2: "Shall upon conviction thereof be fined for not less than \$50.00 nor more than \$100.00," and insert in lieu thereof the following words: "shall be deemed guilty of a misdemeanor."

And when so amended recommend the same do pass.

E. A. MOVIUS,  
Chairman.

Mr. Movius moved

That the report be adopted.

Which motion prevailed.

The report of the committee was adopted.

Also,

Mr. President:

Your committee on ways and means to whom was referred

Senate Bill No. 143,

A bill for an act to fix the rate of interest on delinquent taxes and to permit the payment of yearly taxes in two installments.

Have had the same under consideration and recommend that the same be referred to the committee on judiciary.

E. A. MOVIUS,  
Chairman.

Mr. Movius 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. President:

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.

H. H. STROM,  
Chairman.

Mr. Strom moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. President:

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.

H. H. STROM,  
Chairman.

Mr. Strom moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. President:

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 tobacco  
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.

H. H. STROM,  
Chairman.

Mr. Strom moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on state affairs made the following report:

Mr. President:

Your committee on state affairs to whom was referred  
Senate Bill No. 86,

A bill for an act to amend section 1554 of the revised  
codes of 1905 of North Dakota, relating to delinquent personal  
property taxes when due.

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

MAYNARD CRANE,  
Chairman.

Mr. Crane moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely  
postponed.

#### REPORT OF SELECT COMMITTEE.

Mr. President:

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 asylum, 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 it 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. C. LAITHWAITE,  
Committee.

Also,

February 5, 1909.

Mr. President:

Your special committee appointed to visit the Mayville and Valley City normal schools beg leave to report that it has performed that duty and will report its findings and recommendations to the committee on appropriations in due time.

Respectfully submitted,  
J. L. CASHEL,  
Of the Senate Committee.

Also,

Mr. President:

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 are 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,  
A. S. GIBBENS,  
BERNT ANDERSON,  
Committee.

#### FIRST READING OF SENATE BILLS.

Mr. Bessesen introduced  
Senate Bill No. 178,

A bill for an act to prohibit the granting to or use by any person of any free pass, frank or special privilege withheld from any other person, and to fix the penalty for the violation thereof.

Which was read the first time.

Mr. Gunderson introduced  
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.

Which was read the first time.

Mr. Leutz introduced  
Senate Bill No. 180,

A bill for an act to amend section 1070 of the revised codes of North Dakota of 1905, and making an appropriation to meet the necessary expenses of the state geological survey.

Which was read the first time.

Mr. Martin introduced

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.

Which was read the first time.

Mr. Strom introduced

Senate Bill No. 182,

A bill providing for the appointment of live stock inspectors by board of county commissioners, and providing for fees and mileage; defining qualification of inspector, duties of inspector and owner; imposing compulsory inspection and test of live stock; fines for neglect or refusal to comply; indemnity to owner.

Which was read the first time.

Mr. Strom introduced

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.

Which was read the first time.

Mr. McLean introduced

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.

Which was read the first time.

Mr. Trimble introduced

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 was read the first time.

Mr. Strom introduced

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.

Which was read the first time.

Mr. Simpson introduced

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 was read the first time.

Mr. Overson introduced

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.

Which was read the first time.

Mr. LaMoure introduced

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.

Which was read the first time.

Mr. Bessesen introduced

Senate Bill No. 190,

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

Which was read the first time.

### 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.

Mr. Koffel moved

That Senate Bill No. 101 be amended as follows:

Insert as

Sec. 2. This act shall not apply to those students who have already in a bona fide manner entered upon the study of law either in a reputable law school or in the office of an attorney residing and located in the state.

That section 2 of bill be numbered section 3.

That said bill be further amended by striking out the word "thirty-six" in line 14 of the printed bill, and the word "thirty-five" be inserted in lieu thereof.

Mr. Koffel moved

That the amendment be adopted.

Which motion prevailed, and  
The amendment was adopted.

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 as amended.

The roll was called and there were ayes 41, nays 0, absent and not voting 6.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Kelly	Simpson
Anderson	Koffel	Steel, of Stutsman
Baker	LaMoure	Steele of Ward
Bessesen	Leutz	Stevens
Cashel	McArthur	Strom
Crane	McLean	Syvertson
Davis	Movius	Talcott
Duis	Neal	Trimble
Gilbert	Overson	Turner
Gronvold	Palmer	Wallin
Gunderson	Pierce	Welch
Holliday	Plain	Welo
Irwin	Ramsett	Whitcher
Johnson	Sharpe	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Kennedy	Macdonald	Rice
Martin	Purcell	Walton

Messrs. Kennedy, Macdonald and Walton being excused.  
So the bill passed as amended and the title was agreed to.

Mr. Crane moved

That the rules be suspended and all house bills be given their first and second reading and reference.

Which motion prevailed

## FIRST AND SECOND READING OF HOUSE BILLS.

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.

## THIRD READING OF HOUSE BILLS.

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.

Was read the third time.

Mr. Simpson moved

That House Bill No. 48 be re-referred to the committee on education for an opinion of the attorney general as to its constitutionality.

Which motion prevailed.

Mr. Gilbert moved

That the senate take a recess of fifteen minutes.

Which motion prevailed.

## AFTER RECESS.

Mr. Bessesen moved

That the rules be suspended and that

Senate Bill No. 190,

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

Be read the second time and referred.

Which motion prevailed.

Senate Bill No. 190,

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

Was read the second time, and

Referred to the committee on judiciary.

Mr. Leutz moved

That Senate Bill No. 131 be referred to the committee on public health.

Which motion prevailed.

#### COURTESIES OF THE FLOOR.

The courtesies of the floor were extended to the following:

M. A. Whipperman, August Hoefs, Judge Wakefield, S. E. Kurtz, Clifford Kurtz, Norman Roop of Emmons county; J. F. Broder of Dickinson, J. H. Allensworth of Burleigh.

Mr. Strom moved

That the senate do now adjourn

Which motion prevailed, and

The senate adjourned.

J. W. FOLEY,  
Secretary.

THIRTY-THIRD DAY

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

The senate convened at two o'clock.

The president presiding.

Prayer by the chaplain.

Roll call.

All members present except Messrs. Kennedy, Pierce and Walton, who were excused.

## MESSAGE FROM THE HOUSE.

The following message was received from the house:

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

Mr. President:

I have the honor to transmit herewith

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. 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.

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

Also,

Mr. President:

I have the honor to return 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-six (146), 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.

In which the house has concurred.

Also,

Mr. President:

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

*Be it Resolved by the House of Representatives of the State of North Dakota, the Senate concurring:*

That, 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 blind-



ness 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 the house has adopted and your favorable consideration is respectfully requested.

Very respectfully,  
W. D. AUSTIN,  
Chief Clerk.

Mr. Talcott moved

That the house concurrent resolution with reference to the blind be referred to the committee on education.

Which motion prevailed.

### REFERENCE OF THE JOURNAL.

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

Mr. President:

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

On page 12, line 3, change "is" to "are."

On page 15, after the list of those absent and not voting, insert "Messrs. Kennedy, Macdonald and Walton being excused."

And when so corrected recommend that the same be approved.

C. D. RICE,  
Chairman.

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

### PETITIONS AND COMMUNICATIONS.

The following communications were received:

Washington, February 1, 1909.

*Hon. James W. Foley, Secretary of the Senate, Bismarck, N. Dak.:*

DEAR SIR: I have the honor to acknowledge receipt of the concurrent resolution adopted by the legislative assembly of North Dakota with reference to grain inspection, and will today present it to the house of representatives.

Very truly yours,

A. J. GRONNA.

Washington, January 30, 1909.

*Hon. James W. Foley, Bismarck, N. Dak.:*

MY DEAR MR. FOLEY: I beg to acknowledge receipt of your favor of the 25th instant, enclosing concurrent resolution adopted by the legislative assembly relative to rivers and harbors. I will introduce the resolution in the senate and have it referred to its proper committee.

Very truly yours,

P. J. McCUMBER.

Washington, February 3, 1909.

*Hon. James W. Foley, Secretary of the Senate, Bismarck, N. Dak.:*

DEAR SIR: I have the honor to acknowledge receipt of your letter of the 30th ultimo, transmitting copy of a resolution adopted by the legislative assembly of North Dakota, relative to the issuance of patents to public lands in North Dakota containing coal deposits. I shall today take pleasure in introducing the resolution in the house of representatives.

Very truly yours,

A. J. GRONNA.

Washington, February 3, 1909.

*Hon. James W. Foley, Secretary of the Senate, Bismarck, N. Dak.:*

DEAR SIR: I have the honor to acknowledge receipt of your letter of the 25th ultimo, transmitting a copy of a concurrent resolution adopted by the legislative assembly of North Dakota, relative to appropriations for improvement of the Missouri river and the Red River of the North. I have in accordance therewith asked the war department for estimates of the cost of the desired improvements. I shall also take pleasure in presenting the memorial to the house of representatives.

Very truly yours,

A. J. GRONNA.

Mr. Welch presented petitions from residents of Burleigh county, which were ordered to be referred to the committee on agriculture without printing.

#### REPORTS OF STANDING COMMITTEES.

The committee on state affairs made the following report:

Mr. President:

Your committee on state affairs to whom was referred House Bill No. 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 be 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 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 when so amended recommend that the same do pass.

MAYNARD CRANE,  
Chairman.

Mr. Crane moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. President:

Your committee on state affairs to whom was referred

Senate Bill No. 111,

A bill for an act to amend section 417 of the revised codes of North Dakota, 1905, relating to officers and offices, and the qualification of officers.

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

MAYNARD CRANE,  
Chairman.

Mr. Crane moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Also,

Mr. President:

Your committee on state affairs to whom was referred

Senate Bill No. 136,

A bill for an act prescribing additional duties of the county surveyor and state engineer.

Have had the same under consideration and recommend that the same be re-referred to the committee on highways and bridges.

MAYNARD CRANE,  
Chairman.

Mr. Crane moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. President:

Your committee on state affairs 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 be amended as follows:

On page 1 of original bill, 4th line from bottom of page, insert the words "such" before the word "blanks," and in same line after the word "blanks" insert the words "as may be prescribed and."

And when so amended recommend the same do pass.

MAYNARD CRANE,  
Chairman.

Mr. Crane moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on public health made the following report:

Mr. President:

Your committee on public health to whom was referred 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.

Have had the same under consideration and recommend that the same be re-referred to the committee on appropriations with our recommendation that it do pass.

F. LEUTZ,  
Chairman.

Mr. Leutz moved

That the report be adopted.

Which motion prevailed and,

The report of the committee was adopted.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred

Senate Bill No. 163,

A bill for an act relating to the establishing of heirship of deceased government homestead and tree claim entrymen in the county court.

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

In line 8 of the printed bill, beginning with the word "may," strike out all up to the colon in line 10, and insert in lieu thereof the following, "may determine and specify who are the heirs of such person and what are the interests or shares of the parties respectively in said homestead or tree claim, and declare the right of succession accordingly."

And when so amended recommend the same do pass.

J. B. SHARPE,  
Chairman.

Mr. Sharpe moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. President:

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 do pass.

J. B. SHARPE,  
Chairman.

Mr. Sharpe moved

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

Also,

Mr. President:

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 indefinitely postponed.

J. B. SHARPE,  
Chairman.

Mr. Sharpe moved

That the report be adopted.  
Which motion prevailed, and  
The report of the committee was adopted.  
The committee on enrolled and engrossed bills made the  
following report:

Mr. President:

Your committee on enrolled and engrossed bills have ex-  
amined

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 intox-  
icating 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. 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. 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. 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. 134,

A bill for an act providing for all county officers to keep a record of all fees collected by them and report to the board of county commissioners.

Also,

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. 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.

And find the same correctly engrossed.

**THEODORE KOFFEL,**  
Chairman.



The secretary announced that the president was about to sign

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.

And the president signed the same in the presence of the senate.

### REPORT OF SPECIAL COMMITTEE.

The following report of a special committee was presented:

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 conten-

tion 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.

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

### FIRST READING OF SENATE BILLS.

Mr. Macdonald introduced  
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.

Which was read the first time.

Mr. Koffel (by request) introduced  
Senate Bill No. 192,

A bill for an act to amend sections 8294, 8310 and 8311 of the revised codes of North Dakota for 1905, relating to the practice in the county courts with increased jurisdiction.

Which was read the first time.

Mr. Koffel introduced  
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.

Which was read the first time.

Mr. Koffel introduced  
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.

Which was read the first time.

Mr. Talcott introduced  
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 was read the first time.

Mr. Simpson introduced  
Senate Bill No. 196,

A bill for an act to amend and re-enact section 832 of the revised codes of North Dakota for the year A. D. 1905.

Which was read the first time.

Mr. Palmer introduced  
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.

Which was read the first time.

Mr. McArthur introduced

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.

Which was read the first time.

Mr. McLean introduced

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.

Which was read the first time.

Mr. Plain introduced

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.

Which was read the first time.

Mr. Talcott moved

That the rules be suspended and

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.

Be given its second reading and reference.

Which motion prevailed.

## SECOND READING OF SENATE BILLS.

Senate Bill No. 174,

A bill for an act to amend section 8841, chapter 20, of the revised codes of 1905, relating to the crime of kidnaping; and providing a penalty therefor.

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

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 second time, 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 second time, and  
Referred to the committee on education.

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 second time and  
Referred to the committee on game and fish.

### THIRD READING OF SENATE BILLS.

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  
The question being on the final passage of the bill.

The roll was called and there were ayes 41, nays 0, absent and not voting 6.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Kelly	Sharpe
Anderson	LaMoure	Simpson
Baker	Martin	Steele of Ward
Bessesen	Macdonald	Stevens
Cashel	McArthur	Strom
Crane	McLean	Syvertson
Davis	Movius	Talcott
Duis	Neal	Trimble
Gilbert	Overson	Turner
Gronvold	Palmer	Wallin
Gunderson	Plain	Welch
Holliday	Purcell	Welo
Irwin	Ramsett	Whiteher
Johnson	Rice	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Kennedy	Leutz	Steel, of Stutsman
Koffel	Pierce	Walton

Messrs. Kennedy, Pierce and Walton being excused.  
So the bill passed and the title was agreed to.

## MOTIONS AND RESOLUTIONS.

Mr. Simpson moved

That the senate return to the ninth order of business.

Which motion prevailed.

Mr. Simpson offered the following concurrent resolution:

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 four hundred of these copies be bound in cloth.



Mr. Simpson moved  
That the resolution be adopted  
Mr. LaMoure objected to the consideration of the resolution.

Which went over one day.

### THIRD 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 third time

The question being on the final passage of the bill.

The roll was called and there were ayes 36, nays 6, absent and not voting 5.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Koffel	Rice
Anderson	LaMoure	Sharpe
Baker	Martin	Simpson
Cashel	Macdonald	Stevens
Crane	McArthur	Syverson
Davis	McLean	Talcott
Duis	Movius	Trimble
Gilbert	Neal	Turner
Gronvold	Palmer	Wallin
Gunderson	Plain	Welch
Holliday	Purcell	Welo
Kelly	Ramsett	Whitcher

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Bessesen	Johnson	Steele of Ward
Irwin	Overson	Strom

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Kennedy	Pierce	Walton
Leutz	Steel, of Stutsman	

Mr. Bessesen explained his vote.

Messrs. Kennedy, Pierce and Walton being excused.

So the bill passed and the title was agreed to.

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 42, nays 0, absent and not voting 5.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Kelly	Rico
Anderson	Koffel	Sharpe
Baker	LaMoure	Simpson
Bessesen	Martin	Steele of Ward
Cashel	Macdonald	Stevens
Crane	McArthur	Strom
Davis	McLean	Syvertson
Duis	Movius	Talcott
Gilbert	Neal	Trimble
Gronvold	Overson	Turner
Gunderson	Palmer	Wallin
Holliday	Plain	Welch
Irwin	Purcell	Welo
Johnson	Ramsett	Whitcher

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Kennedy	Pierce	Walton
Leutz	Steel, of Stutsman	

Messrs. Kennedy, Pierce and Walton being excused.  
So the bill passed and the title was agreed to.

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 41, nays 0, absent and not voting 6.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Anderson	Koffel	Sharpe
Baker	LaMoure	Simpson
Bessesen	Martin	Steele of Ward
Cashel	Macdonald	Stevens
Crane	McArthur	Strom
Davis	McLean	Syvertson
Duis	Movius	Talcott
Gilbert	Neal	Trimble
Gronvold	Overson	Turner
Gunderson	Palmer	Wallin
Holliday	Plain	Welch

Messrs.—  
 Irwin  
 Johnson  
 Kelly

Messrs.—  
 Purcell  
 Ramsett  
 Rice

Messrs.—  
 Welo  
 Whitcher

**Absent and not voting:**

Messrs.—  
 Albright  
 Kennedy

Messrs.—  
 Leutz  
 Pierce

Messrs.—  
 Steel, of Stutsman  
 Walton

Messrs. Kennedy, Pierce and Walton being excused.  
 So the bill passed and the title was agreed to.

Mr. Gilbert moved

That the senate do now adjourn.

Which motion prevailed, and

The senate adjourned.

J. W. FOLEY,  
 Secretary.

## THIRTY-FIFTH DAY

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
February 8, 1909.

The senate convened at two o'clock.

The president presiding.

Prayer by the chaplain.

Roll call.

All members present except Messrs. Leutz, Pierce and Ramssett, who were excused.

## MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,  
BISMARCK, NORTH DAKOTA,  
February 8, 1909.

Mr. President:

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

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.

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

Also,

Mr. President:

I have the honor to transmit 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 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.

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

Also,

Mr. President:

I have the honor to return herewith the following 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.

In which the house has concurred.

Very respectfully,  
W. D. AUSTIN,  
Chief Clerk.

### REFERENCE OF THE JOURNAL.

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

Mr. President:

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

Page 1, line 11, change "Price" to "Pierce."

Page 9, line 8, change "Senate" to "House" and change title to House Bill No. 72.

Page 21, strike out lines 11, 12, 13 and 14.

Page 2, line 16, change "one hundred forty-eight (148)," to "one hundred forty-six (146)."

And when so corrected recommend that the same be approved.

C. D. RICE,  
Chairman.

Mr. Rice moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

### PRESENTATION OF PETITIONS AND COMMUNICATIONS.

Mr. Gronvold presented the following petition:

*To the Honorable Members of the Forty-second Legislative District and the Eleventh Legislative Assembly of North Dakota:*

We, the undersigned members of the Modern Woodmen of America, of Pierce county, and fellow citizens, believe

that during this session of the legislature the National Fraternal Congress will present or lobby for a bill to oppose or shut out all fraternal insurance, or raise the rates, where a great injury would be done the common people in general not being able to patronize the old line companies, we therefore respectfully petition your honorable body to vote against and use your influence against such a measure should one be introduced.

C. E. HALE,  
And 136 Others.

Mr. Baker 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 15 Others.

Mr. Stevens presented the following communication and petition:

Larimore, N. D., February 6, 1909.

*Hon. Jerry Stevens, Senate, Bismarck, N. D.:*

DEAR SIR: I enclose herewith a set of resolutions which were passed by the Farmers' Club at a meeting held in Larimore on the third of February. There was a large number of farmers and citizens present, and these resolutions were passed unanimously. The secretary was instructed to send

a copy to you, but as he is sick at the present time, I am doing it for him.

Yours very truly,  
**J. DEXTER PIERCE,**  
 Chairman.

Whereas, bovine tuberculosis and glanders are very prevalent in the state of North Dakota, and the same menace the lives and health of the people of this state; therefore, be it

Resolved, That it is the sense of this meeting that the bill now pending in the legislature increasing the appropriation at the disposal of the State Livestock Sanitary Board to \$15,000, and all other bills tending to stamp out these diseases, should pass, and

Whereas, the disease known as hog cholera or swine plague has invaded this state, and whereas, the United States government has discovered a serum or virus that will render swine immune; therefore, be it

Resolved, That in the judgment of this meeting the bill appropriating the sum of \$500 for the manufacture of the aforesaid preventative for free distribution should become a law; and be it further

Resolved, That the secretary of this organization be instructed to send copies of these resolutions to our state senator and representatives.

The following communication was laid before the senate:

Washington, February 3, 1909.

*Hon. James Foley, Bismarck, N. D.:*

MY DEAR FOLEY: I beg to acknowledge the receipt of your favor of the 30th ultimo, enclosing concurrent resolution relative to grain grading and inspection. I am very glad to get the same, and will present it to the senate.

Very truly yours,  
**P. J. McCUMBER,**

## REPORT OF STANDING COMMITTEES

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred House Bill No. 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.

**J. B. SHARPE,**  
 Chairman.



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

Also,

Mr. President:

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.

J. B. SHARPE,  
 Chairman.

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

Also,

Mr. President:

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 1905 of North Dakota.

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

1st. That the title thereof be amended to read as fol-  
 lows:

For an act to amend section 9151 of the revised codes  
 of North Dakota, 1905, relating to having burglars' imple-  
 ments in possession.

2d. Strike out all after the enacting clause and insert  
 in lieu thereof the following:

That section 9151 of the revised codes of North Dakota,  
 1905, be and the same is hereby amended and re-enacted to  
 read as follows:

Section 9151. Having Burglars' Implements in Posses-  
 sion.) Every person who, under circumstances not amount-  
 ing to any felony, has in his possession any dangerous of-  
 fensive weapon or instrument whatever, or any picklock,

crow, key, bit, jack, jimmy, nippers, pick, betty or other implement of burglary, with intent to break and enter any building, booth, tent, railroad car, vessel or other structure or erection, and to commit any felony therein, is guilty of a misdemeanor.

And when so amended recommend the same do pass.

J. B. SHARPE,  
Chairman.

Mr. Sharpe moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on education made the following report:

Mr. President:

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 do pass.

F. S. TALCOTT,  
Chairman.

Mr. Talcott moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. President:

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

A bill for an act to provide for the establishment and maintenance of county training schools for teachers.

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

Strike out all after the enacting clause and insert in lieu thereof the following:

Section 1. County Training Schools for Teachers.) The board of county commissioners, together with the county superintendent of schools of any county within which a

state educational institution is not located, is hereby authorized to establish a county training school for teachers. The board of county commissioners is hereby authorized to appropriate money for the organization, equipment and maintenance of not to exceed one county training school for teachers of the common schools. In the event that the board of trustees of any organized village of the city council of any city, or the school district board or any common school district, or the board of education of any special or independent district, tenders to the board of county commissioners for the purposes contemplated in this act, the use of suitable rooms or buildings, the said board of county commissioners is hereby authorized and empowered to accept such tenders as in its judgment will best serve the purposes herein contemplated; provided, however, that no tender shall be accepted for a less period than five years.

Sec. 2. Board for. Appointment, Vacancies, Bond, Organization.) A board to be known as the county training school board is hereby created, which shall have charge and control of all matters pertaining to the organization, equipment and maintenance of such school, except as otherwise provided by law. Said board shall consist of three members, one of whom shall be the county superintendent of schools of the county in which the school is located. The other members of the board shall be appointed by the board of county commissioners for the term of three years from the date of their appointment. Vacancies existing in the board from whatever cause, except in the case of the county superintendent, shall be filled by appointment made by the chairman of the board of county commissioners, and county superintendent of schools, if board of county commissioners is not in session when such vacancy occurs. If the board is in session vacancies shall be filled by appointment by said board for the unexpired term. Appointments made by the chairman of the county board as hereinbefore specified shall be for the time to elapse until the next regular meeting of the board of county commissioners. Each person appointed or created a member of the county training school board shall, within ten days after the notice of such appointment, take and subscribe an oath to support the constitution of the United States and the constitution of North Dakota, and honestly, faithfully and impartially to discharge his duties as a member of said board

to the best of his ability, which oath shall be filed in the office of the county auditor. He shall also within the same time file a bond in such sum as may be fixed by the board of county commissioners, which bond shall be filed in the office of the county auditor. Within fifteen days after the appointment of said board the members thereof shall meet and organize by electing one of their number as president and one as treasurer. The county superintendent of schools shall be ex-officio secretary of the said board. The said board shall prescribe the duties of the several officers except as fixed by law.

Sec. 3. Moneys for. How Provided. How Paid Out.) The county training school board shall report to the board of county commissioners the amount of money necessary for the maintenance of the county training school for the ensuing year, on or before the first of July of each year. The board of county commissioners is hereby authorized to make a tax levy for such purposes and to direct the county auditor to spread such levy upon the tax rolls of said county. All moneys appropriated and expended under the provisions of this act shall be expended by the county training school board and shall be paid by the county treasurer on orders issued by said board.

Sec. 4. Duty of State Superintendent.) The state superintendent shall give such information and assistance as may seem necessary in organizing and maintaining such training school. He together with the presidents of the state normal schools, shall prescribe the courses of study to be pursued, and shall determine the qualifications of all teachers employed in such schools. He shall have the general supervision of all schools established under this act and shall from time to time inspect the same. He shall make such recommendations relating to their management as he may deem necessary and shall make such report thereon as shall give full information concerning their number, character and efficiency.

Sec. 5. State Aid for. How Secured.) Any school established under the provisions of this act whose courses of study and the qualifications of whose teachers have been approved as provided in section 4 may, upon application, be placed by the state superintendent upon an approved list of county training schools for teachers. A school once entered upon such list shall remain listed and be entitled

to state aid so long as the scope and character of its work are maintained in such manner as to meet the approval of the state superintendent. On the first day of July in each year the secretary of each county training school board maintaining a school on the approved list shall report to the state superintendent, setting forth the facts relating to the cost of maintaining the school, the character of the work done, the number and names of teachers employed and such other matters as may be required by the board and the state superintendent. Upon the receipt of such report, if it shall appear that the school has been maintained in a satisfactory manner for a period of not less than ten months during the year closing on the thirtieth day of the preceding June, the superintendent of public instruction shall make a certificate to that effect and file it with the state auditor. Upon receiving such certificate the state auditor shall draw his warrant payable to the treasurer of the county maintaining such school, a sum equal to one-school during the year; provided, that the total amount half the amount actually expended for maintaining such so apportioned to each school shall not exceed twenty-five hundred dollars in any one year.

Sec. 6. Certificates to Graduates. Effect of.) Any person who shall complete in a satisfactory manner the course of study prescribed for any county training school and who shall be of good moral character, shall receive a certificate signed by the principal of the school and by the members of the county training school board. Such certificate shall certify that the person named herein has satisfactorily completed the course of study prescribed for the county training school and is of good moral character; it shall also contain a list of the standings secured by the person on the completion of each of the studies pursued in the school. Such certificates shall have the force and effect of a second grade certificate issued by the county superintendent of the county in which the school is located for a term of two years from the date of its issue; provided, that in case the holder thereof has never taught or cannot furnish satisfactory evidence of having successfully taught for at least one school year in the public schools of this state, said certificate shall be of full force and effect for one year only from its date of issue. When satisfactory evidence of successful teaching for at least

one year upon said training school certificate shall be furnished to the county superintendent, said superintendent shall remove the limitation, whereupon the training school certificate shall have the full force and effect of a teacher's certificate of the second grade for two additional years. Any school superintendent or officer authorized to grant certificates to teachers in North Dakota schools, is hereby authorized in his discretion to accept standings obtained by the completion of studies in any county training school in the state when duly certified by the principal of said school in lieu of actual examination by said superintendent or examiner at any time within three years from the date of the certificate of completion of the course by the person desiring to have such standings accepted. This provision shall apply to certificates of second and third grades.

Sec. 7. Joint Training Schools Between Counties.) The county boards of two or more adjoining counties may unite in establishing and maintaining a training school for teachers for the purpose and on the same general plan as provided for in section 1 of this act, and may appropriate money for its maintenance, and whenever two or more counties unite in establishing such a school the county superintendent of the county in which the school house is situated shall be ex-officio secretary of the board, and two members in addition shall be chosen from each county, and no member of any board of county commissioners shall be eligible.

Sec. 8. Cost of Joint Training School. How Apportioned.) Whenever two or more counties join in maintaining and establishing such school the county school board provided for in such cases shall determine the amount of money necessary for the maintenance and equipment of the school for the next succeeding year and annually thereafter. They shall apportion the amount to be raised by taxation among the counties in proportion to the assessed valuation of the real and personal property in each county as fixed by the state board of equalization, and shall report to the boards of county commissioners of the counties maintaining such joint teachers' training school the amount required for such purposes. The boards of county commissioners of such counties are hereby authorized to levy such an amount as other taxes are levied, and direct the county auditors of such counties to spread the same upon

the tax rolls of the county maintaining such teachers' county training school. The county auditor of any county which joins in the establishment and maintenance of such teachers' training school, but in which said school is not located, is hereby authorized and directed to draw his warrant or warrants for the amount due from said county for the maintenance and support of such joint teachers' training school and shall transmit the same to the treasurer of such joint school. Such payments shall be made at least quarterly.

Sec. 9. Who Shall Be Treasurer. Money, How Expended.) The county treasurer of the county in which the school is located shall be ex-officio treasurer of the training school board, and all moneys appropriated and expended under the provisions of this act shall be expended by the board of said county training school and shall be paid by said county treasurer on orders drawn by the secretary and countersigned by the president.

Sec. 10. Who May Be Admitted.) The board of any training school for teachers established under this act in a single county or by two or more adjoining counties shall admit to said school whenever the facilities provided will warrant said board in so doing, any person prepared to enter such school and who may reside in any county, but not within the district where any training school has already been established. Persons so admitted shall be entitled to the same privileges and subject to the rules of the board adopted for the government of such schools; provided, however, that persons resident within this state shall be admitted without charge of tuition.

Sec. 11. Appropriation.) There is hereby appropriated out of any money in the treasury not otherwise appropriated a sum sufficient to carry out the provisions of this act.

“And that the bill as amended be printed as soon as possible and recommitted to the education committee.”

F. S. TALCOTT,  
Chairman.

Mr. Talcott moved

That the report be adopted

Which motion prevailed, and

The report of the committee was adopted.

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

Mr. President:

Your committee on enrolled and engrossed bills 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.

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. 163,

A bill for an act relating to the establishing of heirship of deceased government homestead and tree claim entrymen in the county court.

And find the same correctly engrossed.

THEODORE KOFFEL,  
Chairman.

#### FIRST READING OF SENATE BILLS.

Mr. Neal introduced

Senate Bill No. 201,

A bill for an act prohibiting the killing of deer in the state of North Dakota until December 1st, 1914, and providing a penalty therefor.

Which was read the first time.



Mr. Sharpe introduced

Senate Bill No. 202,

A bill for an act fixing the salary of the clerk of the supreme court.

Which was read the first time.

Mr. LaMoure introduced

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.

Which was read the first time.

Mr. Davis introduced

Senate Bill No. 204,

A bill for an act to create a state board of regents of seven members for the control of the educational institutions of the state, and to define the powers and duties of said board.

Which was read the first time.

Mr. McArthur introduced

Senate Bill No. 205,

A bill for an act providing a method of taking away the increased jurisdiction of county courts.

Which was read the first time.

Mr. McArthur introduced

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.

Which was read the first time.

Mr. Welch introduced

Senate Bill No. 207,

A bill for an act to appropriate money for repairing and wiring at the state penitentiary.

Which was read the first time.

Mr. Welch introduced

Senate Bill No. 208,

A bill for an act to appropriate money for repairing the outer wall around the buildings and grounds of the North Dakota state penitentiary.

Which was read the first time.

Mr. Steel of Stutsman introduced

Senate Bill No. 209,

A bill for an act to amend sections 6, 8, 10, 11, 12, 13 and 15 of chapter 137, laws of 1907.

Which was read the first time.

Mr. Stevens introduced

Senate Bill No. 210,

A bill for an act to validate all mortgages and other liens of personal property in which a corporation is a party and which have been signed as a witness by an officer, stockholder, director or employe of such corporation.

Which was read the first time.

Mr. Stevens introduced

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.

Which was read the first time.

Mr. McArthur (by request) introduced

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.

Which was read the first time.

Mr. Rice introduced

Senate Bill No. 213,

A bill for an act to amend and re-enact section 2594 of the revised codes of North Dakota of 1905, relating to the salary of the register of deeds.

Which was read the first time.

Mr. Rice introduced

Senate Bill No. 214,

A bill for an act to provide for the ascertaining and giving of notice of the title of the lands to the heirs of deceased persons, and establishing the right of heirship to real property, and to provide a method of procedure therefor.

Which was read the first time.

Mr. Duis introduced

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.

Which was read the first time.

Mr. Gronvold (by request) introduced

Senate Bill No. 216,

A bill for an act providing for the hanging of storm windows of public buildings.

Which was read the first time.

Mr. Rice introduced

Senate Bill No. 217,

A bill for an act requiring the district courts of the state to prescribe rules of practice.

Which was read the first time.

Mr. Rice introduced

Senate Bill No. 218,

A bill for an act to provide for the extension of corporate limits of cities, and to provide a method of procedure for such extension.

Which was read the first time.

Mr. Rice introduced

Senate Bill No. 219,

A bill for an act to amend section 2596 of the revised codes of North Dakota of 1905, and chapter 69 of the session laws of North Dakota for 1907, providing for the clerk hire for the register of deeds' office in the various counties in the state.

Which was read the first time.

Mr. Rice introduced

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 time.

Mr. LaMoure moved

That the rules be suspended and all bills be given their second reading and reference.

Which motion prevailed

## SECOND READING OF SENATE BILLS.

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 second time, and  
Referred to the committee on judiciary.

Senate Bill No. 178,

A bill for an act to prohibit the granting to or use by any person of any free pass, frank or special privilege withheld from any other person, and to fix the penalty for the violation thereof.

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

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 second time, and  
Referred to committee on judiciary.

Senate Bill No. 180,

A bill for an act to amend section 1070 of the revised codes of North Dakota of 1905, and making an appropria-

tion to meet the necessary expenses of the state geological survey.

Was read the second time and

Referred to the committee on Appropriations.

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 second time, and

Referred to the committee on state affairs

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 second time, and

Referred to the committee on temperance.

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 second time, and

Referred to the committee on banks and banking.

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 second time, and

Referred to the committee on insurance.

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 second time, and

Referred to the committee on state affairs

## 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 second time, and  
Referred to 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 second time, and  
Referred to the committee on appropriations.

## Senate Bill No. 201,

A bill for an act prohibiting the killing of deer in the state of North Dakota until December 1st, 1914, and providing a penalty therefor.

Was read the second time, and  
Referred to the committee on fish and game

## Senate Bill No. 202,

A bill for an act fixing the salary of the clerk of the supreme court.

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

## Senate Bill No. 204,

A bill for an act to create a state board of regents of seven members for the control of the educational institutions of the state, and to define the powers and duties of said board.

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

## Senate Bill No. 205,

A bill for an act providing a method of taking away the increased jurisdiction of county courts.

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

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 second time and

Referred to the committee on Temperance.

Senate Bill No. 207,

A bill for an act to appropriate money for repairing and wiring at the state penitentiary.

Was read the second time and

Referred to the committee on Appropriations.

Senate Bill No. 208,

A bill for an act to appropriate money for repairing the outer wall around the buildings and grounds of the North Dakota state penitentiary.

Was read the second time and

Referred to the committee on appropriations.

Senate Bill No. 209,

A bill for an act to amend sections 6, 8, 10, 11, 12, 13 and 15 of chapter 137, laws of 1907.

Was read the second time, and

Referred to the committee on State Affairs.

Senate Bill No. 210,

A bill for an act to validate all mortgages and other liens of personal property in which a corporation is a party and which have been signed as a witness by an officer, stockholder, director or employe of such corporation.

Was read the second time and

Referred to the committee on judiciary.

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 second time, and

Referred to the committee on education.

## 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 second time, and  
Referred to the committee on railroads.

## Senate Bill No. 213,

A bill for an act to amend and re-enact section 2594 of the revised codes of North Dakota of 1905, relating to the salary of the register of deeds.

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

## Senate Bill No. 214,

A bill for an act to provide for the ascertaining and giving of notice of the title of the lands to the heirs of deceased persons, and establishing the right of heirship to real property, and to provide a method of procedure therefor.

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

## 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 second time, and  
Referred to the committee on judiciary.

## Senate Bill No. 216,

A bill for an act providing for the hanging of storm windows of public buildings.

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

## Senate Bill No. 217,

A bill for an act requiring the district courts of the state to prescribe rules of practice.

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



## Senate Bill No. 218,

A bill for an act to provide for the extension of corporate limits of cities, and to provide a method of procedure for such extension.

Was read the second time, and

Referred to the committee on municipal corporations.

## Senate Bill No. 219,

A bill for an act to amend section 2596 of the revised codes of North Dakota of 1905, and chapter 69 of the session laws of North Dakota for 1907, providing for the clerk hire for the register of deeds' office in the various counties in the state.

Was read the second time, and

Referred to the committee on state affairs

## 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 second time, and

Referred to the committee on municipal corporations.

### THIRD READING OF SENATE BILLS.

## 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 45, nays 0, absent and not voting 2.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Kennedy	Sharpe
Anderson	Koffel	Simpson
Baker	LaMoure	Steel, of Stutsman
Bessesen	Leutz	Steele of Ward
Cashel	Martin	Stevens
Crane	Macdonald	Strom
Davis	McArthur	Syvertson
Duis	McLean	Talcott
Gilbert	Movius	Trimble
Gronvold	Neal	Turner
Gunderson	Overson	Wallin
Holliday	Palmer	Walton
Irwin	Plain	Welch
Johnson	Purcell	Welo
Kelly	Rice	Whitcher

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Pierce	Ramsett	

Messrs. Pierce and Ramsett being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 134,

A bill for an act providing for all county officers to keep a record of all fees collected by them and report to the board of county commissioners.

Was read the third time

Mr. Purcell moved

That Senate Bill No. 134 be re-referred to the committee on judiciary.

Which motion prevailed.

Mr. Simpson in the chair.

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 third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 42, nays 0, absent and not voting 5.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Kelly	Sharpe
Anderson	Kennedy	Simpson
Baker	Koffel	Steel, of Stutsman

Messrs.—	Messrs.—	Messrs.—
Bessesen	Leutz	Steele of Ward
Cashel	Martin	Stevens
Crane	McArthur	Strom
Davis	McLean	Syverson
Duis	Movius	Trimble
Gilbert	Neal	Turner
Gronvold	Overson	Wallin
Gunderson	Palmer	Walton
Holliday	Plain	Welch
Irwin	Purcell	Welo
Johnson	Rice	Whitcher

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
LaMoure	Pierce	Talcott
Macdonald	Ramsett	

Messrs. Pierce and Ramsett 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 42, nays 0, absent and not voting 5.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Kennedy	Simpson
Anderson	Koffel	Steel, of Stutsman
Baker	LaMoure	Steele of Ward
Bessesen	Martin	Stevens
Cashel	McArthur	Strom
Crane	McLean	Syverson
Davis	Movius	Talcott
Duis	Neal	Trimble
Gronvold	Overson	Turner
Gunderson	Palmer	Wallin
Holliday	Plain	Walton
Irwin	Purcell	Welch
Johnson	Rice	Welo
Kelly	Sharpe	Whitcher

**Absent and not voting:**

Messrs.—	Messrs.—	Messrs.—
Gilbert	Macdonald	Ramsett
Leutz	Pierce	

Messrs. Pierce and Ramsett being excused.  
So the bill passed and the title was agreed to.

**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 41, nays 0, absent and not voting 6.

**Those who voted in the affirmative were:**

Messrs.—	Messrs.—	Messrs.—
Albright	Koffel	Simpson
Anderson	LaMoure	Steel, of Stutsman
Baker	Leutz	Steele of Ward
Bessesen	Martin	Stevens
Cashel	McArthur	Strom
Crane	McLean	Syverson
Davis	Movius	Talcott
Duis	Neal	Turner
Gronvold	Overson	Wallin
Gunderson	Palmer	Walton
Holliday	Plain	Welch
Irwin	Purcell	Welo
Johnson	Rice	Whitcher
Kennedy	Sharpe	

**Absent and not voting:**

Messrs.—	Messrs.—	Messrs.—
Gilbert	Macdonald	Ramsett
Kelly	Pierce	Trimble

Messrs. Pierce and Ramsett being excused.  
So the bill passed and the title was agreed to.

**MOTIONS AND RESOLUTIONS.**

Mr. Crane moved

That the senate return to the sixth order of business.

Which motion prevailed.

Mr. Crane offered the following 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.

Mr. Crane moved

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

Mr. Bessesen moved

To refer Senate Bill No. 163 to the judiciary committee.  
Which motion prevailed.

### THIRD 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 third time

The question being on the final passage of the bill.

The roll was called and there were ayes 43, nays 0, absent and not voting 4.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Kennedy	Rice
Anderson	LaMoure	Sharpe
Baker	Koffel	Simpson
Bessesen	LaMoure	Steel, of Stutsman
Cashel	Leutz	Steele of Ward
Crane	Martin	Stevens
Davis	Macdonald	Strom
Duis	McArthur	Syverson
Gilbert	McLean	Talcott
Gronvold	Movius	Trimble
Gunderson	Neal	Turner
Holliday	Overson	Wallin
Irwin	Palmer	Welo
Johnson	Plain	Whitcher
Kelly	Purcell	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Pierce	Walton	Welch
Ramsett		

Messrs. Pierce and Ramsett being excused.

So the bill passed and the title was agreed to.

Mr. LaMoure moved

That all house bills be given their first and second reading and reference.

Which motion prevailed.

#### FIRST AND SECOND 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 first and second times and

Referred to the committee on state affairs.

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 first and second times and

Referred to the committee on Judiciary.

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 first and second times and

Referred to the committee on state affairs

## 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 first and second times and  
Referred to the committee on Judiciary.

## THIRD READING OF HOUSE BILLS.

## 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 42, nays 0, absent and not voting 5.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Kelly	Sharpe
Anderson	Kennedy	Simpson
Baker	Koffel	Steel, of Stutsman
Bessesen	LaMoure	Stevens
Cashel	Leutz	Strom
Crane	Martin	Syvertson
Davis	McArthur	Talcott
Duis	McLean	Trimble
Gilbert	Neal	Turner
Gronvold	Overson	Wallin
Gunderson	Palmer	Walton
Holliday	Plain	Welch
Irwin	Purcell	Welo
Johnson	Rice	Whitcher

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Macdonald	Pierce	Steele of Ward
Movius	Ramsett	

Messrs. Pierce and Ramsett being excused.

So the bill passed and the title was agreed to.

The president of the senate named as senate committee on design for a state flag Messrs. Stevens, Neal and Steel of Stutsman.

## MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,  
BISMARCK, NORTH DAKOTA,  
February 8, 1909.

Mr. President:

I have the honor to return 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.

In which the house has concurred.

Very respectfully,  
W. D. AUSTIN,  
Chief Clerk.

## COURTESIES OF THE FLOOR.

The courtesies of the floor were extended to the following:

Fred B. Paul of Fessenden, Dr. Cavanaugh, M. C. Spicer of Underwood, Peter Reid of Langdon, S. A. Peterson of Burleigh.

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

J. W. FOLEY,  
Secretary.



## THIRTY-SIXTH DAY

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SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
February 9, 1909.

The senate convened at two o'clock.  
The president presiding.  
Prayer by the chaplain.  
Roll call.  
All members present.

### REFERENCE OF THE JOURNAL.

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

Mr. President:

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

Page 8, line 8, change "of" to "or."

And when so corrected recommend that the same be approved.

C. D. RICE,  
Chairman.

Mr. Rice moved

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

## PETITONS AND COMMUNICATIONS.

Mr. Neal presented the following petition:

We, the undersigned residents of McLean county, do hereby petition your honor to introduce a bill prohibiting the killing of deer until the year 1914. Hoping you will use your best efforts for the passage of such a bill we are, very respectfully,

FRANK L. MACKAY,  
And 50 Others.

## REPORT OF STANDING COMMITTEES.

The committee on ways and means made the following report:

Mr. President:

Your committee on ways and means to whom was referred

Senate Bill No. 140,

A bill for an act 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 be amended as follows:

In the printed bill by adding in line 10 of section 1 after the word "day," the following, to-wit: "said sum for said excess work to be credited to his account."

And by striking out in lines 7, 8, 10 and 14 of section 2 the word "twelve" and substituting therefor the word "twenty-five" in each instance.

And when so amended recommend the same do pass.

E. A. MOVIUS,  
Chairman.

Mr. Movius moved

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

Also,

Mr. President:

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.

E. A. MOVIUS,  
Chairman.

Mr. Movius moved

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

#### MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,  
BISMARCK, NORTH DAKOTA,  
February 9, 1909.

Mr. President:

I have the honor to transmit herewith  
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.

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

Very respectfully,  
W. D. AUSTIN,  
Chief Clerk.

#### REPORTS OF STANDING COMMITTEES.

The committee on ways and means made the following report:

Mr. President:

Your committee on ways and means to whom was referred

Senate Bill No. 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.

E. A. MOVIUS,  
Chairman.

Mr. Movius moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on public health made the following report:

Mr. President:

Your committee on public health to whom was referred 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.

F. LEUTZ,  
Chairman.

Mr. Leutz moved

That the report be adopted.

Which motion prevailed and,

The report of the committee was adopted.

Also,

Mr. President:

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, relating 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.

FERD LEUTZ,  
Chairman.

Mr. Leutz moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on education made the following report:

Mr. President:

Your committee on education to whom was referred  
Senate Bill No. 88,

A bill for a concurrent resolution 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 the same be indefinitely postponed.

F. S. TALCOTT,  
Chairman.

Mr. Talcott moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Also,

Mr. President:

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

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.

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

Amending the title to read as follows: "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 when so amended recommend the same do pass.

F. S. TALCOTT,  
Chairman.

Mr. Talcott moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on highways, bridges and ferries made the following report:

Mr. President:

Your committee on highways, bridges and ferries to whom was referred

Senate Bill No. 136,

A bill for an act prescribing additional duties of the county surveyor and state engineer.

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

T. WELO,  
Chairman.

Mr. Welo moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Also,

Mr. President:

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 do pass.

T. WELO,  
Chairman.

Mr. Welo moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.



Also,

Mr. President:

Your committee on highways, bridges and ferries to whom was referred

Senate Bill No. 77,

A bill for an act to amend section 3012 of the revised codes of the state of North Dakota for the year 1905, relating to road and bridge taxes.

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

T. WELO,  
Chairman.

Mr. Ramsett moved

That Senate Bill No. 77 be re-referred to the committee on highways, bridges and ferries.

Which motion prevailed.

Also,

Mr. President:

Your committee on highways, bridges and ferries 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 therefor 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 bill be referred to the committee on irrigation and drainage.

T. WELO,  
Chairman.

Mr. Welo moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. President:

Your committee on highways, bridges and ferries to whom was referred

Senate Bill No. 5.

A bill for an act entitled an act providing for the establishment of a good roads department at the state agricultural college, defining the duties of such department and providing for an appropriation to pay the current and contingent expenses of same.

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

In section 5, in line 4, on page 3, strike out the words "eight thousand" and insert in lieu thereof "one thousand."

And when so amended recommend that the same do pass.

T. WELO,  
Chairman.

Mr. Welo moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred

Senate Bill No. 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 amended as follows:

In line 27 on page 2 of the printed bill, the word "eight" be stricken out and the word "ten" inserted in lieu thereof, and the word "one" in the same line be stricken out and the word "three" inserted in lieu thereof.

That the first word, to-wit: "half," in line 28, printed bill, be stricken out and the word "fifths" inserted in lieu thereof.

That in line 60, page 4 of the printed bill, the word "five" be stricken out and the word "ten" inserted in lieu thereof.

That in line 61 the word "one-half" be stricken out and the words "three-fifths" be inserted in lieu thereof.

And when so amended recommend the same do pass.

J. B. SHARPE,  
Chairman.

Mr. Sharpe moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. President:

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.

J. B. SHARPE,  
Chairman.

Mr. Sharpe moved

That the report be adopted

Which motion prevailed, and

The report of the committee was adopted.

#### MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,  
BISMARCK, NORTH DAKOTA,  
February 9, 1909.

Mr. President:

I have the honor to inform you that the speaker has appointed as house members on the committee to accept, receive or create a design for a state flag, Messrs. Wisner, Bjorndahl and Paulson.

Very respectfully,  
W. D. AUSTIN,  
Chief Clerk.

## REPORT OF STANDING COMMITTEES.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred  
Senate Bill No. 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-con-  
tractors.

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

J. B. SHARPE,  
Chairman.

Mr. Sharpe moved

That the report be adopted.

Mr. Crane moved

That Senate Bill No. 19 be re-referred to the committee  
on judiciary.

Which substitute motion was lost, and

The original motion prevailed, and

The report of the committee was adopted.

The committee on state affairs made the following re-  
port:

Mr. President:

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 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.

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

MAYNARD CRANE,  
Chairman.

Mr. Crane moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. President:

Your committee on state affairs 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 do pass.

MAYNARD CRANE,  
Chairman.

Mr. Crane moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. President:

Your committee on state affairs 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 the furnishing by county auditors of assessment books and blanks and lists of real property, and regulating time of meeting of assessors.

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

MAYNARD CRANE,  
Chairman.

Mr. Crane moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

**Mr. President:**

Your committee on state affairs 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 do pass.

MAYNARD CRANE,  
Chairman.

Mr. Crane moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on agriculture made the following report:

**Mr. President:**

Your committee on agriculture to whom was referred  
Senate Bill No. 123,

A bill for an act creating a commissioner of Canada and  
sow thistles, and providing for the manner of his appoint-  
ment.

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

That the title be amended to read as follows: "A bill  
for an act 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 pen-  
alty for failure to perform same, and providing a pen-  
alty for failure to comply with his notice and orders."

In line 1, section 1 of the printed bill, strike out the word  
"may" and insert "shall."

In line 6, section 1, after "thistles" insert "and quack  
grass."

In line 8, same section, strike out "three" and insert  
"one."

Insert as section 2 the following:

"Section 2. In counties, townships, villages, cities or  
towns where a commissioner of Canada and sow thistles  
and quack grass has been appointed, but refuses or neglects

to carry out the provisions of this act, it shall be the duty of the chairman of the board of county commissioners, the chairman of the board of township supervisors, the president of the city council, the president of the board of trustees of the town or village, to carry out the provisions of this act."

Change section 2 to read as section 3.

In line 2 of section 2 of the printed bill after the word "thistles" insert the words "and quack grass."

In line 3 of the same section after "thistles" insert "and quack grass."

In line 5, same section, strike out "unenclosed" and insert in lieu "uncultivated."

Change section 3 to read section 4.

In line 1 of section 3 of the printed bill strike out "enclosed" and insert in lieu "cultivated."

Make the same change in line 2 of the same section.

In line 12 of the same section strike out "property" and insert in lieu "propriety."

In line 35 of the same section strike out "in counties under township," and in line 36 strike out "organization."

In line 39 of the same section strike out "cause the."

Strike out all of line 40, all of line 41, all of line 42, and in line 43 "the county are levied and collected."

In lines 44 and 45, same section, strike out "in counties under township organization."

In line 45 strike out "and to" and insert in lieu "or."

Change section 4 to section 5.

In section 4 of the printed bill, line 4, strike out "tract" and insert in lieu "160 acres." In line 2, same section, insert after "thistles" "and quack grass."

Insert at the end of section 5 of the printed bill "and quack grass."

Change section 6 to section 7.

In line 5 of section 6 of the printed bill strike out "county clerk" and insert in lieu "clerk of courts."

In line 8 of the same section after "Canada" insert "or sow," and after "thistles" insert "and quack grass."

In line 15 of the same section after "commissioners" insert "as the case may be."

In line 17, same section, strike out "doom" and insert in lieu "deem."

In line 19, same section, strike out "board of agriculture."

Add as section 8 the following:

"Section 8. All officials charged with the enforcement of this act may go upon lands infected with Canada or sow thistles or quack grass, or suspected thereof, for any purpose necessary for its enforcement; all officials charged with the enforcement of this act who neglect or refuse to carry out the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than twenty-five dollars (\$25) nor more than fifty dollars (\$50)."

Strike out section 8 of the printed bill.

Add as section 9:

"Section 9. Railroads, Corporations and Land Owners.) Any company or association owning, controlling or operating a railroad and any land owner or farmer that after due notice, shall refuse to cut down, dig up or destroy or take other certain means of exterminating Canada and sow thistles or quack grass that may at any time be growing upon the right of way or other lands of such roads, or appertaining thereto, or lands owned by individuals, corporations, associations or farmers, shall be fined for each offense not less than fifty dollars (\$50) nor more than two hundred dollars (\$200), to be recovered in a civil action."

Change section 9 to section 10.

And when so amended recommend the same do pass.

C. W. PLAIN,  
Chairman.

Mr. Plain moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

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

Mr. President:

Your committee on enrolled and engrossed bills have examined

Senate Bill No. 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.

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. 168,

A bill for an act to amend section 9151 of the revised codes of 1905 of North Dakota.

And find the same correctly engrossed.

**THEODORE KOFFEL,**  
Chairman.

Mr. Steele asked for unanimous consent to withdraw Senate Bill No. 209.

Which consent was granted.

Mr. Leutz moved

That chairmen of committees meet to arrange date for committee meetings.

Which motion prevailed.

## MOTIONS AND RESOLUTIONS.

The following resolution was laid before the senate:

*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 their dealings with said bank.

Mr. Rice moved

That the resolution be referred to the committee on state affairs.

Which motion prevailed.

Also,

The following resolution was laid before the senate:

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.

Mr. Walton moved

That the resolution be adopted.

Which motion prevailed, and

The resolution was adopted.

## FIRST READING OF SENATE BILLS.

Mr. Plain introduced

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.

Which was read the first time.

Mr. Ransett, by request introduced

Senate Bill No. 222,

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 time.

Mr. LaMoure introduced  
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 was read the first time.

Mr. LaMoure introduced  
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.

Which was read the first time.

Mr. Simpson introduced  
Senate Bill No. 225,  
A bill for an act defining the tenth judicial district, and  
providing for terms of court therein.

Which was read the first time.

Mr. Gunderson introduced  
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.

Which was read the first time.

Mr. LaMoure moved  
That the rules be suspended and all senate bills be given  
their second reading and reference.

Which motion prevailed

Mr. Plain moved  
That Senate Bill No. 223 be reprinted as amended.  
Which motion prevailed.

## SECOND READING OF SENATE BILLS.

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 second time, and  
Referred to the committee on education.

## 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 second time, and  
Referred to the committee on education.

## Senate Bill No. 225,

A bill for an act defining the tenth judicial district, and providing for terms of court therein.

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

## 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 second time, and  
Referred to the committee on insurance.

## Senate Bill No. 182,

A bill providing for the appointment of live stock inspectors by board of county commissioners, and providing for fees and mileage; defining qualification of inspector, duties of inspector and owner; imposing compulsory inspection and test of live stock; fines for neglect or refusal to comply; indemnity to owner.

Was read the second time, and  
Referred to the committee on live stock and animal husbandry.

## 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 second time, and  
Referred to the committee on agriculture.

## 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 second time, and**

Referred to the committee on Agriculture.

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 second time, and**

Referred to the committee on judiciary.

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 second time, and**

Referred to the committee on appropriations.

Senate Bill No. 222,

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.

**Was read the second time, and**

Referred to the committee on judiciary.

### COURTESIES OF THE FLOOR.

The courtesies of the floor were extended to the following:

J. A. Lemery of Ashland, Ore.; A. L. and M. A. Tenney of Valley City, H. L. Haussman of Grafton, Dalton McDonald of Towner, Ed Birley and A. G. Anderson of Velva, M. Myhre of Balfour, H. W. Baker of Hazelton, F. A. Irish, B. W. Benson, W. D. Sweet, H. H. Wheelock, Jas. F. Shea, W. A. Scott, Oscar Hollenberg; Mons Johnson and O. J. Hanson, both members of board of commissioners of Traill county; A. C. Nedrud, J. W. Fabrik, Louis A. Larson, Jens Ghlien, O. Mundson, Ralph Abbot and H. Hurd.

Mr. Leuaz moved

**That the senate do now adjourn**

Which motion prevailed, and

The senate adjourned.

**J. W. FOLEY,**  
Secretary.

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THIRTY-SEVENTH DAY

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SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
February 10, 1909.

The senate convened at two o'clock.

The president presiding.

Prayer by the chaplain.

Roll call.

All members present.

REFERENCE OF THE JOURNAL.

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

Mr. President:

Your committee on revision and correction of the journal have carefully examined the journal of the thirty-sixth day and have found the same correct.

C. D. RICE,  
Chairman.

Mr. Rice moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

PETITONS AND COMMUNICATIONS.

Mr. Irwin presented the following communication :

Park River, N. D., Feb. 7, 1909.

*Mr. J. J. Irwin, Bismarck, N. D. :*

DEAR SIR: Instructed by our Park River union, I write to you and request you to watch out for and do what you can for our W. C. T. U. work, especially more stringent druggists' permits, anti-cigarette law and child labor law.

Respectfully,

MRS. W. P. BUCKINGHAM,  
Cor. Secretary of Park River W. C. T. U.

Mr. Pierce presented the following petition :

*To the Legislative Assembly :*

The undersigned citizens desire to ask the favorable consideration of your honorable body for a measure looking toward the more complete development of the resources of the soil of our state. The undersigned persons are farmers or are engaged in lines of business that are so related to farming as to make the subject of the profitable tillage of the soil one of vital importance to them. The seventh legislative assembly passed a law organizing a survey of the state of North Dakota, having for its purpose the completion of a "Topographic, Agricultural and Geological Survey of North Dakota," relating to agriculture, and an appropriation of \$500 annually was made for this work, which was by the succeeding legislative assembly increased to \$1,000 annually. This sum has been found entirely inadequate to make possible a study of the soils of the state within a reasonable time, and it is therefore earnestly sought and desired that the amount appropriated for this work be increased from \$1,000 to \$5,000 annually.

GEO. LEIST,  
And 100 Others.

Mr. Talcott presented the following petition :

February 9, 1909.

At a regular meeting of Ayr Camp, No. 3054, Modern Woodmen of America, held Friday, February 5, 1909, the following resolutions were unanimously adopted :

“Whereas, a bill compelling the fraternal insurance companies in the state of North Dakota to increase their rates on beneficial insurance to correspond and agree with the rates of the old line companies doing business in this state has been presented before the legislature of the state of North Dakota; and,

“Whereas, we believe such a ruling to be detrimental and against the best interests of the common people;

“Resolved, that we, the members of Ayr Camp, No. 3054, Modern Woodmen of America, protest against the passage of any such bill, and that we beseech our representatives in the state legislature to devote their best efforts to defeat the passage of any such measure, insuring them the hearty cooperation of our constituents.

“Resolved, that a copy of this resolution be placed on the records of Ayr Camp, No. 3054, Modern Woodmen of America and a copy sent to our representative and senator in the state legislature.”

Seal of Camp No. 3054, Modern Woodmen of America, is hereto affixed.

S. M. FRANCIS,  
Venerable Consul.

T. L. COLLINS,  
Clerk.

L. E. CARROLL,  
D. A. McREA,  
J. C. MONG,  
Committee on Resolution.

Mr. Duis presented the following petition:

*To the Honorable Members of the Eleventh Legislative Assembly of the State of North Dakota:*

We, the under signed members of Reynolds Camp, No. 4699, M. W. of A., Reynolds, North Dakota, do protest against any measure tending to interfere or raise the rates of the Modern Woodmen of America in this state.

ROBERT THOMPSON,  
And 25 Others.



Mr. Koffel presented the following petition:

Leeds, N. D., Feb. 6, 1909.

DEAR SIR: Enclosed please find resolutions adopted by Leeds Camp, No. 3428, at their camp meeting January 3, 1909:

Whereas, we, the members of Leeds Camp, No. 3429, M. W. A., have been informed that the old line insurance companies are trying to force a law through the legislatures of the different states, in regard to our plan of collecting assessments to pay death claims, thereby raising our rates so it would result in a lot of members leaving the order, if not entirely killing it.

Be it therefore resolved, that we, as members of this camp, declare this legislation unjust, and therefore petition you, as a member of our legislature, to employ all honorable means to defeat the passage of said bill.

A. F. BORN,  
 GEORGE DUNN,  
 H. OLSON,  
 DAVID JOHNSON,  
 STANLEY STONE,  
 Committee.

Mr. McArthur presented the following petition:

*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 the said society and up to the present time the assessments so laid 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 Fraternal 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 pentitomers 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 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.

EDWARD H. RICHARDS,  
And 100 Others.

Mr. McArthur presented the following petition:

We, the members of Tuesday Club of Bottineau, 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.

MRS. F. J. DINNENT,  
And 20 Others.

The secretary announced that the president was about to sign

House Bill No. 71,

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

And the president signed the same in the presence of the senate.

## REPORTS OF STANDING COMMITTEES.

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

Your committee on education to whom was referred

Senate Bill No. 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:

In line 21 of the printed bill, after the word "subdivision" insert the following, "except as hereinafter provided."

Line 29 after the word "shall" insert the following, "if the board of university and school lands so desire."

Strike out all of lines 30, 31, 32, 33 and 34 and insert in lieu thereof the following:

"Provided, further, that any school or institution lands that may be required for townsite purposes, school house sites, church sites, cemetery sites, sites for other educational or charitable institutions, public parks, fair grounds, public highways, railroad right of way, or for other railroad uses and purposes, reservoirs for the storage of water for irrigation, drain ditches or irrigation ditches, and lands that may be required for any of the purposes over which the right of eminent domain may be exercised under the constitution and the laws of the state of North Dakota, may be sold under the provisions of this section, and shall be paid for, principal and interest, in full, in advance, at the time of sale or at any time thereafter, and patent issued therefor, when principal and interest are paid."

And when so amended recommend the same do pass.

F. S. TALCOTT,  
Chairman.

Mr. Talcott moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on appropriations made the following report:

Mr. President:

Your committee on appropriations to whom was referred 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.

JUDSON LaMOURE,  
Chairman.

Mr. LaMoure moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on cities and municipal corporations made the following report:

Mr. President:

Your committee on cities and municipal corporations 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.

JAMES KENNEDY,  
Chairman.

Mr. Kennedy moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. President:

Your committee on cities and 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 be amended as follows:

In line 1 of printed bill strike out "chapter 30."

In line 2 strike out all after the words "North Dakota."

Line 3, strike out whole line.

Line 5 at beginning of line add "Section 2795. Sidewalk assessments, fixing time of payment thereof."

Amend title by striking out the words "chapter 30."

And when so amended recommend the same do pass.

JAMES KENNEDY,  
Chairman.

Mr. Kennedy moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on education made the following report:

Mr. President:

Your committee on education to whom was referred

Senate Bill No. 177,

A bill for an act to amend section 786 of the revised codes of 1905, relating to the organization of district school corporations.

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

In line 19 of printed bill, after the word "territory" and before the word "and" insert the following, "value of taxable property."

And when so amended recommend the same do pass.

F. S. TALCOTT,  
Chairman.

Mr. Talcott moved

That the report be adopted

Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. President:

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 of the revised codes of North Dakota for the year 1905.

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

After the word "apparatus" in third line, section 1, insert the following, "including any dictionary which is recognized as a standard authority."

In line 5, section 1, strike out the word "prescribed" and insert in lieu thereof the word "furnished."

And when so amended recommend the same do pass.

F. S. TALCOTT,  
Chairman.

Mr. Talcott moved

That the report be adopted  
Which motion prevailed, and

The report of the committee was adopted.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred  
Senate Bill No. 174,

A bill for an act to amend section 8841, chapter 20, of the revised codes of 1905, relating to the crime of kidnaping; and providing a penalty therefor.

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

J. B. SHARPE,  
Chairman.

Mr. Sharpe moved

That the report be adopted  
Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Also,

Mr. President:

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, and validating the execution and acknowledgment of such instruments heretofore made.

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

J. B. SHARPE,  
Chairman.

Mr. Sharpe moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. President:

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 be 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 when so amended recommend the same do pass.

J. B. SHARPE,  
Chairman.

Mr. Sharpe moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on banks and banking made the following report:

Mr. President:

Your committee on banks and 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:



By adding after the enacting clause the following: "Section 1. Amendment.) That section 4639 of the revised codes be and the same is hereby amended to read as follows:"

Also by inserting after the word "directors" in line 22 of the printed bill the words "and officers."

And when so amended recommend the same do pass.

ED. PIERCE,  
Chairman.

Mr. Pierce moved

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

Also,

Mr. President:

Your committee on banks and banking to whom was referred

Senate Bill No. 135;

A bill for an act to punish derogatory statements affecting banks, and providing penalties therefor.

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

The word "three" in lines 11 and 12 to read "one."

And when so amended recommend the same do pass.

ED. PIERCE,  
Chairman.

Mr. Welo moved

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

Also,

Mr. Speaker:

Your committee on banks and banking to whom was referred

The concurrent resolution of Senator Purcell in regard to appointing of receivers for defunct national banks.

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.

Have had the same under consideration and recommend that the same be adopted.

ED. PIERCE,  
Chairman,

Mr. Pierce moved

That the report be adopted

Which motion prevailed, and

The report of the committee was adopted.

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

Mr. President:

Your committee on enrolled and engrossed bills 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, relating to qualifications of embalmers of dead human bodies, and the duties and relations for the shipment thereof.

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. 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. 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. 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.

Also,

Senate Bill No. 5.

A bill for an act entitled an act providing for the establishment of a good roads department at the state agricultural college, defining the duties of such department and providing for an appropriation to pay the current and contingent expenses of same.

Also,

Senate Bill No. 11,

A concurrent resolution amending section No. 216, of the constitution of the state of North Dakota, relating to 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.

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 find the same correctly engrossed.

THEODORE KOFFEL,  
Chairman.

Mr. Plain moved

That Senate Bill No. 123 be re-referred to the committee on judiciary.

Which motion prevailed.

#### FIRST READING OF SENATE BILLS.

Mr. Pierce introduced

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 was read the first time.

Mr. Davis introduced

Senate Bill No. 228,

A bill for an act to amend chapter 117 of the session laws of 1907, to amend section 1973 of the revised codes of 1905.

Which was read the first time.

Mr. Koffel introduced

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.

Which was read the first time.

Mr. Movius introduced

Senate Bill No. 230,

A bill for an act to amend section 131 of the revised codes of North Dakota for 1905, relating to an appropriation to

promote immigration, and creating a board of immigration, prescribing its powers and duties, and making an appropriation therefor.

Which was read the first time.

Mr. Trimble introduced

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.

Which was read the first time.

## SECOND READING OF SENATE BILLS.

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 second time, and

Referred to the committee on state affairs.

Senate Bill No. 196,

A bill for an act to amend and re-enact section 832 of the revised codes of North Dakota for the year A. D. 1905.

Was read the second time, and

Referred to the committee on education.

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 second time, and

Referred to the committee on ways and means.

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 second time and

Referred to the committee on appropriations.

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 second time, and

Referred to the committee on state affairs

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 second time, and

Referred to the committee on Elections.

Mr. Welo moved

That Senate Bill No. 11 be laid over for two days.

Which motion prevailed.

Mr. LaMoure moved

That Senate Bill No. 5 be referred to the committee on appropriations.

Which motion prevailed

### THIRD READING OF SENATE BILLS.

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 38, nays 8, absent and not voting 1.

Those who voted in the affirmative were:

Messrs.—

Albright  
Anderson  
Baker  
Bessesen  
Cashel

Messrs.—

Kelly  
LaMoure  
Leutz  
Martin  
Macdonald

Messrs.—

Ramsett  
Rice  
Steele of Ward  
Stevens  
Strom

Messrs.—	Messrs.—	Messrs.—
Davis	McArthur	Syvertson
Duis	McLean	Talcott
Gilbert	Neal	Trimble
Gronvold	Overson	Wallin
Gunderson	Palmer	Walton
Holliday	Pierce	Welch
Irwin	Plain	Whitcher
Johnson	Purcell	

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Crane	Movius	Steel, of Stutsman
Kennedy	Sharpe	Turner
Koffel	Simpson	

Mr. Welo being absent and not voting.  
So the bill passed and the title was agreed to

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 third time.

Mr. Strom moved

That Senate Bill No. 33 be amended as follows:

By striking out all of section 1 including and after the word "provided" in line 16.

Mr. Strom moved

That the amendment be adopted.

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 35, nays 7, absent and not voting 5.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	LaMoure	Sharpe
Anderson	Leutz	Steel, of Stutsman
Baker	Macdonald	Stevens
Cashel	McArthur	Strom
Crane	McLean	Syvertson
Duis	Movius	Talcott
Gilbert	Neal	Trimble
Gronvold	Overson	Turner
Gunderson	Palmer	Walton



Messrs.—	Messrs.—	Messrs.—
Johnson	Plain	Welo
Kennedy	Ramsett	Whitcher
Koffel	Rice	

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Bessesen	Kelly	Purcell
Davis	Martin	Welch
Holliday		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Irwin	Simpson	Wallin
Pierce	Steele of Ward	

So the bill passed as amended and the title was agreed to.  
Mr. Overson moved

That Senate Bill No. 82 be re-referred to the committee on judiciary.

Roll call demanded.

The question being on the motion to recommit.

The roll was called and there were ayes 22, nays 24, absent and not voting 1.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Leutz	Sharpe
Anderson	Martin	Simpson
Baker	McArthur	Syvertson
Bessesen	Movius	Trimble
Duis	Overson	Turner
Irwin	Purcell	Walton
Kelly	Ramsett	Welch
Kennedy		

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Cashel	Koffel	Steel, of Stutsman
Crane	LaMoure	Steele of Ward
Davis	Macdonald	Stevens
Gilbert	McLean	Strom
Gronvold	Neal	Talcott
Gunderson	Palmer	Wallin
Holliday	Plain	Welo
Johnson	Rice	Whitcher

Mr. Pierce being absent and not voting.

Which motion was lost.

## 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 third time

Mr. Simpson offered the following amendment to Senate Bill No. 82:

By adding after the word "proposed" in line 12 of the printed bill, the following words, "constitutional amendments and."

In line 13 $\frac{1}{2}$  of printed bill strike out the last word in said line, being the word "and."

In line 14 strike out the words "except as to laws for the submission of constitutional amendments."

In line 21 of printed bill after the word "money" strike out the following words, "and except as to the law for the submission of."

In line 22, printed bill, strike out first two words, being "constitutional amendments."

Mr. Simpson moved

That the amendments be adopted.

Roll call demanded.

The question being on the adoption of the amendment.

The roll was called and there were ayes 27, nays 20, absent and not voting 0.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Johnson	Overson
Anderson	Kelly	Purcell
Baker	Kennedy	Ramsett
Bessesen	Leutz	Sharpe
Cashel	Martin	Simpson
Crane	Macdonald	Syvertson
Duis	McArthur	Turner
Holliday	Movius	Walton
Irwin	Neal	Welch

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Davis	Palmer	Strom
Gilbert	Pierce	Talcott
Gronvold	Plain	Trimble
Gunderson	Rico	Wallin

Messrs.—	Messrs.—	Messrs.—
Koffel	Steel, of Stutsman	Welo
LaMoure	Steele of Ward	Whitcher
McLean	Stevens	

Mr. Stevens explained his vote.  
So the amendments were adopted.  
Mr. Crane in the chair.

Mr. Davis moved

That Senate Bill No. 82 be re-referred to the committee on judiciary.

Which motion was lost.

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

The roll was called and there were ayes 27, nays 20, absent and not voting 0.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Kelly	Purcell
Anderson	Leutz	Ramsett
Baker	Martin	Sharpe
Bessesen	Macdonald	Simpson
Cashel	McArthur	Steele of Ward
Crane	Movius	Syvertson
Duis	Neal	Turner
Holliday	Overson	Walton
Johnson	Plain	Welch

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Davis	LaMoure	Strom
Gilbert	McLean	Talcott
Gronvold	Palmer	Trimble
Gunderson	Pierce	Wallin
Irwin	Rice	Welo
Kennedy	Steel, of Stutsman	Whitcher
Koffel	Stevens	

Mr. Simpson moved

To amend the title of Senate Bill No. 82 as follows:

Change the title by striking out the period after the word "laws" and adding the words, "and proposal of constitutional amendments."

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

## 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 42, nays 0, absent and not voting 5.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Kelly	Rico
Anderson	Kennedy	Sharpe
Baker	Koffel	Simpson
Bessesen	LaMoure	Steel, of Stutsman
Cashel	Leutz	Steele of Ward
Crane	McLean	Stevens
Davis	Movius	Strom
Duis	Neal	Syverson
Gilbert	Overson	Talcott
Gronvold	Palmer	Trimble
Gunderson	Pierce	Wallin
Holliday	Plain	Walton
Irwin	Purcell	Welch
Johnson	Ramsett	Whitcher

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Martin	McArthur	Welo
Macdonald	Turner	

So the bill passed and the title was agreed to.

## 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 39, nays 0, absent and not voting 8.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Johnson	Rico
Anderson	Kennedy	Steel, of Stutsman
Baker	Koffel	Steele of Ward
Bessesen	LaMoure	Stevens
Cashel	Leutz	Strom
Crane	McLean	Syverson
Davis	Movius	Talcott
Duis	Neal	Trimble
Gilbert	Overson	Turner
Gronvold	Palmer	Wallin
Gunderson	Pierce	Walton
Holliday	Plain	Welch
Irwin	Ramsett	Whitcher

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Kelly	McArthur	Simpson
Martin	Purcell	Welo
Macdonald	Sharpe	

So the bill passed and the title was agreed to.

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 39, nays 0, absent and not voting 8.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Kennedy	Rico
Anderson	Koffel	Sharpe
Bessesen	LaMoure	Steel, of Stutsman
Cashel	Leutz	Stevens
Crane	Macdonald	Strom
Davis	McLean	Syverson

Messrs.—	Messrs.—	Messrs.—
Duis	Movius	Talcott
Gilbert	Neal	Trimble
Gronvold	Overson	Turner
Gunderson	Pierce	Wallin
Holliday	Plain	Walton
Irwin	Purcell	Welch
Johnson	Ramsett	Whitcher

**Absent and not voting:**

Messrs.—	Messrs.—	Messrs.—
Baker	McArthur	Steele of Ward
Kelly	Palmer	Welo
Martin	Simpson	

So the bill passed and the title was agreed to.

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 36, nays 0, absent and not voting 11.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Kelly	Ramsett
Anderson	Kennedy	Rice
Bessesen	Leutz	Sharpe
Cashel	Martin	Steel, of Stutsman
Crane	Macdonald	Stevens
Davis	McLean	Strom
Duis	Movius	Syverson
Gilbert	Neal	Talcott
Gronvold	Overson	Trimble
Gunderson	Pierce	Turner
Holliday	Plain	Walton
Johnson	Purcell	Whitcher

**Absent and not voting:**

Messrs.—	Messrs.—	Messrs.—
Baker	McArthur	Wallin
Irwin	Palmer	Welch
Koffel	Simpson	Welo
LaMoure	Steele of Ward	

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 35, nays 0, absent and not voting 12.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Johnson	Rice
Anderson	Kelly	Sharpe
Bessesen	Kennedy	Steel, of Stutsman
Cashel	Martin	Stevens
Crane	Macdonald	Strom
Davis	McLean	Syvertson
Duis	Neal	Trimble
Gilbert	Overson	Turner
Gronvold	Pierce	Walton
Gunderson	Plain	Welch
Holliday	Purcell	Whitcher
Irwin	Ramsett	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Baker	McArthur	Steele of Ward
Koffel	Movius	Talcott
LaMoure	Palmer	Wallin
Leutz	Simpson	Welo

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 1905 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 40, nays 0, absent and not voting 7.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Kelly	Ramsett
Anderson	Kennedy	Rice
Baker	Leutz	Sharpe
Bessesen	Martin	Steel, of Stutsman
Cashel	Macdonald	Stevens
Crane	McArthur	Strom
Davis	McLean	Syvertson
Duis	Movius	Talcott
Gilbert	Neal	Trimble

Messrs.—  
 Gronvold  
 Gunderson  
 Holliday  
 Irwin  
 Johnson

Messrs.—  
 Overson  
 Pierce  
 Plain  
 Purcell

Messrs.—  
 Turner  
 Wallin  
 Walton  
 Whitcher

**Absent and not voting:**

Messrs.—  
 Koffel  
 LaMoure  
 Palmer

Messrs.—  
 Simpson  
 Steele of Ward

Messrs.—  
 Welch  
 Welo

So the bill passed and the title was agreed to.

**COURTESIES OF THE FLOOR.**

The courtesies of the senate were extended to the following:

H. N. Opdal, M. H. Wisness, Joe Bolinsky, Peter Stadium, Joe Olson, Arnt Sather, E. M. Atterberry, C. O. Borstad, Geo. Drakeley, J. W. Robinson, Dan J. Wright, Christ Ness, E. C. Cameron, C. H. Anhier, Geo. Capes, F. J. Glomseth, of Billings county; Joseph Horskey, James Snun, W. A. Hamilton, Ed Christianson, A. G. Lowe, commissioners from Pierce county; H. K. Lorland, J. H. Beatty, O. H. Larson, P. J. Enstad, Jonas Bureson, all of Nelson county; W. J. Samuel, Ole Nessith, R. V. Bici, T. H. Maloney, Gus Furstman, Frank Emigh, of Ramsey county; Hon. Matt McKnight, John McGanvran, Joseph Power, Wm. Hamilton, Arnold Seeley, Ole J. Gjevre, Hugh McDowall and Mr. Darling, of Cavalier county; Fred F. Fritz, of Towner; Lee Cowell, J. R. Getchell, W. H. Pray, H. S. Sigvandsen, of Valley City; J. Austin Regan, John Hart, F. O. Brewster, L. B. Molander, C. Blanding, of Wells county; H. J. Boyle, F. E. Sargent, Carl Nelson, G. W. Kelly, W. H. King, J. G. Browns, W. L. Plath, J. O. Brown, of Rolla; I. M. Ingebretson, Arthur Johnson, Gilbert Thompson, of Rolette; Geo. Spelmen, of Mylo; Oluf Selthun, of Rolette.

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

**J. W. FOLEY,**  
 Secretary.



## THIRTY-EIGHTH DAY

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
February 11, 1909.

The senate convened at two o'clock.

The president presiding.

Prayer by the chaplain.

Roll call.

All members present but Mr. Purcell, who was excused.

## MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,  
BISMARCK, NORTH DAKOTA,  
February 11, 1909.

Mr. President:

I have the honor to transmit herewith

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. 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. 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. 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. 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. 64,

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

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. 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. 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.

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

Also,

Mr. President:

I have the honor to return herewith

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. 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 house has passed unchanged.

Very respectfully,  
W. D. AUSTIN,  
Chief Clerk.

#### REFERENCE OF THE JOURNAL.

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

Mr. President:

Your committee on revision and correction of the journal have carefully examined the journal of the thirty-seventh

day and recommend that the same be corrected as follows:

Page 10, line 35, add after the word "estate" "and validating the execution and acknowledgment of such instruments heretofore made."

And when so corrected recommend that the same be approved.

C. D. RICE,  
Chairman.

Mr. Rice moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

#### PETITONS AND COMMUNICATIONS.

Mr. Koffel presented the following petition:

We, the undersigned voters of Esmond, Benson county, North Dakota, do petition you to use all your power and influence to vote against the bills which are called House File No. 113 and House File No. 149, both bills are entitled in substance "A bill to prevent unfair competition."

C. E. WILSON,  
And 29 Others.

Mr. Welch presented the following petitions:

We, the members of the Current Events Club of Bismarck, 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.

JOSEPHINE A. REGISTER,  
And 12 Others.

We, the members of the Fortnightly Club of Bismarck, N. D., hereby petition you and the other members of the district who are of the North Dakota legislature, to work for the passage of the model food law bill.

MARY K. BURKE,  
And 9 Others.

We, the members of the Monday Club of Bismarck, N. D., hereby petition you and the other members of this dis-

trict who are of the North Dakota legislature, to work for the passage of the model food law bill.

MRS. M. H. JEWELL,  
And 12 Others.

Mr. Maconald presented the following petition:

*Hon. Alexander Macdonald, Bismarck, N. D.:*

HON. 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 60 Others.

Mr. Rice presented the following petition:

State of North Dakota, County of McHenry—ss:

J. Edgar Wagar, Clarence Frederick and J. A. Peterson, being duly sworn, depose and say that they are members of Denbigh Camp, No. 12,815, Modern Woodmen of America, located at Denbigh in the state of North Dakota, and that they were instructed by said order to enter a protest against the bill raising the assessment rates of the Modern Woodmen of America. We hereby ask you as senator of our district to do all in your power to prevent the passage of such a bill. It is not only injurious, but unjust, and is being done or agitated by other insurance societies who envy the Modern Woodmen of America. The following is a list of the

members of the above mentioned camp, all being beneficiary members:

J. E. Cady, D. J. Cleavenger, C. H. Cross, C. B. Davis, W. Fiest, C. C. Frederick, T. J. Frederick, Geo. E. Haines, H. K. Hoffman, A. J. McFarlane, E. G. McFarlane, J. A. Peterson, C. W. Taylor, W. H. Wieck, J. P. Bales, A. L. McFarlane, Chas. Harris, M. E. Swift, E. O. Anderson, R. J. Anderson, Erioin Anderson, C. W. Anderson, Eli Brown, John Hylton, Claud Cox, Math Eidsness, A. J. Kongsli, F. A. Nichols, Andrew Berg, Olaf A. Thorwalson, M. D., Lorenzo T. Cady, Joseph Brown, G. S. McFarlane, J. E. Osborne, Wm. Flowers, Albert Anderson, Rev. Arthur Hall, Geo. M. Larson, Peder Pederson, W. E. Markuson, Walter M. Nichols, J. Edgar Wagar, J. A. Pendroy.

We further say that we were instructed by above named camp to cast a unanimous vote for all of the above listed members denouncing such a measure to raise assessment, and enter protest.

J. EDGAR WAGAR,  
C. C. FREDERICK,  
J. A. PETERSON,

(Signed)

Sworn to before me this 9th day of February, 1909.

(Seal)

JAMES A. PENDROY,

Notary Public McHenry County, North Dakota.

My commission expires Sept. 5, 1913.

Mr. Johnson presented the following:

*To the Senate 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.

### REPORT OF STANDING COMMITTEES.

The committee on temperance made the following report:

Mr. President:

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.

H. H. STROM,  
 Chairman.

Mr. Strom moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on public health made the following report:

Mr. President:

Your committee on public health to whom was referred  
 Senate Bill No. 131,

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.

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

To amend title by striking out the words "osteopathic physicians" in line 3 of printed bill of said title and inserting in lieu thereof the words "doctors of osteopathy."

In line 1 of section 1 of the printed bill strike out the word "osteopathy" and insert in lieu thereof the word "osteopathic."

In line 5, page 1 of the printed bill, strike out the words "osteopathic physicians" and insert in lieu thereof the words "doctors of osteopathy."

In line 11½, page 3 of the printed bill, after the word "osteopathy" insert the following, "which shall not include the prescribing of internal medicine."

That all of section 5 be stricken out and the following be inserted in lieu thereof:

Section 5. Present Practitioners.) The board shall acknowledge all osteopathic diplomas of physicians who were residents in the state of North Dakota at the time of the passage of this act and issue a license to the applicant upon the payment of five dollars (\$5.00) without requiring of applicant to pass the state board examination; provided, the board is satisfied as to the good character of the applicant.

In section 7, line 2, strike out the words "osteopathic physicians" and insert in lieu thereof the words "doctors of osteopathy."

Strike out all of line 1 of section 8 and insert in lieu thereof the following, "regulations as to public health."

In line 2 of the same section strike out the words "osteopathic physicians" and insert in lieu thereof the words "doctors of osteopathy."

In line 4 of same section strike out the word "physicians" and insert in lieu thereof "practitioners."

Line 5 of the same section strike out the last three words, and in same section strike out all of line 6, and insert in line 5 after the word "and" where same appears the second time, the following: "Such report shall be accepted by the officer or department to whom or to which such report is made."



Strike out the figures "1907" in line 2, section 10 of the printed bill, and insert in lieu thereof "1897."

And when so amended recommend the same do pass.

F. LEUTZ,  
Chairman.

Mr. Leutz moved

That the report be adopted.

Which motion prevailed and,

The report of the committee was adopted.

The committee on education made the following report:

Mr. President:

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

A bill for an act to provide for the establishment and maintenance of county training schools for teachers.

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

In line 11, section 2 of reprinted bill, after the word "appointed" insert the following, "provided, that the members appointed upon the first board shall be for terms of one and three years respectively."

In line 19, section 2, after the word "board" insert "and county superintendents of schools."

In line 35, section 2, strike out the words "and one as treasurer."

In line 7, section 3, after the word "levy" insert "of not to exceed one mill each year upon the assessed valuation of the county."

In line 9, section 3, strike out "appropriated and expended" and insert in lieu thereof "collected."

In line 6, section 5, after the word "teachers" insert "provided, that he shall not place upon such list more than ten schools."

In line 36, section 6, strike out "and third."

In line 15, section 8, after word "levied" insert "said levy shall not exceed one mill each year upon the assessed valuation of said counties."

In line 4, section 9, strike out "appropriated and expended" and insert in lieu thereof "collected."

In line 6, section 10, after the word "county" insert "in this state."

In same line strike out "but not."

In same line strike out "the," and insert after "within" the word "which."

In line 7, section 10, strike out "where any" and insert "as such."

And when so amended recommend the same do pass.

F. S. TALCOTT,  
Chairman.

Mr. Talcott moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on agriculture made the following report:

Mr. President:

Your committee on agriculture to whom was referred  
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.

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

Section 1, line 2 of the printed bill insert after the word "seeds" the following, "except wheat, barley, oats, flax, rye and garden seeds in packets of less weight than one pound."

Also insert the above in section 3, line 4, after the word "seeds" where it appears the first time.

And when so amended recommend the same do pass.

C. W. PLAIN,  
Chairman.

A minority of the committee on agriculture made the following report:

Mr. President:

A minority of your committee on agriculture to whom was referred

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.

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

F. A. HOLLIDAY,  
F. S. TALCOTT,  
F. M. WALTON,  
JOHN KELLY,  
LIVY JOHNSON,  
D. H. McARTHUR.

Mr. Bessesen moved

That the senate take a recess of five minutes.

Which motion prevailed.

Mr. Stevens in the chair.

#### AFTER RECESS.

The president in the chair.

Mr. Crane moved

That the report on Senate Bill No. 119 go over one day.

The committee on education made the following report:

Which motion prevailed.

Mr. President:

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 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.

Have had the same under consideration and recommend that the same be 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 or directors 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 this state.”  
And when so amended recommend the same do pass.

F. S. TALCOTT,  
Chairman.

Mr. Talcott moved

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

Also,

Mr. President:

Your committee on education to whom was referred  
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.

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

In line 2, section 1 of printed bill, after the word “state” insert the following: “Upon a petition signed by a majority of the legal voters in the district.”

In line 12 strike out “shall” and insert in lieu thereof “may.”

In line 13 after “districts” insert “raised by direct taxation for such purposes.”

In line 19 after “in” insert “such.”

And when so amended recommend the same do pass.

F. S. TALCOTT,  
Chairman.

Mr. Talcott moved

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

The committee on warehouses, grain and grain grading made the following report:

Mr. President:

Your committee on warehouses, grain 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.

HENRY McLEAN,  
Chairman.

Mr. McLean moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. President:

Your committee on warehouses, grain and grain grading 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.

HENRY McLEAN,  
Chairman.

Mr. McLean 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. President:

Your committee on highways, bridges and ferries to whom was referred

Senate Bill No. 161,

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.

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

T. WELO,  
Chairman.

Mr. Welo moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred

Senate Bill No. 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 amended as follows:

In section 1, line 3 of the printed bill, after the word "persons," insert the word "entitled."

In line 12 of the same section after the word "all" insert the word "auditor's."

Strike out all from line 14 to line 21, both inclusive.

And when so amended recommend the same do pass.

J. B. SHARPE,  
Chairman.

Mr. Sharpe moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. President:

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.

J. B. SHARPE,  
Chairman.

Mr. Sharpe moved

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

Also,

Mr. President:

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.

J. B. SHARPE,  
Chairman.

Mr. Sharpe moved

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

Mr. President:

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.

J. B. SHARPE,  
Chairman.

Mr. Sharpe moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. President:

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 the service by publication of summons in justice courts.

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

J. B. SHARPE,  
Chairman.

Mr. Sharpe moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also.

Mr. President:

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 do pass.

J. B. SHARPE,  
Chairman.



Mr. Sharpe moved .

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. President:

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.

J. B. SHARPE,  
Chairman.

Mr. Sharpe moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

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

Mr. President:

Your committee on enrolled and engrossed bills have examined

Senate Bill No. 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. 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. 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. 135,

A bill for an act to punish derogatory statements affecting banks, and providing penalties therefor.

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. 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.

And find the same correctly engrossed.

THEODORE KOFFEL,  
Chairman.

#### MOTIONS AND RESOLUTIONS.

Mr. Bessesen moved

That Senate Bill No. 131 as amended be reprinted.

Which motion was lost.

Mr. Overson moved

That the courtesies of the floor be extended to the visiting auditors and commissioners.

Which motion prevailed.

Mr. Cashel offered the following concurrent resolution:

*Be it Resolved by the Senate, the House of Representatives 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.

Mr. Cashel moved

That the resolution be adopted.

Which motion prevailed, and

The resolution was adopted.

### FIRST READING OF SENATE BILLS.

The committee on education introduced

Senate Bill No. 232,

A bill for an act to amend sections 894 and 895 of the revised codes of 1905.

Which was read the first time.

The committee on education introduced

Senate Bill No. 233,

A bill for an act to amend section 763 of the revised codes of 1905.

Which was read the first time.

The committee on education introduced

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.

Which was read the first time.

The committee on education introduced

Senate Bill No. 235,

A bill for an act to encourage professional spirit among teachers in this state.

Which was read the first time.

Mr. Walton introduced

Senate Bill No. 236,

A bill for an act to amend section 2610 of the revised codes of 1905 of the state of North Dakota, relative to fees to be charged to justices of the peace.

Which was read the first time.

The committee on education introduced

Senate Bill No. 237,

A bill for an act to amend section 777 of the revised codes of 1905.

Which was read the first time.

Mr. Overson introduced

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.

Which was read the first time.

Mr. Martin (by request) introduced

Senate Bill No. 239,

A bill for an act to provide funds to reimburse the counties whose treasurers paid rewards for the arrest and conviction of violators of the prohibition law, according to section 9395, revised codes of 1905, which section provides a reward of fifty (\$50) dollars for each conviction, to be paid by the county treasurer upon the order of the court in which conviction was made, and for which payment the county treasurer shall be allowed to withhold from taxes due the state any such amounts as he may have paid, which bills the state auditing board refused to allow because of an

opinion of the attorney general holding that the law was unconstitutional.

Which was read the first time.

Mr. Trimble introduced

Senate Bill No. 240,

A bill for an act to repeal chapter 109 of the session laws of 1907, relating to the selection of candidates for election by popular vote, and relating to the nomination and the perpetuation of political parties.

Which was read the first time.

Mr. Simpson introduced

Senate Bill No. 241,

A bill for an act to appropriate the sum of twenty-five hundred dollars, or so much thereof as may be necessary, for the purpose of defraying accounts of the sheriff, witnesses, interpreters and jurors, who served in the courts of Stark county in connection with cases arising in unorganized counties attached to Stark county for judicial purposes, which accounts accrued prior to April 1, 1907.

Which was read the first time.

Mr. Leutz introduced

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.

Which was read the first time.

Mr. LaMoure moved

That the rules be suspended and all senate bills have their second reading and reference.

Which motion prevailed.

## SECOND READING OF SENATE BILLS.

Senate Bill No. 232,

A bill for an act to amend sections 894 and 895 of the revised codes of 1905.

Was read the second time and

Referred to the committee on Education.

Senate Bill No. 233,

A bill for an act to amend section 763 of the revised codes of 1905.

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

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 second time and  
Referred to the committee on education.

Senate Bill No. 235,

A bill for an act to encourage professional spirit among teachers in this state.

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

Senate Bill No. 236,

A bill for an act to amend section 2610 of the revised codes of 1905 of the state of North Dakota, relative to fees to be charged to justices of the peace.

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

Senate Bill No. 237,

A bill for an act to amend section 777 of the revised codes of 1905.

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

## Senate Bill No. 239,

A bill for an act to provide funds to reimburse the counties whose treasurers paid rewards for the arrest and conviction of violators of the prohibition law, according to section 9395, revised codes of 1905, which section provides a reward of fifty (\$50) dollars for each conviction, to be paid by the county treasurer upon the order of the court in which conviction was made, and for which payment the county treasurer shall be allowed to withhold from taxes due the state any such amounts as he may have paid, which bills the state auditing board refused to allow because of an opinion of the attorney general holding that the law was unconstitutional.

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

## Senate Bill No. 240,

A bill for an act to repeal chapter 109 of the session laws of 1907, relating to the selection of candidates for election by popular vote, and relating to the nomination and the perpetuation of political parties.

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

## Senate Bill No. 241,

A bill for an act to appropriate the sum of twenty-five hundred dollars, or so much thereof as may be necessary, for the purpose of defraying accounts of the sheriff, witnesses, interpreters and jurors, who served in the courts of Stark county in connection with cases arising in unorganized counties attached to Stark county for judicial purposes, which accounts accrued prior to April 1, 1907.

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

Mr. Pierce in the chair.

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 40, nays 0, absent and not voting 7.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Kennedy	Sharpe
Anderson	Koffel	Simpson
Baker	LaMoure	Steel, of Stutsman
Bessesen	Leutz	Stevens
Cashel	Macdonald	Strom
Crane	McLean	Syvertson
Davis	Movius	Talcott
Duls	Neal	Trimble
Gronvold	Overson	Turner
Gunderson	Palmer	Walton
Holliday	Pierce	Welch
Irwin	Plain	Welo
Johnson	Ramsett	Whitcher
Kelly		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Gilbert	Purcell	Steele of Ward
Martin	Rice	Wallin
McArthur		

Mr. Purcell was excused.

So the bill passed and the title was agreed to.

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 third time

The question being on the final passage of the bill.

The roll was called and there were ayes 40, nays 0, absent and not voting 7.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Kennedy	Simpson
Anderson	LaMoure	Steel, of Stutsman
Baker	Leutz	Stevens
Bessesen	Macdonald	Strom



Messrs.—	Messrs.—	Messrs.—
Cashel	McLean	Syvertson
Crane	Movius	Talcott
Davis	Neal	Trimble
Duis	Overson	Turner
Gronvold	Palmer	Wallin
Gunderson	Pierce	Walton
Holliday	Plain	Welch
Irwin	Ramsett	Welo
Johnson	Sharpe	Whitcher
Kelly		

**Absent and not voting:**

Messrs.—	Messrs.—	Messrs.—
Gilbert	McArthur	Rice
Koffel	Purcell	Steele of Ward
Martin		

Mr. Purcell was excused.

So the bill passed and the title was agreed to.

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 third time

The question being on the final passage of the bill.

The roll was called and there were ayes 39, nays 0, absent and not voting 8.

**Those who voted in the affirmative were:**

Messrs.—	Messrs.—	Messrs.—
Albright	Kelly	Sharpe
Anderson	Kennedy	Simpson
Baker	LaMoure	Steel, of Stutsman
Bessesen	Leutz	Stevens
Cashel	Macdonald	Strom
Crane	McLean	Syvertson
Davis	Movius	Talcott
Duis	Neal	Trimble
Gronvold	Overson	Turner
Gunderson	Palmer	Wallin
Holliday	Pierce	Walton
Irwin	Plain	Welch
Johnson	Ramsett	Whitcher

**Absent and not voting:**

Messrs.—	Messrs.—	Messrs.—
Gilbert	McArthur	Steele of Ward
Koffel	Purcell	Welo
Martin	Rice	

Mr. Purcell was excused.

So the bill passed and the title was agreed to.

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 third time

The question being on the final passage of the bill.

The roll was called and there were ayes 32, nays 11, absent and not voting 4.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Martin	Steel, of Stutsman
Bessen	Macdonald	Steele of Ward
Cashel	McArthur	Stevens
Crane	McLean	Strom
Gilbert	Movius	Syverson
Gunderson	Neal	Talcott
Holliday	Overson	Trimble
Johnson	Pierce	Wallin
Kelly	Ramsett	Walton
Kennedy	Sharpe	Welch
Koffel	Simpson	

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Anderson	Gronvold	Plain
Baker	Irwin	Turner
Davis	Leutz	Whitcher
Duis	Palmer	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
LaMoure	Rice	Welo
Purcell		

Mr. Purcell was excused.

So the bill passed and the title was agreed to.

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, re-

lating to special assessment by cities, for building of sidewalks and grading and improving streets.

Was read the third time

The president in the chair.

Mr. Steele offered the following amendment to Senate Bill No. 85:

In line 5 after the words "section 2795" add the following: "Special assessments by cities, fixing the time of payment thereof."

Add as Section 3. Emergency. Whereas, an emergency exists in this, that there is no law in the state now allowing payments of special assessments in annual installments, this law shall be in force and effect upon its passage and approval.

Mr. Steele moved

That the amendments be adopted.

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 42, nays 0, absent and not voting 5.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Kennedy	Sharpe
Anderson	Koffel	Simpson
Baker	LaMoure	Steel, of Stutsman
Bessesen	Leutz	Steele of Ward
Cashel	Martin	Stevens
Crane	Macdonald	Strom
Davis	McArthur	Syvertson
Duis	McLean	Talcott
Gronvold	Movius	Trimble
Gunderson	Neal	Turner
Holliday	Overson	Wallin
Irwin	Palmer	Walton
Johnson	Plain	Welch
Kelly	Ramsett	Whitcher

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Gilbert	Purcell	Welo
Pierce	Rice	

Mr. Purcell was excused.

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

## 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 44, nays 0, absent and not voting 3.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Kennedy	Simpson
Anderson	LaMoure	Steel, of Stutsman
Baker	Leutz	Steele of Ward
Bessesen	Martin	Stevens
Cashel	McArthur	Strom
Crane	McLean	Syvertson
Davis	Movius	Talcott
Duls	Neal	Trimble
Gilbert	Overson	Turner
Gronvold	Palmer	Wallin
Gunderson	Pierce	Walton
Holliday	Plain	Welch
Irwin	Ramsett	Welo
Johnson	rice	Whitcher
Kelly	Sharpe	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Koffel	Macdonald	Purcell

Mr. Purcell was excused.

So the bill passed and the title was agreed to.

## COURTESIES OF THE FLOOR.

The courtesies of the floor were extended to the following:

F. F. Fritz, Dalton McDonald, A. E. Lindstrom, of Langdon; P. Himebaugh, F. A. Haghe, P. E. Ewing, of Sargent county; Thos. Gilbertson, E. T. Danielson, C. Rufspold, Christ Eskestand, C. M. Babcock, of Ransom county; J. Austin Regan, of Fessenden; John Knauf and Geo. McFarlane, of Jamestown; Adolph Walker, Otto Jordahl, E. P.

Hardy, E. E. Cole, C. R. Meredith; Grant S. Hagar, of Grafton; James Kane, L. M. A. Foss, R. A. McMichael, C. Washburn, F. Steele, J. W. Johnston, D. Taylor, M. C. Lasell, E. W. Fields, F. P. Hardy, E. E. Cole, C. R. Meredith, H. C. Plumly, H. R. Hartman, H. B. Brooking, M. N. Husband, Wm. Dryburgh, of Hannah.

Mr. Simpson moved

That the senate do now adjourn.

Which motion prevailed, and

The senate adjourned.

J. W. FOLEY,  
Secretary.

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THIRTY-NINTH DAY

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SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
February 12, 1909.

The senate convened at two o'clock.

The president presiding.

Prayer by the chaplain.

Roll call.

All members present except Messrs. Martin, Overson and Palmer, who were excused.

MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,  
BISMARCK, NORTH DAKOTA,  
February 12, 1909.

Mr. President:

I have the honor to transmit herewith

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 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. 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. 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.

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. 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 house has passed and your favorable consideration is respectfully requested.

Very respectfully,  
W. D. AUSTIN,  
Chief Clerk.

## REFERENCE OF THE JOURNAL.

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

Mr. President:

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

Page 11, line 35, insert "or directors" after the word "trustees."

And when so corrected recommend that the same be approved.

C. D. RICE,  
Chairman.

Mr. Rice moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. President:

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

Add to the list of bills transmitted from the House, House Bills No. 63, 68, 94, which were omitted by the house clerk from his message of January 27 transmitting bills.

And when so corrected recommend that the same be approved.

C. D. RICE,  
Chairman.

Mr. Rice moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

## REPORTS OF STANDING COMMITTEES.

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

Mr. President:

Your committee on corporations other than municipal to whom was referred



## Senate Bill No. 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.

W. E. PURCELL,  
Chairman.

Mr. Purcell moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted..

The committee on education made the following report:

Mr. President:

Your committee on education to whom was referred

Senate Bill No. 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 do pass.

F. S. TALCOTT,  
Chairman.

Mr. Talcott moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. President:

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 do pass.

F. S. TALCOTT,  
Chairman.

Mr. Talcott moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on state affairs made the following report:

Mr. President:

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.

MAYNARD CRANE,  
Chairman.

Mr. Crane moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on railroads made the following report:

Mr. President:

Your committee on railroads to whom was referred

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 amended as follows:

In section 2, line 11 of printed bill, change "twenty" to "thirty."

And when so amended recommend the same do pass.

E. F. GILBERT,  
Chairman.

Mr. Gilbert moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. President:

Your committee on railroads to whom was referred  
Senate Bill No. 138,

A bill for an act, entitled "An act concerning railroads and to better protect the lives 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 amended as follows:

Section 1, line 5 of printed bill, change "thirty-five (35)" to "forty (40)."

Insert the following as section 3: "Provided, that the provisions of this act shall not prevent a train which leaves a division point with less than forty (40) cars, from filling out not to exceed a maximum of forty-five (45) cars, with loads at intermediate stations, which were loaded and billed from such station after the daily car report of the preceding day has been made."

Change section 3 of the printed bill to section 4.

And when so amended recommend the same do pass.

E. F. GILBERT,  
Chairman.

Mr. Gilbert moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. President:

Your committee on railroads to whom was referred

Recommendations of the board of railroad commissioners.

GOVERNOR'S OFFICE, NORTH DAKOTA.  
Bismarck, January 27, 1909.

*To the Senate, 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,

Have had the same under consideration and report as follows:

Resolved, that the communication be reported back to the senate with the recommendation that the attorney general be directed to prepare bills in accordance with the recommendation of the board of railway commissioners, and that the same be introduced in the senate by the chairman of this committee.

E. F. GILBERT,  
Chairman.

Mr. Gilbert moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Mr. Plain moved

That the majority report on Senate Bill No. 119 be adopted.

Mr. Cashel moved

That the report go over one day.

Which motion prevailed.

### MOTIONS AND RESOLUTIONS.

Mr. Koffel introduced the following resolution :

Whereas, a large number of senators are stopping at the Grand Pacific hotel, and

Whereas, the employment of a stenographer at said hotel would be of great convenience to said senators and greatly facilitate the work of the senate. Therefore, be it

Resolved, That your committee on rooms be and the same is hereby authorized and instructed to engage a room at said Grand Pacific hotel forthwith, at a rate not to exceed Two Dollars per day, for the use of such stenographer.

Mr. Koffel moved

That the resolution be adopted.

Which motion prevailed, and

The resolution was adopted.

Mr. Talcott moved

That Senate Bill No. 45 be re-referred to the committee on appropriations.

Which motion prevailed.

Mr. Rice moved

That when the joint session dissolve the senate stand adjourned until 2 o'clock on Saturday.

Which motion prevailed.

### FIRST READING OF SENATE BILLS.

Mr. Leutz introduced

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.

Which was read the first time.

Mr. Rice ((by request) introduced

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.

Which was read the first time.

Mr. Rice (by request) introduced

Senate Bill No. 245,

A bill for an act to impose upon foreign insurance companies the same conditions which are imposed upon insurance companies organized under the laws of this state by the state or nation wherein such foreign insurance company is organized or domiciled.

Which was read the first time.

Mr. Rice (by request) introduced

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.

Which was read the first time.

Mr. Rice (by request) introduced

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.

Which was read the first time.

Mr. Kelly introduced

Senate Bill No. 248,

A bill for an act to provide a uniform per diem and expense to members of the boards of trustees of state institutions, the boards of management of normal schools, and members of other boards appointed by the governor.

Which was read the first time.

Mr. Rice (by request) introduced

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.

Which was read the first time.



Mr. Walton introduced

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.

Which was read the first time.

Mr. Duis introduced

Senate Bill No. 251,

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 time.

Mr. Johnson introduced

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 was read the first time.

Mr. Purcell (by request) introduced

Senate Bill No. 253,

A bill for an act to amend section 444 of the revised codes of the state of North Dakota for the year 1905, relating to the employment of stenographers by the supreme court.

Which was read the first time.

Mr. Rice moved

That the rules be suspended and all senate bills receive their second reading and reference.

Which motion prevailed.

## SECOND READING OF SENATE BILLS.

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 second time, and**

Referred to the committee on irrigation and drainage.

Senate Bill No. 192,

A bill for an act to amend sections 8294, 8310 and 8311 of the revised codes of North Dakota for 1905, relating to the practice in the county courts with increased jurisdiction.

**Was read the second time, and**

Referred to the committee on judiciary.

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 second time, and**

Referred to the committee on judiciary.

Senate Bill No. 243,

A bill for an act making an appropriation to pay P. O. Fossom, George Platzner, janitors; A. Glorvick, messenger; and C. J. Hutchinson, clerk, of the tenth legislative assembly for services rendered during that session.

**Was read the second time, and**

Referred to the committee on appropriations.

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 second time, and**

Referred to the committee on insurance.

Senate Bill No. 245,

A bill for an act to impose upon foreign insurance companies the same conditions which are imposed upon insurance companies organized under the laws of this state by the state or nation wherein such foreign insurance company is organized or domiciled.

**Was read the second time, 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 second time, and**

Referred to the committee on insurance.

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 second time, and**

Referred to the committee on insurance.

Senate Bill No. 248,

A bill for an act to provide a uniform per diem and expense to members of the boards of trustees of state institutions, the boards of management of normal schools, and members of other boards appointed by the governor.

**Was read the second time, 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 second time, and**

Referred to the committee on insurance.

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 second time, and**

Referred to the committee on cities and municipal corporations.

Senate Bill No. 251,

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.

**Was read the second time, and**

Referred to the committee on cities and municipal corporations.

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 second time, and

Referred to the committee on education.

Senate Bill No. 253,

A bill for an act to amend section 444 of the revised codes of the state of North Dakota for the year 1905, relating to the employment of stenographers by the supreme court.

Was read the second time and

Referred to the committee on judiciary.

### THIRD READING OF SENATE BILLS.

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 37, nays 1, absent and not voting 9.

Those who voted in the affirmative were:

Messrs.—

Albright  
Anderson  
Baker  
Bessesen  
Cashel  
Davis  
Duis  
Gilbert  
Gronvold  
Holliday  
Irwin  
Johnson  
Kelly

Messrs.—

Kennedy  
Koffel  
Leutz  
Macdonald  
McLean  
Neal  
Pierce  
Plain  
Purcell  
Ramsett  
Rice  
Simpson

Messrs.—

Steel, of Stutsman  
Steele of Ward  
Stevens  
Strom  
Syvertson  
Talcott  
Trimble  
Turner  
Wallin  
Walton  
Welch  
Whitcher

Absent and not voting:

Messrs.—

Crane  
LaMoure  
Martin

Messrs.—

McArthur  
Movius  
Overson

Messrs.—

Palmer  
Sharpe  
Welo

Mr. Gunderson voted in the negative.

So the bill passed and the title was agreed to.

**MESSAGE FROM THE HOUSE.**

A committee from the house announced that the house was ready to meet with the senate in joint session for the purpose of observing Lincoln's centennial birthday with appropriate ceremonies.

Mr. Talcott moved

That the senate do now proceed to the house for the purpose aforesaid.

Which motion prevailed, and

The senate proceeded to the house for a joint session.

**COURTESIES OF THE FLOOR.**

The courtesies of the floor were extended to the following:

R. A. Nestos and J. B. Lowe of Minot.

Mr. Rice moved

That the senate do now adjourn

Which motion prevailed, and

The senate adjourned.

**J. W. FOLEY,**  
Secretary.

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## FORTIETH DAY

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

The senate convened at two o'clock.

The president presiding.

Prayer by the chaplain.

Roll call.

All members present except Messrs. Martin, Movius, Palmer, Plain and Welo, who were excused.

### REFERENCE OF THE JOURNAL.

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

Mr. President:

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

Page 15, strike out all of line 39 and insert in lieu thereof "absent and not voting."

And when so corrected recommend that the same be approved.

C. D. RICE,  
Chairman.

Mr. Rice moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

#### PETITONS AND COMMUNICATIONS.

Mr. Welch presented the following petition:

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.

#### REPORT OF STANDING COMMITTEES.

The committee on banks and banking made the following report:

Mr. President:

Your committee on banks and banking to whom was referred

Senate Bill No. 122,

A bill for an act to amend section 4670 of the revised codes of 1905, relating to lists of shareholders kept by banking association and the manner of transferring shares.

Have had the same under consideration and recommend that the same be re-referred to the committee on judiciary.

ED. PIERCE,  
Chairman.

Mr. Pierce moved

That the report be adopted

Which motion prevailed, and

The report of the committee was adopted.

The committee on appropriations made the following report:

Mr. President:

Your committee on appropriations to whom was referred Senate Bill No. 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.

JUDSON LaMOURE,  
Chairman.

Mr. LaMoure moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on judiciary made the following report:

Mr. President:

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.

J. B. SHARPE,  
Chairman.

Mr. Sharpe moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. President:

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.

J. B. SHARPE,  
Chairman.

Mr. Sharpe moved

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

Also,

Mr. President:

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 do pass.

J. B. SHARPE,  
Chairman.

Mr. Sharpe moved

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

Also,

Mr. President:

Your committee on judiciary to whom was referred  
Senate Bill No. 123,

A bill for an act creating a commissioner of Canada and sow thistles, and providing for the manner of his appointment.

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

To amend title to read as follows:

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.

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. *Public Nuisance.*) That all Canada and sow thistles and quack grass are hereby declared to be and the same are a public nuisance, and the board of Township Supervisors in organized townships, and the board of County Commissioners for unorganized townships are hereby empowered to destroy the same as hereinafter provided.

SEC. 2. That there shall be appointed by the board of township supervisors in all organized townships, and by the board of county commissioners in all unorganized townships, for each township or election precinct, and by the city council of any city, or by the board of trustees of any town or village, as the case may be, some competent person, to be styled "Commissioner of noxious weeds," who shall take the oath required of township officers, and shall hold his office for the term of one year, and until his successor is appointed and qualified; and who shall receive for his compensation the sum of two dollars and fifty cents a day for each day necessarily spent in the performance of his duty. The board of appointment may, at any time, for good cause, remove the commissioner from office and appoint his successor to serve the remaining portion of his time, and it shall be the duty of said board to strictly enforce all the provisions of this act, and they shall have the same power as the commissioner of noxious weeds in discharging such duty.

SEC. 3. *Duties of Commissioner.*) The commissioner of noxious weeds shall diligently examine and investigate into the existence and introduction of Canada and sow thistles and quack grass in his township or precinct; and if any are found growing therein he shall take charge of all such as are growing upon the highways and uncultivated lands, and prevent the same from going to seed, or otherwise spreading; and he shall carefully investigate and ascertain the best practicable methods for their destruction, and he shall persistently apply at proper times such remedy or treatment as he shall deem best calculated to prevent their spread and to eradicate the same, and he shall serve upon all persons, partnerships, firms, corporations and associations owning or controlling any lands where such noxious weeds are growing, written notice to destroy the same within a time specified in said notice.

SEC. 4. *Treatment of Thistles and Quack Grass on Cultivated Land. Taking Possession. Appeal.*) In case said thistles and quack grass are found growing upon cultivated lands, the commissioner shall consult and advise with the owner, agent or occupant thereof as to their treatment, and if the said commissioner shall deem it necessary and expedient for him to fully control the same, he shall agree with the owner, agent or occupant as to the boundaries of the tract so infected which it is expedient for him to control, for the purpose of destroying such noxious weeds, and he shall mark the same by stakes and thereafter such infected tract, or so much as from time to time remains infected, shall be managed and controlled by the said commissioner for the purpose of destroying said thistles and quack grass, and for so long a time as it may be necessary to complete such work. In case the commissioner and the owner, agent or occupant of said land cannot agree as regards the propriety of the commissioner controlling such tract, or the boundaries of the same, then the commissioner shall proceed to stake out or mark such boundaries as he deems proper, and file a description of such tract and a record of his proceedings with the town clerk in organized townships, or county auditor in unorganized townships. The owner, agent or occupant of the land may, if he feels aggrieved, appeal from such decision of the commissioner within five days to the township supervisors or to the county commissioners, as the case may be, by filing written notice of appeal with town-

ship clerk or county auditor, as the case may be, and thereupon such board shall proceed within five days to review the same, and to hear the reason for and against the decision of the commissioner, and a majority of such board of appeal shall decide as to the propriety of taking possession of the tract alleged to be infected, and if they decide to take such possession, shall also determine the boundaries of the same, and shall direct said commissioner to exterminate said thistles and quack grass, without unnecessarily depriving the owner of the land of any legitimate use and enjoyment of the same, not interfering in any way with the destruction of such thistles and quack grass, and the owner or occupant of said land shall pay all cost and expense of labor for said extermination, which shall not exceed the sum of one hundred dollars for each 160 acres, or fraction thereof, in any one year, without the written consent of the supervisors of said township or county commissioners, as the case may be, and that the sum so expended shall be a lien upon said tract so infected; and if the owner or occupant shall not pay the same to said commissioner on or before the first Monday of December following, the commissioner shall certify under oath to the county auditor the amount so due on each tract, and it shall be the duty of said commissioner to collect the same in a civil action and cover the same into the general fund of the respective districts.

SEC. 5. It shall be the duty of the board of township supervisors or the board of county commissioners, as the case may be, to pay out of the general fund the salary of the commissioner of noxious weeds, and all expenses and disbursements incurred under the provisions of this act upon verified vouchers duly audited and approved.

SEC. 6. *Prosecutions.*) It shall be the duty of the commissioner to prosecute on complaint filed with the proper authorities, any person or corporation who shall violate any law now existing or which shall hereafter be passed on the subject of Canada and sow thistles and quack grass.

SEC. 7. *Report of Commissioner.*) The commissioner shall annually, before the first day of December, make a written report to the supervisors of the township or to the county commissioners, as the case may be, which report shall be filed with the town clerk, or the county auditor. The report so filed shall be publicly read at the next regular meeting of such board. Said report shall state:

*First.* Whether there are or are not any Canada or sow thistles or quack grass growing in the town or precinct.

*Second.* If any are growing, where and to what extent, and when and how introduced.

*Third.* A detailed statement of his treatment of each infected tract, with cost and result.

*Fourth.* He shall report such other matters, as may be required of him by the board of township supervisors, or by the county commissioners, as the case may be.

*Fifth.* He shall state his views on the further treatment of each infected tract and make such suggestions and recommendations as he may deem proper and useful.

SEC. 8. All officials charged with the enforcement of this act shall have the right and may go upon lands infected, or which they believe to be infected, with Canada or sow thistles or quack grass, for any purpose necessary for such enforcement; all officials charged with the enforcement of this act who neglect or refuse to carry out the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than twenty-five (\$25.00) nor more than fifty (\$50.00) dollars.

SEC. 9. *Land Owners.*) Any person, partnership, firm, corporation or association who after due notice, shall neglect or fail to cut down, dig up, destroy or take other certain means of exterminating Canada and sow

thistles or quack grass, or prevent the same from going to seed, that may at any time be growing upon any lands owned or controlled by them, shall be liable for each offense in a sum not less than fifty (\$50.00) dollars nor more than two hundred (\$200.00) dollars to be recovered in a civil action.

SEC. 10. *Emergency.*) An emergency is hereby declared to exist in that there is no adequate law providing for the destruction of Canada and sow thistles and quack grass; 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.

J. B. SHARPE,  
Chairman.

Mr. Koffel moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Mr. Cashel moved

That the minority report on Senate Bill No. 119 be adopted.

Which motion prevailed, and

The minority report was adopted.

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

Mr. President:

Your committee on enrolled and engrossed bills to whom was referred

Senate Bill No. 161,

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.

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. 202,

A bill for an act fixing the salary of the clerk of the supreme court.

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. 158,

A bill for an act to amend and re-enact section 2489 of the revised codes of 1905.

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 af-

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. 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. 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. 131,

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.

And find the same correctly engrossed.

THEODORE KOFFEL,  
Chairman.

Also,

Mr. President:

Your committee on enrolled and engrossed bills have examined

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. 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 find the same correctly enrolled.

THEODORE KOFFEL,  
Chairman.

The secretary announced that the president 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.

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.

And the president signed the same in the presence of the senate.

Mr. Rice moved

That Senate Bill No. 161 be laid over till next week.

Which motion prevailed.

Mr. Pierce moved

That Senate Bill No. 138 be made a special order for Tuesday, February 16, at 2 o'clock.

Which motion prevailed.

Mr. Strom moved

That Senate Bill No. 186 be recalled from the committee on agriculture and referred to the committee on insurance.

Which motion prevailed.

Mr. LaMoure offered the following concurrent resolution:

Whereas, the so-called Lake McDonald country, situated in northwestern Montana, is a region abounding in lakes, canyons, cascades and glaciers, and practically valueless for agricultural or grazing purposes, and

Whereas, there is a movement on foot to have this wild region set apart and reserved for its timber, and to preserve its natural scenery; therefore, be it

*Resolved by the House of Representatives, the Senate Concurring:*

That our senators and representatives in congress be instructed to use their influence to have this region so set apart and reserved; and be it further

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

Mr. LaMoure moved

That the resolution be adopted.

Which motion prevailed, and

The resolution was adopted.

Mr. Crane introduced the following concurrent resolution:

*Resolved by the Senate of the State of North Dakota, the House of Representatives 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 dollars 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.

Mr. Crane moved

That the resolution be adopted.

Which motion prevailed, and

The resolution was adopted.

Mr. Koffel offered the following resolution:

Whereas, your committee on rooms having engaged a room down town for the use of the various committees, especially committee on appropriations, and

Whereas, it is necessary to sweep and clean out said room therefore, be it

Resolved, That Mr. John Durkin be elected as a janitor to take charge of said room, and that he be paid for said services the sum of four dollars per day from and after his election and as long as he may remain as such janitor.

Mr. Koffel moved

That the resolution be adopted.

Which motion prevailed, and

The resolution was adopted, and

Those who voted for Mr. Durkin were:

Messrs.—

Albright  
Anderson  
Baker  
Bessesen  
Cashel

Messrs.—

Kennedy  
Koffel  
LaMoure  
Leutz  
Macdonald

Messrs.—

Simpson  
Steel, of Stutsman  
Steele of Ward  
Stevens  
Strom



Messrs.—	Messrs.—	Messrs.—
Crane	McArthur	Syvertson
Davis	McLean	Talcott
Duis	Neal	Trimble
Gilbert	Overson	Turner
Gronvold	Purcell	Wallin
Gunderson	Ramsett	Walton
Johnson	Rice	Welch
Kelly	Sharpe	Whitcher

### Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Holliday	Movius	Plain
Irwin	Palmer	Welo
Martin	Pierce	

Messrs. Martin, Movius, Palmer, Plain and Welo being excused.

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

The following concurrent resolution was laid before the senate:

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.

Mr. Simpson moved

That the resolution be amended by striking out "400" and inserting "200."

Mr. Simpson moved

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

Mr. Simpson moved

That the resolution as amended be adopted.

Which motion prevailed, and

The resolution was adopted.

### FIRST READING OF SENATE BILLS

Mr. Crane introduced

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.

Which was read the first time.

Mr. Sharpe introduced

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.

Which was read the first time.

Mr. Talcott introduced

Senate Bill No. 256,

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 time.

Mr. Leutz introduced

Senate Bill No. 257,

A bill for an act to amend section 294 of the revised codes of 1905, relating to the appointment and qualifications of a board of medical examiners.

Which was read the first time.

Mr. Pierce introduced

Senate Bill No. 258,

A bill for an act to amend section 1295, 1296, 1297 and 1298 of the revised codes of North Dakota of 1905, being chapter 13, entitled state library.

Which was read the first time.

Mr. Leutz introduced

Senate Bill No. 259,

A bill for an act establishing the office of state boiler inspector for steam vessels and steam boilers, and providing for licensing engineers of steam engines.

Which was read the first time.

Mr. Leutz introduced

Senate Bill No. 260,

A bill for an act providing for the free testing for tuberculosis of neat cattle used for breeding and dairy purposes.

Which was read the first time.

Mr. Albright introduced

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.

Which was read the first time.

Mr. Baker (by request) introduced

Senate Bill No. 262,

A bill for an act to amend chapter 168, session laws 1907, being an amendment to section 6295 of the revised codes of North Dakota for 1905, providing for a lien for repairs of personalty.

Which was read the first time.

Mr. Cashel introduced

Senate Bill No. 263,

A bill for an act to prohibit the marriage of insane, epileptic or feeble minded persons.

Which was read the first time.

Mr. Cashel introduced

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.

Which was read the first time.

Mr. Kennedy introduced

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.

Which was read the first time.

Mr. Syvertson introduced

Senate Bill No. 266,

A bill for an act to amend section 894 of the session laws of 1907, relating to education.

Which was read the first time.

Mr. Gunderson introduced

Senate Bill No. 267,

A bill for an act to amend section 9353 of the revised codes of the state of North Dakota for the year 1905, relating to prohibition, and repealing sections 9354, 9355, 9356, 9357, 9358, 9359, 9360, 9361, 9362, 9363, 9364, 9365, of the same codes, and relating to the same subject.

Which was read the first time.

Mr. Cashel introduced

Senate Bill No. 268,

A bill for an act authorizing the trustees 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.

Which was read the first time.

## SECOND READING OF SENATE BILLS.

Senate Bill No. 228,

A bill for an act to amend chapter 117 of the session laws of 1907, to amend section 1973 of the revised codes of 1905.

Was read the second time, and

Referred to the committee on live stock and animal husbandry.

## 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 second time, and

Referred to the committee on Temperance.

## 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 second time, and

Referred to the committee on judiciary.

**THIRD READING OF SENATE BILLS.**

## Senate Bill No. 11,

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.

Was read the third time.

Mr. Wallin moved

That line 35 of the bill be corrected to read "at" the city of Wahpeton in the place of "of" the city of Wahpeton.

Mr. Wallin moved

That the amendment be adopted.

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 40, nays 2, absent and not voting 5.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Koffel	Simpson
Anderson	LaMoure	Steel, of Stutsman
Baker	Leutz	Steele of Ward
Bessesen	Macdonald	Stevens
Cashel	McArthur	Strom
Davis	McLean	Syverson
Duis	Neal	Talcott
Gilbert	Overson	Trimble
Gronvold	Pierce	Turner
Gunderson	Purcell	Wallin
Irwin	Ramsett	Walton
Johnson	Rice	Welch
Kelly	Sharpe	Whitcher
Kennedy		

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Crane	Holliday	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Martin	Palmer	Welo
Movius	Plain	

Mr. Crane explained his vote.

Messrs. Martin, Movius, Palmer, Plain and Welo being excused.

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

Mr. Talcott in the chair.

Senate Bill No. 135,

A bill for an act to punish derogatory statements affecting banks, and providing penalties therefor.

Was read the third time.

Mr. Cashel moved

That Senate Bill No. 135 be amended to read as follows:

In line 2 following the word "any" insert the following, "untrue or false."

Mr. Cashel moved

That the amendment be adopted.

Which motion prevailed, and

The amendment was adopted.

Mr. Rice offered the following amendment to Senate Bill No. 135:

In line 6 of the printed bill strike out the word "or" and after "trust company" insert "corporation, firm or person."

Mr. Rice moved

That the amendment be adopted.

Which motion prevailed, and

The amendment was adopted.

Mr. Cashel moved

That Senate Bill No. 135 be re-referred to the committee on banks and banking.

Mr. Purcell moved

As a substitute that Senate Bill No. 135 be indefinitely postponed.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

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 third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 37, nays 0, absent and not voting 10.

Those who voted in the affirmative were:

Messrs.—

Albright  
Anderson  
Baker  
Bessesen  
Cashel  
Crane  
Davis

Messrs.—

Kelly  
Kennedy  
Koffel  
LaMoure  
Leutz  
McLean  
Neal

Messrs.—

Sharpe  
Simpson  
Stevens  
Strom  
Syvertson  
Talcott  
Trimble

Messrs.—	Messrs.—	Messrs.—
Duis	Overson	Turner
Gronvold	Pierce	Wallin
Gunderson	Purcell	Walton
Holliday	Ramsett	Welch
Irwin	Rice	Whitcher
Johnson		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Gilbert	Movius	Steel, of Stutsman
Martin	Palmer	Steele of Ward
Macdonald	Plain	Welo
McArthur		

Messrs. Martin, Movius, Palmer, Plain and Welo being excused.

So the bill passed and the title was agreed to.

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 34, nays 3, absent and not voting 10.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Anderson	Koffel	Sharpe
Baker	LaMoure	Steel, of Stutsman
Cashel	Leutz	Stevens
Crane	McArthur	Strom
Gilbert	McLean	Syverson
Gronvold	Neal	Talcott
Gunderson	Overson	Trimble
Holliday	Pierce	Turner
Irwin	Purcell	Wallin
Johnson	Ramsett	Walton
Kelly	Rice	Welch
Kennedy		

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Bessesen	Davis	Whitcher



## Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Albright	Movius	Simpson
Duis	Palmer	Steele of Ward
Martin	Plain	Welo
Macdonald		

Messrs. Martin, Movius, Palmer, Plain and Welo being excused.

So the bill passed and the title was agreed to.

## 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 34, nays 3, absent and not voting 10.

## Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Johnson	Sharpe
Anderson	Kennedy	Simpson
Baker	Koffel	Stevens
Bessesen	Leutz	Strom
Cashel	McArthur	Syvertson
Crane	McLean	Talcott
Davis	Neal	Trimble
Gilbert	Overson	Turner
Gronvold	Pierce	Wallin
Gunderson	Purcell	Walton
Holliday	Ramsett	Whitcher
Irwin		

## Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Macdonald	Steel, of Stutsman	Welch

## Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Duis	Movius	Rice
Kelly	Palmer	Steele of Ward
LaMoure	Plain	Welo
Martin		

Messrs. Martin, Movius, Palmer, Plain and Welo 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.

The question being on the final passage of the bill.

The roll was called and there were ayes 34, nays 0, absent and not voting 13.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Johnson	Simpson
Anderson	Kennedy	Stevens
Baker	Koffel	Strom
Bessesen	Macdonald	Syvertson
Cashel	McArthur	Talcott
Crane	McLean	Trimble
Davis	Neal	Turner
Gilbert	Overson	Wallin
Gronvold	Pierce	Walton
Gunderson	Ramsett	Welch
Holliday	Sharpe	Whitcher
Irwin		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Duls	Movius	Rice
Kelly	Palmer	Steel, of Stutsman
LaMoure	Plain	Steele of Ward
Leutz	Purcell	Welo
Martin		

Messrs. Martin, Movius, Palmer, Plain and Welo 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 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.

Was read the third time.

Mr. Pierce moved

A call of the senate.

Which motion prevailed.

Mr. Crane moved

That further proceedings under the call be dispensed with.

Which motion prevailed.

Mr. Crane moved

That a time limit of five minutes be allowed in debate for each speaker.

Mr. Bessesen moved

As a substitute that fifteen minutes be allowed each speaker.

Which motion was lost, and

The original motion prevailed.

Mr. Leutz moved

That further consideration of Senate Bill No. 131 be indefinitely postponed.

Mr. Pierce moved

That Senate Bill No. 131 be re-referred to the committee on judiciary.

Which motion was lost.

The question being on the original motion to indefinitely postpone.

The motion was lost.

Mr. Leutz moved

That Senate Bill No. 131 be amended as follows, to-wit:  
That section 8 of said bill be amended to read as follows,  
to-wit:

“Section 8. Regulations as to Public Health.) Doctors of osteopathy licensed under this act shall observe and be subject to the same regulations, state and municipal, governing practitioners of other schools as regards the reporting of births and deaths and contagious and infectious diseases, and it is further provided that doctors of osteopathy shall not be allowed to treat or care for persons afflicted with any contagious or infectious diseases without the assistance or supervision of a regular medical practitioner.”

That the bill be amended by adding the following sections:

“Section 10. Osteopathy Defined.) Osteopathy is that system of the healing art which believes and teaches that disease is due to mechanical displacements or obstructions in the various tissues of the body, and that the cure of disease can be accomplished by the manipulation of the bones, nerves and other tissues of the body, so as to correct the displacements or relieve the obstructions; and further, that the introduction of drugs or other foreign substances into the system for the purpose of curing disease is unscientific and detrimental.

“Section 11. Rights of Osteopaths.) Nothing in this act shall be construed as giving osteopaths the rights and privileges of legally qualified and registered physicians, unless they have shown the same qualifications and passed the same examinations that physicians in this state are required to pass; nor shall this act confer the right upon osteopaths to administer drugs or medicines, or to perform surgical operations with instruments.”

### COURTESIES OF THE FLOOR.

The courtesies of the senate were extended to the following:

O. A. Thompson, F. E. Steele and W. C. Taylor of La-Moure county; Prof. Geo. A. McFarlane and Dr. E. A. Pray, of Valley City; Wm. Dryburgh, of Hannah; Geo. Kahl, of Burleigh county; E. A. Lamb, of Washburn.

The oath of office was administered to John Durkin as custodian of the senate appropriation committee room down town.

Mr. Simpson moved

That the senate do now adjourn.

Which motion prevailed, and

The senate adjourned.

J. W. FOLEY,  
Secretary.

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FORTY-SECOND DAY

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SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
February 15, 1909.

The senate convened at two o'clock.

The president presiding.

Prayer by the chaplain.

Roll call.

All members present except Messrs. Movius, Palmer, Plain and Witcher, who were excused.

MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,  
BISMARCK, NORTH DAKOTA,  
February 15, 1909.

Mr. President:

I have the honor to return herewith

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 house has amended as follows:

In section 1, line 3, after the word "kind" add the following, "crookery, 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, post office, 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 "crookery, 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 passed as amended.

Also,

Mr. President:

I have the honor to return herewith

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,

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.

Also,

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 house has passed unchanged.

Also,

Mr. President:

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

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.

In which the house has concurred.

Very respectfully,  
W. D. AUSTIN,  
Chief Clerk.

## REFERENCE OF THE JOURNAL.

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

Mr. President:

Your committee on revision and correction of the journal have carefully examined the journal of the fortieth day and have found the same correct.

And recommend that the same be approved.

C. D. RICE,  
Chairman.

Mr. Rice moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Senate Bill No. 131,

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.

Was laid before the senate.

Mr. Crane offered the following amendment to Senate Bill No. 131:

On page 5 of printed bill strike out all of section 8.

Same page (5), line 1, section 9, strike out figure "9" and substitute therefor the figure "8."

On page 6 of printed bill, line 1 of section 10, strike out figure "10" and substitute therefor the figure "9."

On same page, line 1 of section 11, strike out figure "11" and substitute therefor figure "10."

Mr. Crane moved

That the amendment be adopted.

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 34, nays 6, absent and not voting 7.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Anderson	Kelly	Sharpe
Baker	Kennedy	Simpson
Cashel	LaMoure	Steele of Ward
Crane	Martin	Stevens
Davis	McArthur	Syverson
Duis	McLean	Talcott
Gilbert	Neal	Trimble
Gronvold	Overson	Turner
Gunderson	Pierce	Wallin
Holliday	Ramsett	Walton
Irwin	Rice	Welch
Johnson		

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Bessesen	Leutz	Purcell
Koffel	Macdonald	Strom

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Albright	Plain	Welo
Movius	Steel, of Stutsman	Whitcher
Palmer		

Messrs. Movius, Palmer, Plain and Whitcher being excused.

Mr. Purcell explained his vote.

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

Mr. Crane moved

That the vote by which Senate Bill No. 131 passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed

### PETITIONS AND COMMUNICATIONS.

The following communication was laid before the senate:

Bismarck, February 15, 1909.

*Hon. R. S. Lewis, Lt. Governor, and Members of the Senate:*

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 speaker of the house and copies to his excellency, Governor John Burke.

Respectfully,

W. L. STOCKWELL,  
Superintendent of Public Instruction.

Mr. Gunderson moved

That the resolution be referred to the committee on education.

Mr. LaMoure moved

As a substitute that a committee of three to investigate the office of the state superintendent be appointed.

Which motion prevailed.

The following communication we laid before the senate:

*Secretary of the Senate:*

MY DEAR SIR: YOUR letter of the 9th instant and accompanying copy of a concurrent resolution of the legislative assembly of the state of North Dakota, concerning certain portions of Fort Berthold reservation, have been received, and will be called to the attention of the president.

Very truly yours,

WM. LOEB, JR.,

Secretary to the President.

Mr. James Foley, secretary of the senate, Bismarck, N. Dak.

#### REPORTS OF STANDING COMMITTEES.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred Senate Bill No. 84,

A bill for an act relating to the granting of a new trial in all actions, civil or criminal, tried to a jury.

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

J. B. SHARPE,  
Chairman.

Mr. Sharpe moved

That the report be adopted

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Also,

Mr. President:

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 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:

In the title after the word "cities" insert "villages and school districts."

In section 1, line 1, of the printed bill, after the word "city" insert "villages or school district."

Make the same change in line 3.

In line 4 strike out "or" before "school" and insert "for."

Same line strike out "of" before "waterworks" and insert "or."

In line 6 after "cities" insert "village or school district."

Make the same change in lines 8, 10, 14, 15 and 19.

In lines 12 and 13 strike out "article 12 of chapter 32 of the political codes of 1905" and insert "laws."

In line 18 strike out "in article 12" and insert "by law."

In line 11 after "council" insert "village board of trustees, school board or board of education."

And when so amended recommend the same do pass.

J. B. SHARPE,  
Chairman.

Mr. Sharpe moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. President:

Your committee on judiciary to whom was referred  
Senate Bill No. 210,

A bill for an act to validate all mortgages and other liens of personal property in which a corporation is a party

and which have been signed as a witness by an officer, stockholder, director or employe of such corporation.

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

J. B. SHARPE,  
Chairman.

Mr. Sharpe moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Mr. President:

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 do pass.

H. H. STROM,  
Chairman.

Mr. Strom moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on state affairs made the following report:

Mr. President:

Your committee on state affairs to whom was referred  
Senate Bill No. 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 do pass.

MAYNARD CRANE,  
Chairman.

Mr. Crane moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

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

Mr. President:

Your committee on enrolled and engrossed bills have examined

Senate Bill No. 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.

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. 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. 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. 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.

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. 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.

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. 138,

A bill for an act, entitled "An act concerning railroads and to better protect the lives of railway employes and the traveling public, and providing penalties for the violation thereof."

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.

And find the same correctly engrossed.

**THEODORE KOFFEL,**  
Chairman.

The president named as an investigating committee pursuant to the request of W. L. Stockwell, Messrs. Simpson, Davis and Purcell.

#### REPORT OF SELECT COMMITTEE.

The special committee on state flag made the following report:

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 house 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.

**J. E. STEVENS,**  
**E. S. NEAL,**  
**ALFRED STEEL.**

Mr. Stevens moved

That the report be adopted and the committee be granted further time.

Which motion prevailed.

Mr. Pierce moved

That the vote by which Senate Bill No. 135 was indefinitely postponed be reconsidered.

Which motion was lost.



## MOTIONS AND RESOLUTIONS.

Mr. LaMoure moved

That the senate do not concur in the house amendments to Senate Bill No. 49.

Which motion prevailed.

Mr. Crane moved

That a conference committee of three be appointed on Senate Bill No. 49,

Which motion prevailed, and

The president of the senate named Messrs. Welo, Macdonald and Baker.

## FIRST READING OF SENATE BILLS.

Mr. Trimble introduced

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.

Which was read the first time.

Mr. Simpson introduced

Senate Bill No. 270,

A bill for an act to require all persons, firms, associations now engaged, or may hereafter engage, in the purchase of grain for shipment out of the state by rail, other than public warehouse and elevator men, firms, associations and corporations engaged in said business and now required by law to take out licenses and give bond to the state, to take out a license to carry on said business and to give bond to the state.

Which was read the first time.

Mr. Leutz introduced

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.

Which was read the first time.

Mr. Martin introduced

Senate Bill No. 272,

A bill for an act to amend and re-enact section 9268 of the revised codes of 1905.

Which was read the first time.

Mr. Stevens introduced

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 or county asylum is located, and to provide for reports thereon.

Which was read the first time.

Mr. Duis (by request) introduced

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.

Which was read the first time.

Mr. Stevens moved

That the rules be suspended and all senate bills have their second reading and reference.

Which motion prevailed.

## SECOND READING OF SENATE BILLS.

Senate Bill No. 230,

A bill for an act to amend section 131 of the revised codes of North Dakota for 1905, relating to an appropriation to promote immigration, and creating a board of immigration, prescribing its powers and duties, and making an appropriation therefor.

Was read the second time, and

Referred to the committee on immigration.

**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 second time, and**

Referred to the committee on insurance.

**Senate Bill No. 270,**

A bill for an act to require all persons, firms, associations now engaged, or may hereafter engage, in the purchase of grain for shipment out of the state by rail, other than public warehouse and elevator men, firms, associations and corporations engaged in said business and now required by law to take out licenses and give bond to the state, to take out a license to carry on said business and to give bond to the state.

**Was read the second time, and**

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

**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 second time, and**

Referred to the committee on public health.

**Senate Bill No. 272,**

A bill for an act to amend and re-enact section 9268 of the revised codes of 1905.

**Was read the second time, and**

Referred to the committee on live stock and animal husbandry.

**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 or county asylum is located, and to provide for reports thereon.

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

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 second time, and  
 Referred to the committee on insurance.

THIRD READING OF SENATE BILLS.

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 third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 41, nays 0, absent and not voting 6.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Anderson	Kennedy	Simpson
Baker	Koffel	Steel, of Stutsman
Bessesen	LaMoure	Steele of Ward
Cashel	Leutz	Stevens
Crane	Martin	Strom
Davis	Macdonald	Syverson
Duis	McLean	Talcott
Gilbert	Neal	Trimble
Gronvold	Overson	Turner
Gunderson	Pierce	Wallin
Holliday	Purcell	Walton
Irwin	Ramsett	Welch
Johnson	rice	Welo
Kelly	Sharpe	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Albright	Movius	Plain
McArthur	Palmer	Whitcher

Messrs. Movius, Palmer, Plain and Whitcher 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 penalty for violation thereof, and prescribing duties of peace officer.

Was read the third time.

Mr. Macdinald moved

That Senate Bill No. 183 be re-referred to the committee on temperance.

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

The question being on the final passage of the bill.

The roll was called and there were ayes 37, nays 4, absent and not voting 6.

## Those who voted in the affirmative were:

## Messrs.—

Baker  
Bessesen  
Cashel  
Davis  
Duis  
Gilbert  
Gronvold  
Holliday  
Irwin  
Johnson  
Kelly  
Kennedy  
Koffel

## Messrs.—

LaMoure  
Leutz  
Macdonald  
McArthur  
McLean  
Neal  
Overson  
Pierce  
Purcell  
Ramsett  
Rice  
Sharpe

## Messrs.—

Simpson  
Steel, of Stutsman  
Steele of Ward  
Strom  
Syvertson  
Talcott  
Trimble  
Turner  
Wallin  
Walton  
Welch  
Welo

## Those who voted in the negative were:

## Messrs.—

Anderson  
Crane

## Messrs.—

Gunderson

## Messrs.—

Stevens

## Absent and not voting:

## Messrs.—

Albright  
Martin

## Messrs.—

Movius  
Palmer

## Messrs.—

Plain  
Whitcher

Messrs. Movius, Palmer, Plain and Whitcher 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

The question being on the final passage of the bill.

The roll was called and there were ayes 37, nays 0, absent and not voting 10.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Anderson	LaMoure	Steel, of Stutsman
Baker	Leutz	Steele of Ward
Bessesen	McArthur	Stevens
Cashel	McLean	Strom
Duis	Neal	Syvertson
Gilbert	Overson	Talcott
Gronvold	Pierce	Trimble
Gunderson	Purcell	Turner
Holliday	Ramsett	Wallin
Irwin	Rice	Walton
Johnson	Sharpe	Welch
Kelly	Simpson	Welo
Koffel		

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Martin	Palmer
Crane	Macdonald	Plain
Davis	Movius	Whitcher
Kennedy		

Messrs. Movius, Palmer, Plain and Whitcher being excused.

So the bill passed and the title was agreed to.

Mr. Simpson in the chair.

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 34, nays 0, absent and not voting 13.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Anderson	Leutz	Sharpe
Baker	Martin	Simpson
Bessesen	Macdonald	Steel, of Stutsman
Cashel	McArthur	Stevens
Crane	McLean	Strom
Duis	Neal	Syvertson
Gronvold	Overson	Turner
Gunderson	Pierce	Wallin
Holliday	Purcell	Walton
Irwin	Ramsett	Welch
Johnson	Rice	Welo
Kelly		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Albright	LaMoure	Steele of Ward
Davis	Movius	Talcott
Gilbert	Palmer	Trimble
Kennedy	Plain	Whitcher
Koffel		

Messrs. Movius, Palmer, Plain and Whitcher 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

Mr. Macdonald offered the following amendment to Senate Bill No. 157:

Amend section 1 by inserting after the word "authority" when it appears in said section, the following, "and that does not conflict with the text books in use and which is generally recognized as suitable for common school use."

Mr. Macdonald moved

That the amendment be adopted.

Which motion was lost.

Mr. Macdonald moved

That Senate Bill No. 157 be re-referred to the committee on education.

Which motion was lost.

The question being on the final passage of the bill.

The roll was called and there were ayes 37, nays 0, absent and not voting 10.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Anderson	Leutz	Simpson
Baker	Martin	Steel, of Stutsman
Bessemer	Macdonald	Steele of Ward
Cashel	McArthur	Stevens
Crane	McLean	Strom
Duis	Neal	Syvertson
Gronvold	Overson	Talcott
Gunderson	Pierce	Turner
Holliday	Purcell	Wallin
Irwin	Ramsett	Walton
Kelly	Rice	Welch
Koffel	Sharpe	Welo
LaMoure		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Albright	Kennedy	Plain
Davis	Movius	Trimble
Gilbert	Palmer	Whitcher
Johnson		

Messrs. Movius, Palmer, Plain and Whitcher being excused.

So the bill passed and the title was agreed to.

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 third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 36, nays 0, absent and not voting 11.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Anderson	Koffel	Simpson
Baker	LaMoure	Steel, of Stutsman



Messrs.—	Messrs.—	Messrs.—
Bessesen	Leutz	Steele of Ward
Cashel	Macdonald	Stevens
Crane	McArthur	Strom
Duis	McLean	Syverson
Gilbert	Neal	Talcott
Gronvold	Overson	Turner
Gunderson	Pierce	Wallin
Holliday	Purcell	Walton
Irwin	Ramsett	Welch
Kelly	Sharpe	Welo

### Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Albright	Martin	Rice
Davis	Movius	Trimble
Johnson	Palmer	Whitcher
Kennedy	Plain	

Messrs. Movius, Palmer, Plain and Whitcher being excused.

So the bill passed and the title was agreed to.

### 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 third time

The question being on the final passage of the bill.

The roll was called and there were ayes 35, nays 0, absent and not voting 12.

### Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Anderson	Kelly	Steel, of Stutsman
Baker	Koffel	Steele of Ward
Bessesen	LaMoure	Stevens
Cashel	Leutz	Strom
Crane	McLean	Syverson
Duis	Neal	Talcott
Gilbert	Overson	Turner
Gronvold	Pierce	Wallin
Gunderson	Purcell	Walton
Holliday	Ramsett	Welch
Irwin	Sharpe	Welo
Johnson	Simpson	

### Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Albright	Macdonald	Plain
Davis	McArthur	Rice
Kennedy	Movius	Trimble
Martin	Palmer	Whitcher

Messrs. Movius, Palmer, Plain and Whitcher being excused.

So the bill passed and the title was agreed to.

**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

The question being on the final passage of the bill.

The roll was called and there were ayes 36, nays 0, absent and not voting 11.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Anderson	Kelly	Simpson
Baker	Koffel	Steel, of Stutsman
Bessesen	LaMoure	Steele of Ward
Cashel	Leutz	Stevens
Crane	Martin	Strom
Duls	McLean	Syverson
Gilbert	Neal	Talcott
Gronvold	Overson	Turner
Gunderson	Pierce	Wallin
Holliday	Purcell	Walton
Irwin	Ramsett	Welch
Johnson	Sharpe	Welo

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Albright	McArthur	Rice
Davis	Movius	Trimble
Kennedy	Palmer	Whitcher
Macdonald	Plain	

Messrs. Movius, Palmer, Plain and Whitcher being excused.

So the bill passed and the title was agreed to.

**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 third time

Mr. Welch offered the following amendment to Senate Bill No. 121:

In line 11, section 2, change "30" to "20."

Mr. Welch moved

That the amendment be adopted.

Which motion was lost.

The question being on the final passage of the bill.

The roll was called and there were ayes 37, nays 0, absent and not voting 10.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Anderson	Koffel	Simpson
Baker	LaMoure	Steel, of Stutsman
Bessesen	Leutz	Stevens
Cashel	Martin	Strom
Crane	Macdonald	Syvertson
Duis	McArthur	Talcott
Gilbert	McLean	Trimble
Gronvold	Neal	Turner
Gunderson	Overson	Wallin
Holliday	Pierce	Walton
Irwin	Purcell	Welch
Johnson	Ramsett	Welo
Kelly	Sharpe	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Albright	Movius	Rice
Davis	Palmer	Steele of Ward
Kennedy	Plain	Whitcher

Messrs. Movius, Palmer, Plain and Whitcher being excused.

So the bill passed and the title was agreed to.

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 third time

The question being on the final passage of the bill.

The roll was called and there were ayes 36, nays 2, absent and not voting 9.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Anderson	Johnson	Rice
Baker	Kelly	Sharpe

Messrs.—	Messrs.—	Messrs.—
Bessesen	Koffel	Steel, of Stutsman
Cashel	LaMoure	Stevens
Crane	Leutz	Strom
Davis	Martin	Syverson
Duis	McArthur	Talcott
Gilbert	McLean	Trimble
Gronvold	Neal	Turner
Gunderson	Overson	Walton
Holliday	Pierce	Welch
Irwin	Ramsett	Welo

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Macdonald	Purcell	

**Absent and not voting:**

Messrs.—	Messrs.—	Messrs.—
Albright	Palmer	Steele of Ward
Kennedy	Plain	Wallin
Movius	Simpson	Whitcher

Messrs. Movius, Palmer, Plain and Whitcher being excused.

Mr. Macdonald explained his vote.

Mr. Purcell explained his vote.

So the bill passed and the title was agreed to.

### EXECUTIVE SESSION.

A sealed communication from the governor was presented.

Mr. Macdonald moved

That the senate go into executive session.

Which motion prevailed.

### OPEN SESSION.

### THIRD READING OF SENATE BILLS.

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 37, nays 2, absent and not voting 8.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Anderson	LaMoure	Simpson
Baker	Martin	Steel, of Stutsman
Bessesen	Macdonald	Steele of Ward
Cashel	McArthur	Stevens
Crane	McLean	Strom
Davis	Neal	Talcott
Gilbert	Overson	Trimble
Gronvold	Pierce	Turner
Gunderson	Purcell	Wallin
Holliday	Ramsett	Walton
Irwin	Rice	Welch
Johnson	Sharpe	Welo
Kelly		

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Koffel	Syvertson	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Albright	Leutz	Plain
Duis	Movius	Whitcher
Kennedy	Palmer	

Messrs. Movius, Palmer, Plain and Whitcher being excused.

So the bill passed and the title was agreed to.

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 third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 35, nays 0, absent and not voting 12.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Anderson	Koffel	Steel, of Stutsman
Baker	LaMoure	Steele of Ward
Bessesen	Martin	Stevens
Cashel	Macdonald	Strom
Crane	McArthur	Syvertson
Davis	McLean	Talcott
Gilbert	Neal	Trimble
Gronvold	Overson	Turner
Gunderson	Pierce	Wallin

Messrs.—	Messrs.—	Messrs.—
Holliday	Purcell	Walton
Irwin	Ramsett	Welch
Johnson	Sharpe	

**Absent and not voting:**

Messrs.—	Messrs.—	Messrs.—
Albright	Leutz	Rice
Duis	Movius	Simpson
Kelly	Palmer	Welo
Kennedy	Plain	Whitcher

Messrs. Movius, Palmer, Plain and Whitcher 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

The question being on the final passage of the bill.

The roll was called and there were ayes 40, nays 1, absent and not voting 6.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Anderson	Kennedy	Rice
Baker	Koffel	Sharpe
Bessesen	LaMoure	Simpson
Cashel	Leutz	Steel, of Stutsman
Crane	Martin	Steele of Ward
Davis	Macdonald	Stevens
Duis	McArthur	Strom
Gilbert	McLean	Talcott
Gronvold	Neal	Trimble
Gunderson	Overson	Turner
Holliday	Pierce	Wallin
Irwin	Purcell	Walton
Johnson	Ramsett	Welo
Kelly		

**Absent and not voting:**

Messrs.—	Messrs.—	Messrs.—
Albright	Palmer	Svvertson
Movius	Plain	Whitcher

Mr. Welch voted in the negative.

Messrs. Movius, Palmer, Plain and Whitcher being excused.

So the bill passed and the title was agreed to.

## 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 40, nays 0, absent and not voting 7.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Anderson	Koffel	Simpson
Baker	LaMoure	Steel, of Stutsman
Bessesen	Leutz	Steele of Ward
Cashel	Martin	Stevens
Davis	McArthur	Strom
Duis	McLean	Syverson
Gilbert	Neal	Talcott
Gronvold	Overson	Trimble
Gunderson	Pierce	Turner
Holliday	Purcell	Wallin
Irwin	Ramsett	Walton
Johnson	Rice	Welch
Kelly	Sharpe	Welo
Kennedy		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Albright	Movius	Plain
Crane	Palmer	Whitcher
Macdonald		

Messrs. Movius, Palmer, Plain and Whitcher being excused.

So the bill passed and the title was agreed to.

## COMMUNICATION FROM THE GOVERNOR.

GOVERNOR'S OFFICE,  
BISMARCK, NORTH DAKOTA,  
February 15, 1909.

*To the Senate:*

GENTLEMEN: I have the honor to inform you that I have approved and filed in the office of the secretary of state

Senate bill No. 28,

A bill for an act, entitled "An act defining the duties of district school boards in relation to the planting, cultiva-

tion and protection of trees and shrubs upon school house grounds.

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.

Very respectfully,

JOHN BURKE,  
Governor.

Mr. LaMoure moved

That the rules be suspended and all house bills be read the first and second time and referred.

Which motion prevailed

Senate Bill No. 182 was recalled from the committee on live stock and referred to the committee on state affairs.

#### FIRST AND SECOND READING OF HOUSE BILLS.

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.

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 appropriations.

House Bill No. 64,

A bill for an act to amend the law of succession.  
Was read the first and second times and  
Referred to the committee on judiciary.



**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 first and second times and

Referred to the committee on irrigation and drainage.

**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 first and second times and

Referred to the committee on railroads.

**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 first and second times and

Referred to the committee on judiciary.

**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 first and second times and

Referred to the committee on judiciary.

**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 first and second times and

Referred to the committee on judiciary.

**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 first and second times and

Referred to the committee on education.

## 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 first and second times and

Referred to the committee on cities and municipal corporations.

## 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 first and second times and

Referred to the committee on judiciary.

## 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 first and second times and

Referred to the committee on judiciary.

## 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 first and second times and

Referred to the committee on school and public lands

## 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 first and second times and

Referred to the committee on school and public lands

**House Bill No. 133,**

A bill for an act prescribing the powers, duties and liabilities of constables.

Was read the first and second times and

Referred to the committee on judiciary.

**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.

Was read the first and second times and

Referred to committee on judiciary.

**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 first and second times and

Referred to the committee on judiciary.

**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 first and second times and

Referred to the committee on judiciary.

**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 first and second times and

Referred to the committee on judiciary.

**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 first and second times and

Referred to the committee on appropriations.

## 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 first and second times and

Rerferred to the committee on live stock and animal husbandry.

## 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.

Was read the first and second times and

Referred to the committee on education.

## 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 first and second times and

Referred to the committee on state affairs

## 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 first and second times and

Referred to the committee on judiciary.

## 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 first and second times and

Referred to committee on judiciary.

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

Mr. Simpson moved  
That the senate do now adjourn.  
Which motion was lost.

### THIRD READING OF HOUSE BILLS.

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 30, nays 0, absent and not voting 17.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Anderson	Johnson	Sharpe
Baker	LaMoure	Simpson
Bessesen	Leutz	Steel, of Stutsman
Cashel	Martin	Stevens
Davis	McArthur	Strom
Duis	McLean	Syvertson
Gilbert	Neal	Talcott
Gronvold	Overson	Wallin
Holliday	Purcell	Walton
Irwin	Rice	Welch

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Albright	Macdonald	Steele of Ward
Crane	Movius	Trimble
Gunderson	Palmer	Turner
Kelly	Pierce	Welo
Kennedy	Plain	Whitcher
Koffel	Ramsett	

Messrs. Movius, Palmer, Plain and Whitcher being excused.

So the bill passed and the title was agreed to.

## 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 36, nays 0, absent and not voting 11.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Anderson	Kennedy	Simpson
Baker	LaMoure	Steel, of Stutsman
Cashel	Leutz	Steele of Ward
Davis	Macdonald	Stevens
Duis	McArthur	Strom
Gilbert	McLean	Syvertson
Gronvold	Neal	Talcott
Gunderson	Overson	Turner
Holliday	Pierce	Wallin
Irwin	Purcell	Walton
Johnson	Rice	Welch
Kelly	Sharpe	Welo

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Albright	Martin	Ramsett
Bessesen	Movius	Trimble
Crane	Palmer	Whitcher
Koffel	Plain	

Messrs. Movius, Palmer, Plain and Whitcher being excused.

So the bill passed and the title was agreed to.

## 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 36, nays 0, absent and not voting 11.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Anderson	Johnson	Steel, of Stutsman
Baker	Kelly	Steele of Ward
Bessesen	Kennedy	Stevens
Cashel	LaMoure	Strom
Crane	Leutz	Syvertson
Davis	McArthur	Talcott

Messrs.—	Messrs.—	Messrs.—
Duis	McLean	Trimble
Gilbert	Neal	Turner
Gronvold	Overson	Wallin
Gunderson	Purcell	Walton
Holliday	Rice	Welch
Irwin	Sharpe	Welo

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Albright	Movius	Ramsett
Koffel	Palmer	Simpson
Martin	Pierce	Whitcher
Macdonald	Plain	

Messrs. Movius, Palmer, Plain and Whitcher being excused.

So the bill passed and the title was agreed to.

### COURTESIES OF THE FLOOR.

The courtesies of the floor were extended to the following:

Judge Kirk of Bottineau; Ignatius Court, Peter Bear, Professor E. F. Ladd, of Fargo; E. J. Weiser, E. R. Brownson, of Williams; Henry Nelson, of Rugby; Prof. W. B. Snyder, Prof. Joseph Kennedy, C. W. Taber, of Chicago, Ill.; W. R. Reid, Amenia; A. M. Thompson, Hon. F. L. McVey, of St. Paul; Dr. M. H. Schollberg.

Mr. Duis moved

That the senate do now adjourn.

Which motion prevailed, and

The senate adjourned.

J. W. FOLEY,  
Secretary.

FORTY-THIRD DAY

---

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

The senate convened at two o'clock.

The president presiding.

Prayer by Rev. E. D. Brearley.

Roll call.

All members present except Messrs. Movius and Whitcher, who were excused.

MESSAGE FROM THE HOUSE.

The following message was received from the house:

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

Mr. President:

I have the honor to inform you that the speaker has appointed as conference committee on Senate Bill No. 49, Messrs. Kneeland, Collins of Cass and Garden.

Very respectfully,  
W. D. AUSTIN,  
Chief Clerk.



### REFERENCE OF THE JOURNAL.

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

Mr. President:

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

Page 7, line 24, change "13" to "18."  
 Page 24, line 1, change "36" to "37"  
 Page 24, line 2, change "9" to "8."

And when so corrected recommend that the same be approved.

C. D. RICE,  
 Chairman.

Mr. Rice moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

### SPECIAL ORDER

Senate Bill No. 138,

A bill for an act, entitled "An act concerning railroads and to better protect the lives of railway employes and the traveling public, and providing penalties for the violation thereof."

Was read the third time

Mr. Pierce moved

That Senate Bill No. 138 be made a special order for Thursday at 2 o'clock.

Which motion was lost.

Mr. Purcell moved

That Senate Bill No. 138 be re-referred to the committee on railroads.

Which motion prevailed.

The secretary announced that the president was about to sign

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.

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. 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.

And the president signed the same in the presence of the senate.

#### PETITONS AND COMMUNICATIONS.

Mr. Gunderson presented the following petition:

*To the Eleventh Legislative Assembly:*

We, the undersigned citizens and taxpayers of Nelson county, respectfully petition your honorable body to pass Senate Bill No. 63, a bill for an act to encourage elementary education. Sixty-five per cent of our children must attend rural school and we believe that the improvement

of the rural school will do more than anything else to promote the welfare of the rural communities.

E. O. SATUM,  
And 84 Others.

Mr. Talcott presented the following petition:

*To the Eleventh Legislative Assembly:*

We, the undersigned citizens and taxpayers of Cass county, knowing that the future prosperity of this state depends 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 school districts remain upon the farm, and believing that this will also keep the boys and girls upon the farm, respectfully petition this legislative assembly to enact into law Senate Bill No. 63, better known as bill granting state aid to rural schools.

ROBERT B. REID,  
And 171 Others.

Mr. LaMoure presented the following petition:

Carlisle, N. D., February 6, 1909.

*Hon. Judson LaMoure, Senate, Bismarck, N. Dak.:*

DEAR SIR: We, The undersigned officers of O'Shaughnessy Camp M. W. A., located at Carlisle, Pembina county, N. Dak., were, at regular meeting of said camp held on the 5th day of February, 1909, duly commissioned and instructed to forward for your consideration the resolution below submitted:

Be it resolved, that we, the members of O'Shaughnessy Camp M. W. A., located at Carlisle, N. Dak., being aware of the agitation which may bring up some measure seeking your support in the matter of raising the present rates for M. W. A. fraternal insurance in our state, and we, being mindful of the fact that inasmuch as our membership in the past has paid a rate sufficient to meet all obligations, we to the best of our judgment can see no adequate reason why there should be legislation enacted to compel any ad-

vance over present rates, and to that end we respectfully petition your influence and support.

Very truly yours,

C. H. EASTMAN,

Clerk.

N. O'SHAUGHNESSY,

V. N.

Mr. Rice presented the following petition:

*To the Honorable C. D. Rice:*

The undersigned, members of the Modern Woodmen of America, residing at and in the vicinity of Norwich, McHenry county, N. D., do hereby petition that you use your best efforts and influence in opposing the bill relating to minimum rates for fraternal beneficiary societies. We believe that the passage of said bill would be an injustice to our society.

C. RUNDERS,

And 16 Others.

The committee on education made the following report:

Mr. President:

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 be amended as follows:

In line 38 of the printed bill, after the word "cents" insert "each."

In line 56 before the word "period" insert "total"; in same line strike out "four" and insert in lieu thereof "six."

In section 2, amendment, line 17, strike out the words "one thousand."

And when so amended recommend the same do pass.

F. S. TALCOTT,

Chairman.

Mr. Talcott moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. President:

Your committee on education to whom was referred

Senate Bill No. 233,

A bill for an act to amend section 763 of the revised codes of 1905.

Have had the same under consideration and recommend that the same do pass and the same be re-referred to the committee on appropriations.

F. S. TALCOTT,  
Chairman.

Mr. Talcott moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. President:

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.

F. S. TALCOTT,  
Chairman.

Mr. Talcott moved

That the report be adopted

Which motion prevailed, and

The report of the committee was adopted.

Also,

**Mr. President:**

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.

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

In line 16 of printed bill, strike out "salary" and insert  
in lieu thereof "school."

In line 23 after "additional" insert "provided."

In line 34 strike out "proceeding" and insert in lieu  
thereof "preceding."

And when so amended recommend the same do pass.

**F. S. TALCOTT,**  
Chairman.

**Mr. Talcott moved**

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on judiciary made the following report:

**Mr. President:**

Your committee on judiciary 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 be amended as follows:**

In section 1, line 9 of the printed bill, strike out all of the  
line after the word "and."

Strike out all of lines 10 and 11 and insert in lieu thereof  
the following, "it shall be the assessor's duty to furnish  
such addresses or to satisfactorily explain why they are  
not given."

And when so amended recommend the same do pass.

**J. B. SHARPE,**  
Chairman.

Mr. Sharpe moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. President:

Your committee on judiciary to whom was referred

Senate Bill No. 25,

A bill for an act, entitled "An act relating to the revised codes of 1905, as amended by chapter 92 of the evidential effect of possession of real property by a surviving husband or wife claiming title under section 4928, revised codes

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

J. B. SHARPE,  
Chairman.

Mr. Sharpe moved

That the report be adopted

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Also,

Mr. President:

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.

J. B. SHARPE,  
Chairman.

Mr. Sharpe moved

That the report be adopted

Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. President:

Your committee on judiciary to whom was referred  
Senate Bill No. 236,

A bill for an act to amend section 2610 of the revised codes of 1905 of the state of North Dakota, relative to fees to be charged to justices of the peace.

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

J. B. SHARPE,  
Chairman.

Mr. Sharpe moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Also,

Mr. President:

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 be amended as follows:

In line 3 of section 1 of the printed bill, after the word "defendant" insert "or his attorney."

In line 7 after the word "action" insert "cannot be had."

And when so amended recommend the same do pass.

J. B. SHARPE,  
Chairman.

Mr. Sharpe moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.



Also,

Mr. President:

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 do pass.

J. B. SHARPE,  
Chairman.

Mr. Sharpe moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. President:

Your committee on judiciary to whom was referred  
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.

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

Because covered by section 9315 of the revised codes of 1905.

J. B. SHARPE,  
Chairman.

Mr. Sharpe moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Also,

Mr. President:

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:

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 when so amended recommend the same do pass.

J. B. SHARPE,  
Chairman.

Mr. Sharpe moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. President:

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 be amended as follows:

Insert between lines 12 and 13 of the printed bill the following, "public administrators within their respective counties."

And when so amended recommend the same do pass.

J. B. SHARPE,  
Chairman.

Mr. Sharpe moved

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

Also,

Mr. President:

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.

J. B. SHARPE,  
Chairman.

Mr. Sharpe moved

That the report be adopted.  
Which motion prevailed, and  
The report of the committee was adopted.  
The committee on state affairs made the following report:

Mr. President:

A majority of your committee on state affairs to whom was referred

Senate Bill No. 150,

A bill for an act to provide for the regulation of telephone and telegraph rates and to compel an interchange of telephone and telegraph service.

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

MAYNARD CRANE,  
Chairman.

Also,

Mr. President:

A minority of your committee on state affairs to whom was referred

Senate Bill No. 150,

A bill for an act to provide for the regulation of telephone and telegraph rates and to compel an interchange of telephone and telegraph service.

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

MAYNARD CRANE,  
ALEX MACDONALD.

Mr. McArthur objected to the consideration of the reports, which went over one day.

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

Mr. President:

Your committee on enrolled and engrossed bills to whom was referred

Senate Bill No. 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. 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.

Also,

Senate Bill No. 222,

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 find the same correctly engrossed.

**THEODORE KOFFEL,**  
Chairman.

Also,

Mr. President:

Your committee on enrolled and engrossed bills have examined

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.

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. 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.

And find the same correctly enrolled.

THEODORE KOFFEL,  
Chairman.

Mr. LaMoure moved

That Senate Bill No. 161 be referred to the committee on appropriations.

Which motion prevailed.

Mr. Talcott offered 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.

Mr. Talcott moved

That the resolution be adopted.

Which motion prevailed, and

The resolution was adopted.

## FIRST READING OF SENATE BILLS

Mr. Talcott introduced

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.

Which was read the first time.

Mr. Koffel introduced

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.

Which was read the first time.

Mr. Crane introduced

Senate Bill No. 277,

A bill for an act to amend and re-enact section 4466 of the revised codes of North Dakota for the year 1905, relating to the publication of insurance statements.

Which was read the first time.

Mr. Purcell introduced

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.

Which was read the first time.

Mr. Purcell introduced

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.

Which was read the first time.

Mr. Purcell introduced

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.

Which was read the first time.

Mr. Purcell introduced

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

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assembly of the state of North Dakota, relating to indeterminate sentences of persons convicted of crime.

Which was read the first time.

Mr. Purcell introduced

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.

Which was read the first time.

Mr. Purcell introduced

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.

Which was read the first time.

Mr. Stevens introduced

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.

Which was read the first time.

Mr. Stevens introduced

Senate Bill No. 285,

A bill for an act to amend section 2733 of the revised codes of North Dakota of the year 1905, relating to city justices of the peace.

Which was read the first time.

Mr. Steel of Stutsman introduced

Senate Bill No. 286,

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 time.



Mr. Duis introduced

Senate Bill No. 287,

A bill for an act to amend section 9455 of the revised codes of North Dakota of 1905, relating to the shooting and killing of game birds and animals, and providing a penalty for the violation thereof.

**Which was read the first time.**

Mr. Ramsett introduced

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.

**Which was read the first time.**

Mr. Walton introduced

Senate Bill No. 289,

A bill for an act to amend sections 2 and 4 of chapter 68 of North Dakota for 1907, relating to the practice in the county courts.

**Which was read the first time.**

Mr. Sharpe moved

That the senate return to the sixth order of business.

**Which motion prevailed.**

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred

Senate Bill No. 132,

A bill for an act designating those authorized to solemnize marriages, and concerning the license therefor.

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

That the title be amended to read as follows:

“A bill for an act to amend 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.”

In line 1 of the printed bill, after section 1 add the following in parenthesis, “(section 4036, amendment.)”

In line 9 of the printed bill, strike out all after the word "judge" down to and including the word "performed" in line 10, and insert in lieu thereof the following, "of any county court in this state, provided, that in the absence of the judge of any such court the clerk thereof is authorized to grant such license."

And when so amended recommend the same do pass.

J. B. SHARPE,  
Chairman.

Mr. Sharpe moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Mr. Simpson moved

That the rules be suspended and all senate bills be given their second reading and reference.

Which motion prevailed.

## SECOND READING OF SENATE BILLS.

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 second time 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 second time, and

Referred to the committee on Appropriations.

Senate Bill No. 256,

A bill for an act to divide the state of North Dakota into two (2) congressional districts, and defining the boundar-

ies of each of said congressional districts of the state of North Dakota.

Was read the second time, and

Referred to the committee on apportionment

Senate Bill No. 257,

A bill for an act to amend section 294 of the revised codes of 1905, relating to the appointment and qualifications of a board of medical examiners.

Was read the second time, and

Referred to the committee on public health.

Senate Bill No. 258,

A bill for an act to amend section 1295, 1296, 1297 and 1298 of the revised codes of North Dakota of 1905, being chapter 13, entitled state library.

Was read the second time, and

Referred to the committee on appropriations.

Senate Bill No. 260,

A bill for an act providing for the free testing for tuberculosis of neat cattle used for breeding and dairy purposes.

Was read the second time, and

Referred to the committee on appropriations.

Senate Bill No. 263,

A bill for an act to prohibit the marriage of insane, epileptic or feeble minded persons.

Was read the second time, and

Referred to the committee on Public Health.

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.

Was read the second time, and

Referred to the committee on State Affairs.

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 second time and

Referred to the committee on appropriations.

## Senate Bill No. 267,

A bill for an act to amend section 9353 of the revised codes of the state of North Dakota for the year 1905, relating to prohibition, and repealing sections 9354, 9355, 9356, 9357, 9358, 9359, 9360, 9361, 9362, 9363, 9364, 9365, of the same codes, and relating to the same subject.

Was read the second time and

Referred to the committee on temperance.

## 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 second time 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 second time and

Referred to the committee on judiciary.

## Senate Bill No. 277,

A bill for an act to amend and re-enact section 4466 of the revised codes of North Dakota for the year 1905, relating to the publication of insurance statements.

Was read the second time and

Referred to the committee on insurance.

## 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 second time, and

Referred to the committee on judiciary.

## 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 second time and

Referred to the committee on judiciary.

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 second time, and

Referred to the committee on judiciary.

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 second time, and

Referred to the committee on judiciary.

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 second time, and

Referred to the committee on agriculture.

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 second time, 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 second time, and

Referred to the committee on judiciary.

Senate Bill No. 285,

A bill for an act to amend section 2733 of the revised codes of North Dakota of the year 1905, relating to city justices of the peace.

Was read the second time and

Referred to the committee on judiciary.

## Senate Bill No. 286,

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.

Was read the second time, and

Referred to the committee on judiciary.

## Senate Bill No. 287,

A bill for an act to amend section 9455 of the revised codes of North Dakota of 1905, relating to the shooting and killing of game birds and animals, and providing a penalty for the violation thereof.

Was read the second time, and

Referred to the committee on game and fish.

## 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 second time, and

Referred to the committee on judiciary.

## Senate Bill No. 289,

A bill for an act to amend sections 2 and 4 of chapter 68 of North Dakota for 1907, relating to the practice in the county courts.

Was read the second time and

Referred to the committee on judiciary.

### THIRD READING OF SENATE BILLS.

## 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 ma-

terial 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 43, nays 1, absent and not voting 3.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Kennedy	Rice
Anderson	Koffel	Sharpe
Baker	LaMoure	Simpson
Bessesen	Leutz	Steel, of Stutsman
Cashel	Martin	Stevens
Crane	Macdonald	Strom
Davis	McArthur	Syvertson
Duis	McLean	Talcott
Gilbert	Neal	Trimble
Gronvold	Overson	Turner
Gunderson	Palmer	Wallin
Holliday	Pierce	Walton
Irwin	Plain	Welch
Johnson	Ramsett	Welo
Kelly		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Movius	Steele of Ward	Whitcher

Mr. Purcell voted in the negative.

Messrs. Movius and Whitcher being excused.

So the bill passed and the title was agreed to.

Mr. Simpson in the chair.

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 third time.

Mr. Pierce moved

That Senate Bill No. 94 be re-referred to the committee on state affairs.

Which motion prevailed.

## 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 37, nays 7, absent and not voting 3.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Anderson	Kennedy	Steel, of Stutsman
Baker	Koffel	Steele of Ward
Bessesen	LaMoure	Stevens
Cashel	McArthur	Strom
Crane	McLean	Syvertson
Davis	Neal	Talcott
Duis	Overson	Trimble
Gilbert	Palmer	Turner
Gronvold	Plain	Wallin
Gunderson	Ramsett	Walton
Holliday	Rice	Welch
Johnson	Sharpe	Welo
Kelly		

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Martin	Purcell
Irwin	Macdonald	Simpson
Leutz		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Movius	Pierce	Whitcher

Messrs. Movius and Whitcher being excused.

So the bill passed and the title was agreed to.

## 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 third time.



Mr. Ramsett offered the following amendment:

Add as Sec. 3: "Providing, however, that the issue of such bonds shall not be construed to be an increase of the indebtedness of the municipality, and the proceeds of sales of such bonds shall be applied exclusively towards the discharge of the indebtedness of such city, village or school district referred to in section 1 of this act."

Change section 3 to section 4.

Mr. Ramsett moved

That the amendment be adopted.

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 37, nays 0, absent and not voting 10.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Anderson	Kennedy	Simpson
Baker	Koffel	Steel, of Stutsman
Bessesen	LaMoure	Stevens
Cashel	Leutz	Strom
Crane	McArthur	Syverson
Davis	McLean	Talcott
Duis	Neal	Trimble
Gronvold	Overson	Turner
Gunderson	Plain	Wallin
Holliday	Purcell	Walton
Irwin	Ramsett	Welch
Johnson	Sharpe	Welo
Kelly		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Albright	Movius	Rice
Gilbert	Palmer	Steele of Ward
Martin	Pierce	Whitcher
Macdonald		

Messrs. Movius and Whitcher being excused.

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

Mr. Purcell in the chair.

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 39, nays 0, absent and not voting 8.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Kennedy	Sharpe
Anderson	Koffel	Simpson
Baker	LaMoure	Steel, of Stutsman
Cashel	Leutz	Steele of Ward
Crane	Macdonald	Stevens
Davis	McArthur	Strom
Duis	McLean	Syverson
Gilbert	Neal	Talcott
Gunderson	Overson	Trimble
Holliday	Palmer	Turner
Irwin	Plain	Wallin
Johnson	Purcell	Walton
Kelly	Rice	Welch

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Bessesen	Movius	Welo
Gronvold	Pierce	Whitcher
Martin	Ramsett	

Messrs. Movius and Whitcher being excused.

So the bill passed and the title was agreed to.

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.

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 0, absent and not voting 7.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Koffel	Sharpe
Anderson	LaMoure	Simpson
Baker	Leutz	Steel, of Stutsman
Bessesen	Martin	Steele of Ward
Cashel	Macdonald	Stevens
Crane	McLean	Strom
Davis	Neal	Syverson
Duis	Overson	Talcott
Gronvold	Palmer	Trimble
Gunderson	Plain	Turner

Messrs.—

Holliday  
Irwin  
Kelly  
Kennedy

Messrs.—

Purcell  
Ramsett  
Rice

Messrs.—

Wallin  
Walton  
Welch

Absent and not voting:

Messrs.—

Gilbert  
Johnson  
McArthur

Messrs.—

Movius  
Pierce

Messrs.—

Welo  
Whitcher

Messrs. Movius and Whitcher being excused.  
So the bill passed and the title was agreed to.

### COURTESIES OF THE FLOOR.

The courtesies of the floor were extended to the following:

J. B. Lambert, of Minot; Thos. Eagan, A. G. Fraser, G. A. Olgenson and F. E. Funk, of Washburn; L. S. Platou, Prof. Hillier and Gilbert Elkin, of Mayville.

Mr. Sharpe moved

That the senate do now adjourn.

Which motion prevailed, and

The senate adjourned.

J. W. FOLEY,  
Secretary.

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FORTY-FOURTH DAY

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SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
February 17, 1909.

The senate convened at two o'clock.  
The president presiding.  
Prayer by the chaplain.  
Roll call.  
All members present.

MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,  
BISMARCK, NORTH DAKOTA,  
February 17, 1909.

Mr. President:

I have the honor to transmit herewith  
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. 108,

A bill for an act providing for the inspection of refined  
petroleum oils and gasoline. Defining ports of entry. Ap-

pointment of oil inspector and deputies and fixing the salary of the same.

Also,

House Bill No. 233,

A bill for an act to define what is an official newspaper.

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. 80,

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

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

Very respectfully,

W. D. AUSTIN,

Chief Clerk.

#### REFERENCE OF THE JOURNAL.

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

Mr. President:

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

Page 6, line 12, insert "do pass and the same" after the word "same."

Page 10, line 27, change "9385" to "9315."

And when so corrected recommend that the same be approved.

C. D. RICE,

Chairman.

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

#### PETITONS AND COMMUNICATIONS.

Mr. Rice presented the following petition:

*Hon. C. D. Rice, Member of Legislature:*

DEAR SIR: We, the undersigned, directors of the Farmers' Telephone Co., of Starkweather, N. D., are opposed to the passage of House Bill No. 140 and Senate Bill No. 150, as submitted to the committee on state affairs, as it would work a hardship on all rural lines, especially all farmers' lines, built and operated by men of limited means, and such lines are an absolute necessity. It would burden them with heavy expense in constructing new lines and maintenance. In order to raise the crossbars 24 feet from the ground we would have to use 30-foot posts instead of 20 and 25-foot posts, and in the way of broken wires no company could maintain itself at the present rates, much less to operate under lower rates, when the company is compelled to fix broken wires within 24 hours in times of sleet storms, tornadoes, blizzards and 48 below zero. It's impossible.

We earnestly ask your co-operation to defeat these bills, in our behalf. The expense of building telephone lines would be so great that independent lines could not be built by the farmers now and in years to come.

Furthermore, to remove posts to section lines April 1st is an impossibility in this state on account of the frost in the ground.

We find very good points in these bills, such as forcing all lines to connect. We principally enter our objections to House Bill 140, sections 2, 3, 4 and 5, and Senate Bill 150, sections 2 and 3. We are opposed to the passage of laws which will ruin the telephone industry.

We have hereunto set our hands and seal.

M. W. REVIS,  
P. C. GERING,  
J. A. HAUGHTELIN,  
A. J. O'CONNOR,  
G. F. FRICK,  
Directors.

Mr. Gunderson presented the following petition:

*To the Eleventh Legislative Assembly:*

We, the undersigned citizens and taxpayers of Nelson county, respectfully petition your honorable body to pass Senate Bill No. 63, a bill for an act to encourage elementary education. Sixty-five per cent of our children must attend rural school, and we believe that the improvement of the rural school will do more than anything else to promote the welfare of the rural communities.

D. S. JACOBS,  
And 12 Others.

Mr. Talcott presented the following petition:

*The Honorable Members of the Eleventh Session, Legislative Assembly of North Dakota:*

GENTLEMEN: We, the undersigned, citizens and sportsmen of the state of North Dakota, realizing the importance of an immediate and radical change in our present laws relative to the protection and preservation of the game and fish of this state, respectfully call attention to the following facts and request that you take action relative thereto:

Our fast disappearing prairie chicken and the decreasing number of our water fowl, noticeable each succeeding fall, calls for not only stricter enforcement of the law, but a radical change in existing laws.

We have been close observers of the results of the Minnesota commission law, which has been in successful operation in that state for years. We believe the Minnesota law to be the best today on the statute books of any of our western states.

We are also opposed to the reduction of the license, which is now twenty-five dollars for non-resident hunters, believing that twenty-five dollars is not large enough to be prohibitive.

We are also opposed to allowing non-residents to take out of the state a larger number of birds than a resident is allowed to have in his possession at any one time.

We earnestly hope your body may take a forward step in the matter of game protection, along the lines outlined in this petition:

C. B. WALDRON,  
And 155 Others.

The following communication was laid before the senate:

Washington, February 13, 1909.

*Hon. James Foley, Bismarck, N. Dak.:*

MY DEAR FOLEY: I have your favor of the 9th instant, enclosing joint resolution relative to setting aside tract of land in the Fort Berthold reservation. I will take this matter up and endeavor to secure action in accordance with the views of our legislature.

Very truly yours,  
P. J. McCUMBER.

#### REPORTS OF STANDING COMMITTEES.

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

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 be amended as follows:

In section 1, line 1, after the word "to" and before the word "drink" insert the word "publicly."

And when so amended recommend the same do pass.

H. H. STROM,  
Chairman.

Mr. Strom moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.



The committee on live stock and animal husbandry made the following report:

Mr. President:

Your committee on live stock and animal husbandry 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 be amended as follows:

That the title of the bill be amended to read: "A bill for an act to amend, repeal and re-enact section 2005 of the revised codes of 1905, relating to the sale or other disposition of animals affected with contagious or infectious diseases, and the use of milk or hides from any such animal."

And when so amended recommend the same do pass.

ALEX. MACDONALD,  
Chairman.

Mr. Macdonald moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on elections made the following report:

Mr. President:

Your committee on elections to whom was referred

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.

GEO. D. PALMER,  
Chairman.

Mr. Palmer moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. President:

Your committee on elections to whom was referred  
Senate Bill No. 125,

A bill for an act to amend section 645, chapter 8 of the revised codes of 1905.

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

Amend title to read as follows: "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."

After line 3 of printed bill insert in brackets "Section 645. Election Booths, False Swearing and Penalty."

Line 7, after the word "voter" insert "conveniently."

Line 11, after the word "herein" insert "for," and change the comma to period.

And when so amended recommend the same do pass.

GEO. D. PALMER,  
Chairman.

Mr. Palmer moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. President:

Your committee on elections 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 be amended as follows:

In lieu of section 2 of the bill insert section 2 of chapter 225 of the session laws of 1907.

Section 2. Amendment.) Section 3133 of the revised codes of 1905 be amended to read as follows:

Section 3133. Power of Supervisors.) The supervisor 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 funds 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 use and benefit of said township.

Change section 2 of this bill to section 3.

And when so amended recommend the same do pass.

GEO. D. PALMER,  
Chairman.

Mr. Palmer moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. President:

Your committee on elections to whom was referred  
Senate Bill No. 240,

A bill for an act to repeal chapter 109 of the session laws of 1907, relating to the selection of candidates for election by popular vote, and relating to the nomination and the perpetuation of political parties.

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

GEO. D. PALMER,  
Chairman.

Mr. Palmer 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. President:

Your committee on education 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 amended as follows:

That said bill be amended by adding to section 4 of said bill as printed and presented the following words:

"Such petition shall contain a general description of the several portions of such school district proposed to be set off, the one from the other, and in all cases where such city, village or town shall contain a population of less than one thousand, ascertained as herein provided, then such petition shall in no case fail to include with that portion of such district containing such city, village or town proposed to be set off, all lands within such school district embraced within a square extending one and one-half miles in each direction from the section or quarter section line, as the case may be, lying nearest to the school house within such city, village or town, and when such school district shall be divided as herein provided, the lands falling within such square shall be a part of the school district containing such city, village or town. Such petition shall be filed with the school clerk of such school district, and the date of its filing shall be by him legibly endorsed thereon."

And also that said bill be amended as follows:

By inserting in the 6th line of section 5 of said bill as drawn and presented, after the word "it" and before the word "be" insert the following words, "as described in the petition filed the.....day of....., 19..." (giving the day, month and year of such filing).

And when so amended recommend the same do pass.

F. S. TALCOTT,  
Chairman.

Mr. Talcott moved

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

The committee on judiciary made the following report:

Mr. President:

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 for 1905, relating to the commissions to be allowed administrators and executors when no provision is made in the will.

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

J. B. SHARPE,  
Chairman.

Mr. Sharpe moved

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

Also,

Mr. President:

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 codes of 1905.

Have had the same under consideration and recommend that the same be 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 when so amended recommend the same do pass.

J. B. SHARPE,  
Chairman.

Mr. Sharpe moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on education made the following report:

Mr. President:

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.

F. S. TALCOTT,  
Chairman.

Mr. Talcott moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. President:

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 be 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 when so amended recommend the same do pass.

F. S. TALCOTT,  
Chairman.

Mr. Talcott moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. President:

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.

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

F. S. TALCOTT,  
Chairman.

Mr. Talcott moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. President:

Your committee on education to whom was referred

Senate Bill No. 196,

A bill for an act to amend and re-enact section 832 of the revised codes of North Dakota for the year A. D. 1905.

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

F. S. TALCOTT,  
Chairman.

Mr. Talcott moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Also,

Mr. President:

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.

F. S. TALCOTT,  
Chairman.

Mr. Talcott moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. President:

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 be amended as follows:

In line 36 of printed bill, after the word "which" insert "they were."

And when so amended recommend the same do pass.

F. S. TALCOTT,  
Chairman.



Mr. Talcott moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Mr. McArthur moved

That Senate Bill No. 150 be re-referred to committee on judiciary.

Which motion prevailed.

The committee on state affairs made the following report:

Mr. President:

Your committee on state affairs to whom was referred

House Bill No. 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.

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

**MAYNARD CRANE,**  
Chairman.

Mr. Crane moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. President:

Your committee on state affairs to whom was referred

Senate Bill No. 219,

A bill for an act to amend section 2596 of the revised codes of North Dakota of 1905, and chapter 69 of the session laws of North Dakota for 1907, providing for the clerk hire for the register of deeds' office in the various counties in the state.

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

**MAYNARD CRANE,**  
Chairman.

Mr. Crane moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

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

Mr. President:

Your committee on enrolled and engrossed bills have examined

Senate Bill No. 235,

A bill for an act 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.

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. 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. 232,

A bill for an act to amend sections 894 and 895 of the revised codes of 1905.

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.

And find the same correctly engrossed.

**THEODORE KOFFEL,**  
Chairman.

Mr. LaMoure moved

That Senate Bill No. 223 be recalled from the house.

Which motion prevailed

#### FIRST READING OF SENATE BILLS.

Mr. Welch introduced

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 was read the first time.

Mr Welch introduced

Senate Bill No. 291.

A bill for an act to amend sections 10393 and 10394 of the revised codes of 1905, relating to the manufacture of brick by the convict labor of the state and restricting the disposition and sale thereof.

Which was read the first time.

Mr. Bessesen introduced

Senate Bill No. 292.

A bill for an act creating the eleventh judicial district of North Dakota, also changing the boundaries of the third, fifth and sixth judicial districts, and providing for terms

in each of said districts, and providing for the disposition of pending actions in the counties of Sheridan and Steele, and authorizing and empowering the governor to appoint a judge in and for the eleventh district.

Which was read the first time.

Mr. Movius introduced

Senate Bill No. 293

A bill for an act granting recognition to diplomas issued by first class high schools as teacher's diplomas.

Which was read the first time.

Mr. Movius (by request) introduced

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.

Which was read the first time.

Mr. Holliday introduced

Senate Bill No. 295,

A bill for an act to repeal sections 1967, 1968, 1969, 1970 and 1971 of the revised codes of 1905, relating to wolf bounty.

Which was read the first time.

Mr. Bessesen introduced

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 was read the first time.

## SECOND READING OF SENATE BILLS.

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 second time, and

Referred to the committee on appropriations.

Senate Bill No. 262,

A bill for an act to amend chapter 168, session laws 1907, being an amendment to section 6295 of the revised codes of North Dakota for 1905, providing for a lien for repairs of personalty.

Was read the second time, and

Referred to the committee on Judiciary.

Senate Bill No. 266,

A bill for an act to amend section 894 of the session laws of 1907, relating to education.

Was read the second time, and

Referred to the committee on education.

Senate Bill No. 268,

A bill for an act authorizing the trustees 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.

Was read the second time, and

Referred to the committee on judiciary.

Mr. Bessesen moved

That the rules be suspended and all senate bills be given their first and second reading and reference.

Which motion prevailed.

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 second time, and

Referred to the committee on education.

Senate Bill No. 291.

A bill for an act to amend sections 10393 and 10394 of the revised codes of 1905, relating to the manufacture of brick by the convict labor of the state and restricting the disposition and sale thereof.

Was read the second time, and

Referred to the committee on state affairs

**Senate Bill No. 292.**

A bill for an act creating the eleventh judicial district of North Dakota, also changing the boundaries of the third, fifth and sixth judicial districts, and providing for terms in each of said districts, and providing for the disposition of pending actions in the counties of Sheridan and Steele, and authorizing and empowering the governor to appoint a judge in and for the eleventh district.

Was read the second time, and

Referred to the committee on **Judiciary.**

**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 second time, and

Referred to the committee on education.

**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.

Was read the second time, and

Referred to the committee on state affairs

**Senate Bill No. 295,**

A bill for an act to repeal sections 1967, 1968, 1969, 1970 and 1971 of the revised codes of 1905, relating to wolf bounty.

Was read the second time, and

Referred to the committee on state affairs.

**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 second time, and

Referred to the committee on judiciary.

**THIRD READING OF SENATE BILLS.****Senate Bill No. 132,**

A bill for an act designating those authorized to solemnize marriages, and concerning the license therefor.

**Was read the third time.**

The question being on the final passage of the bill.

The roll was called and there were ayes 39, nays 0, absent and not voting 8.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Kennedy	Simpson
Anderson	Martin	Steel, of Stutsman
Baker	McArthur	Steele of Ward
Bessesen	McLean	Stevens
Cashel	Movius	Strom
Davis	Neal	Syverson
Duis	Overson	Trimble
Gronvold	Palmer	Turner
Gunderson	Pierce	Wallin
Holliday	Purcell	Walton
Irwin	Ramsett	Welch
Johnson	Rice	Welo
Kelly	Sharpe	Whitcher

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Crane	LaMoure	Plain
Gilbert	Leutz	Talcott
Koffel	Macdonald	

So the bill passed and the title was agreed to.

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.

The question being on the final passage of the bill.

The roll was called and there were ayes 45, nays 0, absent and not voting 2.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Kelly	Sharpe
Anderson	LaMoure	Simpson
Baker	Leutz	Steel, of Stutsman
Bessesen	Martin	Steele of Ward
Cashel	McArthur	Stevens
Crane	McLean	Strom
Davis	Movius	Syverson
Duis	Neal	Talcott
Gilbert	Overson	Trimble
Gronvold	Palmer	Turner
Gunderson	Pierce	Wallin
Holliday	Plain	Walton
Irwin	Purcell	Welch
Johnson	Ramsett	Welo
Kennedy	Rice	Whitcher

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Koffel	Macdonald	

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 44, nays 0, absent and not voting 3.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Koffel	Simpson
Anderson	LaMoire	Steel, of Stutsman
Baker	Leutz	Steele of Ward
Bessesen	Martin	Stevens
Cashel	McLean	Strom
Davis	Movius	Syverson
Duis	Neal	Talcott
Gilbert	Overson	Trimble
Gronvold	Palmer	Turner
Gunderson	Pierce	Wallin
Holliday	Plain	Walton
Irwin	Purcell	Welch
Johnson	Ramsett	Welo
Kelly	Rice	Whitcher
Kennedy	Sharpe	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Crane	Macdonald	McArthur

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.

Mr. Duis moved

That the bill be re-referred to the committee on judiciary.

Which motion was lost.

The question being on the final passage of the bill.

The roll was called and there were ayes 34, nays 10, absent and not voting 3.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Martin	Simpson
Baker	Macdonald	Steel, of Stutsman
Bessesen	McArthur	Steele of Ward



Messrs.—	Messrs.—	Messrs.—
Cashel	McLean	Stevens
Crane	Movius	Talcott
Davis	Overson	Turner
Gilbert	Palmer	Wallin
Gunderson	Plain	Walton
Johnson	Purcell	Welch
Kennedy	Rice	Welo
Koffel	Sharpe	Whitcher
Leutz		

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Anderson	Irwin	Neal
Duis	Kelly	Ramsett
Gronvold	LaMoure	Strom
Holliday		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Pierce	Syverson	Trimble

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 40, nays 0, absent and not voting 7.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Kennedy	Simpson
Anderson	Koffel	Steel, of Stutsman
Baker	Leutz	Steele of Ward
Bessesen	Macdonald	Stevens
Cashel	McArthur	Strom
Crane	McLean	Syverson
Davis	Movius	Talcott
Duis	Neal	Turner
Gilbert	Overson	Wallin
Gronvold	Plain	Walton
Gunderson	Purcell	Welch
Irwin	Ramsett	Welo
Johnson	Rice	Whitcher
Kelly		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Holliday	Palmer	Sharpe
LaMoure	Pierce	Trimble
Martin		

So the bill passed and the title was agreed to.

Mr. Plain in the chair.

Senate Bill No. 237,

A bill for an act to amend section 777 of the revised codes of 1905.

Was read the third time.

Mr. Bessesen moved

To amend section 1, line 2, by adding after "1905" "as amended by chapter 105 of the session laws of North Dakota for 1907."

Mr. Bessesen moved

That the amendment be adopted.

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 41, nays 1, absent and not voting 5.

Those who voted in the affirmative were:

Messrs.—

Albright  
Anderson  
Baker  
Bessesen  
Cashel  
Crane  
Davis  
Duis  
Gilbert  
Gronvold  
Gunderson  
Holliday  
Irwin  
Johnson

Messrs.—

Kelly  
Kennedy  
Koffel  
Leutz  
Macdonald  
McLean  
Neal  
Overson  
Plain  
Purcell  
Ramsett  
Rice  
Sharpe  
Simpson

Messrs.—

Steel, of Stutsman  
Steele of Ward  
Stevens  
Strom  
Syvertson  
Talcott  
Trimble  
Turner  
Wallin  
Walton  
Welch  
Welo  
Whitcher

Absent and not voting:

Messrs.—

Martin  
McArthur

Messrs.—

Movius  
Palmer

Messrs.—

Pierce

Mr. LaMoure voted in the negative.

Mr. Bessesen moved

To amend the title to the bill by adding after "1905" "as amended by chapter 105 of the session laws of North Dakota for 1907."

Mr. Bessesen moved

That the amendment be adopted.

Which motion prevailed, and

The amendment was adopted.

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

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

Mr. Simpson moved

That Senate Bill No. 238 be re-referred to the committee on judiciary.

Which motion prevailed.

Mr. Sharpe moved

That the communication regarding Senate Bill No. 150 be referred to the committee on judiciary.

Which motion prevailed

Mr. Crane offered the following 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.

Mr. Sharpe moved

That the resolution be referred to the committee on ways and means.

Which motion prevailed.

Mr. Crane offered the following concurrent resolution:

*Resolved by the House of Representatives of the Eleventh Legislative Assembly, the Senate Concurring:*

That when the two houses adjourn Friday, February 19, they shall stand adjourned until two o'clock Tuesday, February 23.

Mr. Crane moved

That the resolution be adopted.

Which motion prevailed, and

The resolution was adopted.

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 campuses 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 38, nays 1, absent and not voting 8.

Those who voted in the affirmative were:

Messrs.—  
 Albright  
 Anderson  
 Baker  
 Bessesen  
 Cashel  
 Crane  
 Davis  
 Duis  
 Gronvold  
 Gunderson  
 Irwin  
 Johnson  
 Kelly

Messrs.—  
 Kennedy  
 Koffel  
 Leutz  
 Martin  
 Macdonald  
 McArthur  
 McLean  
 Neal  
 Overson  
 Palmer  
 Plain  
 Purcell  
 Sharpe

Messrs.—  
 Simpson  
 Steel, of Stutsman  
 Stevens  
 Strom  
 Syvertson  
 Talcott  
 Trimble  
 Turner  
 Wallin  
 Walton  
 Welch  
 Whitcher

Absent and not voting:

Messrs.—  
 Gilbert  
 Holliday  
 LaMoure

Messrs.—  
 Movius  
 Pierce  
 Ramsett

Messrs.—  
 Rice  
 Welo

Mr. Steele of Ward voted in the negative.

So the bill passed and the title was agreed to.

### 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.

The question being on the final passage of the bill.

The roll was called and there were ayes 42, nays 1, absent and not voting 4.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	LaMoure	Sharpe
Anderson	Leutz	Simpson
Baker	Martin	Steele, of Stutsman
Bessesen	Macdonald	Steele of Ward
Cashel	McArthur	Stevens
Crane	McLean	Strom
Duis	Movius	Syverson
Gilbert	Neal	Talcott
Gronvold	Overson	Turner
Gunderson	Palmer	Wallin
Johnson	Plain	Walton
Kelly	Purcell	Welch
Kennedy	Ramsett	Welo
Koffel	Rice	Whitcher

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Davis	Pierce	Trimble
Holliday		

Mr. Irwin voted in the negative.

So the bill passed and the title was agreed to.

### COURTESIES OF THE FLOOR.

The courtesies of the senate were extended to the following:

A. M. Christianson, of Towner; A. M. Rakow, of Wheatland; N. Davis, of Minot; M. Doering, of McLean county; Pres. W. M. Kern, of Ellendale; Vic Rose, of Donnybrook; Judge H. E. Dorval, of Langdon; Judges Warton, Davis and Kirk.

Mr. Koffel moved

That the senate do now adjourn.

Which motion prevailed, and

The senate adjourned.

J. W. FOLEY,  
Secretary.

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FORTY-FIFTH DAY

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

The senate convened at two o'clock.  
The president presiding.  
Prayer by the chaplain.  
Roll call.  
All members present.

MESSAGE FROM THE HOUSE.

The following message was received from the house:

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

Mr. President:

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

*Resolved by the House of Representatives of the Eleventh Legislative Assembly, the Senate Concurring:*

That when the two houses adjourn Friday, February 19, they shall stand adjourned until two o'clock Tuesday, February 23.

In which the house has refused to concur.

Also,

Mr. President:

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

*Be it Resolved by the Senate, the House of Representatives 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.

In which the house has concurred.

Also,

Mr. President:

I have the honor to transmit herewith 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 into 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 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.

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

Very respectfully,  
W. D. AUSTIN,  
Chief Clerk.

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## REFERENCE OF THE JOURNAL.

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

Mr. President:

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

Page 9, line 30, change "legally" to "legibly."

And when so corrected recommend that the same be approved.

C. D. RICE,  
Chairman.

Mr. Rice moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

## MESSAGE FROM THE HOUSE.

The following message was received from the house:

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

Mr. President:

I have the honor to return herewith

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. 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 house has passed unchanged.

Also,

Mr. President:

I have the honor to return herewith

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.

Which the house has failed to pass.

Also,

Mr. President:

I have the honor to return 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.

Which the house has amended as follows:

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."

Also,

Mr. President:

I have the honor to transmit herewith

House Bill No. 38,

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

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. 157,

A bill for an act to provide for probation for persons convicted of felonies and misdemeanors.

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

Also,

Mr. President:

I have the honor to return herewith

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.

Which the house has indefinitely postponed.

Very respectfully,

W. D. AUSTIN,

Chief Clerk.

## PETITONS AND COMMUNICATIONS.

Mr. Gunderson presented the following petition:

*To the Eleventh Legislative Assembly:*

We, the undersigned citizens and taxpayers of Nelson county, respectfully petition your honorable body to pass Senate Bill No. 63, a bill for an act to encourage elementary education. Sixty-five per cent of our children must attend rural school and we believe that the improvement of the rural school will do more than anything else to promote the welfare of the rural communities.

JOSEPH PEARSON,  
And 32 Others.

Mr. Johnson presented the following petition:

We, the undersigned, members of fraternal orders and citizens of Milnor and Sargent county, North Dakota, do hereby petition you as a representative of the Thirteenth legislative district, and representatives of the people of Sargent county, to use all honorable means at your command, and to use such influence as you may have in your legislative body toward defeating any proposed legislation to establish a "Uniform Bill" or "Minimum Insurance Rate Bill," affecting the present rates of fraternal insurance, which has for its object a scale of rates as proposed or endorsed by the National Fraternal Congress or by the Associated Fraternities.

If such a bill is adopted every fraternal beneficial society will be forced to charge the rates proposed, or go out of business. This will mean that, whether the members are pleased or not, whether they prefer to be left alone or not, the rates will be raised by virtue of state legislation. The sense of this petition is against such legislation. Your cooperation is earnestly desired.

ROY V. FYLES,  
And 92 Others.

Mr. Talcott presented the following petition:

*To the Eleventh Legislative Assembly:*

We, the undersigned citizens and taxpayers of Cass 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.

B. C. L. DELAND,  
And 116 Others.

Mr. LaMoure presented the following communication and petition:

Pembina County, North Dakota—Office of Superintendent of Schools:

Pembina, N. D., Feb. 10, 1909.

*To the Clerks and Presidents of School Boards in Pembina County:*

GENTLEMEN: Acting upon the advice of State Superintendent Stockwell, I am sending you this petition. The matter is urgent if we hope to get the desired appropriation of \$50,000 in aid of our rural schools, better known as Senate Bill No. 63.

Get as large a number of your most prominent citizens as possible to sign this petition.

We must work and work hard for this measure. Only by persistent effort will we succeed.

Do not delay. The demand for this legislation is imperative.

Get these signatures at once and send the petition to your representative in Bismarck, so that it will be in his hands in the course of the next week or two.

Yours sincerely,

ISABELLA A. BURLEY,  
County Superintendent of Schools.

*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

bly 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.

J. W. ANTHONY,  
And 23 Others.

Mr. Martin introduced the following memorial:

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.

Mr. Purcell moved

That the resolution be referred to the committee on woman's suffrage.

Mr. Martin moved

That the resolution be adopted.

Mr. Purcell objected to the consideration of the resolution.

Which went over one day.

Mr. Overson introduced the following concurrent resolution:

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, 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.

Mr. Overson moved

That the resolution be adopted.

Which motion prevailed, and

The resolution was adopted.

## REPORTS OF STANDING COMMITTEES.

The committee on state affairs made the following report:

Mr. President:

Your committee on state affairs to whom was referred  
Senate Bill No. 248,

A bill for an act to provide a uniform per diem and expense to members of the boards of trustees of state institutions, the boards of management of normal schools, and members of other boards appointed by the governor.

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

MAYNARD CRANE,  
Chairman.

Mr. Crane 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. President:

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 do pass.

J. B. SHARPE,  
Chairman.

Mr. Sharpe moved

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

Also,

Mr. President:

Your committee on judiciary to whom was referred  
Senate Bill No. 253,

A bill for an act to amend section 444 of the revised codes of the state of North Dakota for the year 1905, relating to the employment of stenographers by the supreme court.

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

J. B. SHARPE,  
Chairman.

Mr. Sharpe moved

That the report be adopted.  
Which motion prevailed, and  
The further consideration of the bill was indefinitely postponed.

Also,

Mr. President:

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 be amended as follows:

In lines 11 and 12 in the printed bill in the blank space in such lines insert the word "February" in both cases.

And when so amended recommend the same do pass.

J. B. SHARPE,  
Chairman.



Mr. Sharpe moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. President:

Your committee on judiciary to whom was referred

Senate Bill No. 268,

A bill for an act authorizing the trustees 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.

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

Amend the title to read as follows:

“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.”

In line 2 of the printed bill insert after “trustees” the words “of the.”

Insert in line 3 of the printed bill after the word “inmate” the following, “if legally chargeable with the support of such inmate.”

Add as section 2:

“Section 2. There is hereby appropriated out of any money in the state treasurer’s hands, not otherwise appropriated, a sum sufficient to carry out the provisions of this act.”

Add as section 3:

“Section 3. An emergency exists, in that there are inmates in the institution for the feeble minded, now, coming under 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.

J. B. SHARPE,  
Chairman.

Mr. Sharpe moved

**That the report be adopted.**

Which motion prevailed, and

**The report of the committee was adopted.**

The committee on military affairs made the following report:

Mr. President:

Your committee on military affairs 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 report favorably on the above bill, and recommend that the same be referred to the committee on appropriations.

F. A. BAKER,  
Chairman.

Mr. Baker moved

**That the report be adopted.**

Which motion prevailed, and

**The report of the committee was adopted.**

The committee on ways and means made the following report:

Mr. President:

Your committee on ways and means to whom was referred

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.

E. A. MOVIUS,  
Chairman.

Mr. Movius moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on cities and municipal corporations made the following report:

Mr. President:

Your committee on cities and municipal corporations to whom was referred

Senate Bill No. 251,

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.

JAMES KENNEDY,  
Chairman.

Mr. Kennedy moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Also,

Mr. President:

Your committee on cities and 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 line 3 of the title strike out all after the word "furnishing" and insert "gas for lighting and heating purposes."

In line 4 of the title strike out the words "service or utility."

In line 5 of the printed bill, strike out the word "water" and insert "gas for lighting and heating purposes."

In line 6 of the printed bill, strike out the words "light or other public service or utility."

We also recommend that the same be returned to the senate without further recommendation.

JAMES KENNEDY,  
Chairman.

Mr. Pierce moved

That Senate Bill No. 30 be re-referred to the committee on judiciary.

Which motion prevailed:

The committee on state affairs made the following report:

Mr. President:

Your committee on state affairs to whom was referred  
Senate Bill No. 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 amended as follows:

Strike out all of section 1.

Page 1 of printed bill, section 2, line 1, strike out figure "2" where it appears and insert figure "1."

And when so amended recommend the same do pass.

MAYNARD CRANE,  
Chairman.

Mr. Crane moved

That the report be adopted.

Which motion prevailed.

The report of the committee was adopted.

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

Mr. President:

Your committee on enrolled and engrossed bills 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."

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. 219,

A bill for an act to amend section 2596 of the revised codes of North Dakota of 1905, and chapter 69 of the session laws of North Dakota for 1907, providing for the clerk hire for the register of deeds' office in the various counties in the state.

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.

And find the same correctly engrossed.

THEODORE KOFFEL,  
Chairman.

Mr. Crane moved

That the senate concur in the house resolution relating to Fort Abercrombie.

Which motion prevailed.

### MESSAGE FROM THE HOUSE.

The following message was received from the house:

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

Mr. President:

I have the honor to return 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.

In which the house has concurred.

Very respectfully,  
W. D. AUSTIN,  
Chief Clerk.

## FIRST READING OF SENATE BILLS

Mr. Witcher (by request) introduced

Senate Bill No. 297,

A bill for an act limiting the qualifications for holding the office of county state's attorney or city attorney.

Which was read the first time.

Mr. Overson introduced

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.

Which was read the first time.

Mr. Simpson introduced

Senate Bill No. 299,

A bill for an act to amend and re-enact section 2613 of the revised codes of North Dakota for the year 1905.

Which was read the first time.

Mr. Irving introduced

Senate Bill No. 300,

A bill for an act to amend section 6710 of the revised codes of 1905, relating to holidays.

Which was read the first time.

Mr. Talcott introduced

Senate Bill No. 301,

A bill for an act to amend section 2594 of the revised codes of the state of North Dakota, providing for the salary of the register of deeds.

Which was read the first time.

Mr. Wallin (by request) introduced

Senate Bill No. 302,

A bill for an act to amend section 5513 of the revised code of North Dakota for 1905, and re-enact the same, reg-

ulating usurious contracts, and to provide a penalty for making the same.

Which was read the first time.

Mr. Talcott introduced

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.

Which was read the first time.

Mr. Overson introduced

Senate Bill No. 304,

A bill for an act to amend paragraph 1, section 604 of article 3 of chapter 8 of the political code, 1905.

Which was read the first time.

Mr. Overson introduced

Senate Bill No. 305,

A bill for an act creating and defining the Twelfth judicial district within the state of North Dakota, providing for the election of a judge therein and fixing the terms of court in said district.

Which was read the first time.

## SECOND READING OF SENATE BILLS.

Senate Bill No. 259,

A bill for an act establishing the office of state boiler inspector for steam vessels and steam boilers, and providing for licensing engineers of steam engines.

Was read the second time and

Referred to the committee on State Affairs.

## THIRD READING OF SENATE BILLS.

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.

Mr. Cashel offered the following amendment:

After the word "seeds" in line 2 of section 1, insert the following, "excepting only garden seeds in a packet or a package of one pound or less."



Add the same words after the word "seeds" where it occurs the first time in line 4 of section 3.

After the word "forage" in line 4 of section 6 insert the following, "provided, that the provisions of this act shall not apply."

After the word "provided" in line 7 of section 6 insert the following, "further, that in cases of large quantities of such unclean seeds stored in the elevator, granary or warehouse, they shall be labeled the bins or subdivisions 'uncleaned seeds' and"

In line 8 of section 6 of the printed bill, strike out the word "distributed" and insert in lieu thereof the word "delivered."

In line 9 after the word "poses" insert "without the consent of the purchaser. This act."

After the word "shall" in line 9 add the word "not."

After the word "seeds" in line 9 insert the words "or grain."

Mr. Cashel moved

That the amendment be adopted.

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 44, nays 2, absent and not voting 1.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Kennedy	Rice
Anderson	Koffel	Sharpe
Baker	LaMoure	Simpson
Bess sen	Leutz	Steel, of Stutsman
Cashel	Martin	Steele of Ward
Crane	Macdonald	Stevens
Davis	McArthur	Strom
Duis	McLean	Syvertson
Gilbert	Movius	Talcott
Gronvold	Neal	Turner
Gunderson	Overson	Wallin
Holliday	Palmer	Welch
Irwin	Pierce	Welo
Johnson	Plain	Whitcher
Kelly	Ramsett	

Messrs. Purcell and Walton voting in the negative.

Absent and not voting, Mr. Trimble.

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

## 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 third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 41, nays 2, absent and not voting 4.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Koffel	Simpson
Anderson	LaMoure	Steel, of Stutsman
Baker	Leutz	Steele of Ward
Bessesen	McArthur	Stevens
Cashel	McLean	Strom
Davis	Movius	Syvertson
Gilbert	Neal	Talcott
Gronvold	Overson	Turner
Gunderson	Palmer	Wallin
Holliday	Plain	Walton
Irwin	Purcell	Welch
Johnson	Ramsett	Welo
Kelly	Rice	Whitcher
Kennedy	Sharpe	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Crane	Pierce	Trimble
Martin		

Messrs. Duis and Macdonald voting in the negative.  
So the bill passed and the title was agreed to.

## 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 42, nays 0, absent and not voting 5.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Kennedy	Rice
Anderson	Koffel	Simpson
Baker	LaMoure	Steel, of Stutsman
Bessesen	Leutz	Steele of Ward
Cashel	Macdonald	Stevens

Messrs.—	Messrs.—	Messrs.—
Davis	McArthur	Strom
Duis	McLean	Syvertson
Gilbert	Moyius	Talcott
Gronvold	Neal	Trimble
Gunderson	Overson	Turner
Holliday	Palmer	Wallin
Irwin	Plain	Walton
Johnson	Purcell	Welo
Kelly	Ramsett	Whitcher

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Crane	Pierce	Welch
Martin	Sharpe	

So the bill passed and the title was agreed to.

The secretary announced that the president was about to sign

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.

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. 11,

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

And the president signed the same in the presence of the senate.

Senate Bill No. 125,

A bill for an act to amend section 645, chapter 8 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 42, nays 0, absent and not voting 5.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Kennedy	Sharpe
Anderson	Koffel	Simpson
Baker	LaMoure	Steel, of Stutsman
Bessesen	Leutz	Steele of Ward
Cashel	McArthur	Stevens
Davis	McLean	Strom
Duis	Movius	Syverson
Gilbert	Neal	Talcott
Gronvold	Overson	Trimble
Gunderson	Palmer	Turner
Holliday	Plain	Wallin
Irwin	Purcell	Walton
Johnson	Ramsett	Welo
Kelly	Rice	Whitcher

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Crane	Macdonald	Welch
Martin	Pierce	

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 penalty for violation thereof, and prescribing duties of peace officer.

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 4, absent and not voting 7.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Kelly	Sharpe
Anderson	Kennedy	Steel, of Stutsman
Baker	Koffel	Stevens
Bessesen	LaMoure	Strom
Cashel	McArthur	Syverson
Davis	McLean	Talcott
Duis	Neal	Trimble
Gronvold	Overson	Turner
Gunderson	Palmer	Wallin
Holliday	Plain	Walton
Irwin	Ramsett	Welo
Johnson	Rice	Whitcher

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Leutz	Purcell	Simpson
Movius		

## Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Crane	Macdonald	Steele of Ward
Gilbert	Pierce	Welch
Martin		

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 question being on the final passage of the bill.

The roll was called and there were ayes 45, nays 0, absent and not voting 2.

## Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Koffel	Sharpe
Anderson	LaMoure	Simpson
Baker	Leutz	Steel, of Stutsman
Bessesen	Martin	Steele of Ward
Cashel	Macdonald	Stevens
Davis	McArthur	Strom
Duls	McLean	Syverson
Gilbert	Movius	Talcott
Gronvold	Neal	Trimble
Gunderson	Overson	Turner
Holliday	Palmer	Wallin
Irwin	Plain	Walton
Johnson	Purcell	Welch
Kelly	Ramsett	Welo
Kennedy	Rice	Whitcher

Absent and not voting, Messrs. Crane and Pierce.

So the bill passed and the title was agreed to.

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 44, nays 0, absent and not voting 3.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Koffel	Simpson
Anderson	Leutz	Steel, of Stutsman
Baker	Martin	Steele of Ward
Bessesen	Macdonald	Stevens
Cashel	McArthur	Strom
Davis	McLean	Syverson
Duis	Movius	Talcott
Gilbert	Neal	Trimble
Gronvold	Overson	Turner
Gunderson	Palmer	Wallin
Holliday	Plain	Walton
Irwin	Purcell	Welch
Johnson	Ramsett	Welo
Kelly	Rice	Whitcher
Kennedy	Sharpe	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Crane	LaMoure	Pierce

So the bill passed and the title was agreed to.

#### MESSAGE FROM THE SECRETARY OF STATE.

The following message was received from the secretary of state:

OFFICE OF SECRETARY OF STATE,  
BISMARCK, NORTH DAKOTA,  
February 18, 1909.

*James W. Foley, Secretary of Senate, Eleventh Legislative Assembly, Bismarck, North Dakota:*

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.

Very respectfully yours,

ALFRED BLAISDELL,  
Secretary of State.

## 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.

## FIRST AND SECOND READING OF HOUSE BILLS.

House Bill No. 80,

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

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

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 first and second times and  
Referred to the committee on state affairs

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

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

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

House Bill No. 233,

A bill for an act to define what is an official newspaper.

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

#### COURTESIES OF THE FLOOR.

The courtesies of the floor were extended to the following:

Ed. T. Pierson, of Granville; A. M. Christianson, of Towner; Geo. Patterson, W. J. Norris, C. G. Bougert and Ed. Rinehart, of Sheldon; H. G. Schrimpf, of Douglas; Ole Gradin, of Underwood; John Stafford, G. O. Stommer, of Mayville.

Mr. Simpson moved

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

J. W. FOLEY,  
Secretary.



FORTY-SIXTH DAY

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SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
February 19, 1909.

The senate convened at two o'clock.  
The president presiding.  
Prayer by the chaplain.  
Roll call.  
All members present.

## MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,  
BISMARCK, NORTH DAKOTA,  
February 19, 1909.

Mr. President:

I have the honor to return herewith the following concurrent resolution.

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, 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.

In which the house has concurred.

Also,

Mr. President:

I have the honor to transmit herewith  
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. 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. 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. 208,

A bill for an act to prohibit certain classes of medical advertising, and provide punishment for the violation thereof.

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. 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.

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. 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. 231,

A bill for an act to amend section 9650 of the revised codes of 1905, relating to bastardy proceedings.

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.

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

Also,

Mr. President:

I have the honor to return 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.

As requested by the senate.

Very respectfully,  
W. D. AUSTIN,  
Chief Clerk.

#### REFERENCE OF THE JOURNAL.

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

Mr. President:

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

Page 8, add at the bottom the following:

"Mr. Purcell moved

That the resolution be referred to the committee on woman's suffrage.

Mr. Martin moved

That the resolution be adopted.

Mr. Purcell objected to the consideration of the resolution.

Which went over one day."

Change "House Joint Resolution No. 7," from page 9, to page 25, just before "First and second reading of House Bills."

On page 17, strike out "lines from 10 to 17, inclusive."

Page 18, strike out the first four lines.

On page 25, line 23, insert "was received" after the word "message."

And when so corrected recommend that the same be approved.

C. D. RICE,  
Chairman.

Mr. Rice moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The following resolution was laid before the senate:

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.

Mr. Martin moved

That the resolution be adopted.

Which motion prevailed, and

The resolution was adopted.

## PETITIONS AND COMMUNICATIONS.

Mr. Welch presented the following petition:

Sterling Camp, M. W. A., No. 10,451.

*Hon. G. A. Welch:*

DEAR SIR: We, the undersigned, Modern Woodmen of America, hereby cordially ask, as a special favor, that should any bill be introduced in the senate in any form tending to make uniform rates among fraternal societies (the so called uniform bill or minimum rate bill), that you use your influence and do all in your power to defeat such a bill. Any law making a uniform rate in fraternal insurance societies extending insurance and issuing beneficial certificates to its members would be the greatest disaster that ever could befall the society of the Modern Woodmen of America. And to this end your petitioners will forever pray.

Respectfully submitted,  
E. L. AMMUNDSON,  
And 25 Others.

Mr. Turner presented the following petition:

Grand Forks, N. D., February 6, 1909.

*To the Senators and Representatives, Sixth Legislative District, 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, 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 in 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 Grand 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. TURNER,

W. L. A. CALDER,  
Committee.

Mr. LaMoure presented the following communication:

Bismarck, N. D., Feb. 18, 1909.

*To the Hon. Members of the Legislature of North Dakota:*

GENTLEMEN: AS members of the Monday Club of Bismarck, N. D., your support of Senate Bill No. 99, providing for an appropriation for the purpose of establishing a much needed state tuberculosis sanatorium is earnestly requested.

We believe this is in the interest of a worthy cause, and that it will receive your immediate attention.

Signed by the members of the Monday Club of Bismarck, N. D.

MRS. M. H. JEWELL, President,

And 14 Others.

## REPORTS OF STANDING COMMITTEES.

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

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 do pass.

H. H. STROM,  
Chairman.

Mr. Strom moved

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

Also,

Mr. President:

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.

H. H. STROM,  
Chairman.

Mr. Strom moved

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

The committee on public lands made the following report:

Mr. President:

Your committee on 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. L. MARTIN,  
Chairman.



Mr. Martin moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. President:

Your committee on 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. L. MARTIN,  
Chairman.

Mr. Martin moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. President:

Your committee on public lands 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 be amended as follows:

On line 2 of the printed bill, strike out all after the word "sell" and add the following, "to the highest bidder for cash at a price not less than appraised valuation to be fixed

by the county board of appraisers of state land; provided, however, that said land shall not be appraised at a less value than \$7.00 per acre.”

And when so amended recommend the same do pass.

A. L. MARTIN,  
Chairman.

Mr. Martin moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on insurance made the following report:

Mr. President:

Your committee on insurance to whom was referred

Senate Bill No. 245,

A bill for an act to impose upon foreign insurance companies the same conditions which are imposed upon insurance companies organized under the laws of this state by the state or nation wherein such foreign insurance company is organized or domiciled.

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

L. A. SIMPSON,  
Chairman.

Mr. Simpson moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Also,

Mr. President:

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.

L. A. SIMPSON,  
Chairman.

Mr. Simpson moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on irrigation and drainage made the following report:

Mr. President:

Your committee on irrigation and drainage 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.

J. L. CASHEL,  
Chairman.

Mr. Cashel moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. President:

Your committee on irrigation 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 indefinitely postponed.

J. L. CASHEL,  
Chairman.

Mr. Cashel moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Also,

Mr. President:

Your committee on irrigation and drainage 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 amended as follows:

In section 2, line 8 of the printed bill, strike out "county" and insert "hereinafter specified" after the word "surveyor" in the same line.

In line 16 of the same section, strike out "road and bridge" and insert in lieu thereof "general."

Add at the end of the same section the following:

"The county commissioners shall employ a competent civil engineer to make such survey, maps, plats and profiles, and his compensation shall be the same as allowed by law to county surveyors for similar services."

In section 3, line 1, strike out "county."

In section 4, line 24, strike out "road and bridge" and insert in lieu thereof "general."

In section 5, line 1, strike out "county."

In section 6, line 19, change "obeyance" to "abeyance."

In section 7, line 4, strike out "county."

And when so amended recommend the same do pass.

J. L. CASHEL,  
Chairman.

Mr. Cashel moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on cities and municipal corporations made the following report:

Mr. President:

Your committee on cities and municipal corporations to whom was referred

Senate Bill No. 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 do pass.

JAMES KENNEDY,  
Chairman.

Mr. Kennedy moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on appropriations made the following report:

Mr. President:

Your committee on appropriations to whom was referred

Senate Bill No. 161,

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.

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

That in line 2 of the engrossed bill, the word "six" be stricken out and the word "one" inserted.

That the figure "6" in line 3 following be changed to read "1."

That the word "salary" in line 5 of the engrossed bill be stricken out and the word "expenses" inserted in lieu thereof.

And when so amended recommend the same do pass.

JUDSON LaMOURE,  
Chairman.

Mr. LaMoure moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on public health made the following report:

Mr. President:

Your committee on public health to whom was referred Senate Bill No. 271,

A bill for an act regulating sanitary conditions in barbershops, hairdressing and manicuring parlors, and providing penalties for the violation of this act.

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

FERD LEUTZ,  
Chairman.

Mr. Leutz moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. President:

Your committee on public health to whom was referred Senate Bill No. 257,

A bill for an act to amend section 294 of the revised codes of 1905, relating to the appointment and qualifications of a board of medical examiners.

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

F. LEUTZ,  
Chairman.

Mr. Leutz 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. President:

Your committee on railroads 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, and otherwise defining their powers and duties; also defining the duties of the attorney general in relation thereto.

Have had the same under consideration and recommend that the same be re-referred to the committee on appropriations.

E. F. GILBERT,  
Chairman.

Mr. Gilbert moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred

Senate Bill No. 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 be amended as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

“Section 1. Section 9733 of the revised codes of North Dakota for the year 1905 is hereby amended to read as follows:

“Section 9733. Arrest at Night, Reasonable Cause.) He may also at night without a warrant arrest any person for a public offense, committed or attempted in his presence, and may also at night without a warrant arrest any person whom he has reasonable cause for believing to have committed a felony, and is justified in making the arrest, though it afterwards appear that the felony had not been committed.”

And when so amended recommend the same do pass.

J. B. SHARPE,  
Chairman.

Mr. Sharpe moved

That the report be adopted

Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. President:

Your committee on judiciary to whom was referred  
Senate Bill No. 262,

A bill for an act to amend chapter 168, session laws 1907, being an amendment to section 6295 of the revised codes of North Dakota for 1905, providing for a lien for repairs of personalty.

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

J. B. SHARPE,  
Chairman.

Mr. Sharpe moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Also.

Mr. President:

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 do pass.

J. B. SHARPE,  
Chairman.

Mr. Sharpe moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. President:

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 be amended as follows:

In section 1, line 2 of the printed bill, after the word "follows" insert "section 9758."

And when so amended recommend the same do pass.

J. B. SHARPE,  
Chairman.

Mr. Sharpe moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. President:

Your committee on judiciary 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 do pass.

J. B. SHARPE,  
Chairman.

Mr. Sharpe moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. President:

Your committee on judiciary 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 do pass.

J. B. SHARPE,  
Chairman.

Mr. Sharpe moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. President:

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 do pass.

J. B. SHARPE,  
Chairman.

Mr. Sharpe moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. President:

Your committee on judiciary 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 do pass.

J. B. SHARPE,  
Chairman.

Mr. Sharpe moved

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

The committee on insurance made the following report:

Mr. President:

Your committee on insurance to whom was referred  
Senate Bill No. 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 be amended as follows:

By striking out in line 4 of the printed bill, the words "day of April" and insert in lieu thereof "Monday in February."

In line 8 of the printed bill, change "when" to "where" (both are in section 1.)

In section 3, line 3, strike out "day of April" and insert in lieu thereof "Monday in February."

Line 12, same section. strike out "first of April" and insert in lieu thereof "thirty-first day of March."

Before the emergency clause insert section 7: "None of the provisions of this act shall apply to fraternal beneficiary associations."

Make emergency clause section 8.

And when so amended recommend the same do pass.

L. A. SIMPSON,  
Chairman.

Mr. Simpson moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on game and fish made the following report:

Mr. President:

Your committee on game and fish to whom was referred 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.

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

Section 2, line 3, strike out the word "this" and insert in lieu thereof the word "its," and in line 10, after the word "ground" insert the words "owned or."

In section 3, line 21, after the word "seine" strike out the "period" and substitute a "comma," and insert "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."

Section 5, line 4, after the word "commission" insert the words "at a rate."

In line 13, after the word "faithful" insert the words "performance of his duties and the."

Add Section 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.

In section 6, line 2, after the words "at pleasure a" strike out the balance of said line, and strike out in line 3 all to the word "sufficient."

Section 7, line 1, after the word "the" insert "attorney general."

Line 4, after the word "chapter" strike out the balance of the line and all of line 5, and substitute in lieu thereof "such attorneys."

In line 7 strike out the word "may" where it appears the second time, and insert in lieu thereof the word "shall"; strike out the word "for" in the same line, and strike out "the state's attorney" in line 8.

In line 9, same section, strike out all of said section after the word "chapter."

Section 8, line 2, after the word "commission" insert the words "state fish commissioner."

In line 14, same section, after the word "commission" insert the words "state fish commissioner."

Section 11, line 2, after the word "commission" insert the words "state fish commissioner."

Section 12, line 5, after the word "commission" insert the words "state fish commissioner."

Section 13, line 3, strike out the words "or selling or" and insert in lieu thereof the word "killing." In line 10 of the same section, after the word "commission" insert the words "state fish commissioner." In line 14 of the same section, strike out the word "thereby" and insert in lieu thereof the word "therefor."

Section 17, line 15, strike out the word "with" and insert in lieu thereof "to the."

Section 20, line 9, strike out the "period" and insert a "comma," and add "and maintenance of fish hatcheries."

Section 21, line 3, strike out the word "upon" and insert in lieu thereof the word "for."

Section 28, line 7, strike out the word "July" and insert the word "August."

Section 22, line 17, strike out "seventh" and insert the word "first," and on the same line strike out the word "September" and insert in lieu thereof "October."

Section 33, line 9, after the word "year" insert the following, "by any one person."

Section 35, line 25, after the word "box" insert the word "trunk."

Section 41, line 6, strike out the word "September" and insert in lieu thereof "October."

Section 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 wherever 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.

Section 42, line 6, before the word "fish" insert the words "of the above mentioned." Line 11 of the same section, after the word "Missouri" insert the word "Mouse." Line 12 after the word "Missouri" insert the words "and Mouse," and change "river" to "rivers."

In line 15 after the word "Missouri" insert "or Mouse," and change "river" to "rivers."

Section 44, line 11, after the word "Missouri" insert "and Mouse" and change "river" to "rivers."

Section 45, line 2, after the word "state" insert "except Missouri, Mouse and Red rivers."

Section 48, line 5, strike out the word "twenty-five" and insert the word "fifty."

Section 51, line 16, after the word "destroyed" insert the following, "or had in possession."

Section 54, line 3, after the word "thereof" insert the word "state fish commission."

And when so amended recommend the same do pass.

THEODORE KOFFEL,  
Chairman.

Mr. Koffel 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. President:

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 be amended as follows:

Strike out all after the enacting clause and insert the following:

SECTION 1. It shall be unlawful for any druggist to sell or barter for sale or give away any intoxicating liquor, which may be used as a beverage, excepting for medicinal uses, upon the written or printed prescription of a physician licensed to practice in this state, or for sacramental purposes on the written or printed request of a duly ordained minister of the gospel or priest, residing in the county and then in charge of a church, religious institution or congregation therein; or for mechanical or scientific purposes upon the request of the county judge of the county as hereinafter provided. Said prescription or request shall be as follows, when for medicinal use:

State of North Dakota,

County of.....

To any druggist or pharmacist:

I....., a regular practicing physician, residing at..... duly licensed to practice medicine under the laws of this state, do hereby prescribe for the use of..... of....., to be used by (him) or (her) as a medicine for....., and do further certify that I have made a personal examination of the person herein named; that in my judgment (he) or (she) is suffering from the ailment hereinbefore named; and

that in my judgment the liquor herein prescribed is necessary for the proper treatment of the ailment from which (he) or (she) is suffering.

Physician.

Dated at.....this.....day of.....190....

When for sacramental purposes:

State of North Dakota,  
County of.....

I....., a duly ordained minister of the gospel or (priest) residing in the county aforesaid, and now in charge of the..... church.....religious institution, .....congregation, in said county do hereby represent and certify that I am the identical person named in this request and whose name is signed hereto; that I am now a resident of said county and in charge of the above named (church), (religious institution) or (congregation); that I desire to purchase the amount of liquor hereinafter described, to-wit: amount and kind.....; that the liquor mentioned herein is obtained for and will be used by me for sacramental purposes in connection with the (church), (institution) or (congregation) herein named and not otherwise.

When for scientific or mechanical uses:

State of North Dakota,  
County of.....

I....., judge of the county court aforesaid, hereby certify that I am personally acquainted with..... of....., who desires to purchase (amount and kind of liquor.....), for (scientific) or (mechanical) uses; that in my judgment the said..... is a reputable person and will use the liquor so purchased only for the purpose herein described, and recommend that this prescription be filled and delivered to the applicant.

County Judge.

SEC. 2. No prescription or request shall be filled except upon the day upon which it is dated or upon the following day, and there shall be but one sale and one delivery on any one prescription or request.

SEC. 3. Any person who shall furnish any intoxicating liquors so obtained to others as a beverage, or shall use the same as a beverage, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than one hundred nor more than five hundred dollars, and by imprisonment not less than thirty days nor more than ninety days in the county jail.

SEC. 4. Any physician who shall write for any person a prescription for the purpose of enabling or assisting any person to obtain intoxicating liquors for uses other than medicinal, or any minister of the gospel or priest who shall make any request for liquor for use other than sacramental, or any county judge who shall knowingly sign any request for any person for the purpose of enabling or assisting any person to obtain intoxicating liquor for use other than (scientific) or (mechanical) shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine of not less than three hundred, nor more than eight hundred dollars, and by imprisonment in the county jail for not less than thirty days, nor more than one hundred and eighty days.

SEC. 5. All prescriptions and requests shall be retained by the druggist, and on or before the first day of each month shall, together with the affidavit of such druggist, that the liquors therein mentioned are all the intoxicating



liquors sold by him during the month, be filed in the office of the county auditor, where they shall be safely kept open to public inspection for a period of two years from date of filing.

Sec. 6. Every druggist shall keep a book wherein shall be recorded daily all sales of intoxicating liquors made by him or his employes, showing the name and resident of the purchaser, the kind and quantity of liquor sold. The purpose for which it was sold and the date of sale. Such record shall be open for the inspection of the public at all reasonable times during business hours, and any person so desiring may take memoranda or copies thereof.

Sec. 7. Any druggist or pharmacist or assistant pharmacist in his employ, who shall fail or neglect to make and keep a record as herein provided, of any intoxicating liquors by him sold, or shall refuse any person an examination of such records, or the taking of memoranda or copies therefrom at any time during business hours, or shall make any false affidavits as to any sales made by him or his employes, or who shall allow such liquor sold as a medicine or otherwise to be drunk on his premises or premises under his control, or in any manner omit any act required of him herein, or violate any of the provisions of this act, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than two hundred nor more than one thousand dollars, and be imprisoned in the county jail not less than ninety days, nor more than one year.

Sec. 8. Any druggist may sell intoxicating liquors under the provisions of this act in his place of business only by himself in person or by a clerk, who is a registered pharmacist or assistant pharmacist under the laws of this state. Provided, further that a druggist will be required to have a stock of drugs and druggists' sundries, exclusive of intoxicating liquors, if in any city, of the value of at least two thousand dollars, and if elsewhere of the value of at least one thousand dollars. Every prescription or request shall be endorsed by the person filling the same as follows:

Filled by.....

Sec. 9. The North Dakota Government Agricultural Experiment Station shall make analysis of mixtures of whatever name, found on sale in North Dakota, suspected of being sold in violation of the provisions of this act, and any person shall have full access or egress at all reasonable hours for the purpose of examining into any place wherever it is suspected that the provisions of this act are being violated, and upon tendering the market price of said preparation, may take from any person, firm or corporation, samples of any preparation suspected of being sold for the purpose aforesaid.

Sec. 10. Said station shall forthwith transmit the facts of its analysis to the state's attorney of the county in which said preparation was found. If the analysis shows that the preparation contains alcohol, or other ingredients within the statutory definition of intoxicating liquors, and can be used as a beverage, the state's attorney shall notify the druggists of the county in which he resides forbidding the sale of said preparation, except as provided in section one of this act.

Sec. 11. Every certificate duly signed and acknowledged by the chemist of the North Dakota Government Agricultural Experiment Station at Fargo, relating to the analysis of any preparation or mixture, shall be presumptive evidence of the facts therein stated.

Sec. 12. It is hereby made the duty of the county auditor to furnish blank prescriptions and requests, for the use of physicians, ministers of the gospel, priests and county judges, for writing prescriptions or requests for intoxicating liquors. Such blanks shall be in a series of one hundred each; numbered from one to one hundred consecutively, and bound in book form, each series being of uniform style throughout, except that no two blanks of same series shall be of the same number. It shall be the duty of the county auditor to endorse each such book with date of delivery, and to whom made and sign such endorsement and attest to the same with

the official seal. He shall also keep a record of such blank books furnished, showing place of residence and date of delivery and to whom delivered.

SEC. 13. Any physician, minister of the gospel, priest or county judge, who writes a prescription or makes request for intoxicating liquors on blanks other than those furnished by the county auditor, shall be guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine of not less than two hundred dollars nor more than five hundred dollars, and be imprisoned in the county jail not less than ninety days nor more than one year.

SEC. 14. Any auditor who shall furnish prescription blanks or blanks for requests, to any person other than a duly licensed physician, ordained minister of the gospel, priest or county judge, as provided in this act shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than two hundred nor more than five hundred dollars, and be imprisoned in the county jail not less than ninety days nor more than one year.

SEC. 15. It shall be unlawful for any druggist who is a practicing physician to fill, or permit any of his employes to fill, prescriptions for intoxicating liquors written by himself.

SEC. 16. Any person who shall knowingly or falsely claim to be a practicing physician, minister of the gospel, priest or county judge, or shall sign a prescription or request as such for the purpose of obtaining intoxicating liquors for use as a beverage, or for the purpose of assisting any person to obtain intoxicating liquor for use as a beverage, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than three hundred nor more than eight hundred dollars, and by imprisonment in the county jail not less than thirty days nor more than six months.

SEC. 17. Complaint may be presented at any time to the district court or the judge thereof, which shall be in writing, signed and sworn to by one or more citizens of the county if presented by the state's attorney, and by three citizens of the county if not so presented, charging any physician licensed to practice in the county with a violation of any of the provisions of this act. A copy of said complaint shall, with written notice of the time and place of hearing, be served on the accused not less than five days nor more than ten days before the hearing, and if the complaint be sufficient and the accused makes default or appear and deny the same the court or judge shall without delay proceed, unless continued for cause, to hear and determine the controversy. If continued or appealed at the instance of the accused the court or judge shall enter an order and cause the same to be served on the accused prohibiting and restraining the accused from writing prescriptions for intoxicating liquors during such continuance or pending such appeal. The complainant and accused may appear and be heard in person and by counsel or by both; and proof may be offered by the parties; and if it shall appear upon such hearing that the accused has violated any of the provisions of this act, the court shall render judgment against the accused for the costs of said action, including a reasonable attorney's fee for complainant's counsel, if represented by counsel other than the state's attorney, attorney general or his assistant, such attorney fee to be assessed by the court, and such adjudication, when finally entered, shall be sufficient evidence upon which the State Board of Medical Examiners may revoke the accused's license to practice in this state, and it shall be the duty of the clerk of the court to forthwith forward to the State Board of Medical Examiners a copy of such final adjudication without charge therefor.

SEC. 18. Sections 9354, 9355, 9356, 9357, 9358, 9359, 9360, 9361, 9362, 9363, 9364, 9365 and 9380 of the Revised Codes of North Dakota, 1905, are hereby repealed.

SEC. 19. Nothing in this act shall be so construed as to prevent wholesale druggists from selling or furnishing intoxicating liquors in wholesale

quantities to regular licensed retail druggists, or to public or charity hospitals, or to medical or pharmaceutical colleges; provided, further, that any the intoxicating liquors mentioned herein, to any druggist engaged in drug the intoxicating liquors mentioned herein, to any druggist engaged in drug business with the state.

SEC. 20. All acts or parts of acts in conflict with this act are hereby repealed.

SEC. 21. All druggist's permits heretofore issued under the provisions of Chapter 65 of the Revised Codes of 1905 shall expire July first, 1909.

And when so amended recommend the same do pass.

H. H. STROM,  
Chairman.

Mr. Strom moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Mr. McArthur moved

That Senate No. 8 as amended be reprinted.

Which motion prevailed.

The committee on state affairs made the following report:

Mr. President:

Your committee on state affairs to whom was referred  
Senate Bill No. 264,

A bill for an act to prescribe a method of removal and discharge of persons admitted to the institution for feeble minded.

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

MAYNARD CRANE,  
Chairman.

Mr. Crane moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. President:

Your committee on state affairs 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.

MAYNARD CRANE,  
Chairman.

Mr. Crane moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. President:

Your committee on state affairs to whom was referred  
Senate Bill No. 216,

A bill for an act providing for the hanging of storm windows of public buildings.

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

MAYNARD CRANE,  
Chairman.

Mr. Crane moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Also,

Mr. President:

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.

MAYNARD CRANE,  
Chairman.

Mr. Crane moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

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

Mr. President:

Your committee on enrolled and engrossed bills have examined

Senate Bill No. 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. 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. 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. 225,

A bill for an act defining the tenth judicial district, and providing for terms of court therein.

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. 268,

A bill for an act authorizing the trustees 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 find the same correctly engrossed.

**THEODORE KOFFEL,**  
Chairman.

Also,

Mr. President:

Your committee on enrolled and engrossed bills have examined

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 find the same correctly enrolled.

**THEODORE KOFFEL,**  
Chairman.

The secretary announced that the president 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 president signed the same in the presence of the senate.

Mr. LaMoure moved

That the senate do now concur in the house amendments to Senate Bill No. 144.

The question being on the final passage of the bill as amended by the house.

The roll was called and there were ayes 42, nays 0, absent and not voting 5.

Those who voted in the affirmative were:

Messrs.—

Anderson  
Baker  
Bessesen  
Cashel  
Crane  
Davis  
Duis  
Gilbert  
Gronvold  
Gunderson  
Holliday  
Irwin  
Johnson  
Kelly

Messrs.—

Kennedy  
Koffel  
LaMoure  
Leutz  
Martin  
Macdonald  
McArthur  
McLean  
Neal  
Overson  
Palmer  
Pierce  
Plain  
Purcell

Messrs.—

Ramsett  
Rice  
Sharpe  
Steel, of Stutsman  
Steele of Ward  
Stevens  
Syvertson  
Talcott  
Trimble  
Turner  
Wallin  
Walton  
Welo  
Whitcher

Absent and not voting:

Messrs.—

Albright  
Movius

Messrs.—

Simpson  
Strom

Messrs.—

Welch

So the house amendments were concurred in.

Mr. LaMoure moved

That the vote by which Senate Bill No. 223 passed be reconsidered.

Which motion prevailed.

Mr. LaMoure moved

To amend the title of Senate Bill No. 223 as follows:

After the figures "1905" in line 2 of the title, insert "as amended by chapter 104 of the session laws of 1907."

Mr. LaMoure moved

That the amendment be adopted.

Which motion prevailed, and

The amendment was adopted.

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 third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 43, nays 0, absent and not voting 4.

Those who voted in the affirmative were:

Messrs.—

Albright  
Anderson  
Baker  
Bessesen  
Cashel  
Crane  
Davis  
Duis  
Gilbert  
Gronvold  
Gunderson  
Holliday  
Irwin  
Johnson  
Kelly

Messrs.—

Kennedy  
Koffel  
LaMoure  
Leutz  
Martin  
Macdonald  
McArthur  
McLean  
Neal  
Overson  
Palmer  
Pierce  
Plain  
Purcell

Messrs.—

Rice  
Sharpe  
Steel, of Stutsman  
Stevens  
Strom  
Syvertson  
Talcott  
Trimble  
Turner  
Wallin  
Walton  
Welch  
Welo  
Whitcher

Absent and not voting:

Messrs.—

Movius  
Ramsett

Messrs.—

Simpson

Messrs.—

Steele of Ward

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

Mr. LaMoure moved

That the vote by which Senate Bill No. 223 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.



Mr. Duis moved

That when the senate adjourn it stand adjourned to Tuesday, February 23.

Mr. LaMoure made a point of order.

Which point of order was not sustained by the senate.

The question being on the motion to adjourn.

The motion prevailed.

The secretary announced that the president 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 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.

And the president signed the same in the presence of the senate.

#### FIRST READING OF SENATE BILLS.

Mr. Gronvold introduced

Senate Bill No. 306.

A bill for an act to amend section 1438 of the revised code of 1905 of the state of North Dakota relating to compensation of overseers of highways.

Which was read the first time.

Mr. Duis introduced

Senate Bill No. 307.

A bill for an act to amend section 12 of an act entitled "an act providing for the selection of candidates for elec-

tion 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 time.

Mr. Plain introduced  
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.

Which was read the first time.

Mr. Talcott (by request) introduced  
Senate Bill No. 309.

A bill for an act to license transient merchants, hawkers and peddlers in the state of North Dakota.

Which was read the first time.

Mr. Trimble introduced  
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.

Which was read the first time.

Mr. Bessesen introduced  
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.

Which was read the first time.

Mr. Syvertson introduced  
Senate Bill No. 312.

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

Which was read the first time.

Mr. Leutz introduced  
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 was read the first time.

Mr. Whitcher introduced  
Senate Bill No. 314.

A bill for an act to regulate the use of moving picture machines.

Which was read the first time.

Mr. Pierce, by request, introduced  
Senate Bill No. 315.

A bill for an act to protect the game birds known as prairie chicken or grouse until January 1st, 1911, and to provide penalties for the violation thereof.

Which was read the first time.

## SECOND READING OF SENATE BILLS.

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 second time, and

Referred to the committee on state affairs

Senate Bill No. 306.

A bill for an act to amend section 1438 of the revised code of 1905 of the state of North Dakota relating to compensation of overseers of highways.

Was read the second time, and

Referred to the committee on highways, bridges and ferries.

Senate Bill No. 307.

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.

Was read the second time, and

Referred to the committee on elections and privileges.

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 second time, and

Referred to the committee on Judiciary.

Senate Bill No. 309.

A bill for an act to license transient merchants, hawkers and peddlers in the state of North Dakota.

Was read the second time, and

Referred to the committee on state affairs

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 second time, and

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

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 second time, and

Referred to the committee on judiciary.

Senate Bill No. 312.

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

Was read the second time, and

Referred to the committee on banks and banking.

## 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 second time, and

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

## Senate Bill No. 314.

A bill for an act to regulate the use of moving picture machines.

Was read the second time, and

Referred to the committee on state affairs.

## Senate Bill No. 315.

A bill for an act to protect the game birds known as prairie chicken or grouse until January 1st, 1911, and to provide penalties for the violation thereof.

Was read the second time and

Referred to the committee on game and fish.

Mr. Wallin moved

That the further consideration of Senate Bill No. 219 be indefinitely postponed.

Mr. Overson moved

As a substitute that the bill be referred to the committee on judiciary.

Which substitute motion was lost.

## COURTESIES OF THE FLOOR.

The courtesies of the floor were extended to the following:

H. L. McCall; T. O. Ramsland, of Miles City.

Mr. Talcott moved

That the senate do now adjourn.

Which motion prevailed, and

That the senate adjourned.

J. W. FOLEY,  
Secretary.

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FIFTIETH DAY

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SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
February 23, 1909.

The senate convened at two o'clock.

The president presiding.

Prayer by Rev. Newcomb.

Roll call.

All members present except Messrs. Johnson, Martin, Movius and Purcell, who were excused.

MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,  
BISMARCK, NORTH DAKOTA,  
February 23, 1909.

Mr. President:

I have the honor to return herewith  
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 qualification of witness therefor.

Which the house has indefinitely postponed.

Also,

Mr. President:

I have the honor to transmit herewith

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. 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.

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. 211,

A bill for an act relating to the issuance of stock by corporations.

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

Very respectfully,

W. D. AUSTIN,  
Chief Clerk.

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**REFERENCE OF THE JOURNAL.**

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

Mr. President:

Your committee on revision and correction of the journal have carefully examined the journal of the forty-sixth day and have found the same correct.

And recommend that the same be approved.

C. D. RICE,  
Chairman.

Mr. Rice moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

**PETITONS AND COMMUNICATIONS.**

Mr. Macdonald presented the following petition:

*To the Eleventh Legislative Assembly:*

We, the undersigned citizens and taxpayers of Kidder county, being especially interested in the welfare of our rural schools, respectfully petition your honorable body to pass Senate Bill No. 63,

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.

W. F. LEGLER,  
And 45 Others.



Mr. Koffel presented the following petition:

February 2, 1909.

*Hon. Theodore Koffel:*

We, the undersigned citizens of Hesper, N. D., respectfully ask you to do your utmost to defeat the passage of any and all bills that may come before the legislature for the purpose of a minimum rate of assessment by fraternal life insurance companies.

FRED W. MEADER,  
And 21 Others.

Mr. Irwin presented the following petition:

Lankin, N. D., Walsh County.

We, the undersigned farmers and taxpayers of Walsh county, 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.

Mr. Stevens presented the following petition:

*To the Honorable Members of the Eleventh Legislative Assembly of North Dakota:*

We, the undersigned residents and voters of the Fifth legislative district respectfully ask that you support and vote for the bill known as "The Child Labor Law," and we believe that it is for the best interest of all that such a measure should become a law.

D. L. CAMPBELL,  
And 58 Others.

Mr. Stevens presented the following petition:

Grand Forks, N. D., February 6, 1909.

*To the Senators and Representatives of the Fifth, 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 the 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 in 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 Grand 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. TURNER,  
W. L. A. CALDER,  
Committee.

Mr. Pierce presented the following communication:

*To the Honorable Legislative Body of the State of North Dakota:*

GENTLEMEN: Our attention has just been called to House Bill No. 113, a bill having for its purpose the elimination of discriminating in prices paid for farm produce in different portions of the state. We believe that the pros-

perity of the state is dependent upon the prosperity of its farmers, and we believe, also, that the bill in question would materially assist farmers in every portion of the state, and we therefore respectfully ask that said bill receive the fullest consideration and that it be passed at this session of the legislature.

The undersigned, your petitioners, are all freeholders in this state.

FRED UNDERWOOD,  
And 30 Others.

The following communication was laid before the senate:

HOUSE OF REPRESENTATIVES,  
Washington, February 18, 1909.

*Mr. James W. Foley, Secretary of the Senate, Bismarck, N. Dak.:*

MY DEAR MR. FOLEY: I have the honor to acknowledge receipt of your letter of the 9th instant, transmitting copy of a concurrent resolution adopted by the legislative assembly of North Dakota, in favor of having certain Indian village sites on the Fort Berthold Indian reservation set aside as national reserves. It will give me great pleasure to do whatever lies in my power to aid in having these village sites thus set aside.

Very truly yours  
A. J. GRONNA.

The following communication was laid before the senate:

Washington, February 18, 1909.

*Hon. James W. Foley, Bismarck, N. Dak.:*

MY DEAR FOLEY: I have your favor of the 9th instant, enclosing resolutions relative to setting aside part of the Fort Berthold reservation as a national park. I will present the same to the senate and have it referred to the proper committee.

Very truly yours,  
P. J. McCUMBER.

The following communication was laid before the senate:

Forest River, N. D., Feb. 22, 1909.

*To the President and Members of the State Senate 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.

Mr. Wallin presented the following petition:

*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.

The following petition was laid before the senate:

*To the President and Members of the State Senate 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.

Mr. Pierce offered the following petition in behalf of constituents of Mr. Talcott:

Enderlin, North Dakota.

*To the Honorable Legislative Body of the State of North Dakota:*

GENTLEMEN: Our attention has just been called to House Bill No. 113, a bill having for its purpose the elimination of discriminating in prices paid for farm produce in different portions of the state. We believe that the prosperity of the state is dependent upon the prosperity of its farmers, and we believe, also, that the bill in question would materially assist farmers in every portion of the state, and we therefore respectfully ask that said bill receive the fullest consideration and that it be passed at this session of the legislature.

The undersigned, your petitioners, are all freeholders in this state.

L. SHEPARD,

And 29 Others.

Mr. Talcott presented the following petition:

*To the Honorable Legislative Body of the State of North Dakota:*

GENTLEMEN: Our attention has just been called to House Bill No. 113, a bill having for its purpose the elimination of discriminating in prices paid for farm produce in different portions of the state. We believe that the prosperity of the state is dependent upon the prosperity of its farmers, and we believe, also, that the bill in question would materially assist farmers in every portion of the state, and we therefore respectfully ask that said bill receive the fullest consideration and that it be passed at this session of the legislature.

The undersigned, your petitioners, are all freeholders in this state.

JULIUS MANSKE,

And 27 Others.

## REPORTS OF STANDING COMMITTEES.

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

Mr. President:

Your committee on enrolled and engrossed bills have examined

Senate Bill No. 8,

A bill for an act to regulate the sale of intoxicating liquors for medicinal, sacramental, scientific and mechanical purposes.

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.

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. 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.

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. 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. 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. 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. 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. 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.

And find the same correctly engrossed.

THEODORE KOFFEL,  
Chairman.



Also,

Mr. President:

Your committee on enrolled and engrossed bills have examined

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 find the same correctly enrolled.

THEODORE KOFFEL,  
Chairman.

The secretary announced that the president 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 president signed the same in the presence of the senate.

The select committee on penitentiary investigation made the following report:

*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 therefor 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. Wallin introduced 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.

Mr. Wallin moved

That the resolution be adopted.

Which motion prevailed, and

The resolution was adopted.

Mr. Overson introduced the following concurrent resolution:

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, 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.

Mr. Overson moved

That the resolution be adopted.

Which motion prevailed, and

The resolution was adopted.

## FIRST READING OF SENATE BILLS.

Mr. Leutz introduced

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.

Which was read the first time.

Mr. Leutz introduced

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.

Which was read the first time.

Mr. Kennedy introduced

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 was read the first time.

Mr. Stevens introduced

Senate Bill No. 319,

A bill for an act to amend section 2723 of the revised codes of 1905, relating to the jurisdiction of police magistrates.

Which was read the first time.

Mr. Rice (by request) introduced

Senate Bill No. 320,

A bill for an act taxing the occupation of auctioneers, regulating and licensing of persons engaged in such occupation, increasing the ordinary county revenue by such taxation, and prescribing penalties for violation of its provisions.

Which was read the first time.

Mr. Gilbert introduced

Senate Bill No. 321,

A bill for an act to amend section 4464 of the revised codes of North Dakota for 1905.

Which was read the first time.

Mr. LaMoure (by unanimous consent) introduced

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.

Which was read the first time.

## SECOND READING OF SENATE BILLS.

Senate Bill No. 297,

A bill for an act limiting the qualifications for holding the office of county state's attorney or city attorney.

Was read the second time, and

Referred to the committee on judiciary.

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 second time, and

Referred to the committee on judiciary.

Senate Bill No. 299,

A bill for an act to amend and re-enact section 2613 of the revised codes of North Dakota for the year 1905.

Was read the second time, and

Referred to the committee on state affairs.

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 second time, and

Referred to the committee on state affairs.

Senate Bill No. 301,

A bill for an act to amend section 2594 of the revised codes of the state of North Dakota, providing for the salary of the register of deeds.

Was read the second time, and

Referred to the committee on state affairs.

Senate Bill No. 302,

A bill for an act to amend 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.

Was read the second time, and

Referred to the committee on judiciary.

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 second time, and

Referred to the committee on education.

**Senate Bill No. 304,**

A bill for an act to amend paragraph 1, section 604 of article 3 of chapter 8 of the political code, 1905.

**Was read the second time, and**

Referred to the committee on judiciary.

**Senate Bill No. 305,**

A bill for an act creating and defining the Twelfth judicial district within the state of North Dakota, providing for the election of a judge therein and fixing the terms of court in said district.

**Was read the second time, and**

Referred to the committee on judiciary.

**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 second time, and**

Referred to the committee on live stock and animal husbandry.

**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 second time and**

Referred to the committee on live stock and animal husbandry.

**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 second time and**

Referred to the committee on cities and municipal corporations.

**Senate Bill No. 319,**

A bill for an act to amend section 2723 of the revised codes of 1905, relating to the jurisdiction of police magistrates.

**Was read the second time and**

Referred to the committee on judiciary.



## Senate Bill No. 320,

A bill for an act taxing the occupation of auctioneers, regulating and licensing of persons engaged in such occupation, increasing the ordinary county revenue by such taxation, and prescribing penalties for violation of its provisions.

Was read the second time and

Referred to the committee on state affairs

## 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 second time and

Referred to the committee on insurance.

## Senate Bill No. 322,

Was read the second time and

Referred to the committee on appropriations.

Mr. Wallin moved

That Senate Bill No. 219 be indefinitely postponed.

Roll call demanded.

The question being on the indefinite postponement of Senate Bill No. 219.

The roll was called and there were ayes 28, nays 14, absent and not voting 5.

## Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Anderson	Koffel	Ramsett
Baker	LaMoure	Sharpe
Bessesen	Macdonald	Steele of Ward
Cashel	McArthur	Stevens
Davis	McLean	Strom
Duis	Neal	Syverson
Gunderson	Overson	Turner
Holliday	Palmer	Wallin
Irwin	Plain	Whitcher
Kelly		

## Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Pierce	Trimble
Crane	Rice	Walton
Gilbert	Simpson	Welch
Kennedy	Steel, of Stutsman	Welo
Leutz	Talcott	

## Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Gronvold	Martin	Purcell
Johnson	Movius	

Messrs. Johnson, Martin, Movius and Purcell being excused.

So the bill was indefinitely postponed.

Mr. Steele moved

That the vote by which Senate Bill No. 219 was indefinitely postponed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed

Mr. Duis moved

That Senate Bill No. 94 be re-referred to the committee on judiciary.

Which motion prevailed.

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 third time

Mr. Stevens offered the following amendment to Senate Bill No. 133:

In line 17, page 2 of the printed bill, strike out all after the word "dollars"; strike out all of line 18 up to and including the word "dollars" where it appears the second time in such line and insert the following, "and in all counties having a valuation of over \$8,000,000 and under \$10,000,000, \$2,000; in all counties having a valuation of over \$10,000,000 and under \$12,000,000, \$2,200; and in all counties having a valuation of over \$12,000,000, \$2,400 per annum; provided, however, that all fees coming into the hands of such county judge as such county judge shall be by him converted into the salary fund of the county."

Mr. Stevens moved

That the amendment be adopted.

Mr. Simpson moved

That the further consideration of Senate Bill No. 133 be deferred one day.

Which motion prevailed.

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.

Mr. Crane moved

That the consideration of Senate Bill No. 197 be deferred one day.

Which motion prevailed.

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.

Mr. Simpson moved

That the consideration of Senate Bill No. 225 go over one day.

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 36, nays 0, absent and not voting 11.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	LaMoure	Steele of Ward
Anderson	Leutz	Stevens
Baker	Macdonald	Strom
Bessesen	McLean	Syvertson
Cashel	Neal	Talcott
Davis	Overson	Trimble
Duis	Plain	Turner
Holliday	Ramsett	Wallin
Irwin	Rice	Walton
Kelly	Sharpe	Welch
Kennedy	Simpson	Welo
Koffel	Steel, of Stutsman	Whitcher

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Crane	Johnson	Palmer
Gilbert	Martin	Pierce
Gronvold	McArthur	Purcell
Gunderson	Movius	

Messrs. Johnson, Martin, Movius and Purcell being excused.

So the bill passed and the title was agreed to.

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 38, nays 0, absent and not voting 9.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	LaMoure	Steele of Ward
Anderson	Leutz	Stevens
Baker	Macdonald	Strom
Bessesen	McArthur	Syverson
Cashel	McLean	Talcott
Davis	Neal	Trimble
Duis	Overson	Turner
Gunderson	Plain	Wallin
Holliday	Ramsett	Walton
Irwin	Rice	Welch
Kelly	Sharpe	Welo
Kennedy	Simpson	Whitcher
Koffel	Steel, of Stutsman	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Crane	Johnson	Palmer
Gilbert	Martin	Pierce
Gronvold	Movius	Purcell

Messrs. Johnson, Martin, Movius and Purcell being excused.

So the bill passed and the title was agreed to.

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 38, nays 0, absent and not voting 9.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	LaMoure	Steel, of Stutsman
Anderson	Leutz	Steele of Ward
Baker	Macdonald	Stevens
Bessesen	McArthur	Strom
Cashel	McLean	Syverson
Davis	Neal	Trimble
Duis	Overson	Turner
Gunderson	Pierce	Wallin
Holliday	Plain	Walton
Irwin	Ramsett	Welch
Kelly	Rice	Welo
Kennedy	Sharpe	Whitcher
Koffel	Simpson	

**Absent and not voting:**

Messrs.—

Crane  
Gilbert  
Gronvold

Messrs.—

Johnson  
Martin  
Movius

Messrs.—

Palmer  
Talcott  
Purcell

Messrs. Johnson, Martin, Movius and Purcell being excused.

So the bill passed and the title was agreed to.

Mr. Gunderson in the chair.

Mr. Simpson moved a call of the senate.

Mr. Sharpe moved

That further proceedings under the call be dispensed with.

Which motion prevailed.

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 third time

Mr. Talcott offered the following amendment to Senate Bill No. 195:

Section 33, line 9, after word "year" insert "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."

Section 32, line 17, be amended to read as originally printed:

Mr. Talcott moved

That the amendment be adopted.

Which motion prevailed, and

The amendment was adopted.

Mr. Crane offered the following amendment to Senate Bill No. 195:

After the word "governor" in section 1, line 10, insert the following:

"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 the said commission as vice president, and one of the 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 commission 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.”

Mr. Crane moved

That the amendment be adopted.

Which motion prevailed, and

The amendment was adopted.

Mr. Bessesen offered the following amendment to Senate Bill No. 195:

Strike out on page 24 all of section 40, beginning with line 1 up to the word “birds” in line 16, inclusive, on page 25.

Mr. Bessesen moved

That the amendment be adopted

Which motion was lost.

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

The roll was called and there were ayes 28, nays 15, absent and not voting 4.

Those who voted in the affirmative were:

Messrs.—  
Baker  
Crane

Messrs.—  
Macdonald  
Neal

Messrs.—  
Strom  
Syvertson

Messrs.—	Messrs.—	Messrs.—
Davis	Overson	Talcott
Gilbert	Palmer	Trimble
Gronvold	Pierce	Turner
Gunderson	Ramsett	Wallin
Kennedy	Rice	Walton
Koffel	Steel, of Stutsman	Welo
LaMoure	Steele of Ward	Whitcher
Leutz		

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Holliday	Plain
Anderson	Irwin	Sharpe
Bessesen	Kelly	Simpson
Cashel	McArthur	Stevens
Duis	McLean	Welch

**Absent and not voting:**

Messrs.—	Messrs.—	Messrs.—
Johnson	Movius	Purcell
Martin		

Messrs. Johnson, Martin, Movius and Purcell being excused.

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

Mr. Pierce moved

That the vote by which Senate Bill No. 195 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

Mr. Rice moved

That Senate Bill No. 220 be re-referred to the committee on cities and municipal corporations.

Which motion prevailed.

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 39, nays 0, absent and not voting 8.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Koffel	Sharpe
Anderson	LaMoure	Simpson
Baker	Leutz	Steel, of Stutsman

Messrs.—	Messrs.—	Messrs.—
Bessesen	Macdonald	Stevens
Cashel	McArthur	Strom
Crane	McLean	Syverson
Davis	Neal	Talcott
Duis	Overson	Turner
Gronvold	Palmer	Wallin
Gunderson	Pierce	Walton
Holliday	Plain	Welch
Irwin	Ramsett	Welo
Kelly	Rice	Whitcher

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Gilbert	Martin	Steele of Ward
Johnson	Movius	Trimble
Kennedy	Purcell	

Messrs. Johnson, Martin, Movius and Purcell being excused.

So the bill passed and the title was agreed to.

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 third time.

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 43, nays 0, absent and not voting 4.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Koffel	Simpson
Anderson	LaMoure	Steel, of Stutsman
Baker	Leutz	Steele of Ward
Bessesen	Macdonald	Stevens
Cashel	McArthur	Strom
Crane	McLean	Syverson
Davis	Neal	Talcott
Duis	Overson	Trimble
Gilbert	Palmer	Turner
Gronvold	Pierce	Wallin
Gunderson	Plain	Walton
Holliday	Ramsett	Welch
Irwin	Rice	Welo
Kelly	Sharpe	Whitcher
Kennedy		



## Absent and not voting:

Messrs.—  
Johnson  
Martin

Messrs.—  
Movius

Messrs.—  
Purcell

Messrs. Johnson, Martin, Movius and Purcell being excused.

So the bill passed and the title was agreed to.

## 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 **third time**.

The question being on the **final passage of the bill**.

The roll was called and there were ayes 41, nays 0, absent and not voting 6.

Those who voted in the affirmative were:

Messrs.—

Albright  
Anderson  
Baker  
Bessesen  
Cashel  
Crane  
Davis

Messrs.—

Koffel  
LaMoure  
Leutz  
Macdonald  
McLean  
Neal  
Overson

Messrs.—

Steel, of Stutsman  
Steele of Ward  
Stevens  
Strom  
Syvertson  
Talcott  
Trimble

Messrs.—

Duis  
Gronvold  
Gunderson  
Holliday  
Irwin  
Kelly  
Kennedy

Messrs.—

Palmer  
Pierce  
Plain  
Ramsett  
Rice  
Sharpe  
Simpson

Messrs.—

Turner  
Wallin  
Walton  
Welch  
Welo  
Whitcher

## Absent and not voting:

Messrs.—

Gilbert  
Johnson

Messrs.—

Martin  
McArthur

Messrs.—

Movius  
Purcell

Messrs. Johnson, Martin, Movius and Purcell being excused.

So the bill passed and the title was agreed to.

## 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 **third time**.

The question being on the **final passage of the bill**.

The roll was called and there were ayes 41, nays 0, absent and not voting 6.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Koffel	Steel, of Stutsman
Anderson	LaMoure	Steele of Ward
Baker	Leutz	Stevens
Bessesen	Macdonald	Strom
Cashel	McLean	Syvertson
Crane	Neal	Talcott
Davis	Overson	Trimble
Duis	Palmer	Turner
Gronvold	Pierce	Wallin
Gunderson	Plain	Walton
Holliday	Ramsett	Welch
Irwin	Rice	Welo
Kelly	Sharpe	Whitcher
Kennedy	Simpson	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Gilbert	Martin	Movius
Johnson	McArthur	Purcell

Messrs. Johnson, Martin, Movius and Purcell being excused.

So the bill passed and the title was agreed to.

Mr. Kennedy moved

That the rules be suspended and all house bills be given their first and second reading and reference.

Which motion prevailed

## FIRST AND SECOND 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 first and second times and

Referred to the committee on insurance.

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 first and second times and

Referred to the committee on appropriations.

## House Bill No. 157,

A bill for an act to provide for probation for persons convicted of felonies and misdemeanors.

Was read the first and second times and

Referred to the committee on judiciary.

## House Bill No. 183,

A bill for an act to amend section 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 first and second times and

Referred to the committee on Education.

## 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 first and second times and

Referred to the committee on education.

## 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 first and second times and

Referred to committee on judiciary.

## 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 first and second times and

Referred to the committee on education.

## 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 first and second times and

Referred to the committee on state affairs.

## 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.

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

## 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 first and second times and  
Referred to the committee on railroads.

## 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 first and second times and  
Referred to the committee on judiciary.

## 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 first and second times and  
Referred to the committee on appropriations.

## 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 first and second times and  
Referred to the committee on judiciary.

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

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

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

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 first and second times and  
Referred to the committee on Judiciary.

Mr. Crane moved

That Senate Bill No. 19 be recalled from the house.  
Which motion prevailed.

#### COURTESIES OF THE FLOOR.

The courtesies of the floor were extended to the following:

W. J. Norris, Geo. Patterson and Henry T. Boyle of Cass county; Geo. D. Lynn, of Linton; Wm. Clifford, of Mohall; W. J. Carroll, of Minot; Dalton McDonald, I. C. Haugland, of Warwick; N. J. Reuter, of Turtle Lake; J. E. Robinson, J. E. Craven and M. R. Porterfield, of Fargo.

Mr. Crane moved

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

J. W. FOLEY,  
Secretary.

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FIFTY-FIRST DAY

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SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
February 24, 1909.

The senate convened at two o'clock.

The president presiding.

Prayer by the chaplain.

Roll call.

All members present except Messrs. Purcell and Holliday, who were excused.

MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,  
BISMARCK, NORTH DAKOTA,  
February 24, 1909.

Mr. President:

I have the honor to transmit herewith  
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. 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. 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. 150,

Introduced by Mr. 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.

Also,

House Bill No. 162,

A bill for an act to regulate the public service of stallions of North Dakota.

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.

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

Also,

Mr. President:

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

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, 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.

In which the house has concurred.

Also,

Mr. President:

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

*Resolved by the Senate of the State of North Dakota, the House of Representatives 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 dollars 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 house has amended as follows:

On line 1, paragraph 4 of the 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."

Which the house has amended as follows:

In 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."

Which the house has concurred in as amended.

Very respectfully,  
W. D. AUSTIN,  
Chief Clerk.

### REFERENCE OF THE JOURNAL.

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

Mr. President:

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

Page 3, line 20, strike out "this legislative assembly" and insert in lieu thereof "your honorable body." Same page, line 21, strike out all of paragraph after "No. 63."

Page 5, line 3, after word "Representatives" insert the word "Fifth"; after the word "Sixth" insert the word "Seventh."

Page 5, line 13, insert after the word "members" the words "of said society."

Page 6, line 1, strike out the last "the" and insert in lieu thereof the word "its". In lines 10 and 27, page 9, make the same correction.

Page 17, line 35, after "Senate Bill No. 322" insert the following: A bill for an act amending Sec. 1. Chap. 166 of the laws of 1899, it being Sec. 1296 of the Revised Codes of 1905 providing for purchase of books for state library."

Page 20, after line 14, insert the above title.

Page 21, strike out from line 4 to 8, inclusive.

Page 26, line 25, change "No. 95" to "No. 195."

And when so corrected recommend that the same be approved.

C. D. RICE,  
Chairman.

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

### PETITIONS AND COMMUNICATIONS.

Mr. Movius presented the following petition :

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.

OLE MICHAELS,  
And 11 Others.

Mr. Gronvold presented the following petition :

*To the Hon. F. T. Gronvold, Senator of the Forty-second Legislative District, State of North Dakota:*

We, the undersigned Modern Woodmen of America of Barton, N. D., respectfully protest against the passage of any bill looking to the enactment into law of anything that would tend to regulate the rates of premiums on fraternal insurance.

We believe that the enactment of any law such as proposed by the Fraternal Congress or old line life insurance companies, would be at least injurious, if not the ruin of our society in this state.

We believe that we, as a mutual, fraternal insurance society, are more capable of regulating our own rates than any legislative body or outside interests.

Respectfully submitted,  
LINNAS LARSON,  
And 50 Others.

Mr. Talcott presented the following petition:

*To the Eleventh Legislative Assembly:*

We, the undersigned citizens and taxpayers of Cass 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 of 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.

J. A. BLEGEN,  
And 37 Others.

The following communication was laid before the senate:

Minneapolis, February 22, 1909.

*Mr. James W. Foley, Secretary of the Senate, State of North Dakota, Bismarck, N. D.:*

MY DEAR FOLEY: I am obliged for your favor of the 19th, inclosing copy of resolution adopted by the legislative assembly, relative to condition of cars used in transporting grain.

This company is not indifferent to the subject, and certainly do not wish our shippers to lose any grain through defective cars, and will work along these lines as far as possible.

Yours truly,

W. L. MARTIN,  
Second Vice President and Traffic Manager.

*To the President and Members of the State Senate of the State of North Dakota:*

HONORED GENTLEMEN: 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 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, and that said bill may become a law of the state at the earliest possible date.

W. I. TARBEL,  
And 23 Others.

*To the President and Members of the State Senate of the State of North Dakota:*

We, the undersigned voters of the state of North 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.

J. A. CARPENTER,  
And 43 Others.

Mr. Kennedy presented the following petition:

*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 pro-

cure 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.

W. J. LANE,  
And 14 Others.

Mr. Koffel presented the following petition:

*To the President and Members of the State Senate of the State of the State of North Dakota:*

HONORED GENTLEMEN: 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 every thing 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 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, and that said bill may become a law of the state at the earliest possible date.

SHELDON SLATER,  
And 31 Others.

Mr. Steel presented the following petition:

*To the Members of the Legislative Assembly:*

We, the undersigned members of the Jamestown Musical Club, wish you to use your influence towards the establishing of an "Anti-Tuberculosis Sanitorium" in North Dakota.

MRS. S. A. WILDER,  
And 8 Others.

Mr. Steel presented the following petition:

Jamestown, N. D., February 17, 1909.

*To the Members of the Legislative Assembly:*

We, the members of the Wednesday Club, Jamestown, ask you to use your influence in securing an appropriation for the establishing of a tuberculosis sanitorium in North Dakota.

MRS. CHAS. F. RATTEMAIS,  
And 14 Others.

Mr. Cashel presented the following petition:

Whereas, we have been advised that there is no state law requiring that pool rooms, bowling alleys, billiard halls and so-called temperance saloons to close at any particular hour and to remain closed during the first day of the week; and

Whereas, we believe that the best interests and well-being of the different civic communities in our state requires that the opening and closing of such places should be regulated by statute;

Therefore, we, the Mayville District of the Church of Hauge's Synod, in meeting assembled at Grafton, North Dakota, this 18th day of February, A. D., 1909, do hereby request and urge upon the members of the Eleventh Legislative Assembly of the state of North Dakota to enact a law making it a misdemeanor, punishable by an adequate fine or imprisonment, or both, for the owner or keeper of any pool room, billiard hall, bowling alley or temperance saloon to keep such place open to a later hour than eleven o'clock in the evening or to permit the same to be open to the public on the first day of the week, commonly known as the Sabbath day, at any hour.

Which resolution was unanimously adopted at Grafton, North Dakota, this 18th day of February, A. D., 1909.

L. LANGEHANG,  
President Mayville Dist. of Church of Hauge Synod.

Attest:

J. T. HALVORSON,  
Secretary pro tem.

Hon. J. L. Cashel, Bismarck, N. Dak.

My Dear Sir: I am in hearty sympathy with the above and earnestly recommend passage of a bill that will fully regulate places of that character.

W. W. REYLICK,  
Mayor of the City of Grafton.

The committee on appropriations made the following report:

Mr. President:

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.

JUDSON LaMOURE,  
Chairman.

Mr. LaMoure moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. President:

Your committee on appropriations to whom was referred 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.

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

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

“An act making an appropriation 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.”

That sections 1 and 2 of said bill be stricken out and the following inserted in lieu thereof:

“Section 1. Appropriation.) The sum of five hundred dollars is hereby appropriated for each of the years 1909, 1910, 1911, 1912, 1913, 1914, 1915, 1916, 1917 and 1918, out of any money in the state treasury not otherwise appropriated, for the Williston experiment station at Williston, Williams county, for the payment of the charges for water for irrigation.

“Sec. 2. Emergency.) 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.

JUDSON LaMOURE,  
Chairman.

Mr. LaMoure moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. President:

Your committee on appropriations to whom was referred Senate Bill No. 243,

A bill for an act making an appropriation to pay P. O. Fossum, George Platzer, 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.

JUDSON LaMOURE,  
Chairman.

Mr. LaMoure moved

. That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. President:

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:

That the figures in line 16 of the printed bill be changed to read "7,500."

That the figures in line 19 of the printed bill be changed to read "5,000."

That the figures in line 20 of the printed bill be changed to read "5,000."

That the words "and pumping station" in line 23 be stricken out and the figures changed to read "7,000."

That the figures in line 25 be changed to read "2,000."

That the figures in line 27 be changed to read "2,500."

That the figures in line 30 be changed to read "4,000."

That all of lines 26, 34 and 35 be stricken out.

And when so amended recommend the same do pass.

JUDSON LaMOURE,  
Chairman.

Mr. LaMoure moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. President:

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.

JUDSON LaMOURE,  
Chairman.

Mr. LaMoure moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. President:

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.

JUDSON LaMOURE,  
Chairman.

Mr. LaMoure moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. President:

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 be amended as follows:

That Section 1 of said bill be stricken out and the following inserted in lieu thereof:

"Section 1. Appropriation.) The sum of One Hundred and Thirty-Five Thousand Three Hundred and Seventy-Five Dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated

for maintenance for two years and for permanent improvements and furnishings for the Normal School at Valley City, as follows:

"To erect a building for a heating plant, including the stack for the same, to equip and furnish the same and to furnish and install a system of ventilation .....	\$ 30,000
"For maintenance of the institution for two years.....	40,000
"To Complete the Auditorium Building .....	7,000
"To pay the mortgage on property purchased for dormitory purposes, with interest .....	2,375
"For library equipment and books .....	1,000
"For furniture for Auditorium .....	1,500
"For apparatus, museum equipment and cabinets.....	2,000
"For the erection and equipment of the main building of a ladies' dormitory .....	50,000
"To build and equip a barn .....	1,500

\$135,375"

And when so amended recommend the same do pass.

JUDSON LaMOURE,  
Chairman.

Mr. LaMoure moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. President:

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 be amended as follows:

That the amount in line 3 of the printed bill be changed to read as follows, "four hundred seventy dollars and seventy cents."

And when so amended recommend the same do pass.

JUDSON LaMOURE,  
Chairman.

Mr. LaMoure moved  
That the report be adopted.  
Which motion prevailed. and  
The report of the committee was adopted.

Also,

Mr. President:

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 his-  
torical society of North Dakota.

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

That the amounts in lines 5 and 6 be changed to read as  
follows, "eight hundred dollars."

And when so amended recommend the same do pass.

JUDSON LaMOURE,  
Chairman.

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

Also,

Mr. President:

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:

The figures in line 3 of the printed bill be changed to read  
as follows, "twenty-five thousand dollars."

The figures in line 7 of the printed bill be changed to read  
as follows, "\$17,000."

The figures in line 9 of the printed bill be changed to read as follows, \$25,000."

And when so amended recommend the same do pass.

JUDSON LaMOURE,  
Chairman.

Mr. LaMoure moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. President:

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.

JUDSON LaMOURE,  
Chairman.

Mr. LaMoure moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. President:

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:

That the words "students' hospital" be stricken out of the title to the bill.

That lines 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 and 15 of the printed bill be stricken out and the following inserted in place thereof:

For completing and furnishing the new dormitory.....	\$ 35,000
For changing the heating system in the main building to a vacuum system .....	3,000
For a separate heating plant .....	15,000
For grounds and walks .....	2,500
For library books .....	1,000
For gymnasium apparatus .....	500
For manual training and domestic science .....	500
For furniture and fixtures for main building .....	1,500
	\$ 59,000

And when so amended recommend the same do pass.

JUDSON LaMOURE,  
• Chairman.

Mr. LaMoure moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. President:

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 be amended as follows:

Change the amounts in lines 5 and 6 of the printed bill to read as follows, "thirty thousand three hundred dollars."

Strike out lines 8, 9, 11, 13, 16 and 22 of the printed bill.

Change the total in line 25 of the printed bill to read as follows, "\$30,300."

And when so amended recommend the same do pass.

JUDSON LaMOURE,  
Chairman.

Mr. LaMoure moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. President:

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 in accordance with the opinion of the attorney general of North Dakota, which opinion is as follows:

February 10, 1909

Miss Topping, Bismarck, N. Dak.

Dear Madam: You have requested an opinion from me as to whether the legislature of this state could legally appropriate money in aid of the Crittendon Home at Fargo, which I understand is an institution for the care of women about to become mothers, and especially for poor women in such condition without other means of care or home, and you advise that objections have been raised to such appropriation on the part of the legislature on the theory that such an appropriation would be in violation of our state constitution. I have examined the constitution with a view of discovering any prohibition of such appropriation contained therein. If there be such it must be found in section 185 thereof, which prohibits the state or any county, city, township, town, school district or political sub-division from making donations to or in aid of any individual, association, or corporation, except for necessary support of the poor, from which it will be seen that support of the poor is excepted. The only question then, necessary to determine is whether the inmates of this Home are poor within the meaning of this constitutional provision. If they are an appropriation would be legal. I presume that if women who have no other means of care or home apply for admission to this home, the fact that besides being poor and without means of support they are also in such unfortunate conditions does not take them out of the class known as "poor people"; but of course there may be inmates that are not poor, and as to such no appropriation for their aid could be made; in other words, the act providing for the appropriation must provide that the money can be used only for the benefit of those inmates who are poor and without other means of sustenance during the period of their stay in the home, and should recognize the fact that the state had poor in the Home for which the appropriation should be used. If so drawn, in my opinion, the appropriation would not be unconstitutional.

Very respectfully yours,

ANDREW MILLER,  
Attorney General.

And recommend that the same do pass.

JUDSON LaMOURE,  
Chairman.

Mr. LaMoure moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. President:

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:

Change the amounts in lines 6 and 7 of the printed bill to read as follows, "seventy-eight thousand eight hundred and fifty dollars (\$78,850)."

Strike out line 29 of the printed bill.

Make the total in line 30 of printed bill read as follows: "\$78,850."

And when so amended recommend the same do pass.

JUDSON LaMOURE,  
Chairman.

Mr. LaMoure moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. President:

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.

JUDSON LaMOURE,  
Chairman.



Mr. LaMoure moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. President:

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 be amended as follows:

That the word "eight" in line 1 of the printed bill be  
changed to read "seven."

That the figures in line 7 of the printed bill be changed  
to read "2,000."

That the figures in line 8 of the printed bill be changed to  
read "500."

That the figures in line 10 of the printed bill be changed  
to read "7,000."

And when so amended recommend the same do pass.

JUDSON LaMOURE,  
Chairman.

Mr. LaMoure moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. President:

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 appropri-  
ations therefor.

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

That the figures in line 6 of the printed bill be changed to read as follows: "Fifty-one Thousand Five Hundred Dollars (\$51,500.)"

That lines 7, 8 and 9 be changed to read as follows:

"For salaries .....	\$ 25,000
"For power house and electric light equipment .....	11,500
"For library .....	15,000

And when so amended recommend the same do pass.

JUDSON LaMOURE,  
Chairman.

Mr. LaMoure moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. President:

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 be amended as follows:

That the figures in line 6 of the printed bill be changed to read as follows, "\$59,700.00."

That line 12 of the printed bill be stricken out.

That line 14 of the printed bill be changed to read as follows, "\$1,500.00."

That line 15 of the printed bill be changed to read as follows, "\$1,700.00."

That line 18 of the printed bill be changed to read as follows, "\$800.00."

That line 20 of the printed bill be changed to read as follows, "\$1,200.00."

That line 21 of the printed bill be changed to read as follows, "\$59,700.00."

And when so amended recommend the same do pass.

JUDSON LaMOURE,  
Chairman.

Mr. LaMoure moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. President:

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 be amended as follows:

The figures in line 6 of the printed bill be changed to read as follows, "10,000.00."

The figures in line 8 of the printed bill be changed to read as follows, "3,000.00."

The figures in line 11 of the printed bill be changed to read as follows, "\$1,050.00."

The figures in line 13 of the printed bill be changed to read as follows, "\$16,850.00."

And when so amended recommend the same do pass.

JUDSON LaMOURE,  
Chairman.

Mr. LaMoure moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. President:

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 be amended as follows:

That section 1 of the bill be stricken out and the following inserted in lieu thereof:

“Section 1. Appropriation.) The sum of two thousand five hundred dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, for the Edgeley experiment station, located at the city of Edgeley, LaMoure county, for the purpose of providing a seed house and equipment and other improvements for properly carrying on the work of the station.”

And when so amended recommend the same do pass.

JUDSON LaMOURE,  
Chairman.

Mr. LaMoure moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. President:

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 be amended as follows:

That the figures in line 2 of the printed bill be changed to read “\$2,000.”

And when so amended recommend the same do pass.

JUDSON LaMOURE,  
Chairman.

Mr. LaMoure moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. President:

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 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.

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

The word "ten" in line 11 of the printed bill be stricken out and the word "twelve" inserted in lieu thereof.

That following the word "possible" in line 23 of the printed bill, there be inserted the following: "Provided, further, that \$2,000 of the amount hereby annually appropriated shall be set aside for the sole purpose of installing and conducting demonstration farms at or near the village of McLeod, N. D."

And when so amended recommend the same do pass.

JUDSON LaMOURE,  
Chairman.

Mr. LaMoure moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. President:

Your committee on appropriations to whom was referred

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.

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

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

"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."

That section 1 of said bill be amended to read as follows:  
"Section 1. Amendment.) Section 76 of the revised codes of 1905, as amended by chapter 186 of the session laws of 1907, is hereby amended and re-enacted to read as follows:"

That lines 1 and 2 of the printed bill be stricken out.

And when so amended recommend the same do pass.

JUDSON LaMOURE,  
Chairman.

Mr. LaMoure moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. President:

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

That section 1 of the bill be stricken out and the following inserted in lieu thereof:

"Section 1. Appropriation.) The sum of three thousand five hundred dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, for the Dickinson experiment station, located at the city of Dickinson, Stark county, for the purpose of erecting a seed house and granary."

And when so amended recommend the same do pass.

JUDSON LaMOURE,  
Chairman.

Mr. LaMoure moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. President:

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.

JUDSON LaMOURE,  
Chairman.

Mr. LaMoure moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. President:

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 be amended as follows:

Change the amount in line 6 of the printed bill to read as follows, "one hundred twenty-six thousand and fifty dollars."

Strike out lines 10, 14, 15, 16 and 17 of the printed bill.

Make line 23 of the printed bill read as follows, "improvements to grounds and building of sidewalks, . . . . 1,000."

Change the total between lines 27 and 28 of the printed bill to read as follows, "\$126,050."

In section 2, line 2 of the printed bill, change the word "furnish" to read "finish."

Change line 24 of the printed bill to read as follows: "Purchasing additional land, \$4,800."

And when so amended recommend the same do pass.

JUDSON LaMOURE,  
Chairman.

Mr. LaMoure moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. President:

Your committee on appropriations to whom was referred

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.

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

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

"An Act Making Appropriations for Permanent Improvements at the State University and School of Mines of North Dakota and for the Maintenance of a Mining Experiment Sub-Station in Connection with Such State School of Mines."

That Section 1 of said bill be stricken out and the following inserted in lieu thereof:

"Section 1. There is hereby appropriated the following sums of money, out of the moneys in the state treasury not otherwise appropriated, for the purpose of making the following permanent improvements at the state university and school of mines of North Dakota and for the maintenance of a mining experiment sub-station in connection with such state school of mines at the state university:

For needed repairs on the building known as Science Hall.....	\$ 3,000
For the erection of a suitable building for the department known as Teachers' College .....	60,000
For equipping the Mechanical and Electrical Laboratories.....	5,000
For equipping the laboratory and testing department of the school of mines for the purpose of carrying on experimentation and the testing of the state's minerals and allied resources; for the expenses of establishing and the management of a mining experiment sub-station and the finishing off and equipping two rooms in the school of mines building .....	30,000
For the erection of a commons hall to house the boarding department .....	40,000
For equipping the Carnegie Library building with book stacks and furniture .....	3,000
For moving and repairing the power plant.....	20,000
For improvements of the University grounds and campus, including grading, trees, seeding and walks .....	5,000
For maintenance .....	10,000
For library books, magazines and pamphlets, including bindings..	5,000

\$ 181,000



Provided, that of the \$30,000 hereby appropriated for the School of Mines, not less than \$12,000 thereof shall be used for the establishment and maintenance of the mining experiment sub-station during the fiscal years 1909 and 1910.

And when so amended recommend the same do pass.

JUDSON LaMOURE,  
Chairman.

Mr. LaMoure moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. President:

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 be amended as follows:

That the word "forty" in line 3 of section 1 of the printed bill be stricken out and the word "thirty" inserted in lieu thereof.

That at the end of section 1 there shall be inserted the following:

"Provided, that the money hereby appropriated shall be used only for the publication of such literature and the circulation thereof and the making of such exhibits of the resources of the state in such eastern and southern localities only as may, in the judgment of the commissioner of agriculture and labor, seem advisable."

And when so amended recommend the same do pass.

JUDSON LaMOURE,  
Chairman.

Mr. LaMoure moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. President:

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.

JUDSON LaMOURE,  
Chairman.

Mr. LaMoure moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. President:

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 be amended as follows:

That the word "two" in line 2 of section 3 of the printed bill be stricken out and the word "four" be inserted in lieu thereof; that the word "four" in the same line be stricken out and the word "six" be inserted in lieu thereof.

That after the word "qualified" in line 4 of section 3 the following be inserted: "Appointments made thereafter shall be for the full term of six years each; provided, that."

And when so amended recommend the same do pass.

JUDSON LaMOURE,  
Chairman.

Mr. LaMoure moved

That the report be adopted

Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. President:

Your committee on appropriations 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:

That the word "fifteen" in line 3 of the printed bill be stricken out and the word "ten" inserted in lieu thereof."

And when so amended recommend the same do pass.

JUDSON LaMOURE,  
Chairman.

Mr. LaMoure moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. President:

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 amended as follows:

That the word "ninety" in both the title and line 1 of the printed bill be stricken out and the word "eighty" inserted in lieu thereof.

And when so amended recommend the same do pass.

JUDSON LaMOURE,  
Chairman.

Mr. LaMoure moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. President:

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:

That the following words be stricken out of the title of said bill: "For providing dynamo and fixtures; for boys' dormitory, and for horticultural building."

That lines 14, 15, 16, 17, 18 and 19 of the printed bill be stricken out.

And when so amended recommend the same do pass.

JUDSON LaMOURE,  
Chairman.

Mr. LaMoure moved

That the report be adopted

Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. President:

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 amend-  
ed by chapter 99 of the session laws of 1907.

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

That following the enacting clause of said bill there be inserted the  
following:

"Section 1. Amendment.) That Sections 1034, 1035 and 1036 of the  
Revised Codes of 1905, as amended by Chapter 99 of the Session Laws  
of 1907, are amended and re-enacted to read as follows:

That the word "amended" in lines 1 and 44 of printed bill be stricken out.

That the word "five" in line 49 of the printed bill be stricken out and the  
word "seven" be inserted in lieu thereof.

That the words "a sixth" in line 51 of the printed bill be stricken out,  
and the words "an eighth" inserted in lieu thereof.

That the words "and re-enact" following the word "amend" in line 1 of  
the title of said bill, be inserted.

And when so amended recommend the same do pass.

JUDSON LaMOURE,  
Chairman.

Mr. LaMoure moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. President:

Your committee on appropriations to whom was referred  
Senate Bill No. 2,

A bill for an act making an appropriation for improve-  
ments and betterment of the public building, known as the  
Executive Mansion.

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

JUDSON LaMOURE,  
Chairman.

Mr. Lamoure moved

That the report be adopted  
Which motion prevailed, and  
The further consideration of the bill was indefinitely postponed.

Also,

Mr. President:

Your committee on appropriations to whom was referred  
Senate Bill No. 180,  
A bill for an act to amend section 1070 of the revised  
codes of North Dakota of 1905, and making an appropriation  
to meet the necessary expenses of the state geological  
survey.

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

JUDSON LaMOURE,  
Chairman.

Mr. LaMoure moved

That the report be adopted.  
Which motion prevailed, and  
The further consideration of the bill was indefinitely  
postponed.

Also,

Mr. President:

Your committee on appropriations to whom was referred  
Senate Bill No. 260,  
A bill for an act providing for the free testing for tuber-  
culosis of neat cattle used for breeding and dairy purposes.  
Have had the same under consideration and recommend  
that the same be indefinitely postponed.

JUDSON LaMOURE,  
Chairman.

Mr. LaMoure moved

That the report be adopted.  
Which motion prevailed, and  
The further consideration of the bill was indefinitely  
postponed.

Also,

Mr. President:

Your committee on appropriations to whom was referred  
Senate Bill No. 5.

A bill for an act entitled an act providing for the establishment of a good roads department at the state agricultural college, defining the duties of such department and providing for an appropriation to pay the current and contingent expenses of same.

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

JUDSON LaMOURE,  
Chairman.

Mr. LaMoure moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Also,

Mr. President:

Your committee on appropriations to whom was referred  
Senate Bill No. 208,

A bill for an act to appropriate money for repairing the outer wall around the buildings and grounds of the North Dakota state penitentiary.

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

JUDSON LaMOURE,  
Chairman.

Mr. LaMoure moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Also,

Mr. President:

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.

JUDSON LaMOURE,  
Chairman.

Mr. LaMoure moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. President:

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.

JUDSON LaMOURE,  
Chairman.

Mr. LaMoure moved

That the report be adopted

Which motion prevailed, and

The report of the committee was adopted.



Also,

Mr. President:

Your committee on appropriations to whom was referred  
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.

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

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

"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."

That Section 1 be amended to read as follows:

"Section 1. Each of the sub-experiment stations located at Dickinson, Williston and Langdon, and such other agricultural sub-experiment stations as may hereafter be established by law, shall be operated in connection with the North Dakota government experiment station at Fargo and under the exclusive management and control of the board of trustees of the agricultural college, as provided for in Sections 1101 and 1102 of the Revised Codes of 1905, and as provided for in the several acts establishing said sub-stations, except as herein amended."

That Section 2 of said bill be stricken out.

That Sections 3, 4, 5 and 6 be re-numbered as Sections 2, 3, 4, and 5.

And when so amended recommend the same do pass.

JUDSON LaMOURE,  
Chairman.

Mr. LaMoure moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. President:

Your committee on appropriations to whom was referred  
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.

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

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

"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."

That Section 4 of said bill be amended to read as follows:

"Section 4. This experimental sub-station shall be located on a tract of at least eighty acres of land at or near Hebron, Morton County, and underlaid by a workable vein of lignite coal, the location to be as accessible as possible and consistent with the necessary operations of such station, due consideration being given to nearness and accessibility of deposits of clays and other mineral resources of the state. In case such suitable location can be secured on lands owned by any of the state institutions or the common schools of the state, one hundred and sixty acres of such lands shall be transferred to the school of mines by the board of university and school lands and an equal amount of land now owned by the school of mines and of equal appraised value shall be transferred by such board of university and school lands to replace the land hereby transferred to such school of mines. If suitable land cannot be thus secured, a tract of at least eighty acres may be purchased, if necessary, by the board of trustees of the state university and school of mines."

That Section 5 of said bill be stricken out.

That Section 6 of said bill be re-numbered Section 5.

And when so amended recommend the same do pass.

JUDSON LaMOURE,  
Chairman.

Mr. LaMoure moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. President:

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.

JUDSON LaMOURE,  
Chairman.

Mr. LaMoure moved

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

Also,

Mr. President:

Your committee on appropriations to whom was referred  
Senate Bill No. 99,

A bill for an act to provide for the location, erection, organization and management of a state sanitorium 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 sanitorium.

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

That the title of said bill be changed to read as follows:

"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."

That all after the enacting clause of said bill be stricken out and the following inserted in lieu thereof:

"Section 1. There is hereby established a state sanitarium for the care and scientific treatment of persons afflicted with tuberculosis, to be known as "The North Dakota Tuberculosis Sanitarium."

"Sec. 2. The temporary government of said sanitarium for the purpose of its location, the purchase of a site for the same, not to exceed 160 acres, and for the purpose of improving the grounds hereby authorized to be purchased, such as fencing, clearing, planting of trees and shrubberies, and other improvements of like character, is hereby vested in a board to consist of the governor, Dr. G. F. Ruediger, of the public health laboratory of the state university, Dr. J. L. Grassick, superintendent of the state board of health, Dr. Fannie Dunn Quain, of Bismarck, and C. J. Lord of Cando.

"Sec. 3. Within a reasonable time after the taking effect of this act the said board hereby created shall effect a permanent organization by the election of the usual officers of boards of similar character, which organization shall be accomplished at a meeting to be held at the seat of government on call of the governor and by giving ten days' notice thereof. Meetings thereafter shall be held as such points as in the opinion of a majority of said board shall be most convenient. Said board shall receive as compensation for their services the sum of \$3.00 per day and their actual and necessary expenses while engaged in the work provided for herein, to be paid as other expenses for boards of trustees of state institutions; provided, that no member of said board receiving a salary from the state shall receive anything save his actual and necessary expenses.

"Sec. 4. For the purpose of carrying out the provisions of this act there is hereby appropriated out of any funds in the state treasury not otherwise appropriated the sum of ten thousand dollars and the state auditor is

hereby authorized to draw his warrants for such sums as may be required from time to time to carry out the provisions of this act, upon vouchers approved by said board and further approved by the governor as now required by law.

And when so amended recommend the same do pass.

JUDSON LaMOURE,  
Chairman.

Mr. LaMoure moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

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

Mr. President:

Your committee on enrolled and engrossed bills to whom was referred

Senate Bill No. 99,

A bill for an act to provide for the location, erection, organization and management of a state sanitorium 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 sanitorium.

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. 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. 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. 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. 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. 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. 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:

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 buletins, 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. 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 forengineering 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. 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. 207,

A bill for an act to appropriate money for repairing and wiring at the state penitentiary.

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. 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. 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.

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. 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. 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. 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. 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. 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. 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. 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. 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. 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. 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. 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.

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. 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. 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. 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. 322,

A bill for an act amending section 1 of chapter 166 of laws of 1899, it being section 1296 of revised codes of 1905, providing for purchase of books for state library.

And find the same correctly engrossed.

**THEODORE KOFFEL,**  
Chairman.

Mr. LaMoure moved

That the rules be suspended and all appropriation bills be placed on their third reading and final passage.

Which motion prevailed

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 42, nays 0, absent and not voting 5.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Kennedy	Sharpe
Anderson	Koffel	Simpson
Baker	LaMoure	Steel, of Stutsman
Bessesen	Leutz	Steele of Ward
Cashel	Martin	Stevens
Crane	Macdonald	Strom
Davis	McLean	Syvertson
Duis	Movius	Talcott
Gilbert	Neal	Trimble
Gronvold	Overson	Turner
Gunderson	Palmer	Wallin
Irwin	Pierce	Walton
Johnson	Plain	Welo
Kelly	Ramsett	Whitcher

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Holliday	Purcell	Welch
McArthur	Rice	

Messrs. Purcell and Holliday being excused.

So the bill passed and the title was agreed to.

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 39, nays 0, absent and not voting 8.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Koffel	Simpson
Anderson	LaMoure	Steel, of Stutsman
Baker	Leutz	Steele of Ward
Bessesen	Macdonald	Stevens
Cashel	McLean	Strom
Crane	Movius	Syvertson
Duis	Neal	Talcott
Gilbert	Overson	Trimble
Gunderson	Palmer	Turner
Irwin	Pierce	Wallin
Johnson	Plain	Walton
Kelly	Ramsett	Welo
Kennedy	Sharpe	Whitcher

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Davis	Martin	Rice
Gronvold	McArthur	Welch
Holliday	Purcell	

Messrs. Purcell and Holliday being excused.  
So the bill passed and the title was agreed to.

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 41, nays 0, absent and not voting 6.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Kennedy	Steel, of Stutsman
Anderson	Koffel	Steele of Ward
Baker	LaMoure	Stevens
Bessesen	Leutz	Strom
Cashel	Macdonald	Syvertson
Crane	McLean	Talcott
Davis	Movius	Trimble
Duis	Neal	Turner
Gilbert	Overson	Wallin
Gronvold	Palmer	Walton
Gunderson	Pierce	Welch
Irwin	Plain	Welo
Johnson	Ramsett	Whitcher
Kelly	Sharpe	

**Absent and not voting:**

Messrs.—	Messrs.—	Messrs.—
Holliday	Martin	Rico
McArthur	Purcell	Simpson

Messrs. Purcell and Holliday being excused.  
So the bill passed and the title was agreed to.

**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 42, nays 0, absent and not voting 5.

**Those who voted in the affirmative were:**

Messrs.—	Messrs.—	Messrs.—
Albright	Kennedy	Sharpe
Anderson	Koffel	Simpson
Baker	LaMoure	Steel, of Stutsman
Bessesen	Leutz	Steele of Ward
Cashel	Macdonald	Stevens
Crane	McArthur	Strom
Davis	McLean	Syverson
Duis	Movius	Talcott
Gilbert	Neal	Trimble
Gronvold	Overson	Turner
Gunderson	Palmer	Wallin
Irwin	Pierce	Walton
Johnson	Plain	Welo
Kelly	Ramsett	Whitcher

**Absent and not voting:**

Messrs.—	Messrs.—	Messrs.—
Holliday	Purcell	Welch
Martin	Rice	

Messrs. Purcell and Holliday being excused.  
So the bill passed 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 commission, 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 40, nays 0, absent and not voting 7.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Kennedy	Steel, of Stutsman
Anderson	Koffel	Steele of Ward
Baker	LaMoure	Stevens
Bessesen	Leutz	Strom
Cashel	McLean	Syverson
Crane	Movius	Talcott
Davis	Neal	Trimble
Duis	Overson	Turner
Gilbert	Pierce	Wallin
Gronvold	Plain	Walton
Gunderson	Ramsett	Welch
Irwin	Sharpe	Welo
Johnson	Simpson	Whitcher
Kelly		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Holliday	McArthur	Purcell
Martin	Palmer	Rice
Macdonald		

Messrs. Purcell and Holliday being excused.  
So the bill passed and the title was agreed to.

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 third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 43, nays 0, absent and not voting 4.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Koffel	Simpson
Anderson	LaMoure	Steel, of Stutsman
Baker	Leutz	Steele of Ward
Bessesen	Macdonald	Stevens
Cashel	McArthur	Strom
Crane	McLean	Syverson
Davis	Movius	Talcott
Duis	Neal	Trimble
Gilbert	Overson	Turner
Gronvold	Palmer	Wallin
Gunderson	Pierce	Walton

Messrs.— Irwin Johnson Kelly Kennedy	Messrs.— Plain Ramsett Sharpe	Messrs.— Welch Welo Whitcher
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**Absent and not voting:**

Messrs.— Holliday Martin	Messrs.— Purcell	Messrs.— Rice
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Mr. Purcell being excused.

So the bill passed and the title was agreed to.

**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 third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 43, nays 0, absent and not voting 4.

**Those who voted in the affirmative were:**

Messrs.— Albright Anderson Baker Bessesen Cashel Crane Davis Duis Gilbert Gronvold Gunderson Irwin Johnson Kelly Kennedy	Messrs.— Koffel LaMoure Leutz Macdonald McArthur McLean Movius Neal Overson Palmer Pierce Plain Ramsett Sharpe	Messrs.— Simpson Steel, of Stutsman Steele of Ward Stevens Strom Syvertson Talcott Trimble Turner Wallin Walton Welch Welo Whitcher
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**Absent and not voting:**

Messrs.— Holliday Martin	Messrs.— Purcell	Messrs.— Rice
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Mr. Purcell being excused.

So the bill passed and the title was agreed to.

Mr. Pierce moved

That the rules be suspended and that the action of the senate in amending Senate Bill No. 246 and indefinitely

postponing Senate Bill No. 246 and No. 247 be expunged from the record in the journal of the fiftieth day.

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.

The roll was called and there were ayes 43, nays 0, absent and not voting 4.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	LaMoure	Simpson
Anderson	Leutz	Steel, of Stutsman
Baker	Martin	Steele of Ward
Bessesen	Macdonald	Stevens
Cashel	McArthur	Strom
Crane	McLean	Syvertson
Davis	Movius	Talcott
Duis	Neal	Trimble
Gilbert	Overson	Turner
Gunderson	Pierce	Wallin
Irwin	Plain	Walton
Johnson	Ramsett	Welch
Kelly	Rice	Welo
Kennedy	Sharpe	Whitcher
Koffel		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Gronvold	Palmer	Purcell
Holliday		

Mr. Purcell being excused.

So the bill passed and the title was agreed to.

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 44, nays 0, absent and not voting 3.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	LaMoure	Steel, of Stutsman
Anderson	Leutz	Steele of Ward



Messrs.—	Messrs.—	Messrs.—
Baker	Martin	Simpson
Bessesen	Macdonald	Stevens
Cashel	McArthur	Strom
Crane	McLean	Syvertson
Davis	Movius	Talcott
Duis	Neal	Trimble
Gilbert	Overson	Turner
Gunderson	Palmer	Wallin
Irwin	Pierce	Walton
Johnson	Plain	Welch
Kelly	Ramsett	Welo
Kennedy	Rice	Whitcher
Koffel	Sharpe	

### Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Gronvold	Holliday	Purcell

Mr. Purcell 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.

The roll was called and there were ayes 42, nays 0, absent and not voting 5.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Koffel	Sharpe
Anderson	LaMoure	Simpson
Baker	Leutz	Steel, of Stutsman
Bessesen	Marin	Steele of Ward
Cashel	Macdonald	Stevens
Crane	McLean	Strom
Davis	Movius	Syvertson
Duis	Neal	Talcott
Gilbert	Overson	Trimble
Gunderson	Palmer	Turner
Irwin	Pierce	Wallin
Johnson	Plain	Walton
Kelly	Ramsett	Welch
Kennedy	Rice	Whitcher

**Absent and not voting:**

Messrs.—  
Gronvold  
Holliday

Messrs.—  
McArthur  
Purcell

Messrs.—  
Welo

Mr. Purcell being excused.

So the bill passed and the title was agreed to.

**MESSAGE FROM THE HOUSE.**

The following message was received from the house:

HOUSE OF REPRESENTATIVES,  
BISMARCK, NORTH DAKOTA,  
February 24, 1909.

Mr. President:

I have the honor to return herewith

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 house has 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.

And passed as amended.

Very respectfully,  
W. D. AUSTIN,  
Chief Clerk.

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 43, nays 0, absent and not voting 4.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	LaMoure	Simpson
Anderson	Leutz	Steel, of Stutsman
Baker	Martin	Steele of Ward
Bessesen	Macdonald	Stevens
Cashel	McLean	Strom
Crane	Movius	Syvertson
Davis	Neal	Talcott
Duis	Overson	Trimble
Gilbert	Palmer	Turner
Gunderson	Pierce	Wallin
Irwin	Plain	Walton
Johnson	Ramsett	Welch
Kelly	Rice	Welo
Kennedy	Sharpe	Whitcher
Koffel		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Gronvold	McArthur	Purcell
Holliday		

Mr. Purcell being excused.

So the bill passed and the title was agreed to.

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 41, nays 0, absent and not voting 6.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Kennedy	Simpson
Anderson	LaMoure	Steel, of Stutsman
Baker	Leutz	Stevens
Bessesen	Martin	Strom
Cashel	McLean	Syverson
Crane	Movius	Talcott
Davis	Neal	Trimble
Duls	Overson	Turner
Gilbert	Palmer	Wallin
Gronvold	Pierce	Walton
Gunderson	Plain	Welch
Irwin	Ramsett	Welo
Johnson	rtice	Whitcher
Kelly	Sharpe	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Holliday	Macdonald	Purcell
Koffel	McArthur	Steele of Ward

Mr. Purcell being excused.

So the bill passed and the title was agreed to.

COMMUNICATION FROM THE GOVERNOR.

GOVERNOR'S OFFICE,  
BISMARCK, NORTH DAKOTA,  
February 24, 1909.

*To the Senate:*

GENTLEMEN: I have the honor to inform you that I have approved and filed in the office of the secretary of state

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.

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. 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.

Very respectfully,

JOHN BURKE,  
Governor.

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 43, nays 0, absent and not voting 4.

Those who voted in the affirmative were:

Messrs.—

Albright  
Anderson  
Baker  
Bessesen  
Cashel  
Crane  
Davis  
Duis  
Gilbert  
Gronvold  
Gunderson  
Irwin  
Johnson  
Kennedy  
Koffel

Messrs.—

LaMoure  
Leutz  
Martin  
McArthur  
McLean  
Movius  
Neal  
Overson  
Palmer  
Pierce  
Plain  
Ramsett  
Rice  
Sharpe

Messrs.—

Simpson  
Steel, of Stutsman  
Steele of Ward  
Stevens  
Strom  
Syvertson  
Talcott  
Trimble  
Turner  
Wallin  
Walton  
Welch  
Welo  
Whitcher.

**Absent and not voting:**

Messrs.—	Messrs.—	Messrs.—
Holliday	Macdonald	Purcell
Kelly		

Mr. Purcell being excused.  
So the bill passed and the title 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 42, nays 0, absent and not voting 5.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Koffel	Simpson
Anderson	LaMoure	Steel, of Stutsman
Baker	Leutz	Steele of Ward
Bessesen	Martin	Stevens
Cashel	Macdonald	Strom
Crane	McLean	Syvertson
Davis	Movius	Talcott
Duis	Neal	Trimble
Gilbert	Overson	Turner
Gronvold	Palmer	Wallin
Gunderson	Plain	Walton
Johnson	Ramsett	Welch
Kelly	Rice	Welo
Kennedy	Sharpe	Whitcher

**Absent and not voting:**

Messrs.—	Messrs.—	Messrs.—
Holliday	McArthur	Purcell
Irwin	Pierce	

Mr. Purcell 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

parcs 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 44, nays 0, absent and not voting 3.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Koffel	Simpson
Anderson	LaMoure	Steel, of Stutsman
Baker	Leutz	Steele of Ward
Bessesen	Martin	Stevens
Cashel	Macdonald	Strom
Crane	McLean	Syvertson
Davis	Movius	Talcott
Duis	Neal	Trimble
Gilbert	Overson	Turner
Gronvold	Palmer	Wallin
Gunderson	Pierce	Walton
Irwin	Plain	Welch
Johnson	Ramsett	Welo
Kelly	Rice	Whitcher
Kennedy	Sharpe	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Holliday	McArthur	Purcell

Mr. Purcell being excused.

So the bill passed and the title was agreed to.

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 third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 43, nays 0, absent and not voting 4.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Koffel	Sharpe
Anderson	LaMoure	Simpson
Baker	Leutz	Steel, of Stutsman

Messrs.—	Messrs.—	Messrs.—
Bessesen	Martin	Steele of Ward
Cashel	Macdonald	Stevens
Crane	McArthur	Strom
Davis	McLean	Syvertson
Duis	Movius	Talcott
Gilbert	Neal	Turner
Gronvold	Overson	Wallin
Gunderson	Palmer	Walton
Irwin	Plain	Welch
Johnson	Ramsett	Welo
Kelly	Rice	Whitcher
Kennedy		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Holliday	Purcell	Trimble
Pierce		

Mr. Purcell 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 43, nays 0, absent and not voting 4.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	LaMoure	Simpson
Anderson	Leutz	Steel, of Stutsman
Baker	Martin	Steele of Ward
Bessesen	Macdonald	Stevens
Cashel	McArthur	Strom
Crane	McLean	Syvertson
Duis	Movius	Talcott
Gilbert	Neal	Trimble
Gronvold	Overson	Turner
Gunderson	Palmer	Wallin
Irwin	Plain	Walton
Johnson	Ramsett	Welch
Kelly	Rice	Welo
Kennedy	Sharpe	Whitcher
Koffel		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Davis	Pierce	
Holliday		



Mr. Purcell being excused.

So the bill passed and the title was agreed to.

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 third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 43, nays 0, absent and not voting 4.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	LaMoure	Simpson
Anderson	Leutz	Steel, of Stutsman
Baker	Martin	Steele of Ward
Bessesen	Macdonald	Stevens
Cashel	McArthur	Strom
Crane	McLean	Syvertson
Duis	Movius	Talcott
Gilbert	Neal	Trimble
Gronvold	Overson	Turner
Gunderson	Palmer	Wallin
Irwin	Plain	Walton
Johnson	Ramsett	Welch
Kelly	Rice	Welo
Kennedy	Sharpe	Whitcher
Koffel		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Davis	Pierce	Purcell
Holliday		

Mr. Purcell 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 43, nays 0, absent and not voting 4.

## Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Koffel	Sharpe
Anderson	LaMoure	Simpson
Baker	Leutz	Steel, of Stutsman
Bessesen	Martin	Stevens
Cashel	Macdonald	Strom
Crane	McArthur	Syverson
Davis	McLean	Talcott
Duis	Movius	Trimble
Gilbert	Neal	Turner
Gronvold	Overson	Wallin
Gunderson	Palmer	Walton
Irwin	Plain	Welch
Johnson	Ramsett	Welo
Kelly	Rice	Whitcher
Kennedy		

## Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Holliday	Purcell	Steele of Ward
Pierce		

Mr. Purcell being excused.

So the bill passed and the title was agreed to.

## 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 44, nays 0, absent and not voting 3.

## Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Koffel	Simpson
Anderson	LaMoure	Steel, of Stutsman
Baker	Leutz	Steele of Ward
Bessesen	Martin	Stevens
Cashel	Macdonald	Strom
Crane	McArthur	Syverson
Davis	McLean	Talcott
Duis	Movius	Trimble
Gilbert	Neal	Turner
Gronvold	Overson	Wallin
Gunderson	Palmer	Walton
Irwin	Plain	Welch
Johnson	Ramsett	Welo
Kelly	Rice	Whitcher
Kennedy	Sharpe	

Absent and not voting:

Messrs.—

Holliday

Messrs.—

Pierce

Messrs.—

Purcell

Mr. Purcell being excused.

So the bill passed and the title was agreed to.

### MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,  
BISMARCK, NORTH DAKOTA,  
February 24, 1909.

Mr. President:

I have the honor to transmit herewith

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.

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

Very respectfully,  
W. D. AUSTIN,  
Chief Clerk.

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.

Mr. Crane offered the following amendment to Senate Bill No. 76:

After the word "field" in line 6 of the printed bill insert the word "officers," and after the word "work" in the same line insert the following, "between the dates of March 15th and November 15th in each year."

Mr. Crane moved

That the amendment be adopted.

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 44, nays 0, absent and not voting 3.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Koffel	Simpson
Anderson	LaMoure	Steel, of Stutsman
Baker	Leutz	Steele of Ward
Bessesen	Martin	Stevens
Cashel	Macdonald	Strom
Crane	McArthur	Syvertson
Davis	McLean	Talcott
Duis	Movius	Trimble
Gilbert	Neal	Turner
Gronvold	Overson	Wallin
Gunderson	Palmer	Walton
Irwin	Plain	Welch
Johnson	Ramsett	Welo
Kelly	Rice	Whitcher
Kennedy	Sharpe	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Holliday	Pierce	Purcell

Mr. Purcell being excused.

So the bill passed as amended 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 44, nays 0, absent and not voting 3.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Koffel	Simpson
Anderson	LaMoure	Steel, of Stutsman
Baker	Leutz	Steele of Ward
Bessesen	Martin	Stevens
Cashel	Macdonald	Strom
Crane	McArthur	Syvertson
Davis	McLean	Talcott
Duis	Movius	Trimble
Gilbert	Neal	Turner
Gronvold	Overson	Wallin
Gunderson	Palmer	Walton
Irwin	Plain	Welch
Johnson	Ramsett	Welo
Kelly	Rice	Whitcher
Kennedy	Sharpe	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Holliday	Pierce	Purcell

Mr. Purcell being excused.

So the bill passed and the title was agreed to.

Mr. Bessesen in the chair.

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 44, nays 0, absent and not voting 3.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Koffel	Simpson
Anderson	LaMoure	Steel, of Stutsman
Baker	Leutz	Steele of Ward
Bessesen	Martin	Stevens
Cashel	Macdonald	Strom
Crane	McArthur	Syvertson
Davis	McLean	Talcott
Duis	Movius	Trimble
Gilbert	Neal	Turner
Gronvold	Overson	Wallin
Gunderson	Palmer	Walton
Irwin	Plain	Welch
Johnson	Ramsett	Welo
Kelly	Rice	Whitcher
Kennedy	Sharpe	

## Absent and not voting:

Messrs.— Holliday	Messrs.— Pierce	Messrs.— Purcell
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Mr. Purcell being excused.

So the bill passed and the title was agreed to.

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 42, nays 0, absent and not voting 5.

Those who voted in the affirmative were:

Messrs.— Albright Anderson Baker Bessesen Cashel Crane Davis Duis Gilbert Gronvold Gunderson Irwin Kelly Kennedy	Messrs.— Koffel LaMoure Leutz Martin Macdonald McLean Movius Neal Overson Palmer Plain Ramsett Rice Sharpe	Messrs.— Simpson Steel, of Stutsman Steele of Ward Stevens Strom Syvertson Talcott Trimble Turner Wallin Walton Welch Welo Whitcher
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## Absent and not voting:

Messrs.— Holliday Johnson	Messrs.— McArthur Pierce	Messrs.— Purcell
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Mr. Purcell being excused.

So the bill passed and the title was agreed to.

Mr. Crane moved

That the senate do now concur in the house amendments to Senate Bill No. 27.

The question being on the final passage of the bill as amended by the house.

The roll was called and there were ayes 21 nays 20, absent and not voting 6.

**Those who voted in the affirmative were:**

Messrs.—	Messrs.—	Messrs.—
Anderson	Gronvold	Ramsett
Bessesen	Gunderson	Rice
Cashel	Irwin	Strom
Crane	Johnson	Syvertson
Davis	Kelly	Turner
Duis	McLean	Welo
Gilbert	Plain	Whitcher

**Those who voted in the negative were:**

Messrs.—	Messrs.—	Messrs.—
Albright	Movius	Steele of Ward
Kennedy	Neal	Stevens
Koffel	Overson	Talcott
LaMoure	Palmer	Trimble
Leutz	Sharpe	Wallin
Martin	Simpson	Welch
Macdonald	Steel, of Stutsman	

**Absent and not voting:**

Messrs.—	Messrs.—	Messrs.—
Baker	McArthur	Purcell
Holliday	Pierce	Walton

Mr. Purcell being excused.

So the house amendments were not concurred in.

**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 third time

The question being on the final passage of the bill.

The roll was called and there were ayes 44, nays 0, absent and not voting 3.

**Those who voted in the affirmative were:**

Messrs.—	Messrs.—	Messrs.—
Albright	Koffel	Simpson
Anderson	LaMoure	Steel, of Stutsman
Baker	Leutz	Steele of Ward
Bessesen	Martin	Stevens
Cashel	Macdonald	Strom
Crane	McArthur	Syvertson
Davis	McLean	Talcott
Duis	Movius	Trimble

Messrs.—	Messrs.—	Messrs.—
Gilbert	Neal	Turner
Gronvold	Overson	Wallin
Gunderson	Palmer	Walton
Irwin	Plain	Welch
Johnson	Ramsett	Welo
Kelly	Rice	Whitcher
Kennedy	Sharpe	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Holliday	Pierce	Purcell

Mr. Purcell being excused.

So the bill passed and the title was agreed to.

Mr. Crane moved

That the president of the senate appoint a conference committee of three upon Senate Bill No. 27 to confer with a like committee of three from the house.

Which motion prevailed.

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 third time

The question being on the final passage of the bill.

The roll was called and there were ayes 44, nays 0, absent and not voting 3.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Koffel	Simpson
Anderson	LaMoure	Steel, of Stutsman
Baker	Leutz	Steele of Ward
Bessesen	Martin	Stevens
Cashel	Macdonald	Strom
Crane	McArthur	Syverson
Davis	McLean	Talcott
Duis	Movius	Trimble
Gilbert	Neal	Turner
Gronvold	Overson	Wallin
Gunderson	Palmer	Walton
Irwin	Plain	Welch
Johnson	Ramsett	Welo
Kelly	Rice	Whitcher
Kennedy	Sharpe	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Holliday	Pierce	Purcell

Mr. Purcell 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 36, nays 2, absent and not voting 9.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Koffel	Sharpe
Anderson	LaMoure	Simpson
Baker	Leutz	Steel, of Stutsman
Bessesen	Martin	Stevens
Cashel	McArthur	Strom
Crane	Movius	Syvertson
Davis	Neal	Talcott
Duis	Overson	Turner
Gunderson	Palmer	Wallin
Irwin	Plain	Walton
Johnson	Ramsett	Welch
Kennedy	Rice	Whitcher

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Gilbert	Steele of Ward	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Gronvold	Macdonald	Purcell
Holliday	McLean	Trimble
Kelly	Pierce	Welo

Mr. Purcell 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 43, nays 0, absent and not voting 4.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Koffel	Simpson
Anderson	LaMoure	Steel, of Stutsman
Baker	Leutz	Steele of Ward
Bessesen	Martin	Stevens
Cashel	Macdonald	Strom
Crane	McLean	Syvertson
Davis	Movius	Talcott
Duis	Neal	Trimble
Gilbert	Overson	Turner
Gronvold	Palmer	Wallin
Gunderson	Plain	Walton
Irwin	Ramsett	Welch
Johnson	Rice	Welo
Kelly	Sharpe	Whitcher
Kennedy		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Holliday	Pierce	Purcell
McArthur		

Mr. Purcell being excused.

So the bill passed and the title was agreed to.

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.

The question being on the final passage of the bill.

The roll was called and there were ayes 39, nays 0, absent and not voting 8.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Kennedy	Sharpe
Anderson	Koffel	Simpson
Baker	LaMoure	Steel, of Stutsman
Bessesen	Leutz	Stevens
Cashel	Macdonald	Strom
Crane	McLean	Syvertson
Davis	Movius	Talcott
Duis	Neal	Trimble
Gronvold	Overson	Turner
Gunderson	Palmer	Walton
Irwin	Plain	Welch
Johnson	Ramsett	Welo
Kelly	Rice	Whitcher

## Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Gilbert	McArthur	Steele of Ward
Holliday	Pierce	Wallin
Martin	Purcell	

Mr. Purcell 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 40, nays 0, absent and not voting 7.

## Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Koffel	Steel, of Stutsman
Anderson	LaMoure	Steele of Ward
Baker	Leutz	Stevens
Bessesen	Martin	Strom
Cashel	Macdonald	Syvertson
Crane	McLean	Talcott
Davis	Movius	Trimble
Duis	Neal	Turner
Gronvold	Overson	Wallin
Gunderson	Palmer	Walton
Irwin	Plain	Welch
Johnson	Ramsett	Welo
Kelly	Sharpe	Whitcher
Kennedy		

## Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Gilbert	Pierce	Rice
Holliday	Purcell	Simpson
McArthur		

Mr. Purcell being excused.

So the bill passed and the title was agreed to.

The president announced as senate conferees on Senate Bill No. 27, Messrs. Talcott, Welo and Macdonald.

## 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.

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 0, absent and not voting 5.

Those who voted in the affirmative were:

Messrs.—

Albright  
Anderson  
Baker  
Bess sen  
Cashel  
Crane  
Davis  
Duis  
Gilbert  
Gronvold  
Gunderson  
Irwin  
Johnson  
Kelly

Messrs.—

Kennedy  
Koffel  
LaMoure  
Leutz  
Martin  
Macdonald  
McLean  
Movius  
Neal  
Overson  
Plain  
Ramsett  
Rice  
Sharpe

Messrs.—

Simpson  
Steel, of Stutsman  
Steele of Ward  
Stevens  
Strom  
Syvertson  
Talcott  
Trimble  
Turner  
Wallin  
Walton  
Welch  
Welo  
Whitcher

Absent and not voting:

Messrs.—

Holliday  
McArthur

Messrs.—

Palmer  
Pierce

Messrs.—

Purcell

Mr. Purcell being excused.

So the bill passed and the title was agreed to.

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 third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 41, nays 0, absent and not voting 6.

Those who voted in the affirmative were:

Messrs.—

Albright  
Anderson  
Baker  
Bessesen  
Cashel  
Crane  
Davis  
Duis  
Gilbert  
Gronvold  
Gunderson  
Irwin  
Johnson  
Kelly

Messrs.—

Kennedy  
Koffel  
LaMoure  
Leutz  
Martin  
McLean  
Movius  
Neal  
Overson  
Plain  
Ramsett  
Rice  
Sharpe  
Simpson

Messrs.—

Steel, of Stutsman  
Steele of Ward  
Stevens  
Strom  
Syvertson  
Talcott  
Trimble  
Turner  
Wallin  
Walton  
Welch  
Welo  
Whitcher

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Holliday	McArthur	Pierce
Macdonald	Palmer	Purcell

Mr. Purcell 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 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 third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 44, nays 0, absent and not voting 3.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Koffel	Simpson
Anderson	LaMoure	Steel, of Stutsman
Baker	Leutz	Steele of Ward
Bessesen	Martin	Stevens
Cashel	Macdonald	Strom
Crane	McArthur	Syverson
Davis	McLean	Talcott
Duls	Movius	Trimble
Gilbert	Neal	Turner
Gronvold	Overson	Wallin
Gunderson	Palmer	Walton
Irwin	Plain	Welch
Johnson	Ramsett	Welo
Kelly	Rice	Whitcher
Kennedy	Sharpe	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Holliday	Pierce	Purcell

Mr. Purcell being excused.

So the bill passed and the title was agreed to.

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 43, nays 0, absent and not voting 4.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	LaMoure	Simpson
Anderson	Leutz	Steel, of Stutsman
Baker	Martin	Steele of Ward
Bessesen	Macdonald	Stevens
Cashel	McArthur	Strom
Davis	McLean	Syverson
Duis	Movius	Talcott
Gilbert	Neal	Trimble
Gronvold	Overson	Turner
Gunderson	Palmer	Wallin
Irwin	Plain	Walton
Johnson	Ramsett	Welch
Kelly	Rice	Welo
Kennedy	Sharpe	Whitcher
Koffel		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Crane	Pierce	Purcell
Holliday		

Mr. Purcell 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 44, nays 0, absent and not voting 3.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Koffel	Simpson
Anderson	LaMoure	Steel, of Stutsman
Baker	Leutz	Steele of Ward
Bessesen	Martin	Stevens
Cashel	Macdonald	Strom
Crane	McArthur	Syverson
Davis	McLean	Talcott
Duis	Movius	Trimble
Gilbert	Neal	Turner
Gronvold	Overson	Wallin

Messrs.—	Messrs.—	Messrs.—
Gunderson	Palmer	Walton
Irwin	Plain	Welch
Johnson	Ramsett	Welo
Kelly	Rice	Whitcher
Kennedy	Sharpe	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Holliday	Pierce	Purcell

Mr. Purcell 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 41, nays 0, absent and not voting 6.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Afbright	Koffel	Sharpe
Anderson	LaMoure	Simpson
Baker	Leutz	Steele of Ward
Bessesen	Martin	Stevens
Cashel	Macdonald	Strom
Davis	McArthur	Syvertson
Duis	McLean	Talcott
Gilbert	Movius	Trimble
Gronvold	Neal	Turner
Gunderson	Overson	Wallin
Irwin	Palmer	Walton
Johnson	Plain	Welch
Kelly	Ramsett	Whitcher
Kennedy	Rice	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Crane	Pierce	Steel, of Stutsman
Holliday	Purcell	Welo

Mr. Purcell being excused.

So the bill passed and the title was agreed to.

## MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,  
BISMARCK, NORTH DAKOTA,  
February 24, 1909.

Mr. President:

I have the honor to inform you that the speaker has appointed as conference committee on Senate Bill No. 27, Messrs. Gibbens, Hendrickson and Senour.

Very respectfully,  
W. D. AUSTIN,  
Chief Clerk.

Mr. Purcell responded to his name and was recorded as present.

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 44, nays 0, absent and not voting 3.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Koffel	Sharpe
Anderson	LaMoure	Simpson
Baker	Leutz	Steel, of Stutsman
Bessessen	Martin	Stevens
Cashel	Macdonald	Strom
Crane	McArthur	Syvertson
Davis	McLean	Talcott
Duis	Movius	Trimble
Gilbert	Neal	Turner
Gronvold	Overson	Wallin
Gunderson	Palmer	Walton
Irwin	Plain	Welch
Johnson	Purcell	Welo
Kelly	Ramsett	Whitcher
Kennedy	Rice	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Holliday	Pierce	Steele of Ward

So the bill passed and the title was agreed to.



## 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 42, nays 0, absent and not voting 5.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Koffel	Sharpe
Anderson	LaMoure	Simpson
Baker	Leutz	Steel, of Stutsman
Bessesen	Macdonald	Stevens
Cashel	McArthur	Strom
Davis	McLean	Syverson
Irwin	Movius	Talcott
Duis	Neal	Trimble
Gilbert	Overson	Turner
Gronvold	Palmer	Wallin
Gunderson	Plain	Walton
Johnson	Purcell	Welch
Kelly	Ramsett	Welo
Kennedy	Rice	Whitcher

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Crane	Martin	Steele of Ward
Holliday	Pierce	

So the bill passed and the title was agreed to

## 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 40, nays 0, absent and not voting 7.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Koffel	Sharpe
Anderson	LaMoure	Simpson
Baker	Leutz	Steel, of Stutsman
Bessesen	McArthur	Stevens
Cashel	McLean	Strom
Davis	Movius	Syverson

Messrs.—	Messrs.—	Messrs.—
Duis	Neal	Talcott
Gilbert	Overson	Trimble
Gronvold	Palmer	Turner
Gunderson	Plain	Wallin
Irwin	Purcell	Walton
Johnson	Ramsett	Welch
Kelly	Rice	Whitcher
Kennedy		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Crane	Macdonald	Welo
Holliday	Pierce	
Martin	Steele of Ward	

So the bill passed and the title 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 39, nays 0, absent and not voting 8.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Kennedy	Sharpe
Anderson	Koffel	Simpson
Baker	LaMoure	Steel, of Stutsman
Bessesen	Leutz	Stevens
Cashel	McLean	Strom
Davis	Movius	Syvertson
Duis	Neal	Talcott
Gilbert	Overson	Trimble
Gronvold	Palmer	Turner
Gunderson	Plain	Wallin
Irwin	Purcell	Walton
Johnson	Ramsett	Welch
Kelly	Rice	Whitcher

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Crane	Macdonald	Steele of Ward
Holliday	McArthur	Welo
Martin	Pierce	

So the bill passed and the title was agreed to.

## 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 43, nays 0, absent and not voting 4.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Koffel	Simpson
Anderson	LaMoure	Steel, of Stutsman
Baker	Leutz	Steele of Ward
Bessesen	Martin	Stevens
Cashel	McLean	Strom
Crane	Movius	Syverson
Davis	Neal	Talcott
Duis	Overson	Trimble
Gilbert	Palmer	Turner
Gronvold	Plain	Wallin
Gunderson	Purcell	Walton
Irwin	Ramsett	Welch
Johnson	Rice	Welo
Kelly	Sharpe	Whitcher
Kennedy		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Holliday	McArthur	Pierce
Macdonald		

So the bill passed and the title was agreed to.

Mr. LaMoure moved

That the vote by which all bills just passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

## REPORTS OF STANDING COMMITTEES.

The committee on state affairs made the following report:

Mr. President:

Your committee on state affairs to whom was referred Senate Bill No. 182,

A bill providing for the appointment of live stock inspectors by board of county commissioners, and providing for fees and mileage; defining qualification of inspector.

duties of inspector and owner; imposing compulsory inspection and test of live stock; fines for neglect or refusal to comply; indemnity to owner.

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

In line 3, Section 1, of printed bill after the word "state" insert the following: "when petitioned so to do by not less than 25 per cent of the voters of said county based on the votes cast for the office of governor at the last preceding election."

In line 4, Section 8, of the printed bill strike out the word "tuberculosis" where it appears after the words "apply the" and insert in lieu thereof the word "tuberculin."

In line 5, Section 8 strike out the word "practiced" where it appears after the word "as" and insert in lieu thereof the word "recommended."

In line 8, Section 8, of printed bill strike out the word "not" where it appears after the word "animal" and insert in lieu thereof "under the supervision and direction of the inspector."

In line 9, same Section, strike out the word "but" where it appears after the word "animal" and insert in lieu thereof the word "or."

In line 12, Section 8, strike out the word "tuberculosis" where it appears and insert in lieu thereof the word "tuberculin."

In line 18, Section 8, after the word "shall" insert the following: "after the expiration of 30 days after the test made by the inspector and not before."

And when so amended recommend the same do pass.

**MAYNARD CRANE,**  
Chairman.

Mr. Crane moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

### MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,  
BISMARCK, NORTH DAKOTA,  
February 24, 1909.

Mr. President:

I have the honor to transmit herewith

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. 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. 110,

A bill for an act requiring state officials to reside at the capitol and to provide adequate compensation.

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

Very respectfully,  
W. D. AUSTIN,  
Chief Clerk.

#### REPORTS OF STANDING COMMITTEES.

The committee on state affairs made the following report:

Mr. President:

Your committee on state affairs to whom was referred Senate Bill No. 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 amended as follows:

After the word "states" at end of section 1 add the following, "and a resident of the county in which each person is employed."

And when so amended recommend the same do pass.

MAYNARD CRANE,  
Chairman.

Mr. Crane moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on education made the following report:

Mr. President:

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 amended as follows:

In line 3 of the printed bill, before the word "pupils" insert "the"; in same line strike out "can be improved" and insert in lieu thereof "in the school under their control require it."

In line 4 strike out "is hereby authorized to" and insert in lieu thereof "may."

In line 2, section 2, strike out "is" and insert in lieu thereof "this act shall be."

And when so amended recommend the same do pass.

**F. S. TALCOTT,**  
Chairman.

Mr. Talcott moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. President:

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 do pass.

**F. S. TALCOTT,**  
Chairman.

Mr. Talcott moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on warehouses, grain and grain grading made the following report:

Mr. President:

Your committee on warehouses, grain 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 do pass.

HENRY McLEAN,  
Chairman.

Mr. McLean moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred

House Bill No. 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.

J. B. SHARPE,  
Chairman.

Mr. Sharpe moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. President:

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.

J. B. SHARPE,  
Chairman.

Mr. Sharpe moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. President:

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 be indefinitely postponed.

J. B. SHARPE,  
Chairman.

Mr. Sharpe moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Also,

Mr. President:

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 indefinitely postponed.

J. B. SHARPE,  
Chairman.

Mr. Sharpe moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Also,

Mr. President:

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.

J. B. SHARPE,  
Chairman.

Mr. Sharpe moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. President:

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 be indefinitely postponed.

J. B. SHARPE,  
Chairman.

Mr. Sharpe moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Also,

Mr. President:

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.

J. B. SHARPE,  
Chairman.

Mr. Sharpe moved

That the report be adopted

Which motion prevailed, and

The report of the committee was adopted.

Also.

Mr. President:

Your committee on judiciary 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 be indefinitely postponed.

J. B. SHARPE,  
Chairman.

Mr. Sharpe moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Also,

Mr. President:

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 indefinitely postponed.

J. B. SHARPE,  
Chairman.

Mr. Sharpe moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Also,

Mr. President:

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 do pass.

J. B. SHARPE,  
Chairman.

Mr. Sharpe moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. President:

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.

J. B. SHARPE,  
Chairman.

Mr. Sharpe moved

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

Also,

Mr. President:

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 all garnish summons.

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

J. B. SHARPE,  
Chairman.

Also,

Mr. President:

Your committee on judiciary to whom was referred

Senate Bill No. 302,

A bill for an act to amend 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.

Mr. Sharpe moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Also,

Mr. President:

Your committee on judiciary to whom was referred  
Senate Bill No. 308.

A bill for an act to legalize the execution and acknowledgment of certain deeds, mortgages and other instruments in writing, and the record thereof, and making the same or certified copies thereof, admissible in evidence.

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

J. B. SHARPE,  
Chairman.

Mr. Sharpe moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. President:

Your committee on judiciary to whom was referred  
Senate Bill No. 286,

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.

J. B. SHARPE,  
Chairman.

Mr. Sharpe moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Also,

Mr. President:

Your committee on judiciary to whom was referred  
Senate Bill No. 297,

A bill for an act limiting the qualifications for holding the office of county state's attorney or city attorney.

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

J. B. SHARPE,  
Chairman.

Mr. Sharpe moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Also,

Mr. President:

Your committee on judiciary to whom was referred Senate Bill No. 205,

A bill for an act providing a method of taking away the increased jurisdiction of county courts.

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

Amend the title to read as follows:

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.

Strike out all after the enacting clause and insert in lieu thereof the following:

Section 1. That Section 8288 of the Revised Codes of 1905, of the State of North Dakota, be and the same is hereby amended and re-enacted to read as follows:

Section 8288. May have increased jurisdiction, how. Whenever the board of county commissioners of any county shall be presented with a petition signed by at least twenty per cent of the qualified voters and tax payers of said county, praying for the submission to the voters of the county, of the question whether the county court of said county shall have increased jurisdiction, and in counties having such increased jurisdiction whether the same shall be abolished, it shall be the duty of said board to cause the same to be submitted to the voters of the county at the next general election; provided, that said board may in its discretion call a special election to determine said question; notice of said special election shall be given by publishing a notice of the same, stating the object of said election, in three newspapers in the county once each week, for three successive weeks; provided, that the last publication shall be at least ten days, and not more than fifteen days, immediately preceding said election. In case there are not three newspapers published in the county, then said notice shall be published in such newspapers as are situated in said county, and in not more than the three nearest newspapers published in adjoining counties. The petition presented to the board of county commissioners, as provided in this chapter, must show the population of said county to be at least two thousand, that the petitioners are qualified voters and taxpayers of said county and must be verified by at least three of the petitioners showing these facts. Provided, further, that a majority of the

highest number of votes cast at such election on any proposition whatever, shall be necessary to carry such question of increased jurisdiction or abolishing same.

Section 2. Whenever an election shall have been held under Section 1 of this act, and the result thereof shall be, that said county courts of increased jurisdiction shall be reduced to that of courts of probate procedure as specified in section 7889, of the Probate Code of 1905, then said reduction shall take place at the expiration of the term for which the then presiding judge is elected.

Section 3. Whenever there shall have been a reduction in the powers of the county court of increased jurisdiction any cases left untried, or any unfinished business upon the calendar of the court, and not properly triable without prejudice thereto, and such transfer shall in all things operate in the probate court, shall be continued over and placed upon the calendar of the district court of the judicial district in which said county is situated, the same as if said causes had been originally filed in said district court, and the court on its own motion shall direct and authorize said actions to be entitled in the district court.

Section 4. All acts or parts of acts in conflict with this act are hereby repealed.

And when so amended recommend the same do pass.

J. B. SHARPE,  
Chairman.

Mr. Sharpe moved

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

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

Mr. President:

Your committee on enrolled and engrossed bills have examined

Senate Bill No. 92,

A bill for an act 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

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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. 161,

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.

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. 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. 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.

Also,

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.

And find the same correctly engrossed.

**THEODORE KOFFEL,**  
Chairman.

The conference committee on Senate Bill No. 49 made the following report:

Mr. President:

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. Welo moved

That the report be adopted.

Which motion prevailed, and

**The report of the committee was adopted.**

Mr. Leutz introduced the following 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.

Mr. Leutz moved

That the resolution be adopted.

Which motion prevailed, and

**The resolution was adopted.**

## FIRST READING OF SENATE BILLS

Mr. Macdonald introduced

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.

**Which was read the first time.**

Mr. Koffel introduced

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.

**Which was read the first time.**

Mr. Anderson introduced

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.

**Which was read the first time.**

Mr. Simpson introduced

Senate Bill No. 326,

A bill for an act to amend section 536 of the revised codes of 1905, relating to notaries public.

**Which was read the first time.**

Mr. Kennedy moved  
That all senate bills receive their second reading and reference.

Which motion prevailed.

### SECOND READING OF SENATE BILLS.

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 second time, and

Referred to 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 second time and

Referred to the committee on judiciary.

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 second time, and

Referred to the committee on state affairs

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 second time, and

Referred to the committee on judiciary.

### COURTESIES OF THE FLOOR.

The courtesies of the floor were extended to the following:

Ed. A. Smith, A. Peterson, of Sargent county; E. G. Warren, of Minot.

Mr. Movius moved

That the senate do now adjourn

Which motion prevailed, and

The senate adjourned.

J. W. FOLEY,  
Secretary.

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FIFTY-SECOND DAY

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SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
February 25, 1909.

The senate convened at two o'clock.

The president presiding.

Prayer by the chaplain.

Roll call.

All members present but Mr. Welch, who was excused.

MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,  
BISMARCK, NORTH DAKOTA,  
February 25, 1909.

Mr. President:

I have the honor to return herewith

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. 158,

A bill for an act to amend and re-enact section 2489 of the revised codes of 1905.

Also,

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. 21,

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

Which the house has indefinitely postponed.

Also,

Mr. President:

I have the honor to return 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.

In which the house has concurred.

Also,

Mr. President:

I have the honor to transmit herewith

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

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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. 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. 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. 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.

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. 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. 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. 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. 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 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.

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

Very respectfully,  
W. D. AUSTIN,  
Chief Clerk.

### REFERENCE OF THE JOURNAL.

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

Mr. President:

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

Page 1, line 11, insert "and Mr. Holliday" after "Purcell." Same line change "was" to "were."

After every roll call record Mr. Holliday among the list of absent and excused.

Page 66, strike out line 24.

And when so corrected recommend that the same be approved.

C. D. RICE,  
Chairman.

Mr. Rice moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Mr. Johnson presented the following petition:

*To the Eleventh Legislative Assembly:*

We, the undersigned citizens and taxpayers of Sargent 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.

J. M. BLACK,  
And 80 Others.

Mr. Welch presented the following petition:

*To the Eleventh Legislative Assembly:*

We, the undersigned citizens and taxpayers of Burleigh 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 our 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.

A. O. KROGEN,  
And 30 Others.

Mr. Gronvold presented the following petition:

*To the Eleventh Legislative Assembly:*

We, the undersigned citizens and taxpayers of Pierce county, being especially interested in the welfare of our rural schools, respectfully petition your honorable body to pass Senate Bill No. 63,

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.

L. A. LARSON,  
And 178 Others.

Mr. LaMoure presented the following petition:

Hamilton, N. D., February 22, 1909.

DEAR SIR: In regards to Bills Nos. 159 and 225, now before the house, in behalf of the medicine men of our state, we sign this paper, asking you to please use your influence in defeating these bills.

Respectfully,  
ANDREW MOON,  
And 36 Others.

Mr. Movius presented the following petition:

*To the Eleventh Legislative Assembly:*

We, the undersigned citizens and taxpayers of Richland Co., 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 of 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.

ANTON F. GAUKLER,  
And 140 Others.

The following communication was laid before the senate:

St. Paul, Minn., February 23, 1909.

*Mr. James W. Foley, Secretary of the Senate, State of North Dakota, Senate Chamber, Bismarck, N. D.:*

DEAR SIR: I have your note of the 19th and accompanying copy of concurrent resolution adopted by the legislative assembly relative to the handling of shipments of grain.

I thank you very much for your thoughtfulness in sending me these papers.

Yours truly,  
W. W. BROUGHTON.

Mr. Cashel presented the following petition:

Forest River, N. D., February 23, 1909.

*To the Hon. J. L. Cashel, Member of the Senate, Bismarck, North Dakota:*

DEAR SIR: We, the undersigned, officers of the W. C. T. U. of Forest River, N. D., desire to call your attention the following petition, which was unanimously adopted by this branch of the W. C. T. U.:

#### PETITION.

We, the members of the W. C. T. U. of Forest River, do respectfully petition you 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 code of the state of North Dakota for the year 1905, relating to the punishment for Sabbath breaking, introduced by Hon. James Duncan of Benson county. In making this request, we believe that said section in its present form

is impotent for the purpose intended, and that in order to enforce the law 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 the state at this session of the legislature.

Signed for the Society by

AUGUSTA BATES,  
President.

BELLE BRENNAN,  
Secretary.

Mr. Sharpe moved

That the rules be suspended and that the action of the senate in indefinitely postponing House Bill No. 100 be expunged from the record in the journal of the fifty-first day.

Which motion prevailed.

Mr. Gilbert in the chair.

#### REPORT OF STANDING COMMITTEES.

The committee on appropriations made the following report:

Mr. President:

Your committee on appropriations 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, and otherwise defining their powers and duties; also defining the duties of the attorney general in relation thereto.

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

That the word "and" in line 3 of the title and the word "also" in line 4 of the title of the printed bill be stricken out, and the words "and providing an appropriation" be added to the end of said title.

That the words "for the present biennial period" be added to the end of section 3.

And when so amended recommend the same do pass.

JUDSON LaMOURE,  
Chairman.

Mr. LaMoure moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. President:

Your committee on appropriations 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.

JUDSON LaMOURE,  
Chairman.

Mr. LaMoure moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

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.

JUDSON LaMOURE,  
Chairman.

Mr. LaMoure moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. President:

Your committee on appropriations 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 be amended as follows:

That the amount in lines 2 and 3 of section 5 of the printed bill be changed to read "three thousand dollars."

And when so amended recommend the same do pass.

JUDSON LaMOURE,  
Chairman.

Mr. LaMoure moved

**That the report be adopted.**

Which motion prevailed, and

**The report of the committee was adopted.**

Also,

Mr. President:

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 report the same without recommendation.

JUDSON LaMOURE,  
Chairman.

Mr. LaMoure 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. 129,

A bill for an act to create the office of tax commissioner and to define his powers, duties and compensation, and making an appropriation therefor.

Have had the same under consideration and report the same without recommendation.

JUDSON LaMOURE,  
Chairman.

Mr. LaMoure moved

That the report be adopted.

Which motion prevailed.

The report of the committee was adopted.

The committee on warehousing, grain and grain grading made the following report:

Mr. President:

Your committee on warehouses, grain 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 amended as follows:

Amend the title by inserting after the words "receipts" "and rates of storage"; also after the word "non-observance" insert "and repealing section 2252 of the revised codes of North Dakota for 1905."

In line 3 of the printed bill after the word "express" add the words "rates of storage, penalty."

Also in line 12 of the printed bill after the word "charges" add "and commission charges."

Also in line 37 of the printed bill after the word "thereto" add "the grain shall be kept insured at the expense of the warehouseman for the benefit of the owner."

Also in line 65 of the printed bill after the word "revoked" add "and in addition thereto may be punished as provided in section 2253 of the revised codes for 1905."

Also add:

"Sec. 3. That section 2252 of the revised codes for 1905 and all acts or parts of acts in conflict with the provisions of this act are hereby repealed."

And when so amended recommend the same do pass.

HENRY McLEAN,  
Chairman.

Mr. McLean moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on public health made the following report:

Mr. President:

Your committee on public health to whom was referred 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.

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

FERD LEUTZ,  
Chairman.

Mr. Leutz moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on cities and municipal corporations made the following report:

Mr. President:

Your committee on cities and municipal corporations to whom was referred

Senate Bill No. 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 amended as follows:

In line 4, section 1 of the printed bill, after the word "voters" insert the following, "of any town, city or village."

**And when so amended recommend the same do pass.**

JAMES KENNEDY,  
Chairman.

Mr. Kennedy moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. President:

Your committee on cities and 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:

In line 21, section 2 after the word "city" add the following, "provided, however, that if two-thirds of the resident property owners of the territory proposed to be annexed file a remonstrance before the city council prior to the annexation of said territory by the city council as provided by this act, then said territory shall not be annexed."

In line 5, section 2, strike out the word "two" and in lieu thereof insert the word "three."

After the word "weeks" in line 5 insert the following, "and printed or typewritten copies of said resolution shall also be posted in five of the most conspicuous places within the territory proposed to be annexed."

**And when so amended recommend the same do pass.**

JAMES KENNEDY,  
Chairman.



Mr. Kennedy moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. President:

Your committee on cities and municipal corporations 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 do pass.

JAMES KENNEDY,  
Chairman.

Mr. Kennedy moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

#### MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,  
BISMARCK, NORTH DAKOTA,  
February 25, 1909.

Mr. President:

I have the honor to request the return of House Bill No. 110 at the direction of the house.

Very respectfully,  
W. D. AUSTIN,  
Chief Clerk.

## REPORTS OF STANDING COMMITTEES.

The committee on warehousing, grain and grain grading made the following report:

Mr. President:

Your committee on warehousing, grain and grain grading to whom was referred

Senate Bill No. 270,

A bill for an act to require all persons, firms, associations now engaged, or may hereafter engage, in the purchase of grain for shipment out of the state by rail, other than public warehouse and elevator men, firms, associations and corporations engaged in said business and now required by law to take out licenses and give bond to the state, to take out a license to carry on said business and to give bond to the state.

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

HENRY McLEAN,  
Chairman.

Mr. McLean moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred

House Bill No. 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 indefinitely postponed.

J. B. SHARPE,  
Chairman.

Mr. Sharpe moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Also,

Mr. President:

Your committee on judiciary 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 do pass, as amended by the committee on ci-  
ties and municipal corporations.

J. B. SHARPE,  
Chairman.

Mr. Sharpe moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. President:

Your committee on judiciary to whom was referred  
Senate Bill No. 217,

A bill for an act requiring the district courts of the state  
to prescribe rules of practice.

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

J. B. SHARPE,  
Chairman.

Mr. Sharpe moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely  
postponed.

Also,

Mr. President:

Your committee on judiciary to whom was referred  
Senate Bill No. 213,

A bill for an act to amend and re-enact section 2594 of  
the revised codes of North Dakota of 1905, relating to the  
salary of the register of deeds.

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

J. B. SHARPE,  
Chairman.

Mr. Sharpe moved

That the report be adopted  
Which motion prevailed, and  
The further consideration of the bill was indefinitely postponed.

Also,

Mr. President:

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 or county asylum is located, and to provide for reports thereon.

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

In line 4 of the title of printed bill after the word "asylum" insert "or county jail."

In line 6 of the printed bill after "asylum" insert "or county jail."

In lines 6 and 7 strike out "quarterly" and insert in lieu "semi-annually."

In line 7 after "asylum" insert "and county jail."

In line 8 strike out "quarterly" and insert in lieu "semi-annually."

In line 9 after "farm" insert "and county jail."

In line 11 after "asylum" insert "and county jail."

In line 15 after "farm" insert "and county jail."

In line 20 after "farm" insert "and county jail."

In section 2, line 3 of the printed bill, strike out "quarterly" and insert in lieu "semi-annual."

In line 6 of same section after "farm" insert "or county jail."

And when so amended recommend the same do pass.

J. B. SHARPE,  
Chairman.

Mr. Sharpe moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. President:

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.

J. B. SHARPE,  
Chairman.

Mr. Sharpe moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. President:

Your committee on judiciary 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.

J. B. SHARPE,  
Chairman.

Mr. Sharpe moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. President:

Your committee on judiciary to whom was referred  
Senate Bill No. 304,

A bill for an act to amend paragraph 1, section 604 of  
article 3 of chapter 8 of the political code, 1905.

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

J. B. SHARPE,  
Chairman.

Mr. Sharpe moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely  
postponed.

Also,

Mr. President:

Your committee on judiciary 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.

J. B. SHARPE,  
Chairman.

Mr. Sharpe moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. President:

Your committee on judiciary to whom was referred  
Senate Bill No. 134,

A bill for an act providing for all county officers to keep a record of all fees collected by them and report to the board of county commissioners.

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

J. B. SHARPE,  
Chairman.

Mr. Sharpe moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Also,

Mr. President:

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 be amended as follows:

In section 9 of the printed bill strike out all of said section down to the word "no" in line 10, and line 12 after the word "bureau" insert the following, "or by it approved as to form," and in line 15 of the same section strike out all of the balance of said section after the period in said line.

Strike out all of section 10.

In section 6, line 3 of the printed bill, change the period to a comma and the capital "T" in "the" to small "t."

In section 8, line 5 of the printed bill, strike out "drawn" and insert in lieu "approved."

And when so amended recommend the same do pass.

J. G. SHARPE,  
Chairman.

Mr. Sharpe moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

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

Mr. President:

Your committee on enrolled and engrossed bills have examined

Senate Bill No. 182,

A bill providing for the appointment of live stock inspectors by board of county commissioners, and providing for fees and mileage; defining qualification of inspector, duties of inspector and owner; imposing compulsory inspection and test of live stock; fines for neglect or refusal to comply; indemnity to owner.

Also,

Senate Bill No. 205,

A bill for an act providing a method of taking away the increased jurisdiction of county courts.

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. 293

A bill for an act granting recognition to diplomas issued by first class high schools as teacher's diplomas.

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. 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.

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. 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.

And find the same correctly engrossed.

THEODORE KOFFEL,  
Chairman.

A majority of the committee on apportionment made the following report:

Mr. President:

A majority of your committee on apportionment 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.

W. H. STEELE,  
Chairman.

A minority of the committee on apportionment made the following report:

Mr. President:

The minority of your committee on apportionment 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 be amended as follows:

That all of the printed bill after line 3 be stricken out and the following inserted:

“First District: The First congressional district shall be composed of the counties of Pembina, Walsh, Grand Forks, Nelson, Benson, Ramsey, Cavalier, Towner, Rolette, Pierce, Wells, Sheridan, McLean, McHenry, Bottineau, Ward, Montraille, Williams and McKenzie, and shall be entitled to one representative in congress.

“Second District: The Second congressional district shall be composed of the counties of Traill, Cass, Richland, Sargent, Ransom, Barnes, Steele, Griggs, Foster, Eddy, Stutsman, LaMoure, Dickey, McIntosh, Logan, Kidder,

Burleigh, Emmons, Morton, Oliver, Mercer, Dunn, Stark, Hettinger, Adams, Bowman and Billings, and shall be entitled to one representative in congress."

And when so amended recommend the same do pass.

LIVY JOHNSON,  
C. W. PLAIN,  
J. G. GUNDERSON,  
E. F. GILBERT,  
F. M. WALTON,  
F. S. TALCOTT.

Mr. Movius objected to the consideration of the report, which went over one day.

The committee on agriculture made the following report:

Mr. President:

Your committee on agriculture 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 amended as follows:

Strike out everything after the enacting clause, and insert in lieu thereof as follows:

"Section 1. That all owners or operators of engines used in connection with separators for thrashing for grain, and in saw mills, and for all other stationary purpose, that exhaust through the smoke stack, from which fire may be communicated from them to surrounding objects, shall be provided with the most practical 'spark arrester.'"

"Section 2. Any person or persons violating any of the provisions of the preceding section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than ten dollars (\$10.00) nor more than fifty dollars (\$50.00) and any justice of the peace within the county where such offense may be committed shall have jurisdiction to try and determine all cases arising under the provisions of said section."

"Section 3. Emergency.) Whereas, 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.

C. W. PLAIN,  
Chairman.

Mr. Plain moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. President:

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.

C. W. PLAIN,  
Chairman.

Mr. Plain moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

#### MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,  
BISMARCK, NORTH DAKOTA,  
February 25, 1909.

Mr. President:

I have the honor to return herewith Senate Bill No. 19, as requested by the senate.

Very respectfully,  
W. D. AUSTIN,  
Chief Clerk.

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 REPORTS OF STANDING COMMITTEES.

The committee on education made the following report:

Mr. President:

Your committee on education to whom was referred  
Senate Bill No. 149,

A concurrent resolution amending the constitution of the state of North Dakota, establishing and locating a state normal school at such place in the counties of Pierce, McHenry or Ward as the legislative assembly may hereafter determine.

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

F. S. TALCOTT,  
Chairman.

Mr. Talcott moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Also,

Mr. President:

Your committee on education to whom was referred  
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.

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

F. S. TALCOTT,  
Chairman.

Mr. Talcott moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Also,

Mr. President:

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.

F. S. TALCOTT,  
Chairman.

Mr. Talcott moved

That the report be adopted  
Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Also,

Mr. President:

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 be 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, Sec. 1, strike out "four" and insert "five" in lieu thereof.

In line 5, Sec. 1, strike out "two" and insert "three" in lieu thereof.

Strike out "It" in line 6, Sec. 1; all of lines 7, 8, 9, 10, 11 and word "votes" in line 12, same section.

After the word "act" line 14, Sec. 1, insert "as hereafter provided."

Strike out all of section "2" and number Sec. "3" Sec. "2" and Sec. "4" Sec. "3."

And when so amended recommend the same do pass.

F. S. TALCOTT,  
Chairman.

Mr. Talcott moved

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

Also,

Mr. President:

Your committee on education to whom was referred  
Senate Bill No. 98,

A bill for an act to encourage education in agriculture and domestic science, by providing for the establishment and maintenance of county schools of agriculture and domestic economy, for the certification of graduates of such schools, and making appropriations for such schools.

Have had the same under consideration and recommend that the same be re-referred to the committee on appropriations without recommendation.

F. S. TALCOTT,  
Chairman.

Mr. Talcott moved

That the report be adopted.  
Which motion prevailed, and  
The report of the committee was adopted.  
The president in the chair.

Mr. LaMoure moved

That the rules be suspended and the appropriation bills be placed on their third reading and final passage.  
Which motion prevailed.

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 44, nays 0, absent and not voting 3.

Those who voted in the affirmative were:

Messrs.—

Anderson  
Baker

Messrs.—

Koffel  
LaMoure

Messrs.—

Sharpe  
Simpson

Messrs.—	Messrs.—	Messrs.—
Bessesen	Leutz	Steel, of Stutsman
Cashel	Martin	Steele of Ward
Crane	Macdonald	Stevens
Davis	McArthur	Strom
Duis	McLean	Syvertson
Gilbert	Movius	Talcott
Gronvold	Neal	Trimble
Gunderson	Palmer	Turner
Holliday	Pierce	Wallin
Irwin	Plain	Walton
Johnson	Purcell	Welo
Kelly	Ramsett	Whitcher
Kennedy	Rice	

**Absent and not voting:**

Messrs.—	Messrs.—	Messrs.—
Albright	Overson	Welch

Mr. Welch being excused.

So the bill passed and the title was agreed to.

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 46, nays 0, absent and not voting 1.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Koffel	Rice
Anderson	LaMoure	Sharpe
Baker	Leutz	Simpson
Bessesen	Martin	Steel, of Stutsman
Cashel	Macdonald	Steele of Ward
Crane	McArthur	Stevens
Davis	McLean	Strom
Duis	Movius	Syvertson
Gilbert	Neal	Talcott
Gronvold	Overson	Trimble
Gunderson	Palmer	Turner
Holliday	Pierce	Wallin
Irwin	Plain	Walton
Johnson	Purcell	Welo
Kelly	Ramsett	Whitcher
Kennedy		

Mr. Welch being absent and not voting.

Mr. Welch being excused.

So the bill passed and the title was agreed to.



Mr. Taolcott moved

That the vote by which the senate refused to concur in house amendments to Senate Bill No. 27 be reconsidered.

Which motion prevailed.

Mr. Purcell moved

That the vote by which Senate Bill No. 19 was recalled from the house be reconsidered and that Senate Bill No. 19 be returned to the house.

Mr. Crane moved

As a substitute that the bill be re-referred to the committee on judiciary.

Which substitute motion was lost, and

The original motion prevailed.

Mr. Talcott moved

That the senate do now concur in the house amendments to Senate Bill No. 27.

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

The roll was called and there were ayes 36, nays 8, absent and not voting 3.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Anderson	Johnson	Simpson
Baker	Kelly	Steele of Ward
Bessesen	Kennedy	Stevens
Cashel	Leutz	Strom
Crane	Martin	Syvertson
Davis	Macdonald	Talcott
Duis	McArthur	Trimble
Gilbert	McLean	Turner
Gronvold	Neal	Wallin
Gunderson	Plain	Walton
Holliday	Purcell	Welo
Irwin	Rice	Whitcher

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Koffel	Overson	Sharpe
LaMoure	Palmer	Steel, of Stutsman
Movius	Pierce	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Albright	Ramsett	Welch

Mr. Welch being excused.

So the house amendments were concurred in.

## 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 40, nays 0, absent and not voting 7.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Anderson	Koffel	Ramsett
Baker	LaMoure	Rice
Bessesen	Leutz	Simpson
Cashel	Martin	Steel, of Stutsman
Crane	Macdonald	Steele of Ward
Davis	McLean	Stevens
Duis	Movius	Strom
Gronvold	Neal	Syvertson
Gunderson	Overson	Talcott
Holliday	Palmer	Turner
Irwin	Pierce	Wallin
Johnson	Plain	Walton
Kelly	Purcell	Whitcher
Kennedy		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Albright	Sharpe	Welch
Gilbert	Trimble	Welo
McArthur		

Mr. Welch being excused.

So the bill passed and the title was agreed to.

## 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.

The question being on the final passage of the bill.

The roll was called and there were ayes 39, nays 0, absent and not voting 8.

Those who voted in the affirmative were :

Messrs.—	Messrs.—	Messrs.—
Anderson	Kennedy	Purcell
Baker	Koffel	Rice
Bessesen	LaMoure	Sharpe
Cashel	Leutz	Simpson
Crane	Martin	Steel, of Stutsman
Davis	Macdonald	Steele of Ward
Duis	McLean	Stevens
Gronvold	Movius	Strom
Gunderson	Neal	Syverson
Holliday	Overson	Turner
Irwin	Palmer	Wallin
Johnson	Pierce	Walton
Kelly	Plain	Whitcher

Absent and not voting :

Messrs.—	Messrs.—	Messrs.—
Albright	Ramsett	Welch
Gilbert	Talcott	Welo
McArthur	Trimble	

Mr. Welch being excused.

So the bill passed and the title was agreed to.

Mr. LaMoure moved

That the vote by which the appropriation bills passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Mr. Sharpe moved

That House Bill No. 100 be re-referred to the committee on judiciary.

Which motion prevailed.

Mr. Pierce moved

That House Bill No. 110 be returned to the house, as requested.

Which motion prevailed.

## REPORTS OF STANDING COMMITTEES.

The committee on ways and means made the following report:

Mr. President:

Your committee on ways and means to whom was referred

### Resolution of Mr. Crane.

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.

Have had the same under consideration and recommend that the same be adopted.

E. A. MOVIUS,  
Chairman.

Mr. Movius moved

The adoption of the resolution.

Which motion prevailed, and

The resolution was adopted.

### FIRST READING OF SENATE BILLS.

Mr. Bessesen introduced

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.

Which was read the first time.

Mr. Baker introduced

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.

Which was read the first time.

Mr. Bessesen introduced

Senate Bill No. 329,

A bill for an act defining a prostitute, and prescribing the punishment therefor.

Which was read the first time.

Mr. Bessesen introduced

Senate Bill No. 330,

A bill for an act defining the crime of fornication, and prescribing the punishment therefor.

Which was read the first time.

Mr. Bessesen introduced

Senate Bill No. 331,

A bill for an act defining the crime of indecent assault, and prescribing the punishment therefor.

Which was read the first time.

Mr. Bessesen introduced ?

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.

Which was read the first time.

Mr. Bessesen introduced

Senate Bill No. 333,

A bill for an act prescribing what evidence makes a prima facie case in prosecutions under chapter 34 of the penal code of North Dakota in the revised codes for 1905, and in prosecutions for keeping a house of ill-fame, and specifying what witnesses are not privileged from testifying.

Which was read the first time.

Mr. Baker introduced

Senate Bill No. 334,

A bill for an act to provide for the recording in the offices of the registers of deeds of the several counties, the approved lists of the lands selected by the state of North Dakota under the acts of congress granting public lands to the state for educational and charitable purposes, which lists remain on file in the office of the commissioner of university and school lands.

Which was read the first time.

Mr. Bessesen introduced

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.

Which was read the first time.

Mr. Trimble introduced

Senate Bill No. 336,

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 time.

Mr. Koffel introduced

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.

Which was read the first time.

Mr. Purcell (by request) introduced

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.

Which was read the first time.

Mr. Cashel moved

That the rules be suspended and all senate bills be read the second time and referred.

Which motion prevailed.

## SECOND READING OF SENATE BILLS.

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

Senate Bill No. 329,

A bill for an act defining a prostitute, and prescribing the punishment therefor.

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

Senate Bill No. 331,

A bill for an act defining the crime of indecent assault, and prescribing the punishment therefor.

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

## 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 second time, and

Referred to the committee on judiciary.

## Senate Bill No. 333,

A bill for an act prescribing what evidence makes a prima facie case in prosecutions under chapter 34 of the penal code of North Dakota in the revised codes for 1905, and in prosecutions for keeping a house of ill-fame, and specifying what witnesses are not privileged from testifying.

Was read the second time, and

Referred to the committee on judiciary.

## Senate Bill No. 334,

A bill for an act to provide for the recording in the offices of the registers of deeds of the several counties, the approved lists of the lands selected by the state of North Dakota under the acts of congress granting public lands to the state for educational and charitable purposes, which lists remain on file in the office of the commissioner of university and school lands.

Was read the second time, and

Referred to the committee on state affairs.

## 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 second time, and

Referred to the committee on judiciary.

## Senate Bill No. 336,

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 second time, and

Referred to the committee on corporations other than municipal.



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.

Was read the second time, and

Referred to the committee on judiciary.

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 second time, and

Referred to the committee on judiciary.

### THIRD READING OF SENATE BILLS.

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 third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 36, nays 0, absent and not voting 11.

Those who voted in the affirmative were:

Messrs.—

Anderson  
Baker  
Bessesen  
Cashel  
Crane  
Davis  
Gilbert  
Gronvold  
Gunderson  
Holliday  
Irwin  
Kelly

Messrs.—

Kennedy  
Koffel  
LaMoure  
Leutz  
Macdonald  
McArthur  
McLean  
Movius  
Neal  
Overson  
Palmer  
Pierce

Messrs.—

Plain  
Ramsett  
Sharpe  
Steele of Ward  
Stevens  
Strom  
Syvertson  
Turner  
Wallin  
Walton  
Welo  
Whitcher

Absent and not voting:

Messrs.—

Albright  
Duis  
Johnson  
Martin

Messrs.—

Purcell  
Rice  
Simpson  
Steel, of Stutsman

Messrs.—

Talcott  
Trimble  
Welch

Mr. Welch 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

Mr. Pierce moved

That Senate Bill No. 197 be re-referred to the committee on judiciary.

Which motion prevailed.

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.

Mr. Simpson offered the following amendments to Senate Bill No. 225:

In blank space of line 11, Sec. 1, insert "February."

Line 12, Sec. 1, insert "February."

Page 27, strike out all after "county" and insert "commencing on the third Tuesday in June and fourth Tuesday in October."

Strike out line 28.

Line 32, page 2, strike out "April" and insert "January."

Strike out "second and insert "first."

Strike out "October" and insert "June."

Line 48, page 3, strike out "Monday" and insert "Tuesday." Same line strike out words "third Monday," insert "second Tuesday."

Line 51, strike out all after word "county" to and including word "direct" in line 53, and insert following: "At such times as the judge of said court may direct."

Mr. Simpson moved

That the amendment be adopted.

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 37, nays 0, absent and not voting 10.

Those who voted in the affirmative were:

Messrs.—  
Anderson  
Baker

Messrs.—  
LaMoure  
Leutz

Messrs.—  
Rice  
Sharpe

Messrs.—	Messrs.—	Messrs.—
Bessesen	Martin	Simpson
Cashel	Macdonald	Steele of Ward
Crane	McLean	Stevens
Davis	Movius	Strom
Duis	Neal	Syvertson
Gilbert	Overson	Talcott
Gronvold	Pierce	Turner
Gunderson	Plain	Wallin
Irwin	Purcell	Walton
Kelly	Ramsett	Whitcher
Kennedy		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Albright	McArthur	Trimble
Holliday	Palmer	Welch
Johnson	Steel, of Stutsman	Welo
Koffel		

Mr. Welch being excused.

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

Mr. Simpson 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.

Mr. Overson in the chair.

Senate Bill No. 268,

A bill for an act authorizing the trustees 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.

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 1, absent and not voting 9.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Anderson	Leutz	Rice
Baker	Macdonald	Simpson
Bessesen	McArthur	Steele of Ward
Cashel	McLean	Stevens
Davis	Movius	Strom
Duis	Neal	Syvertson
Gilbert	Overson	Talcott

Messrs.—	Messrs.—	Messrs.—
Gronvold	Palmer	Turner
Gunderson	Pierce	Wallin
Irwin	Plain	Walton
Johnson	Purcell	Welo
Kennedy	Ramsett	Whitcher
LaMoure		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Albright	Koffel	Steel, of Stutsman
Holliday	Martin	Trimble
Kelly	Sharpe	Welch

Mr. Welch being excused.

Mr. Crane voting in the negative.

So the bill passed and the title was agreed to.

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 third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 38, nays 1, absent and not voting 8.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Anderson	Koffel	Ramsett
Baker	LaMoure	Sharpe
Bessesen	Leutz	Simpson
Crane	Martin	Stevens
Duis	Macdonald	Strom
Gilbert	McArthur	Syverson
Gronvold	McLean	Talcott
Gunderson	Movius	Turner
Holliday	Neal	Walton
Irwin	Overson	Welch
Johnson	Palmer	Welo
Kelly	Plain	Whitcher
Kennedy	Purcell	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Albright	Rice	Trimble
Cashel	Steel, of Stutsman	Wallin
Davis	Steele of Ward	

Mr. Pierce voting in the negative.

Mr. Welch being excused.

So the bill passed and the title was agreed to.

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 40, nays 0, absent and not voting 7.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Anderson	Koffel	Ramsett
Baker	LaMoure	Rice
Bessesen	Leutz	Simpson
Cashel	Martin	Steele of Ward
Crane	Macdonald	Stevens
Davis	McLean	Strom
Duls	Movius	Syverson
Gilbert	Neal	Trimble
Gronvold	Overson	Turner
Holliday	Palmer	Wallin
Irwin	Pierce	Walton
Johnson	Plain	Welo
Kelly	Purcell	Whitcher
Kennedy		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Albright	Sharpe	Talcott
Gunderson	Steel, of Stutsman	Welch
McArthur		

Mr. Welch being excused.

So the bill passed and the title was agreed to.

The president in the chair.

Senate Bill No. 161,

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.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 23, nays 13, absent and not voting 11.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Anderson	Kelly	Palmer
Baker	Kennedy	Plain
Bessesen	Koffel	Rice
Cashel	LaMoure	Steel, of Stutsman
Crane	Leutz	Walton
Davis	McArthur	Welo
Gilbert	McLean	Whitcher
Irwin	Overson	

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Duis	Neal	Stevens
Gronvold	Purcell	Strom
Gunderson	Sharpe	Talcott
Holliday	Simpson	Turner
Johnson		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Albright	Pierce	Trimble
Martin	Ramsett	Wallin
Macdonald	Steele of Ward	Welch
Movius	Syverson	

Mr. Welch being excused.

So the bill was lost.

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 36, nays 0, absent and not voting 11.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Anderson	Kelly	Plain
Baker	Kennedy	Purcell
Bessesen	Koffel	Sharpe
Cashel	LaMoure	Steel, of Stutsman
Crane	Leutz	Stevens

Messrs.—	Messrs.—	Messrs.—
Davis	Martin	Strom
Gilbert	McArthur	Syvertson
Gronvold	McLean	Turner
Gunderson	Movius	Wallin
Holliday	Neal	Walton
Irwin	Overson	Welo
Johnson	Palmer	Whitcher

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Albright	Ramsett	Talcott
Duis	Rice	Trimble
Macdonald	Simpson	Welch
Pierce	Steele of Ward	

Mr. Welch 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 37, nays 0, absent and not voting 10.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Anderson	Kennedy	Ramsett
Baker	Koffel	Rice
Bessesen	LaMoure	Sharpe
Cashel	Leutz	Steel, of Stutsman
Crane	Martin	Stevens
Davis	McLean	Strom
Duis	Movius	Syvertson
Gilbert	Neal	Turner
Gronvold	Overson	Wallin
Holliday	Palmer	Walton
Irwin	Plain	Welo
Johnson	Purcell	Whitcher
Kelly		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Albright	Pierce	Talcott
Gunderson	Simpson	Trimble
Macdonald	Steele of Ward	Welch
McArthur		

Mr. Welch being excused.

So the bill passed and the title was agreed to.

## 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.

The question being on the final passage of the bill.

The roll was called and there were ayes 34, nays 5, absent and not voting 8.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Anderson	Johnson	Rice
Baker	Kennedy	Steel, of Stutsman
Bessesen	Koffel	Stevens
Cashel	LaMoure	Strom
Crane	McArthur	Syverson
Davis	McLean	Talcott
Duis	Neal	Turner
Gilbert	Overson	Wallin
Gronvold	Palmer	Walton
Gunderson	Plain	Welo
Holliday	Purcell	Whitcher
Irwin		

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Leutz	Movius	Sharpe
Martin	Ramsett	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Albright	Pierce	Trimble
Kelly	Simpson	Welch
Macdonald	Steele of Ward	

Mr. Welch being excused.

So the bill passed and the title was agreed to.

## 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.

Was read the third time.

Mr. Cashel offered the following amendment to Senate Bill No. 264:

Amend line 3, section 1, following the figures "1905" and insert the following, "as amended by chapter 237 of the laws of 1907."

Mr. Cashel moved

That the amendment be adopted.

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 39, nays 2, absent and not voting 6.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Anderson	LaMoure	Rice
Baker	Leutz	Sharpe
Bessesen	Martin	Simpson
Cashel	Macdonald	Steel, of Stutsman
Crane	McArthur	Stevens
Davis	McLean	Strom
Gilbert	Movius	Syverson
Gronvold	Neal	Talcott
Gunderson	Overson	Turner
Holliday	Palmer	Wallin
Irwin	Plain	Walton
Johnson	Purcell	Welo
Kennedy	Ramsett	Whitcher

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Albright	Pierce	Trimble
Kelly	Steele of Ward	Welch

Messrs. Duis and Koffel voting in the negative.

Mr. Welch being excused.

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

Mr. Purcell moved

That the vote by which Senate Bill No. 264 passed be reconsidered.

Which motion prevailed.

Mr. Cashel moved

That Senate Bill No. 264 be re-referred to the committee on judiciary.

Which motion prevailed

Mr. Duis moved

That the vote by which Senate Bill No. 161 was lost be reconsidered, and the bill be recommitted.

Which motion prevailed.

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 42, nays 0, absent and not voting 5.

Those who voted in the affirmative were :

Messrs.—	Messrs.—	Messrs.—
Anderson	Kennedy	Rice
Baker	Koffel	Sharpe
Bessesen	LaMoure	Simpson
Cashel	Martin	Steel, of Stutsman
Crane	Macdonald	Stevens
Davis	McArthur	Strom
Duis	McLean	Syvertson
Gilbert	Movius	Talcott
Gronvold	Neal	Trimble
Gunderson	Overson	Turner
Holliday	Palmer	Wallin
Irwin	Plain	Walton
Johnson	Purcell	Welo
Kelly	Ramsett	Whitcher

Absent and not voting :

Messrs.—	Messrs.—	Messrs.—
Albright	Pierce	Welch
Leutz	Steele of Ward	

Mr. Welch being excused.

So the bill passed and the title was agreed to.

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 third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 41, nays 0, absent and not voting 6.

Those who voted in the affirmative were :

Messrs.—	Messrs.—	Messrs.—
Anderson	Koffel	Rice
Baker	LaMoure	Sharpe
Bessesen	Leutz	Simpson
Cashel	Martin	Steel, of Stutsman
Crane	Macdonald	Stevens
Davis	McArthur	Strom
Duis	McLean	Syvertson
Gilbert	Movius	Talcott
Gronvold	Neal	Trimble
Holliday	Overson	Turner
Irwin	Palmer	Walton
Johnson	Plain	Welo
Kelly	Purcell	Whitcher
Kennedy	Ramsett	

Absent and not voting :

Messrs.—	Messrs.—	Messrs.—
Albright	Pierce	Wallin
Gunderson	Steele of Ward	Welch

Mr. Welch being excused.

So the bill passed and the title was agreed to.

## 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 third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 43, nays 0, absent and not voting 4.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Anderson	Koffel	Rice
Baker	LaMoure	Sharpe
Bessesen	Leutz	Simpson
Cashel	Martin	Steel, of Stutsman
Crane	Macdonald	Stevens
Davis	McArthur	Strom
Duis	McLean	Syvertson
Gilbert	Movius	Talcott
Gronvold	Neal	Trimble
Gunderson	Overson	Turner
Holliday	Palmer	Wallin
Irwin	Plain	Walton
Johnson	Purcell	Welo
Kelly	Ramsett	Whitcher
Kennedy		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Albright	Steele of Ward	Welch
Pierce		

Mr. Welch being excused.

So the bill passed and the title was agreed to.

## 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 third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 41, nays 2, absent and not voting 4.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Anderson	LaMoure	Sharpe
Baker	Leutz	Simpson
Cashel	Martin	Steel, of Stutsman
Crane	Macdonald	Stevens
Duis	McArthur	Strom
Gilbert	McLean	Syvertson
Gronvold	Movius	Talcott
Gunderson	Neal	Trimble

Messrs.—	Messrs.—	Messrs.—
Holliday	Overson	Turner
Irwin	Palmer	Wallin
Johnson	Plain	Walton
Kelly	Purcell	Welo
Kennedy	Ramsett	Whitcher
Koffel	Rice	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Albright	Steele of Ward	Welch
Pierce		

Messrs. Bessesen and Davis voting in the negative.

Mr. Welch being excused.

So the bill passed and the title was agreed to.

Mr. Crane moved

That the rules be suspended and all house bills be given their first and second reading and reference.

Which motion prevailed

#### FIRST AND SECOND READING OF HOUSE BILLS.

House Bill No. 114,

A bill for an act to amend chapter 189 of the session laws of 1907.

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

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 first and second times, and

Referred to the committee on corporations other than municipal.

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 first and second times, and

Referred to the committee on judiciary.

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

House Bill No. 162,

A bill for an act to regulate the public service of stallions of North Dakota.

Was read the first and second times and  
Referred to the committee on live stock and animal husbandry.

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

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 first and second times and  
Referred to the committee on cities and municipal corporations.

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 first and second times and  
Referred to the committee on railroads.

House Bill No. 211,

A bill for an act relating to the issuance of stock by corporations.

Was read the first and second times and  
Referred to the committee on corporations other than municipal.

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 first and second times and  
Referred to the committee on Judiciary.

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

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

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 first and second times, and  
Referred to the committee on insurance.

House Bill No. 267,

A bill for an act relating to railroad stations.

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

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

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 first and second times and  
Referred to the committee on state affairs

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 first and second times and

Referred to the committee on state affairs

### MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,  
BISMARCK, NORTH DAKOTA,  
February 25, 1909.

Mr. President:

I have the honor to transmit 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 house has passed and your favorable consideration is respectfully requested.

Very respectfully,

W. D. AUSTIN,  
Chief Clerk.

### COURTESIES OF THE FLOOR.

The courtesies of the floor were extended to the following:

Wm. Jones, of Linton; Jas. T. McCullough, of Washburn; O. N. Wedgard, of Velva; E. S. DeLancy and Sheriff Hinkler, of Valley City; E. T. Harrington, B. L. Benson, J. E. Green, John O. Hanchett, of Harvey; J. Oscar Seiler, of Jamestown;

Mr. Movius moved

That the senate do now adjourn.

Which motion prevailed, and

That senate adjourned.

J. W. FOLEY,  
Secretary.

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FIFTY-THIRD DAY

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SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
February 26, 1909.

The senate convened at two o'clock.

The president presiding.

Prayer by the chaplain.

Roll call.

All members present.

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

Mr. President:

Your committee on enrolled and engrossed bills have examined

Senate Bill No. 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 find the same correctly enrolled.

**THEODORE KOFFEL,**  
Chairman.

The secretary announced that the president 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 president signed the same in the presence of the senate.

### REFERENCE OF THE JOURNAL.

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

Mr. President:

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

Page 43, line 31, strike out all after word "bill" and insert in lieu thereof "was lost."

On page 13, line 24, change "21" where it occurs the second time to "2."

And when so corrected recommend that the same be approved.

**C. D. RICE,**  
Chairman.

Mr. Rice moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

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**MESSAGE FROM THE HOUSE.**

The following message was received from the house:

HOUSE OF REPRESENTATIVES,  
BISMARCK, NORTH DAKOTA,  
February 26, 1909.

Mr. President:

I have the honor to return herewith  
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.

Which the house has indefinitely postponed.

Also,

Mr. Speaker:

I have the honor to transmit herewith the following con-  
current 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 Con-  
curring:*

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 trans-  
ported 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 author-  
ities where such liquors are to be sold, to sell such intoxicating liquors.

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

Very respectfully,

W. D. AUSTIN,  
Chief Clerk.

Mr. Kennedy presented the following petition:

Fargo, N. D., February 21, 1909.

*Hon. James Kennedy, Member of the North Dakota State Senate:*

DEAR SIR: We, the undersigned members of the Christian Endeavor Society of the Presbyterian church of the city of Fargo, N. D., respectfully petition you 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. Jas. 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 use your utmost efforts in the direction requested, and that said bill may become a law of this state at the earliest possible date.

F. BOUGHTON,  
And 12 Others.

Mr. Irwin presented the following petition:

Park River, N. D., February 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 Bill No. —, as we believe it to be unjust.

F. F. SPORNITZ,  
And 38 Others.

Mr. Purcell presented the following petition:

Wahpeton, N. D., Feb. 9, 1909.

*To the Eleventh Legislative Assembly:*

We, the undersigned citizens and taxpayers of Richland Co., 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 of 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.

THEO. ALBRECHT,  
And 12 Others.

Mr. Bessesen presented the following petition:

*To the Eleventh Legislative Assembly:*

We, the undersigned citizens and taxpayers of Wells county, being especially interested in the welfare of our rural schools, respectfully petition your honorable body to pass Senate Bill No. 63,

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.

A. H. ELKIN,  
And 16 Others.

*To the Eleventh Legislative Assembly:*

We, the undersigned citizens and taxpayers of Wells county, knowing that the future prosperity of the 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 the rural schools.

C. R. BROWN,  
And 12 Others.

*To the Eleventh Legislative Assembly:*

We, the undersigned citizens and taxpayers of Wells 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.

W. C. MILLER,  
And 20 Others.

*To the Eleventh Legislative Assembly:*

We, the undersigned citizens and taxpayers of Wells 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.

J. S. HAMBLETON,  
And 25 Others.

*To the Eleventh Legislative Assembly:*

We, the undersigned citizens and taxpayers of Wells 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 our 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.

*To the Eleventh Legislative Assembly:*

We, the undersigned citizens and taxpayers of Wells county, knowing that the future prosperity of the 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 the rural schools.

*To the Eleventh Legislative Assembly:*

We, the undersigned citizens and taxpayers of Wells 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.

G. W. BARCHUS,  
And 13 Others.

Mr. Walton presented the following petition:

*To the Eleventh Legislative Assembly:*

We, the undersigned citizens and taxpayers of Dickey 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.

J. S. ANDERSON,  
And 20 Others.

*To the Eleventh Legislative Assembly:*

We, the undersigned citizens and taxpayers of Wells 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.

HENRY WEISS,  
And 9 Others.

*To the President and Members of the Senate of the State of North Dakota:*

HONORED GENTLEMEN: We, the undersigned subscribers, residents, members of various churches, schools and fraternal organizations in 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 the punishment for Sabbath breaking, introduced by James Duncan of Benson county.

In making this request we believe that section 8577, in the 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 hope that you will use your utmost efforts in the direction requested, and that said bill may become a law.

H. McTAVISH,  
And 19 Others.

Mr. Talcott presented the following petition:

*To the Eleventh Legislative Assembly:*

We, the undersigned citizens and taxpayers of Cass county, knowing that the future prosperity of the 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 the rural schools.

H. H. THUE,  
And 37 Others.

Mr. Movius presented the following petition:

*To the Members of the Eleventh Legislative Assembly:*

Being informed that parties interested in putting fraternal insurance out of business by increasing insurance rates to such an extent as to make it a burden to the financially less fortunate member, therefore, the undersigned members of the Modern Woodmen of America, petition you to use all honorable means to prevent such legislation.

C. G. MYHRE,  
And 18 Others.

Mr. Pierce presented the following petition:

*To the Honorable Legislative Body of the State of North Dakota:*

Our attention has just been called to House Bill No. 113, a bill having for its purpose the elimination of discriminating in prices paid for farm produce in different portions of the state. We believe that the prosperity of the state is dependent upon the prosperity of its farmers, and we believe also that the bill in question would materially assist farmers in every portion of the state, and we therefore respectfully ask that said bill receive the fullest consideration, and that it be passed at this session of the legislature.



The undersigned, your petitioners, are all free holders in this state.

N. E. AMTSON,  
And 16 Others.

The secretary announced that the president was about to sign

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 the president signed the same in the presence of the senate.

Mr. Purcell presented the following petition:

Wahpeton, N. D., Feb. 9, 1909.

*To the Legislative Assembly of the State of North Dakota:*

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. O. REISTH,  
And 100 Others.

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**REPORTS OF STANDING COMMITTEES.**

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred  
House Bill No. 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 indefinitely postponed.

J. B. SHARPE,  
Chairman.

Mr. Sharpe moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Also,

Mr. President:

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 be indefinitely postponed.

J. B. SHARPE,  
Chairman.

Mr. Sharpe moved

That the report be adopted

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Also,

Mr. President:

Your committee on judiciary to whom was referred  
House Bill No. 100,

A bill for an act to amend section 8403 of the 1905 re-  
vised codes of North Dakota, relating to service of garnish-  
ment summons.

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

J. B. SHARPE,  
Chairman.

Mr. Sharpe moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. President:

Your committee on judiciary 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 do pass.

J. B. SHARPE,  
Chairman.

Mr. Sharpe moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

### MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,  
BISMARCK, NORTH DAKOTA,  
February 26, 1909.

Mr. President:

I have the honor to transmit 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 house has passed and your favorable consideration is respectfully requested.

Very respectfully,  
W. D. AUSTIN,  
Chief Clerk.

## REPORTS OF STANDING COMMITTEES.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred  
House Bill No. 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 be indefinitely postponed.

J. B. SHARPE,  
Chairman.

Mr. Sharpe moved

That the report be adopted

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Also,

Mr. President:

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 3, section 1 of the engrossed bill, after the word "men" insert "one of whom shall be a regularly licensed physician."

And when so amended recommend the same do pass.

J. B. SHARPE,  
Chairman.

Mr. Sharpe moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. President:

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 be amended as follows:

Insert after the enacting clause the following:

"Section 1. Amendment.) Section 460 of the revised codes of North Dakota for the year 1905 is hereby amended to read as follows:"

In line 11, page 1 of the printed bill, strike out the word "four" and insert in lieu thereof the word "seven."

And when so amended recommend the same do pass.

J. B. SHARPE,  
Chairman.

Mr. Sharpe moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. President:

Your committee on judiciary to whom was referred  
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.

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 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.

Strike out all after the enacting clause and insert in lieu thereof the following:

Section 1. Amendment.) Section 1165 of the Revised Codes of 1905 as amended and embraced in Chapter 237 of the Laws of 1907, be and the same is hereby amended and re-enacted so as to read as follows:

Section 1165. All feeble minded persons residents of this state, who in the opinion of the superintendent, are of suitable age and capacity to receive instruction in the institution for the feeble minded, and whose defects prevent them from receiving proper training in the public schools of the state, and all idiotic and epileptic persons residents of this state may be admitted to and receive the benefits of the institution subject to payment of the sums hereinafter provided and to such rules and regulations as may be made by its board of trustees, provided, however, that any inmate of such institution shall not be removed therefrom, except upon a written request of the parent, parents, guardian or custodian of such inmate, which said request must receive the approval of the superintendent before such inmate can be removed.

Section 2. All acts or parts of acts in conflict with this act are hereby repealed.

**And when so amended recommend the same do pass.**

J. B. SHARPE,  
Chairman.

Mr. Sharpe moved

**That the report be adopted.**

**Which motion prevailed, and**

**The report of the committee was adopted.**

Also,

Mr. President:

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 do pass.

J. B. SHARPE,  
Chairman.

Mr. Sharpe moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. President:

Your committee on judiciary to whom was referred

Senate Bill No. 319,

A bill for an act to amend section 2723 of the revised codes of 1905, relating to the jurisdiction of police magistrates.

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

J. B. SHARPE,  
Chairman.

Mr. Sharpe moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Also,

Mr. President:

Your committee on judiciary to whom was referred

Senate Bill No. 285,

A bill for an act to amend section 2733 of the revised codes of North Dakota of the year 1905, relating to city justices of the peace.

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

J. B. SHARPE,  
Chairman.

Mr. Sharpe moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Also,

Mr. President:

**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.

**J. B. SHARPE,**  
Chairman.

Mr. Sharpe moved

**That the report be adopted.**

Which motion prevailed, and

**The report of the committee was adopted.**

The committee on elections made the following report:

Mr. President:

Your committee on elections to whom was referred

Senate Bill No. 64,

A bill for an act to provide for nominating candidates by political parties for United States senators, members of congress, and certain state officers, calling caucuses, county and state conventions, regulating and governing the same, providing an appropriation therefor and suitable penalties for violations thereof.

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

**GEO. D. PALMER,**  
Chairman.

Mr. Palmer moved

**That the report be adopted**

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.



Also,

Mr. President:

Your committee on elections to whom was referred  
Senate Bill No. 171,

A bill for an act to prohibit corrupt practices in elections  
and provide penalties therefor.

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

GEO. D. PALMER,  
Chairman.

Mr. Palmer moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely  
postponed.

Also,

Mr. President:

Your committee on elections to whom was referred  
Senate Bill No. 62,

A bill for an act to provide for the nonpartisan nomina-  
tion and election of state superintendent of public instruc-  
tion and county superintendents of schools.

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

GEO. D. PALMER,  
Chairman.

Mr. Palmer moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely  
postponed.

Also,

Mr. President:

Your committee on elections to whom was referred  
Senate Bill No. 160,

A bill for an act for calling and regulating caucuses and  
conventions for nominating judges of the district court,  
county officers and members of the legislative assembly.

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

GEO. D. PALMER,  
Chairman.

Mr. Palmer moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Also,

Mr. President:

Your committee on elections to whom was referred Senate Bill No. 307.

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 indefinitely postponed.

GEO. D. PALMER,  
Chairman.

Also,

Mr. President:

Your committee on elections to whom was referred Senate Bill No. 66,

A bill for an act providing for calling caucuses of political parties, regulating the same and providing suitable penalties for their violation.

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

GEO. D. PALMER,  
Chairman.

Mr. Palmer moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Mr. Duis moved

That Senate Bill No. 307 be re-referred to the committee on judiciary.

Mr. Sharpe moved

As a substitute that Senate Bill No. 307 be re-referred to the committee on elections.

Which substitute motion prevailed.

The committee on apportionment made the following report:

Mr. President:

Your committee on apportionment to whom was referred Senate Bill No. 100,

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:

Strike out lines 128, 129, 130, 131, 132 and 133 of printed bill, and insert the following, "the Thirty-fifth district shall consist of the county of Sheridan and shall be entitled to one senator and one representative."

Strike out lines 168 to 176 of printed bill inclusive, and insert the following, "the Forty-sixth district shall consist of the county of McLean and be entitled to one senator and two representatives."

In line 49 of the printed bill after the word "Michigan" insert the following, "Union, Washington and the First and Second wards of the city of."

In line 164 of the printed bill strike out the word "two" and insert the word "one."

And when so amended recommend the same do pass.

H. H. STEELE.  
Chairman.

Mr. Steele moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The majority and minority reports upon Senate Bill No. 127 were laid before the senate.

Mr. Steele moved

That the majority report be adopted.

Mr. Talcott moved

That the minority report be adopted.

Roll call demanded.

The question being on the adoption of the minority report.

The roll was called and there were ayes 18, nays 28, absent and not voting 1.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Baker	Johnson	Plain
Gilbert	Kennedy	Ramsett
Gronvold	LaMoure	Rice
Gunderson	McLean	Strom
Holliday	Palmer	Talcott
Kelly	Pierce	Walton

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Martin	Steel, of Stutsman
Anderson	Macdonald	Steele of Ward
Bessesen	McArthur	Stevens
Cashel	Movius	Syverson
Crane	Neal	Trimble
Davis	Overson	Turner
Duis	Purcell	Wallin
Irwin	Sharpe	Welch
Koffel	Simpson	Whitcher
Leutz		

Mr. Welo being absent and not voting.

So the motion was lost.

The question being on the adoption of the majority report.

Roll call demanded.

The roll was called and there were ayes 25, nays 21, absent and not voting 1.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Koffel	Steele of Ward
Anderson	Leutz	Stevens
Bessesen	Macdonald	Syverson
Cashel	McArthur	Trimble
Crane	Neal	Turner

Messrs.—  
 Davis  
 Duls  
 Irwin  
 Kelly

Messrs.—  
 Overson  
 Ramsett  
 Steel, of Stutsman

Messrs.—  
 Wallin  
 Welch  
 Whitcher

**Those who voted in the negative were:**

Messrs.—  
 Baker  
 Gilbert  
 Gronvold  
 Gunderson  
 Holliday  
 Johnson  
 Kennedy

Messrs.—  
 LaMoure  
 Martin  
 McLean  
 Movius  
 Palmer  
 Pierce  
 Plain

Messrs.—  
 Purcell  
 Rice  
 Sharpe  
 Simpson  
 Strom  
 Talcott  
 Walton

Mr. Welo being absent and not voting.  
 So the majority report was adopted.

**MESSAGE FROM THE HOUSE.**

The following message was received from the house:

HOUSE OF REPRESENTATIVES,  
 BISMARCK, NORTH DAKOTA,  
 February 26, 1909.

Mr. President:

I have the honor to transmit herewith  
 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. 179,

A bill for an act to provide an appropriation for the  
 current and contingent expenses and for permanent im-  
 provements for the state school of science at Wahpeton.

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.

Which the house has passed and your favorable consider-  
 ation is respectfully requested.

Very respectfully,

W. D. AUSTIN.  
 Chief Clerk.

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

## REPORT OF STANDING COMMITTEES

Your committee on enrolled and engrossed bills have examined

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. 129,

A bill for an act to create the office of tax commissioner and to define his powers, duties and compensation, and making an appropriation therefor.

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. 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. 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. 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. 270,

A bill for an act to require all persons, firms, associations now engaged, or may hereafter engage, in the purchase of grain for shipment out of the state by rail, other than public warehouse and elevator men, firms, associations and corporations engaged in said business and now required by law to take out licenses and give bond to the state, to take out a license to carry on said business and to give bond to the state.

Also,

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 or county asylum 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. 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. 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. 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.

And find the same correctly engrossed.

THEODORE KOFFEL,  
Chairman.

The committee on state affairs made the following report:

Mr. President:

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:

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 petitioners 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.

And when so amended recommend the same do pass.

MAYNARD CRANE,  
Chairman.

Mr. Crane moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

### FIRST READING OF SENATE BILLS.

Mr. Pierce (by request) introduced

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 was read the first time.

Mr Leutz introduced

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.

Which was read the first time.

Mr. Welch introduced

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 authorizing the state engineer to supervise the construction and maintenance of all roads and designating where experimental roads shall be built.

Which was read the first time.

Mr. Pierce moved

That all senate bills be given their second reading and reference.

**Which motion prevailed.**

### SECOND 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 second time and

**Referred to the committee on judiciary.**

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 second time, and

**Referred to the committee on public health.**

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 second time and

**Referred to the committee on highways, bridges and ferries.**

### THIRD READING OF SENATE BILLS.

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.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 39, nays 0, absent and not voting 8.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Kelly	Rice
Anderson	Kennedy	Sharpe
Baker	LaMoure	Simpson
Bessesen	Leutz	Steel, of Stutsman
Cashel	McLean	Steele of Ward
Crane	Movius	Stevens
Davis	Neal	Strom
Duis	Overson	Syvertson
Gronvold	Palmer	Trimble
Gunderson	Pierce	Turner
Holliday	Plain	Walton
Irwin	Purcell	Welch
Johnson	Ramsett	Whitcher

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Gilbert	Macdonald	Wallin
Koffel	McArthur	Welo
Martin	Talcott	

So the bill passed and the title was agreed to.

Mr. Gunderson moved

That Senate Bill No. 246 be amended as follows:

In line 20, page 5, strike out "shall" and insert "may."

Which motion was lost.

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 third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 33, nays 7, absent and not voting 7.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Kennedy	Ramsett
Baker	LaMoure	Rice

Messrs.—	Messrs.—	Messrs.—
Bessesen	Leutz	Simpson
Cashel	Martin	Steel, of Stutsman
Crane	McArthur	Strom
Duis	McLean	Talcott
Gilbert	Movius	Trimble
Gronvold	Neal	Walton
Holliday	Palmer	Welch
Irwin	Pierce	Welo
Johnson	Purcell	Whitcher

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Anderson	Plain	Syverson
Gunderson	Stevens	Turner
Overson		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Davis	Macdonald	Steele of Ward
Kelly	Sharpe	Wallin
Koffel		

Mr. Overson explained his vote.

Mr. Simpson explained his vote.

So the bill passed and the title was agreed to.

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 36, nays 4, absent and not voting 7.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Kennedy	Ramsett
Anderson	Koffel	Rice
Baker	LaMoure	Sharpe
Bessesen	Leutz	Simpson
Cashel	Martin	Steel, of Stutsman
Crane	McArthur	Strom
Duis	McLean	Talcott
Gilbert	Movius	Trimble
Gronvold	Neal	Walton
Holliday	Pierce	Welch
Irwin	Plain	Welo
Johnson	Purcell	Whitcher

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Gunderson	Stevens	Turner
Overson		



Absent and not voting:

Messrs.—

Davis  
Kelly  
Macdonald

Messrs.—

Palmer  
Steele of Ward

Messrs.—

Syvertson  
Wallin

Mr. Stevens explained his vote.

So the bill passed and the title was agreed to.

## REPORT OF STANDING COMMITTEES.

The committee on highways, bridges and ferries made the following report:

Mr. President:

Your committee on highways, bridges and ferries to whom was referred

Senate Bill No. 161,

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.

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

Change the title of the bill to read as follows:

“A bill for an act providing for the appointment of county superintendent of highways and township road inspector, and abolishing the office of township road overseer.”

Strike out all of Sections 1, 2, 3, 4, 5, 7 and 8.

Change Section 9 to Section 1 and amend to read as follows: “The board of county commissioners may at its first regular meeting in April each year appoint a competent engineer or practical road builder as county superintendent of highways, who may or may not be the present county surveyor and whose compensation shall be fixed by the county board. Such county superintendent of highways shall survey, lay out, superintend and inspect the construction and maintenance of all roads, bridges and ditches connected with the construction of highways; shall have supervisory control over the township road inspectors in said county, and shall himself be subject to the supervisory control of the county commissioners. He shall hold office for one year and until his successor is appointed and qualified. Before entering upon his duties he shall give bond to the county, approved by the county board, in the sum of \$1,000 conditioned for the faithful discharge of his duties.”

Change Section 10 to Section 2.

Change Section 6 to Section 3, and amend to read as follows: "For the purpose of furthering the interest of good road work the county superintendent of highways may call a meeting of all the township inspectors in the county at such time and place in each county as he may designate, there to consider such matters as he may present to their attention, and to discuss such matters of road improvement as may be of special interest to such county superintendent of highways and township inspectors. Every county highway superintendent may collect from his county the same per diem for this day as for one spent in actual road work, and his actual expenses in attending such meeting shall, if reasonable, be allowed by the board of county commissioners and shall be paid by said county, and every township road inspector may collect from his township the same per diem for this day as for one spent in actual road work, and his actual expenses in attending such meeting shall, if reasonable, be allowed by the township board and shall be paid by said township."

Change Section 11 to Section 4, and amend to read as follows: "On or before the first Monday of December every township clerk shall certify to the county auditor the amount of money expended for road purposes in his township during that year and within twenty days thereafter the county auditor shall certify to the board of county commissioners at their annual meeting in January the amount of money expended for road purposes in each and every township in the county during the year."

Strike out all of Section 12.

Change Section 13 to Section 5, and amend to read as follows: "The word "road" or "highway" whenever used in this act shall be construed to include all bridges upon, or which form part of the road or highway to be improved or constructed."

Change Sections 14 and 15 to Sections 6 and 7, respectively, and when so amended recommend that the bill do pass.

T. WELO,  
Chairman.

Mr. Welo moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Senate Bill No. 182,

A bill providing for the appointment of live stock inspectors by board of county commissioners, and providing for fees and mileage; defining qualification of inspector duties of inspector and owner; imposing compulsory inspection and test of live stock; fines for neglect or refusal to comply; indemnity to owner.

Was read the third time.

Mr. Macdonald moved

That further consideration of Senate Bill No. 182 be indefinitely postponed.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

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.

The question being on the final passage of the bill.

The roll was called and there were ayes 38, nays 1, absent and not voting 8.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Johnson	Rice
Anderson	Kelly	Simpson
Baker	Kennedy	Steel, of Stutsman
Bessesen	Koffel	Stevens
Cashel	Leutz	Syverson
Crane	Macdonald	Talcott
Davis	McArthur	Trimble
Duis	McLean	Turner
Gilbert	Neal	Wallin
Gronvold	Overson	Walton
Gunderson	Pierce	Welch
Holliday	Plain	Welo
Irwin	Purcell	Whitcher

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
LaMoure	Palmer	Sharpe
Martin	Ramsett	Steele of Ward
Movius		

Mr. Strom voted in the negative.

So the bill passed and the title was agreed to.

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 third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 42, nays 0, absent and not voting 5.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Kennedy	Sharpe
Anderson	Koffel	Simpson
Baker	LaMoure	Steel, of Stutsman
Bessesen	Leutz	Steele of Ward
Cashel	Macdonald	Stevens
Davis	McArthur	Strom
Duis	McLean	Syverson
Gilbert	Neal	Talcott
Gronvold	Overson	Turner
Gunderson	Pierce	Wallin
Holliday	Plain	Walton
Irwin	Purcell	Welch
Johnson	Ramsett	Welo
Kelly	Rice	Whitcher

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Crane	Movius	Trimble
Martin	Palmer	

So the bill passed and the title was agreed to.

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 third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 42, nays 0, absent and not voting 5.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Kennedy	Sharpe
Anderson	Koffel	Simpson
Baker	LaMoure	Steel, of Stutsman
Bessesen	Leutz	Steele of Ward
Cashel	Macdonald	Stevens
Davis	McLean	Strom
Duis	Neal	Syverson
Gilbert	Overson	Talcott
Gronvold	Palmer	Turner
Gunderson	Pierce	Wallin
Holliday	Plain	Walton
Irwin	Purcell	Welch
Johnson	Ramsett	Welo
Kelly	Rice	Whitcher

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Crane	McArthur	Trimble
Martin	Movius	

So the bill passed and the title was agreed to

## 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.

Was read the third time.

Mr. Rice moved

That the amendment of Senate Bill No. 294 by the committee on state affairs be stricken out.

Mr. Welo moved

That Senate Bill No. 294 be re-referred to the committee on state affairs.

Which motion prevailed.

Mr. Martin in the chair.

## 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 43, nays 0, absent and not voting 4.

Those who voted in the affirmative were:

## Messrs.—

Albright  
Anderson  
Baker  
Cashel  
Crane  
Davis  
Duis  
Gilbert  
Gronvold  
Gunderson  
Holliday  
Irwin  
Johnson  
Kelly  
Kennedy

## Messrs.—

Koffel  
LaMoure  
Leutz  
Martin  
McArthur  
McLean  
Movius  
Overson  
Palmer  
Pierce  
Plain  
Purcell  
Ramsett  
Sharpe

## Messrs.—

Simpson  
Steel, of Stutsman  
Steele of Ward  
Stevens  
Strom  
Syvertson  
Talcott  
Trimble  
Turner  
Wallin  
Walton  
Welch  
Welo  
Whitcher

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Bessesen	Neal	Rice
Macdonald		

So the bill passed and the title was agreed to.

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 third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 43, nays 1, absent and not voting 3.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Kennedy	Rice
Anderson	Koffel	Sharpe
Baker	Leutz	Simpson
Bessesen	Martin	Steel, of Stutsman
Cashel	Macdonald	Strom
Crane	McLean	Syvertson
Davis	Movius	Talcott
Duis	Neal	Trimble
Gilbert	Overson	Turner
Gronvold	Palmer	Wallin
Gunderson	Pierce	Walton
Holliday	Plain	Welch
Irwin	Purcell	Welo
Johnson	Ramsett	Whitcher
Kelly		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
LaMoure	McArthur	Steele of Ward

Mr. Stevens voted in the negative.

So the bill passed and the title was agreed to.

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 44, nays 0, absent and not voting 3.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Kennedy	Sharpe
Anderson	Koffel	Simpson
Baker	LaMoure	Steel, of Stutsman
Bessesen	Leutz	Steele of Ward
Cashel	Martin	Stevens
Crane	McLean	Strom
Davis	Movius	Syvertson
Duis	Neal	Trimble
Gilbert	Overson	Turner
Gronvold	Palmer	Wallin
Gunderson	Pierce	Walton
Holliday	Plain	Welch
Irwin	Purcell	Welo
Johnson	Ramsett	Whitcher
Kelly	rice	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Macdonald	McArthur	Talcott

**So the bill passed and the title was agreed to.**

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. Trimble moved

That the word "manufactured" be inserted before the word "gas" whenever the word "gas" appears in the bill and the title of the bill.

Mr. Trimble moved

That the amendment be adopted.

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 40, nays' 7, absent and not voting 0.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Koffel	Simpson
Anderson	Martin	Steele of Ward
Baker	Macdonald	Stevens
Bessesen	McArthur	Strom
Cashel	McLean	Syverson
Crane	Movius	Talcott
Davis	Neal	Trimble
Duis	Overson	Turner
Gronvold	Palmer	Wallin
Gunderson	Plain	Walton
Holliday	Purcell	Welch
Irwin	Ramssett	Welo
Johnson	Rice	Whitcher
Kelly		

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Gilbert	Leutz	Sharpe
Kennedy	Pierce	Steel, of Stutsman
LaMoure		

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

Mr. Duis moved

That the vote by which Senate Bill No. 30 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed

Mr. Pierce moved

That senate bills reported without recommendation go to the committee of the whole senate.

Which motion prevailed

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.

The question being on the final passage of the bill.



The roll was called and there were ayes 37, nays 6, absent and not voting 4.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	LaMoure	Ramsett
Anderson	Leutz	Rice
Baker	Martin	Sharpe
Bessesen	Macdonald	Simpson
Crane	McArthur	Steel, of Stutsman
Davis	McLean	Strom
Gilbert	Movius	Talcott
Gronvold	Neal	Wallin
Gunderson	Overson	Walton
Holliday	Palmer	Welch
Irwin	Plain	Welo
Kennedy	Purcell	Whitcher
Koffel		

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Duis	Kelly	Syvertson
Johnson	Stevens	Turner

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Cashel	Trimble	Steele of Ward
Pierce		

So the bill passed and the title was agreed to.

### MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,  
BISMARCK, NORTH DAKOTA,  
February 26, 1909.

Mr. President:

I have the honor to transmit 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.

Also,

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. 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. 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. 263,

A bill for an act to create a public warehouse fund and to provide for the use of such moneys and disbursements therefrom.

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. 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 this state.

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.

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.

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

Very respectfully,  
W. D. AUSTIN,  
Chief Clerk.

### THIRD 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.

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 1, absent and not voting 5.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Kennedy	Rice
Anderson	Koffel	Sharpe
Baker	LaMoure	Steel, of Stutsman
Bessesen	Leutz	Steele of Ward
Cashel	Martin	Simpson
Crane	Macdonald	Stevens
Davis	McLean	Syverson

Messrs.—	Messrs.—	Messrs.—
Duis	Neal	Turner
Gilbert	Overson	Wallin
Gunderson	Palmer	Walton
Holliday	Pierce	Welch
Irwin	Plain	Welo
Johnson	Purcell	Whitcher
Kelly	Ramsett	

**Absent and not voting:**

Messrs.—	Messrs.—	Messrs.—
Gronvold	Movius	Trimble
McArthur	Talcott	

Mr. Strom voted in the negative.

Mr. Strom explained his vote.

So the bill passed and the title was agreed to.

**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 third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 38, nays 3, absent and not voting 6.

**Those who voted in the affirmative were:**

Messrs.—	Messrs.—	Messrs.—
Albright	Kelly	Rice
Anderson	Kennedy	Steel, of Stutsman
Baker	Koffel	Stevens
Bessesen	Leutz	Strom
Cashel	Martin	Syverson
Crane	McLean	Trimble
Davis	Neal	Turner
Duis	Overson	Wallin
Gilbert	Palmer	Walton
Gunderson	Pierce	Welch
Holliday	Plain	Welo
Irwin	Purcell	Whitcher
Johnson	Ramsett	

**Those who voted in the negative were:**

Messrs.—	Messrs.—	Messrs.—
Macdonald	Steele of Ward	Talcott

**Absent and not voting:**

Messrs.—	Messrs.—	Messrs.—
Gronvold	McArthur	Sharpe
LaMoure	Movius	Simpson

So the bill passed and the title was agreed to.

Mr. Plain moved

That the senate resolve itself into a committee of the whole for the consideration of Senate Bills Nos. 129 and 221.

Which motion prevailed.

Mr. Sharpe in the chair.

The senate resumed session.

The president in the chair.

### COURTESIES OF THE FLOOR.

The courtesies of the senate were extended to the following:

G. Miller, of Kulm; Prof. Richards, Chas. Kennedy and Michael Kennedy; F. H. Getchell, Valley City; Ray Gilbreath, W. W. Brown, Amenia.

Mr. Sharpe moved

That the senate do now adjourn.

Which motion prevailed, and

The senate adjourned.

J. W. FOLEY,  
Secretary.

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FIFTY-FOURTH DAY

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SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
February 27, 1909.

The senate convened at two o'clock.  
The president presiding.  
Prayer by the chaplain.  
Roll call.  
All members present.

MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,  
BISMARCK, NORTH DAKOTA,  
February 27, 1909.

Mr. President:

I have the honor to return herewith  
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.

Which the house has amended as follows:

Add item of \$10,000 for dynamo and fixtures for furnishing the college with light and power.

Also,

Mr. President:

I have the honor to return herewith

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. 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. 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.

Which the house has passed unchanged.

Also,

Mr. President:

I have the honor to transmit herewith

**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.

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. 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. 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. 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. 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. 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. 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. 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. 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. 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. 320,

A bill for an act to prohibit the marriage of insane, epileptic or feeble minded persons.

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

Very respectfully,

W. D. AUSTIN,  
Chief Clerk.

## REFERENCE OF THE JOURNAL.

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

Mr. President:

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

Page 5, line 16, strike out "Skulason" and insert in lieu thereof "Bessesen."

Page 6, line 23, change "Hamilton" to "Hambleton."

Page 7, line 20, change "Martin" to "Walton."

Page 21, on the vote on Senate Bill No. 127, change "Whitcher" from the list voting in the affirmative to the list voting in the negative.

And when so corrected recommend that the same be approved.

C. D. RICE,  
Chairman.

Mr. Rice moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

## MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,  
BISMARCK, NORTH DAKOTA,  
February 27, 1909.

Mr. President:

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

*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 the house had adopted and the speaker has named as members of such committee on part of the house, Messrs. Fraine, Honey and Duncan.

Also,

Mr. President:

I have the honor to return herewith  
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. 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. 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. 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. 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. 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.

Which the house has passed unchanged.

Also,

Mr. President:

I have the honor to return herewith

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.

Which the house has 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."

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.

Which the house has amended as follows:

In item "for completing and furnishing the new dormitory," change amount from \$35,000 to \$41,000.

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.

Which the house has 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.

Very respectfully,

W. D. AUSTIN,  
Chief Clerk.

Mr. Koffel moved

That the rules be suspended and the senate proceed under the fourteenth order of business, and that all house bills be given their second reading and reference.

Which motion prevailed.

#### FIRST AND SECOND READING OF HOUSE BILLS.

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.

Was read the first and second times and

Referred to the committee on state affairs.

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 first and second times and

Referred to the committee on game and fish.

House Bill No. 167,

A bill for an act to permit the construction of catterways under public highways; regulating the construction



of same, and prescribing duties of road supervisors in relation thereto.

Was read the first and second times and

Referred to the committee on highways, bridges and ferries.

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 first and second times and

Referred to the committee on judiciary.

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 first and second times and

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

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 first and second times and

Referred to the committee on Judiciary.

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 first and second times and

Referred to the committee on appropriations.

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 first and second times and

Referred to the committee on judiciary.

## 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 first and second times and  
Referred to the committee on judiciary.

## 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 first and second times and  
Referred to the committee on judiciary.

## 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 first and second times, and  
Referred to the committee on cities and municipal corporations.

## 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 first and second times and  
Referred to the committee on cities and municipal corporations.

## 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 pen-

alty therefor, and providing transportation for the board of railroad commissioners and its secretary.

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

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

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

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

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

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

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

## 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 first and second times and  
Referred to the committee on appropriations.

## 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 first and second times and  
Referred to the committee on appropriations.

## 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 first and second times and  
Referred to the committee on state affairs.

## 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.

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

## 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 first and second times and  
Referred to the committee on Banks and Banking.

## 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 first and second times and  
Referred to the committee on education.

## MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,  
BISMARCK, NORTH DAKOTA,  
February 27, 1909.

Mr. President:

I have the honor to transmit 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.

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

Very respectfully,  
W. D. AUSTIN,  
Chief Clerk.

## PETITIONS AND COMMUNICATIONS.

Mr. Gronvold presented the following petition:

*To the Eleventh Legislative Assembly:*

We, the undersigned citizens and taxpayers of Pierce county, respectfully petition your honorable body to pass Senate Bill No. 63.

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.

F. J. RAUCH,  
And 136 Others.

Mr. Walton presented the following petition:

*To the Eleventh Legislative Assembly:*

We, the undersigned citizens and taxpayers of Dickey county, 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.

GEO. S. WHITFIELD,  
And 14 Others.

## 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 commission, 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 1st 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 14.28 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 Chataqua railway 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 corpor-

ations 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. Pierce moved

That the report be not read, but printed in the journal.  
Which motion prevailed.

## REPORTS OF STANDING COMMITTEES.

The committee on appropriations made the following report:

Mr. President:

Your committee on appropriations to whom was referred Senate Bill No. 258,

A bill for an act to amend section 1295, 1296, 1297 and 1298 of the revised codes of North Dakota of 1905, being chapter 13, entitled state library.

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

That the words "an elector" in line 21 of the printed bill be stricken out and the words "a resident" inserted.

And when so amended recommend the same do pass.

JUDSON LaMOURE,  
Chairman.

Mr. LaMoure moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. President:

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 the revised 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 be amended as follows:

That the title of said bill be changed to read as follows:

"An act providing for experiments to determine the milling value of cereals, the baking and other economic properties of the flours produced therefrom and the chemical composition thereof, and to provide for the publication of the information thereby obtained, to provide an appropriation for such work, and to repeal section 1118 of the revised codes of 1905 pertaining thereto."

That all after the enacting clause of said bill be stricken out and the following inserted in lieu thereof:

“Section 1. It shall be the duty of the North Dakota government agricultural experiment station at Fargo to conduct experiments and determine the comparative milling values of the different grades and kinds of cereals and baking tests of the flours made therefrom. Such tests, as far as possible, shall be made from the products grown on soils in North Dakota which have been analyzed and tested and reported on by the geological survey branch of said government agricultural experiment station. A record shall be kept and published of the different kinds and grades of cereals received and by whom graded, the name of the person from whom received, with address, the nature of the soil, previous cropping and number of years which the land has been cropped. No cereals shall be tested if the same can not be identified and reported on as hereinbefore mentioned. The result of the chemical analysis of each sample shall be kept, which shall show the total weight of the sample, total weight of flour, total weight of feed, total weight recovered and per cent of flour; also data as to the moisture and proteids in the different grades of cereals, and analysis of the flour or other product made from the different kinds and grades of cereals, and the yield and quality of bread or other product made from the same. In addition to such information it shall be the duty of the said North Dakota government agricultural experiment station to obtain, tabulate and publish such other and further information in relation to the comparative values of the different kinds and grades of cereals and products made therefrom as shall be of value to the residents of this state.

“Sec. 2. For the purpose of carrying out the provisions of this act there is hereby appropriated the sum of \$5,000, or so much thereof as is necessary, out of any money in the state treasury not otherwise appropriated, to the North Dakota government agricultural experiment station at Fargo, the said money to be used for the further equipping of the experimental flour mill, adding room for storing and testing cereals, for the purchase of samples, for the expense of collecting samples, and the gathering of information regarding the properties of the cereals and for employing competent investigators.

“Sec. 3. All acts or parts of acts in conflict with the provisions of this act, and especially section 1110 of the revised codes of 1905, are hereby repealed.”

And when so amended recommend the same do pass.

JUDSON LaMOURE,  
Chairman.

Mr. LaMoure moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. President:

Your committee on appropriations to whom was referred  
Senate Bill No. 239,

A bill for an act to provide funds to reimburse the counties whose treasurers paid rewards for the arrest and conviction of violators of the prohibition law, according to section 9395, revised codes of 1905, which section provides a reward of fifty (\$50) dollars for each conviction, to be paid by the county treasurer upon the order of the court in which conviction was made, and for which payment the county treasurer shall be allowed to withhold from taxes due the state any such amounts as he may have paid, which bills the state auditing board refused to allow because of an opinion of the attorney general holding that the law was unconstitutional.

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

JUDSON LaMOURE,  
Chairman.

Mr. LaMoure moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Also,

**Mr. President:**

Your committee on appropriations 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 be indefinitely postponed.

JUDSON LaMOURE,  
Chairman.

**Mr. LaMoure 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. President:**

Your committee on judiciary 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 line 4, page 2 of the original bill, insert after the word  
"of" the following, "the expense list by."

And when so amended recommend the same do pass.

J. B. SHARPE,  
Chairman.

**Mr. Sharpe moved**

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on public health made the following report:

Mr. President:

Your committee on public health 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 do pass.

FERD LEUTZ,  
Chairman.

Mr. Leutz moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on live stock and animal husbandry made the following report:

Mr. President:

Your committee on live stock and animal husbandry 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 be amended as follows:

In line 5 after the word "of" strike out the word "a" and insert in lieu thereof the words "the nearest."

And when so amended recommend the same do pass.

ALEX. MACDONALD,  
Chairman.

Mr. Macdonald moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

**Mr. President:**

Your committee on live stock and animal husbandry to whom was referred

Senate Bill No. 228,

A bill for an act to amend chapter 117 of the session laws of 1907, to amend section 1973 of the revised codes of 1905.

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

ALEX. MACDONALD,  
Chairman.

Mr. Macdonald moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Also,

**Mr. President:**

Your committee on live stock and animal husbandry 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.

ALEX. MACDONALD,  
Chairman.

Mr. Macdonald moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

**Mr. President:**

Your committee on live stock and animal husbandry 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 do pass.

ALEX. MACDONALD,  
Chairman.

Mr. Macdonald moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on insurance made the following report:

Mr. President:

Your committee on insurance to whom was referred

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.

L. A. SIMPSON,  
Chairman.

Mr. Simpson moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. President:

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.

L. A. SIMPSON,  
Chairman.

Mr. Simpson moved

That the report be adopted

Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. President:

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 do pass.

L. A. SIMPSON,  
Chairman.

Mr. Simpson moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. President:

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.

L. A. SIMPSON,  
Chairman.

Mr. Simpson moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. President:

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.

L. A. SIMPSON,  
Chairman.

Mr. Simpson moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. President:

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 report same without recommendation.

L. A. SIMPSON,  
Chairman.

Mr. Simpson moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. President:

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 report same without recommendation.

L. A. SIMPSON,  
Chairman.

Mr. Simpson moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

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

Mr. President:

Your committee on corporations other than municipal to whom was referred

Senate Bill No. 89,

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. 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.

Have had the same under consideration and recommend that the same be re-referred to the judiciary committee, as that committee has now before it bills covering same subjects.

W. E. PURCELL,  
Chairman.

The committee on insurance made the following report:

Mr. President:

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 be amended as follows:

In section 1, line 8 of the printed bill, strike out "less" and insert in lieu "more"; also in same line strike out "two-thirds" and insert in lieu thereof "eighty per cent."

In section 2, line 5 of the printed bill, strike out "less" and insert "more."

In line 6, same section, strike out "two-thirds" and insert in lieu "eighty per cent."

And when so amended recommend the same do pass.

L. A. SIMPSON,  
Chairman.

Mr. Simpson moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. President:

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 be amended as follows:

In section 2, lines 9 and 10 of the printed bill, strike out "fifteen" and insert in lieu "twenty."

In section 11, line 12 of the printed bill, strike out "premium collected" and insert in lieu "state hail insurance."

And when so amended recommend the same do pass.

L. A. SIMPSON,  
Chairman.

Mr. Simpson moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. President:

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 be amended as follows:

In title strike out the words "a bill" and insert in lieu "a concurrent resolution."

Amend enacting clause to read as follows:

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

And when so amended recommend the same do pass.

L. A. SIMPSON,  
Chairman.

Mr. Simpson moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. President:

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.

L. A. SIMPSON,  
Chairman.

Mr. Simpson moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. President:

Your committee on insurance to whom was referred  
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 ac-  
counting of surplus of life insurance companies as to poli-  
cies heretofore issued.

Have had the same under consideration and report the  
same without recommendation.

L. A. SIMPSON,  
Chairman.

Mr. Simpson moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. President:

Your committee on insurance to whom was referred  
Senate Bill No. 269,

A bill or an act establishing a county hail insurance de-  
partment, prescribing rules, regulations and duties of all  
officers and persons connected therewith, prescribing how  
taxes for same shall be levied and collected, and how ex-  
penses and indemnity for losses by hail shall be paid.

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

In section 3, line 8 of the printed bill, at end of sentence  
insert the following:

“Provided, that the tax so levied shall be subordinate to  
all other prior liens upon said real estate.”

Add at the end of section 2 the following:

“Provided, any person owning growing grain on land  
owned by another may receive all the benefits of this act by  
depositing with the county auditor with his application a

certificed check, certificate of deposit or cash, payable on or before March first of the succeeding year for an amount equal to twenty-five cents per acre for the number of acres insured, said money to be treated in the same manner as tax collected."

And when so amended recommend the same do pass.

L. A. SIMPSON,  
Chairman.

Mr. Simpson moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on education made the following report:

Mr. President:

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 be amended as follows:

In line 10, section 1, strike out the word "normal" and insert in lieu thereof "teachers."

In line 12, same section, strike out "have" and insert in lieu thereof "having."

In line 28, section 3, strike out "normal" and insert in lieu thereof "teachers."

In line 32, same section, strike out "normal departments" and insert in lieu thereof "teachers college."

And when so amended recommend the same do pass.

F. S. TALCOTT,  
Chairman.

Mr. Talcott moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.



Also,

**Mr. President:**

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:

A bill for an act requiring one or more stationary fire escapes, consisting of iron stairways, to be attached to the outside of each one and every story, 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."

Be it enacted by the legislative assembly of the state of North Dakota:

Section 1. That one or more stationary metal fire escapes, consisting of stairways, shall be attached to the outside of each one and every story, above the first story, of all school houses in this state having more than one story.

Sec. 2. It shall be the duty of all persons having charge of such school houses, including trustees, boards of directors and boards of education, to comply with the provisions of the last section within six months after the same shall take effect.

Sec. 3. Any and all persons failing to comply with the provisions of sections 1 and 2 of this act shall be deemed guilty of a misdemeanor.

Sec. 4. An emergency exists in this, that a great many schools in this state are not provided with stationary fire escapes, consisting of iron stairways, above the first story of those school houses having more than one story, there-

fore this act shall be in force and effect from and after its passage and approval.

And when so amended recommend the same do pass.

F. S. TALCOTT,  
Chairman.

Mr. Talcott moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. President:

Your committee on education to whom was referred  
Senate Bill No. 266,

A bill for an act to amend section 894 of the session laws  
of 1907, relating to education.

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

F. S. TALCOTT,  
Chairman.

Mr. Talcott moved

That the report be adopted

Which motion prevailed, and

That the further consideration of the bill be indefinitely  
postponed.

The committee on highways, bridges and ferries made  
the following report:

Mr. President:

Your committee on highways, bridges and ferries to  
whom was referred

Senate Bill No. 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; author-  
izing 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 contri-  
butions 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.

T. WELO,  
Chairman.

Mr. Welo moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

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

Mr. President:

Your committee on enrolled and engrossed bills have examined

Senate Bill No. 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. 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. 100,

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,

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. 161,

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.

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. 258,

A bill for an act to amend section 1295, 1296, 1297 and 1298 of the revised codes of North Dakota of 1905, being chapter 13, entitled state library.

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. 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.

And find the same correctly engrossed.

**THEODORE KOFFEL,**  
Chairman.

The committee on state affairs made the following report:

Mr. President:

Your committee on state affairs to whom was referred

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.

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

In line 4, page 1 of the printed bill, after the words "North Dakota" insert the words "and other states and counties."

In line 14, page 2 of the printed bill, strike out the word "breeding" and insert in lieu thereof the word "raising."

In line 3, page 2 of the printed bill, after the word "Fargo" insert the following, "under all powers and privileges granted said association under its articles of incorporation."

In line 6, page 2 of the printed bill, after the word "its" strike out the word "said."

In line 18, page 4 of the printed bill after the word "association" strike out the word "was."

In line 19, page 4 of the printed bill, after the word "thereof" strike out the word "detailed" and insert in lieu thereof the word "detailing."

In line 5, page 5, section 6 of the printed bill, after the words "state fair" add the following, "provided, at least five thousand (5,000) dollars thereof shall be for the payment of premiums."

In line 1, page 5, section 7 of the printed bill, strike out the words "provided, that."

Section 8 of the printed bill shall read as follows:

"Sec. 8. That this act shall not take effect or be in force until January 1st, 1912."

Section 8 of the printed bill shall be designated as section 9.

And when so amended recommend the same do pass.

MAYNARD CRANE,  
Chairman.

Mr. Stevens objected to the consideration of the report, which went over one day.

The committee on game and fish made the following report:

Mr. President:

Your committee on game and fish to whom was referred House Bill No. 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 amended to read as follows:

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 commission 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. Employees.) 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 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. 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 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. 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.**

**THEODORE KOFFEL,**  
Chairman.

The following report of the committee of the whole senate was laid before the senate:

Mr. President:

Your committee of the whole has had under consideration  
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.

And recommend that the same be amended as follows:

Insert in line 6 after the word "dollars," "or so much thereof as may be necessary."

Change the appropriation from "\$2,000" to "\$1,000."

In line 3 strike out "those who attend" after the word "among." Strike out the word "institute" after the word "farmers" and insert in lieu thereof "of the state."

**And when so amended recommend the same do pass.**

**J. B. SHARPE,**  
Chairman.

Mr. Sharpe moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

### MOTIONS AND RESOLUTIONS.

Mr. Sharpe offered the following 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 Ger-

man-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, Bremen 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.

Yours very respectfully,

J. M. ERBELE,  
And 200 Others.

Mr. Sharpe moved

That the resolution be adopted.

Which motion prevailed, and

The resolution was adopted.

The following resolution was laid before the senate :

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. Strom moved

That the resolution be adopted.

Which motion prevailed, and

The resolution was adopted.

## MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,  
BISMARCK, NORTH DAKOTA,  
February 27, 1909.

Mr. President:

I have the honor to return herewith  
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.

Which the house has passed unchanged.

Very respectfully,  
W. D. AUSTIN,  
Chief Clerk.

Mr. Crane moved

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

Which motion prevailed.

### THIRD READING OF SENATE BILLS.

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.

The roll was called and there were ayes 47, nays 0, absent and not voting 0.

Those who voted in the affirmative were:

Messrs.—

Albright  
Anderson  
Baker  
Bessesen  
Cashel  
Crane

Messrs.—

Koffel  
LaMoure  
Leutz  
Martin  
Macdonald  
McArthur

Messrs.—

Sharpe  
Simpson  
Steel, of Stutsman  
Steele of Ward  
Stevens  
Strom

Messrs.—	Messrs.—	Messrs.—
Davis	McLean	Syverson
Duis	Movius	Talcott
Gilbert	Neal	Trimble
Gronvold	Overson	Turner
Gunderson	Palmer	Wallin
Holliday	Pierce	Walton
Irwin	Plain	Welch
Johnson	Purcell	Welo
Kelly	Ramsett	Whitcher
Kennedy	Rice	

So the bill passed and the title was agreed to.

Mr. Neal 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.

Senate Bill No. 270,

A bill for an act to require all persons, firms, associations now engaged, or may hereafter engage, in the purchase of grain for shipment out of the state by rail, other than public warehouse and elevator men, firms, associations and corporations engaged in said business and now required by law to take out licenses and give bond to the state, to take out a license to carry on said business and to give bond to the state.

Was read the third time.

Mr. Simpson moved

To amend Senate Bill No. 270 as follows:

In line 3 of section 4 strike out "\$150.00" and insert in lieu thereof "\$5."

Mr. Simpson moved

That the amendment be adopted.

Mr. Purcell moved

As a substitute that Senate Bill No. 270 be indefinitely postponed.

Roll call demanded.

The question being on the indefinite postponement of Senate Bill No. 270.

The roll was called and there were ayes 37, nays 8, absent and not voting 2.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Kelly	Purcell
Anderson	Koffel	Ramsett
Baker	LaMoure	Rice
Bessesen	Macdonald	Sharpe
Cashel	McArthur	Steele of Ward
Davis	McLean	Stevens
Duis	Movius	Strom
Gilbert	Neal	Syverson
Gronvold	Overson	Turner
Gunderson	Palmer	Wallin
Holliday	Pierce	Welo
Irwin	Plain	Whitcher
Johnson		

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Crane	Martin	Walton
Kennedy	Simpson	Welch
Leutz	Trimble	

Messrs. Steele of Stutsman and Talcott being absent and not voting.

So the further consideration of Senate Bill No. 270 was indefinitely postponed.

Mr. Purcell moved

That the vote by which Senate Bill No. 270 was indefinitely postponed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

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 third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 42, nays 0, absent and not voting 5.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Kennedy	Ramsett
Anderson	Koffel	Rice
Baker	LaMoure	Sharpe
Bessesen	Leutz	Simpson
Cashel	Martin	Steele of Ward



Messrs.—	Messrs.—	Messrs.—
Crane	Macdonald	Stevens
Davis	McLean	Syvertson
Duls	Movius	Talcott
Gronvold	Neal	Trimble
Gunderson	Overson	Turner
Holliday	Palmer	Wallin
Irwin	Pierce	Walton
Johnson	Plain	Welch
Kelly	Purcell	Whitcher

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Gilbert	Steel, of Stutsman	Welo
McArthur	Strom	

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 38, nays 1, absent and not voting 8.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	LaMoure	Simpson
Anderson	Leutz	Steele of Ward
Baker	Macdonald	Stevens
Bessesen	McArthur	Strom
Cashel	McLean	Syvertson
Crane	Neal	Talcott
Davis	Overson	Trimble
Duls	Pierce	Turner
Holliday	Plain	Wallin
Irwin	Purcell	Walton
Johnson	Ramsett	Welo
Kennedy	Rice	Whitcher
Koffel	Sharpe	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Gilbert	Kelly	Palmer
Gronvold	Martin	Steel, of Stutsman
Gunderson	Movius	

Mr. Welch voted in the negative.

So the bill passed and the title was agreed to.

Mr. Davis in the chair.

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.

Mr. Overson moved

That Senate Bill No. 282 be recommitted.

Which motion prevailed.

### MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,  
BISMARCK, NORTH DAKOTA,  
February 27, 1909.

Mr. President:

I have the honor to transmit herewith

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

Very respectfully,

W. D. AUSTIN,  
Chief Clerk.

### 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 38, nays 0, absent and not voting 9.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Koffel	Steele of Ward
Anderson	Leutz	Stevens
Baker	Macdonald	Strom
Bessesen	McLean	Syvertson
Davis	Neal	Talcott
Gilbert	Overson	Trimble
Gronvold	Palmer	Turner

Messrs.—

Gunderson  
Holliday  
Irwin  
Johnson  
Kelly  
Kennedy

Messrs.—

Pierce  
Plain  
Purcell  
Ramsett  
Rice  
Simpson

Messrs.—

Wallin  
Walton  
Welch  
Welo  
Whitcher

**Absent and not voting:**

Messrs.—

Cashel  
Crane  
Duis

Messrs.—

LaMoure  
Martin  
McArthur

Messrs.—

Movius  
Sharpe  
Steel, of Stutsman

So the bill passed and the title was agreed to.

**FIRST READING OF SENATE BILLS.**

Mr. Simpson (by unanimous consent) introduced  
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 dis-  
tricts.

**Which was read the first time.**

Mr. Simpson moved

That the rules be suspended and Senate Bill No. 342 have  
its second reading and reference.

Which motion prevailed.

**SECOND READING OF SENATE BILLS.**

Senate Bill No. 342,

Was read the second time and

Referred to the committee on Education.

**THIRD READING OF SENATE BILLS.**

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 mari-  
riages 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 40, nays 1, ab-  
sent and not voting 6.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Leutz	Sharpe
Anderson	Martin	Simpson
Baker	Macdonald	Steele of Ward
Bessesen	McArthur	Stevens
Crane	McLean	Strom
Davis	Neal	Syvertson
Gilbert	Overson	Talcott
Gronvold	Palmer	Trimble
Gunderson	Pierce	Turner
Irwin	Plain	Walton
Johnson	Purcell	Welch
Kelly	Ramsett	Welo
Kennedy	Rice	Whitcher
Koffel		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Cashel	Holliday	Movius
Duis	LaMoure	Steel, of Stutsman

Mr. Wallin voted in the negative.

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 by public warehouse men, establishing a standard form, and providing a penalty for its nonobservance.

Was read the third time.

Mr. Trimble moved

To amend Senate Bill No. 310 as follows:

In line 40 in section 2 change "after" to "for the first."

Mr. Trimble moved

.That the amendment be adopted.

Which motion prevailed, and

The amendment was adopted.

Mr. Pierce moved

That Senate Bill No. 310 be referred to the attorney general as to its constitutionality and that such opinion be requested not later than Monday, and be printed in the journal, and that the bill be laid over until such opinion is received.

Which motion prevailed.

## Senate Bill No. 161,

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.

Was read the third time.

Mr. Gunderson moved

To amend Senate Bill No. 161 as follows:

In line 1, section 2, after "overseer" insert "in counties adopting this act."

Mr. Gunderson moved

That the amendment be adopted.

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 39, nays 1, absent and not voting 7.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Koffel	Purcell
Anderson	LaMoure	Ramsett
Baker	Leutz	Rice
Bessesen	Martin	Simpson
Crane	Macdonald	Stevens
Davis	McArthur	Strom
Duis	McLean	Talcott
Gilbert	Movius	Turner
Gunderson	Neal	Wallin
Irwin	Overson	Walton
Johnson	Palmer	Welch
Kelly	Pierce	Welo
Kennedy	Plain	Whitcher

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Cashel	Steel, of Stutsman	Syverson
Gronvold	Steele of Ward	Trimble
Sharpe		

Mr. Halliday voted in the negative.

So the bill passed as amended 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.

Mr. Talcott moved

That Senate Bill No. 127 be indefinitely postponed.

Roll call demanded.

The question being on the indefinite postponement of the bill.

The roll was called and there were ayes 21, nays 23, absent and not voting 3.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Gilbert	McLean	Simpson
Gronvold	Movius	Strom
Gunderson	Palmer	Syverson
Irwin	Pierce	Talcott
Kennedy	Plain	Trimble
LaMoure	Purcell	Walton
Leutz	Rice	Welo

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Johnson	Ramsett
Anderson	Kelly	Steele of Ward
Bessesen	Koffel	Stevens
Cashel	Martin	Turner
Crane	Macdonald	Wallin
Davis	McArthur	Welch
Duis	Neal	Whitcher
Holliday	Overson	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Baker	Sharpe	Steel, of Stutsman

So the motion was lost.

### COURTESIES OF THE FLOOR.

The courtesies of the floor were extended to the following:

John Erb and Joseph Denager, of Minot; John A. Layne, Hampton Lyness and C. O. Romanson, of Fessenden.

Mr. Pierce moved

That the senate do now adjourn

Which motion prevailed, and

The senate adjourned.

J. W. FOLEY,  
Secretary.

## FIFTY-SIXTH DAY

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
March 1, 1909.

The senate convened at two o'clock.  
The president presiding.  
Prayer by the chaplain.  
Roll call.  
All members present.

## REFERENCE OF THE JOURNAL.

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

Mr. President:

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

Page 17, lines 5 and 6, strike out "being especially interested in the welfare of our rural schools." Make the same correction in lines 22 and 23 of the same page.

Page 26, line 29, insert after "thereof" the words "the words."

Page 32, line 3, strike out "thereof."

Page 34, last line, strike out "the" where it appears the second time and insert "his" in lieu thereof.

Page 36, line 26, strike out "the" where it appears the first time.

Page 40, line 31, change "Strom" to "Stevens."

Page 41, insert after line 5, "amend title to read as follows: "A bill for an act creating a game and fish commission for the protection, propogation, preservation, taking, use and transportation of game, fish, wild birds, fur



bearing animals, and certain harmless birds and animals." Strike out all after the enacting clause and insert in lieu thereof the following:"

Page 57, line 22, change "Senate" to "House." Same page strike out lines 23, 24 and 25 and insert the following in lieu thereof: "A bill for an act authorizing counties to procure seed grain for relief of persons unable to procure the same."

Page 63, after line 16, insert the following: "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."

In the journal of the first day, Feb. 14, on page 82, change House Bill 348 to H. B. 248 and make the same change in title.

**And when so corrected recommend that the same be approved.**

C. D. RICE,  
Chairman.

Mr. Rice moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

#### REPORTS OF STANDING COMMITTEES.

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

**Mr. President:**

Your committee on enrolled and engrossed bills have examined

**Senate Bill No. 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. 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. 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.

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. 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. 90,

A bill for an act making an appropriation for the Dickinson experiment station, located at the city of Dickinson, in Stark county.

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. 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. 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. 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. 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. 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. 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. 207,

A bill for an act to appropriate money for repairing and wiring at the state penitentiary.

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. 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. 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.

And find the same correctly enrolled.

**THEODORE KOFFEL,**  
Chairman.

The secretary announced that the president was about to sign

Senate Bill No. 322,

A bill for an act amending section 1 of chapter 166 of laws of 1899, it being section 1296 of revised codes of 1905, providing for purchase of books for state library.

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. 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. 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. 207,

A bill for an act to appropriate money for repairing and wiring at the state penitentiary.

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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. 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. 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.

Which the house has passed unchanged.

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. 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. 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. 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. 90,

A bill for an act making an appropriation for the Dickinson experiment station, located at the city of Dickinson,

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. 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.

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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 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.

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. 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.

And the president signed the same in the presence of the senate.

Mr. Koffel moved

That the rules be suspended and House Bill No. 156 be placed on its third reading and final passage.

Which motion prevailed.



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**MESSAGE FROM THE HOUSE.**

The following message was received from the house:

HOUSE OF REPRESENTATIVES,  
BISMARCK, NORTH DAKOTA,  
March 1, 1909.

**Mr. President:**

I have the honor to return herewith  
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.

Which the house has amended as follows:

In addition to amount of bill, add \$800 for silo.

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.

Which the house has amended as follows:

Item for library, raise the figures from \$15,000 to \$24,000.

Also,

**Mr. President:**

I have the honor to return herewith

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. 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. 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.

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 house has passed unchanged.

Also,

Mr. President:

I have the honor to transmit herewith

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. 351,

A bill for an act to provide a military code of the state of North Dakota.

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. 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. 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.

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

Very respectfully,

W. D. AUSTIN.

Chief Clerk.

The secretary announced that the president 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 president signed the same in the presence of the senate.

**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 42, nays 5, absent and not voting 0.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Koffel	Rice
Anderson	LaMoure	Steel, of Stutsman
Baker	Leutz	Steele of Ward
Bessesen	Macdonald	Stevens
Crane	McArthur	Strom
Davis	McLean	Syverson
Gilbert	Movius	Talcott
Gronvold	Neal	Trimble
Gundersen	Overson	Turner
Holliday	Palmer	Wallin
Irwin	Pierce	Walton
Johnson	Plain	Welch
Kelly	Purcell	Welo
Kennedy	Ramsett	Whitcher

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Cashel	Martin	Simpson
Duis	Sharpe	

So the bill passed and the title was agreed to.

Mr. Koffel 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.

## PETITONS AND COMMUNICATIONS.

Mr. Stevens presented the following petition:

*To the Members of the Fifth District of the Eleventh Legislative Assembly of North Dakota:*

We, the undersigned citizens of Niagara, petition you to vote and use your influence for the following measures: House Bill No. 216, Senate Bill No. 206; also a bill against newspapers advertising intoxicating liquors.

JESSIE WOODWARD,  
And 4 Others.

Mr. Overson presented the following petition:

*To the Honorable Members of the House of Representatives and the Senate of North Dakota:*

We, the undersigned settlers, citizens and taxpayers of Williams county, North Dakota, hereby inform your honorable body that the central portion of Williams county has been visited by hail in some places for the last three years. We hereby petition you to enact a liberal seed grain law, bearing interest on basis of school fund loan, and with not too much red tape. This overshadows all public questions for the present, unless relief is furnished on liberal terms. We hereby request our senator and representative to oppose all legislation except charitable institutions and for enforcement of law and order.

LEONARD BROE,  
And 11 Others.

Mr. Overson presented the following petition:

*To the Eleventh Legislative Assembly:*

We, the undersigned citizens and taxpayers of Williams county, knowing that the future prosperity of the 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 the rural schools.

H. F. IRWIN,  
And 600 Others.

Mr. Gronvold presented the following petition:

We, the undersigned citizens and taxpayers of Pierce 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.

P. O. BRAGER,  
And 61 Others.

Mr. Talcott presented the following petition:

*To the Honorable Legislative Body of the State of North Dakota:*

Our attention has just been called to House Bill No. 113, a bill having for its purpose the elimination of discriminating in prices paid for farm produce in different portions of the state. We believe that the prosperity of the state is dependent upon the prosperity of its farmers, and we believe also that the bill in question would materially assist farmers in every portion of the state, and we therefore respectfully ask that said bill receive the fullest consideration, and that it be passed at this session of the legislature.

The undersigned, your petitioners, are all freeholders in the state.

ROBERT WADESON,  
And 29 Others.

The following opinion of the attorney general was laid before the senate:

Bismarck, N. D., March 1, 1909.

Hon. James Foley, Secretary of the Senate.

Dear Sir: Answering your communication under date of February 27, requesting my opinion relative to the constitutionality of Senate Bill No. 310. Senate Bill No. 310 proposes to amend section 2249 revised codes of 1905, relating to public warehouses and to repeal section 2252 revised codes 1905. The subject of this bill, viz: The regulation of public warehouses and the issuance of warehouse receipts, is certainly within the legislative scope of power, and unless the bill contains provisions in conflict with our state constitution, the federal constitution or the federal statutes regulating inter-state commerce it can not be held unconstitutional. Section 1 of this bill provides the substance and form of the storage receipt and fixes the rates for storage. The fact that this section provides that the holder thereof may, on demand receive his grain in kind delivered at the place where his grain was stored, or at the terminal point named therein, upon the payment of the charges provided for in said section does not conflict with the federal law governing interstate commerce, because the bill does not

attempt to impose any liability on any warehouse or elevator company doing business at any terminal point outside of this state or otherwise, or upon any person not a party to the contract, viz.: the holder of the receipt and the company issuing the same. The effect of this section is that the elevator company will at its option deliver to the holder of the receipt his grain in kind, either at the place of storage or at the terminal point mentioned in the receipt, or pay cash at the time and place of demand and surrender of the ticket, but it is clear that no attempt is made to impose liability on any elevator or any warehouse elevator located at any terminal point.

Section 11, provides the penalty for failure to comply with the provisions of the bill, and is not open to constitutional objection.

Section 111 simply repeals section 2252 revised codes 1905. After a careful consideration of this bill I am clearly of the opinion that it is not subject to the objection of being unconstitutional.

I have the honor to remain,

Yours very respectfully,

ANDREW MILLER,  
Attorney General.

## REPORT OF STANDING COMMITTEES

The committee on state affairs made the following report:

**Mr. President:**

Your committee on state affairs to whom was referred  
Senate Bill No. 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 do pass.

F. S. TALCOTT,  
Chairman Pro Tem.

Mr. Talcott moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

**Mr. President:**

Your committee on state affairs 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 do pass.

F. S. TALCOTT,  
Chairman Pro Tem.

Mr. Talcott moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. President:

Your committee on state affairs 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.

F. S. TALCOTT,  
Chairman Pro Tem.

Mr. Talcott 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. President:

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 do pass.

T. WELO,  
Chairman.

Mr. Welo moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.



The committee on banks and banking made the following report:

Mr. President:

Your committee on banks and banking to whom was referred

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.

ED. PIERCE,  
Chairman.

Mr. Pierce moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on judiciary made the following report:

Mr. President:

A majority of 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 do pass.

J. B. SHARPE,  
Chairman.

Also,

Mr. President:

A minority of 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.

ED. PIERCE,  
F. S. TALCOTT,  
E. A. MOVIUS.

Mr. Pierce objected to the consideration of the report, which went over one day.

Also,

Mr. President:

A majority of 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 do pass.

J. B. SHARPE,  
Chairman.

Also,

Mr. President:

A minority of 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 indefinitely postponed.

ED. PIERCE,  
F. S. TALCOTT,  
E. A. MOVIUS.

Mr. Pierce objected to the consideration of the report, which went over one day.

Also,

Mr. President:

Your committee on judiciary to whom was referred  
Senate Bill No. 89,

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 be indefinitely postponed.

J. B. SHARPE,  
Chairman.

Mr. Sharpe moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Also,

Mr. President:

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 do pass.

J. B. SHARPE,  
Chairman.

Mr. Sharpe moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. President:

Your committee on judiciary 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.

J. B. SHARPE,  
Chairman.

Mr. Sharpe moved

**That the report be adopted.**

Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. President:

Your committee on judiciary 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.

J. B. SHARPE,  
Chairman.

Mr. Sharpe moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. President:

Your committee on judiciary to whom was referred  
Senate Bill No. 214,

A bill for an act to provide for the ascertaining and giving of notice of the title of the lands to the heirs of deceased persons, and establishing the right of heirship to real property, and to provide a method of procedure therefor.

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

J. B. SHARPE,  
Chairman.

Mr. Sharpe moved

That the report be adopted

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Also,

Mr. President:

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 do pass.

J. B. SHARPE,  
Chairman.

Mr. Sharpe moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. President:

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.

J. B. SHARPE,  
Chairman.

Mr. Sharpe moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. President:

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.

J. B. SHARPE,  
Chairman.

Mr. Sharpe moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. President:

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 do pass.

J. B. SHARPE,  
Chairman.

Mr. Sharpe moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. President:

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.

J. B. SHARPE,  
Chairman.

Mr. Sharpe moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. President:

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.

J. B. SHARPE,  
Chairman.

Mr. Sharpe moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. President:

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 all of the same following the enacting clause, to-wit: Sections 1, 2, 3 and 4, and insert in lieu thereof the following:

Section 1. That section 8893 of the revised codes for 1905 be amended so as to read as follows:

Section 8893. Rape in the First Degree Defined.) Rape committed upon a female under the age of sixteen years, or incapable through lunacy or through unsoundness of mind of giving legal consent, or accomplished by means of force, overcoming her resistance, is rape in the first degree.

Section 2. That section 8894 of the revised codes for 1905 be amended so as to read as follows:

Section 8894. Rape in the Second Degree Defined.) In all other cases rape is of the second degree, but no conviction can be had in case the female is over the age of sixteen years and the male is under the age of twenty years at the time of the act of intercourse, and it appears to the satisfaction of the jury that the female was sufficiently matured and informed to understand the nature of the act, and consented thereto.

Section 3. That section 8895 of the revised codes for 1905 be amended so as to read as follows:

Section 8895. Punishment for the First Degree.) Rape in the first degree is punishable by imprisonment in the penitentiary not less than five years.

Section 4. That section 8896 of the revised codes for 1905 be amended so as to read as follows:

Section 8896. Punishment for Second Degree.) Rape in the second degree is punishable by imprisonment in the penitentiary not less than one year and not more than fifteen years.

And when so amended recommend the same do pass.

J. B. SHARPE,  
Chairman.

Mr. Sharpe moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. President:

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 be amended as follows:

In line 6 of the printed bill strike out the word "and" and insert in lieu "or."

**And when so amended recommend the same do pass.**

J. B. SHARPE,  
Chairman.

Mr. Sharpe moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. President:

Your committee on judiciary 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 be amended as follows:

Add at the end the following:

"Provided, the bounty allowed in any one year shall not exceed the taxes for such year upon the quarter section of land of which such parcel of land planted to trees is a part."

**And when so amended recommend the same do pass.**

J. B. SHARPE,  
Chairman.

Mr. Sharpe moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on public printing made the following report:

Mr. President:

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.

CHRIST ALBRIGHT,  
Chairman.

Mr. Albright moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on railroads made the following report:

Mr. President:

Your committee on railroads to whom was referred  
House Bill No. 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 fix-  
ing the penalties for violation of this act.

Have had the same under consideration and recommend  
that the same be 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 when so amended recommend the same do pass.

E. F. GILBERT,  
Chairman.

Mr. Gilbert moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. President:

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 6 of section 1 of the 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 when so amended recommend the same do pass.

E. F. GILBERT,  
Chairman.

Mr. Gilbert moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. President:

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.

E. F. GILBERT,  
Chairman.

Mr. Gilbert moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on education made the following report:

**Mr. President:**

**Your committee on education to whom was referred**

Senate Bill No. 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.

F. S. TALCOTT,  
Chairman.

**Mr. Talcott moved**

That the report be adopted.

Which motion prevailed, and

**The report of the committee was adopted.**

The committee on cities and municipal corporations made the following report:

**Mr. President:**

**Your committee on cities and 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.

JAMES KENNEDY,  
Chairman.

**Mr. Kennedy moved**

That the report be adopted.

Which motion prevailed, and

**The report of the committee was adopted.**

Also,

Mr. President:

Your committee on cities and 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 do pass.

JAMES KENNEDY,  
Chairman.

Mr. Kennedy moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The report of the committee on Senate Bill No. 58 was laid before the senate.

Mr. Kennedy moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on state affairs made the following report:

Mr. President:

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

MAYNARD CRANE,  
Chairman.

Mr. Crane moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

**Mr. President:**

Your committee on state affairs to whom was referred  
Senate Bill No. 291.

A bill for an act to amend sections 10393 and 10394 of  
the revised codes of 1905, relating to the manufacture of  
brick by the convict labor of the state and restricting the  
disposition and sale thereof.

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

MAYNARD CRANE,  
Chairman.

Mr. Crane moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely  
postponed.

Also,

**Mr. President:**

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 do pass as originally introduced and printed.

MAYNARD CRANE,  
Chairman.

Mr. Crane moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

**Mr. President:**

Your committee on state affairs 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 be 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 when so amended recommend the same do pass.

MAYNARD CRANE,  
Chairman.

Mr. Crane moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. President:

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 amended as follows:

In line 11 of printed bill insert after the word "sold" "for the purpose of paying for the maintenance of such insane person at the insane asylum."

Strike out all of line 13 after the word "insane."

Strike out all of lines 14, 15 and 16.

In line 19 before the word "the" insert "can be paid."

And when so amended recommend the same do pass:

F. S. TALCOTT,  
Chairman Pro Tem.

Mr. Talcott moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

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

Mr. President:

Your committee on enrolled and engrossed bills have examined

Senate Bill No. 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.

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.

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. 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. 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. 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. 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. 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. 321,

A bill for an act to amend section 4464 of the revised codes of North Dakota for 1905.

Also,

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. 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. 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.

And find the same correctly engrossed.

THEODORE KOFFEL,  
Chairman.

### REPORT OF SPECIAL COMMITTEE.

Mr. President:

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. FRAINE,  
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 chairman of the house and senate committees on grain ad-

dressed 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:

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.

Mr. Talcott moved

That the report be adopted.

Which motion prevailed, and

The report was adopted.

### MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,  
BISMARCK, NORTH DAKOTA,  
March 1, 1909.

Mr. President:

I have the honor to return 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, and 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 immigrants 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, Bremen 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 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 inspection before he goes on board should be allowed to land here. Another and 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.

Very respectfully,

W. D. AUSTIN,  
Chief Clerk.

Mr. Pierce moved

That the rules be suspended and Senate Bill No. 339 be placed on its third reading and final passage.

**Which motion prevailed.**

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 44, nays 0, absent and not voting 3.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	LaMoure	Sharpe
Anderson	Leutz	Simpson
Baker	Martin	Steel, of Stutsman
Bessesen	Macdonald	Steele of Ward
Cashel	McArthur	Stevens
Crane	McLean	Strom
Davis	Movius	Syvertson
Duis	Neal	Talcott
Gilbert	Overson	Trimble
Gronvold	Palmer	Turner
Gunderson	Pierce	Wallin
Irwin	Plain	Walton
Johnson	Purcell	Welch
Kelly	Ramsett	Whitcher
Kennedy	Rice	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Holliday	Koffel	Welo

So the bill passed and the title was agreed to.

Mr. Pierce moved

That the vote by which Senate Bill No. 339 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

The committee on live stock and animal husbandry made the following report:

Mr. President:

Your committee on live stock and animal husbandry 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 relating to the fees of pound master and providing for advertising 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.

ALEX. MACDONALD,  
Chairman.

Mr. Macdonald moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on state affairs made the following report:

Mr. President:

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

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, page 6, add the following: "Sub-division 1, section 5 of the printed bill add 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 18, 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."

And when so amended recommend the same do pass.

MAYNARD CRANE,  
Chairman.

Mr. LaMoure objected to the consideration of the report, which went over one day.

Mr. Trimble presented 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.

Mr. Trimble moved

That the resolution be adopted.

Which motion prevailed, and

The resolution was adopted.

#### FIRST READING OF SENATE BILLS.

Mr. Talcott (by unanimous consent) introduced  
Senate Bill No. 343,

A bill for an act to protect trade and commerce against unlawful restraints and monopolies, providing penalties and forfeitures for any violation of its provisions, authorizing certain courts to grant writs of injunction and prohibition, forbidding the violation of its provisions, defining the duties of the prosecuting attorneys, the attorney general and the governor of this state with reference thereto and declaring an emergency.

Mr. Talcott (by unanimous consent) introduced  
Senate Bill No. 344,

A bill for an act requiring shippers of grain to make record of the weight of such grain at the time of such shipment, and attach this record of weight to the inside of the car in which such grain is shipped.

Which was read the first time.

Which was read the first time.

Mr. Kelly moved

That Senate Bills Nos. 343 and 344 have their second reading and reference.

Which motion prevailed.

## SECOND READING OF SENATE BILLS.

Senate Bill No. 343,

A bill for an act to protect trade and commerce against unlawful restraints and monopolies, providing penalties and forfeitures for any violation of its provisions, authorizing certain courts to grant writs of injunction and prohibition, forbidding the violation of its provisions, defining the duties of the prosecuting attorneys, the attorney general and the governor of this state with reference thereto and declaring an emergency.

Was read the second time, and

Referred to the committee on judiciary.

Senate Bill No. 344,

A bill for an act requiring shippers of grain to make record of the weight of such grain at the time of such shipment, and attach this record of weight to the inside of the car in which such grain is shipped.

Was read the second time, and

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

Mr. LaMoure moved

That the senate do now concur in the house amendments 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.

The question being on the final passage of the bill as amended by the house.

The roll was called and there were ayes 45, nays 0, absent and not voting 2.

Those who voted in the affirmative were:

Messrs.—

Albright  
Anderson  
Baker  
Bessessen

Messrs.—

Kennedy  
Koffel  
LaMoure  
Leutz

Messrs.—

Rice  
Sharpe  
Simpson  
Steel, of Stutsman

## Messrs.—

Cashel  
Crane  
Davis  
Duis  
Gilbert  
Gronvold  
Gunderson  
Holliday  
Irwin  
Johnson  
Kelly

## Messrs.—

Martin  
Macdonald  
McArthur  
McLean  
Movius  
Neal  
Overson  
Palmer  
Pierce  
Plain  
Ramsett

## Messrs.—

Steele of Ward  
Stevens  
Strom  
Syvertson  
Talcott  
Trimble  
Turner  
Wallin  
Walton  
Welch  
Whitcher

Messrs. Purcell and Welo being absent and not voting.  
So the house amendments were concurred in.

Mr. LaMoure moved

That all senate bills that have been increased as to appropriations by the house be referred to the committee on appropriations.

Which motion prevailed.

Mr. LaMoure moved

That Senate Bill No. 127 be indefinitely postponed.

Mr. Macdonald made a point of order.

Which was sustained by the senate.

### MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,  
BISMARCK, NORTH DAKOTA,  
March 1, 1909.

Mr. President:

I have the honor to inform you that the house has refused to concur in the senate amendments to House Bill No. 156.

Very respectfully,

W. D. AUSTIN,  
Chief Clerk.

Mr. Talcott offered the following amendment to Senate Bill No. 127:

Strike out all after the enacting clause and insert in lieu thereof the following:

Section 1. Until otherwise provided by law, the state of North Dakota shall be and is hereby divided into two (2) congressional districts as follows, to-wit:



The first congressional district shall consist of the counties of Traill, Cass, Richland, Steele, Barnes, Ransom, Sargent, Griggs, Foster, Eddy, Wells, Stutsman, LaMoure, Dickey, Kidder, Logan, McIntosh, Emmons, Burleigh, Mercer, Oliver, Morton, Dunn, Stark, Hettinger, Billings, Bowman, Adams, and shall be entitled to one representative in congress, who shall be elected at the general election every two years.

The Second congressional district shall consist of the counties of Pembina, Walsh, Grand Forks, Cavalier, Ramsey, Nelson, Benson, Towner, Rolette, Pierce, McLean, McHenry, Bottineau, Ward, Williams, McKenzie, Sheridan, and shall be entitled to one representative in congress, who shall be elected at the general elections every two years.

Mr. Talcott moved

That the amendment be adopted.

Mr. Stevens moved

That Senate Bill No. 127 be made a special order for 3 o'clock Tuesday, March 2.

Roll call demanded.

The question being on the motion to make the bill a special order.

The roll was called and there were ayes 15, nays 30, absent and not voting 2.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Baker	Movius	Sharpe
Gronvold	Palmer	Strom
Gunderson	Pierce	Talcott
LaMoure	Plain	Trimble
McLean	Rice	Walton

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Johnson	Simpson
Anderson	Kelly	Steel, of Stutsman
Bessesen	Kennedy	Steele of Ward
Cashel	Koffel	Stevens
Crane	Leutz	Syvertson
Davis	Martin	Turner
Duis	Macdonald	Wallin
Gilbert	McArthur	Welch
Holliday	Neal	Welo
Irwin	Overson	Whitcher

Messrs. Purcell and Ramsett being absent and not voting.  
So the motion was lost.

Mr. Simpson moved

That the amendment of Mr. Talcott be laid on the table.

Roll call demanded.

The question being on the motion to lay on the table.

The roll was called and there were ayes 18, nays 27, absent and not voting 2.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Baker	McLean	Sharpe
Gilbert	Movius	Simpson
Gronvold	Palmer	Strom
Gunderson	Pierce	Talcott
Kennedy	Plain	Trimble
LaMoure	Rice	Walton

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Johnson	Steel, of Stutsman
Anderson	Kelly	Steele of Ward
Bessesen	Koffel	Stevens
Cashel	Leutz	Syverson
Crane	Martin	Turner
Davis	Macdonald	Wallin
Duis	McArthur	Welch
Holliday	Neal	Welo
Irwin	Overson	Whitcher

Messrs. Purcell and Ramsett being absent and not voting.  
So the motion was lost.

The question being on the motion to adopt the amendment to Senate Bill No. 127.

The motion was lost.

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 27, nays 19, absent and not voting 1.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Johnson	Steel, of Stutsman
Anderson	Kelly	Steele of Ward
Bessesen	Koffel	Stevens
Cashel	Leutz	Syverson

Messrs.—	Messrs.—	Messrs.—
Crane	Macdonald	Turner
Davis	McArthur	Wallin
Duis	Neal	Welch
Holliday	Overson	Welo
Irwin	Purcell	Whitcher

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Baker	McLean	Sharpe
Gilbert	Movius	Simpson
Gronvold	Palmer	Strom
Gunderson	Pierce	Talcott
Kennedy	Plain	Trimble
LaMoire	Rice	Walton
Martin		

Mr. Ramsett being absent and not voting.

Mr. Martin explained his vote.

So the bill passed and the title was agreed to.

Mr. Steele moved

That the vote by which Senate Bill No. 127 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed

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.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 39, nays 0, absent and not voting 8.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Kenn dy	Rice
Anderson	Leutz	Sharpe
Baker	Martin	Steel, of Stutsman
Bessesen	Macdonald	Stevens
Cashel	McArthur	Strom
Duis	McLean	Syvertson
Gilbert	Movius	Talcott
Gronvold	Neal	Trimble
Gunderson	Overson	Turner
Holliday	Palmer	Wallin

Messrs.—  
 Irwin  
 Johnson  
 Kelly

Messrs.—  
 Pierce  
 Plain  
 Ramsett

Messrs.—  
 Walton  
 Welch  
 Whitcher

**Absent and not voting:**

Messrs.—  
 Crane  
 Davis  
 Koffel

Messrs.—  
 LaMoure  
 Purcell  
 Simpson

Messrs.—  
 Steele of Ward  
 Welo

So the bill passed and the title was agreed to.

Mr. Cashel moved

That the vote by which Senate Bill No. 37 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed

Senate Bill No. 258,

A bill for an act to amend section 1295, 1296, 1297 and 1298 of the revised codes of North Dakota of 1905, being chapter 13, entitled 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 13, nays 28, absent and not voting 6.

Those who voted in the affirmative were:

Messrs.—  
 Cashel  
 Gilbert  
 Koffel  
 LaMoure  
 McLean

Messrs.—  
 Movius  
 Palmer  
 Plain  
 Purcell

Messrs.—  
 Sharpe  
 Steel, of Stutsman  
 Strom  
 Trimble

Those who voted in the negative were:

Albright  
 Anderson  
 Baker  
 Bessesen  
 Crane  
 Davis  
 Duis  
 Gronvold  
 Holliday  
 Irwin

Johnson  
 Kennedy  
 Leutz  
 Martin  
 Macdonald  
 McArthur  
 Neal  
 Overson  
 Pierce

Ramsett  
 Rice  
 Steele of Ward  
 Syvertson  
 Turner  
 Wallin  
 Walton  
 Welch  
 Whitcher

Absent and not voting:

Messrs.—  
 Gunderson  
 Kelly

Messrs.—  
 Simpson  
 Stevens

Messrs.—  
 Talcott  
 Welo

Mr. Pierce explained his vote.

So the bill was lost.

## MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,  
BISMARCK, NORTH DAKOTA,  
March 1, 1909.

Mr. President:

I have the honor to return 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 reward 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.

In which the house has concurred.

Very respectfully,  
W. D. AUSTIN,  
Chief Clerk.

Mr. Crane moved

That the vote by which Senate Bill No. 258 was lost be reconsidered, and that motion lie upon the table.

Which motion prevailed.

## COMMUNICATION FROM THE GOVERNOR.

GOVERNOR'S OFFICE,  
BISMARCK, NORTH DAKOTA,  
March 1, 1909.

*To the Senate:*

GENTLEMEN: I have the honor to inform you that I have approved and filed in the office of the secretary of state 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.

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.

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. 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.

Very respectfully,

JOHN BURKE,  
Governor.

A sealed communication was received from the governor.  
Mr. Simpson moved  
That the senate do now proceed to an executive session.  
Which motion prevailed.

## OPEN SESSION.

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

Mr. President:

Your committee on enrolled and engrossed bills have examined

Senate Bill No. 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. 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. 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,

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.

THEODORE KOFFEL,  
Chairman.

The secretary announced that the president was about to sign

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. 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. 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. 166,

A bill for an act making an appropriation for the Williston experiment station, located at the city of Williston, Williams county.

And the president signed the same in the presence of the senate.

### MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,  
BISMARCK, NORTH DAKOTA,  
March 1, 1909.

Mr. President:

I have the honor to return herewith

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 house has passed unchanged.

Very respectfully,

W. D. AUSTIN,  
Chief Clerk.



Mr. Rice in the chair.

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 third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 32, nays 2, absent and not voting 13.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Kennedy	Simpson
Anderson	LaMoure	Steel, of Stutsman
Baker	Leutz	Steele of Ward
Bessesen	Martin	Stevens
Cashel	McArthur	Syverson
Davis	McLean	Talcott
Duls	Neal	Trimble
Gilbert	Overson	Turner
Gunderson	Pierce	Wallin
Holliday	Plain	Whitcher
Irwin	Ramsett	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Crane	Macdonald	Sharpe
Gronvold	Movius	Walton
Johnson	Purcell	Welch
Kelly	Rice	Welo
Koffel		

Messrs. Palmer and Strom voting in the negative.  
So the bill passed and the title was agreed to.

### MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,  
BISMARCK, NORTH DAKOTA,  
March 1, 1909.

Mr. President:

I have the honor to transmit herewith  
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.

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

Also,

Mr. President:

I have the honor to inform you that the speaker has named as house members of conference committee on House Bill No. 156, Messrs. Fraine, Honey and Duncan.

Very respectfully,  
W. D. AUSTIN,  
Chief Clerk.

Senate Bill No. 100,

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.

Mr. LaMoure moved

That Senate Bill No. 100 be referred to the committee on judiciary, with a request for a report as to whether the legislative assembly has a right to reapportion the state and that a report be made March 2, and that the bill retain its place on the calendar.

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

Mr. President:

Your committee on enrolled and engrossed bills have examined

Senate Bill No. 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 find the same correctly enrolled.

THEODORE KOFFEL,  
Chairman.

The secretary announced that the president was about to sign

**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 president signed the same in the presence of the senate.

**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 36, nays 1, absent and not voting 10.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Kelly	Ramsett
Anderson	Kennedy	Rice
Baker	Leutz	Simpson
Bessesen	Martin	Steel, of Stutsman
Davis	Macdonald	Steele of Ward
Duis	McArthur	Syverson
Gilbert	McLean	Talcott
Gronvold	Movius	Turner
Gunderson	Neal	Wallin
Holliday	Overson	Walton
Irwin	Palmer	Welch
Johnson	Plain	Whitcher

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Cashel	Purcell	Strom
Crane	Sharpe	Trimble
Koffel	Stevens	Welo
Pierce		

Mr. LaMoure voted in the negative.

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.

The question being on the final passage of the bill.

The roll was called and there were ayes 40, nays 0, absent and not voting 7.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	LaMoure	Ramsett
Anderson	Leutz	Rice
Baker	Martin	Steel, of Stutsman
Bess <del>sen</del>	Macdonald	Steele of Ward
Cashel	McArthur	Stevens
Davis	McLean	Syvertson
Gilbert	Movius	Talcott
Gronvold	Neal	Turner
Gunderson	Overson	Wallin
Holliday	Palmer	Walton
Johnson	Pierce	Welch
Kelly	Plain	Welo
Kennedy	Purcell	Whitcher
Koffel		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Crane	Sharpe	Strom
Duis	Simpson	Triamble
Irwin		

So the bill passed and the title was agreed to.

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 41, nays 0, absent and not voting 6.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Koffel	Rice
Anderson	LaMoure	Steel, of Stutsman
Baker	Leutz	Steele of Ward
Bessesen	Martin	Stevens
Cashel	McArthur	Strom
Davis	McLean	Syvertson
Duis	Movius	Talcott
Gilbert	Neal	Turner
Gunderson	Overson	Wallin
Holliday	Palmer	Walton
Irwin	Pierce	Welch
Johnson	Plain	Welo
Kelly	Purcell	Whitcher
Kennedy	Ramsett	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Crane	Macdonald	Simpson
Gronvold	Sharpe	Trimble

So the bill passed and the title was agreed to.

Mr. Bessesen moved

That the vote by which Senate Bill No. 296 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

The president announced as senate members of the conference committee on House Bill No. 156, Messrs, Koffel, Talcott and Baker.

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.

The question being on the final passage of the bill.

The roll was called and there were ayes 26, nays 16, absent and not voting 5.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Koffel	Steel, of Stutsman
Crane	Leutz	Syvertson
Davis	Martin	Turner
Duis	Macdonald	Wallin
Gunderson	McArthur	Walton
Holliday	McLean	Welch
Irwin	Neal	Welo
Johnson	Purcell	Whitcher
Kelly	Ramsett	

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Anderson	Movius	Rice
Baker	Overson	Simpson
Cashel	Palmer	Stevens
Gilbert	Pierce	Strom
Kennedy	Plain	Talcott
LaMoure		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Bessesen	Sharpe	Trimble
Gronvold	Steele of Ward	

So the bill passed and the title was agreed to

Mr. Crane moved

That the vote by which Senate Bill No. 8 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

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 23, nays 18, absent and not voting 6.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Anderson	Koffel	Stevens
Cashel	Leutz	Syverson
Crane	McLean	Strom
Duis	Neal	Turner
Gilbert	Overson	Wallin
Gunderson	Ramsett	Walton
Holliday	Simpson	Welo
Johnson	Steele of Ward	

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Albright	LaMoure	Purcell
Baker	Macdonald	Rice
Davis	McArthur	Steel, of Stutsman
Gronvold	Movius	Talcott
Irwin	Palmer	Welch
Kelly	Plain	Whitcher

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Bessesen	Martin	Sharpe
Kennedy	Pierce	Trimble

So the bill was lost.

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 third time.

Mr. Strom moved

To amend Senate Bill No. 186 as follows:

In section 1, line 10, insert "\$2,000" in blank space.

In line 14, line 4, insert "\$10,000" in blank space.

In section 14, line 5, insert "\$5,000" in blank space.

Mr. Strom moved

That the amendment be adopted.

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 33, nays 8, absent and not voting 6.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Anderson	LaMoure	Simpson
Crane	Leutz	Steele of Ward
Davis	McArthur	Stevens
Duis	McLean	Strom
Gilbert	Movius	Syvertson
Gronvold	Neal	Talcott
Gunderson	Overson	Trimble
Holliday	Plain	Turner
Johnson	Purcell	Wallin
Kennedy	Ramsett	Walton
Koffel	Rice	Welo

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Macdonald	Welch
Irwin	Palmer	Whitcher
Kelly	Steel, of Stutsman	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Baker	Cashel	Pierce
Bessesen	Martin	Sharpe

Mr. Crane explained his vote.

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

Mr. Plain moved

That the vote by which Senate Bill No. 176 was lost be reconsidered.

Which motion prevailed.

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 38, nays 4, absent and not voting 5.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Kennedy	Steele of Ward
Anderson	Leutz	Stevens
Baker	Macdonald	Strom
Bessesen	McLean	Syvertson
Cashel	Neal	Talcott
Crane	Overson	Trimble
Davis	Palmer	Turner
Duis	Plain	Wallin
Gilbert	Purcell	Walton
Gunderson	Ramsett	Welch
Holliday	Rice	Welo
Irwin	Simpson	Whitcher
Kelly	Steel, of Stutsman	

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Gronvold	LaMoure	Movius
Johnson		

Absent and not voting:

Koffel	McArthur	Sharpe
Martin	Pierce	

So the bill passed and the title was agreed to.

Mr. Simpson moved

That the vote by which Senate Bill No. 187 passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

Mr. Simpson moved

That the vote by which all senate bills passed today and after today be reconsidered and the motion to reconsider lie on the table.

Which motion prevailed.

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 29, nays 11, absent and not voting 7.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Anderson	Koffel	Stevens
Cashel	Leutz	Strom
Crane	McLean	Syvertson
Duis	Neal	Talcott
Gilbert	Overson	Trimble
Gronvold	Plain	Turner
Gunderson	Ramsett	Wallin
Holliday	Rice	Walton
Johnson	Simpson	Welo
Kennedy	Steele of Ward	

Those who voted in the negative were:

Albright	Kelly	Steel, of Stutsman
Baker	LaMoure	Welch
Davis	Palmer	Whitcher
Irwin	Purcell	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Bessesen	McArthur	Pierce
Martin	Movius	Sharpe
Macdonald		

So the bill passed and the title was agreed to.

### COURTESIES OF THE FLOOR.

The courtesies of the floor were extended to the following:

M. W. Mattecheck, of Grant.

Mr. Simpson moved

That the senate do now adjourn.

Which motion prevailed, and

The senate adjourned.

J. W. FOLEY,  
Secretary.

## FIFTY-SEVENTH DAY

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
March 2, 1909.

The senate convened at two o'clock.

The president presiding.

Prayer by the chaplain.

Roll call.

All members present except Messrs. McArthur, Pierce and Overson, who were excused.

## REFERENCE OF THE JOURNAL.

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

Mr. President:

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

Page 18, strike out lines 28, 29, 30 and 31.

Page 19, strike out lines 19, 20, 21 and 22.

Page 30, line 16, change "58" to "97".

Page 43, strike out lines 25, 26 and 27.

Page 48, strike out line 24.

Page 51, line 32, change "which" to "the".

Page 54, line 31, change "268" to "258".

And when so corrected recommend that the same be approved.

C. D. RICE,  
Chairman.

Mr. Rice moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

### MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,  
BISMARCK, NORTH DAKOTA,  
March 2, 1909.

Mr. President:

I have the honor to return 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 national 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.

In which the house has concurred.

Also,

Mr. President:

I have the honor to return 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.

In which the house has concurred.

Also,

Mr. President:

I have the honor to return herewith  
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. 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. 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. 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. 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. 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. 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 house has passed unchanged.

Also,

Mr. President:

I have the honor to return herewith

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 house has 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 passed as amended.

Also,

Mr. President:

I have the honor to return herewith  
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.

Which the house has failed to pass.

Also,

Mr. President:

I have the honor to transmit 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. 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. 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. 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. 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. 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. 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.

Also,

House Bill No. 349,

A bill for an act to amend section 889 of the revised codes of 1905.

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. 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. 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. 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. 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. 345,

A bill for an act providing that all state banks shall be known and designated by an official number.



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

Also,

Mr. President:

I have the honor to return herewith  
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.

Also,

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. 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.

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 agricultural college and of the state normal-industrial school, located at Ellendale, N. D.

Also,

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. 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 therefor 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. 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. 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.

Also,

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. 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."

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. 112,

A bill for a concurrent resolution amending the constitution of the state of North Dakota.

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. 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.

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. 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. 44,

A bill for an act providing when surety may be released on bond and prescribing mode of procedure.

Which the house has indefinitely postponed.

Very respectfully,  
W. D. AUSTIN,  
Chief Clerk.

#### PETITONS AND COMMUNICATIONS:

The following communication was laid before the senate:

Washington, February 27, 1909.

*Hon. James W. Foley, Secretary of the Senate, Bismarck, N. D.:*

DEAR SIR: I have the honor to acknowledge receipt of the concurrent resolution adopted by the legislative assembly of North Dakota, relating to the issuance of bonds for the improvement of waterways.

I shall take pleasure in introducing the memorial in the house of representatives.

Very truly yours,  
A. J. GRONNA.

Mr. Bessesen presented the following petition:

*To the Eleventh Legislative Assembly:*

We, the undersigned citizens and taxpayers of Wells 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.

P. B. ANDERSON,  
And 34 Others.

Mr. Simpson presented the following petition:

*To the Eleventh Legislative Assembly:*

We, the undersigned citizens and taxpayers of Hettinger county, being especially interested in the welfare of our rural schools, respectfully petition this legislative assem-

bly to pass Senate Bill No. 63, a bill for the encouragement of elementary education.

MILLARD E. LUTZ,  
And 14 Others.

The following communication was laid before the senate:

*James W. Foley, Esq., Secretary of the Senate, Bismarck, North Dakota:*

SIR: The department has received your letter of February 9, 1909, addressed to the president, transmitting a copy of a resolution by the legislative assembly of the state of North Dakota, requesting that all that part of the Fort Berthold Indian reservation lying south of the Missouri river in section 4, township 146 north, range 888 west, be set aside as a national reserve.

In response you are informed that the Indian office has been instructed to take up this matter with the special agent now engaged in making allotments to the Indians on the Fort Berthold reservation with the view of ascertaining if any allotments have been made by him from the lands described, and if there are any reasons why these lands should not be reserved from allotment and set aside as a national park, should subsequent legislation by congress authorize such disposition of these lands.

When the allotting agent's report has been received by the Indian office you will be advised further.

Very respectfully,

JESSE E. WILSON,  
Assistant secretary.

The following petition was presented:

We, the undersigned, respectfully request you to vote and work against House Bill No. 225, by Bjordahl, which would put a prohibitive license upon men who sell family remedies to us from wagons, and also House Bill No. 159, by Wolbert, which would raise the present license paid by these men. We consider that they are already paying more than enough, and if the legislature wishes to take any action, it ought to reduce the amount of the license.

We demand the right to buy from whom we please, and resent this attempt to take from us the opportunity to buy

our family remedies from the wagon salesmen who are furnishing good goods and on reasonable terms.

JOHN MALOSKY,  
And 18 Others.

*Hon. Senators and Representatives:*

DEAR SIR: I understand that there is a house bill, No. 225, by Bjordahl, which requires each wagon man who sells household remedies and similar articles from a wagon to pay a license of fifty dollars (\$50) a month. I ask you to oppose this bill vigorously, because there is no doubt but what it would put every wagon salesman out of business, and I assure you that the farmers in this county and all other counties where goods are sold in this way will resent any action of this kind. The wagon salesmen are permanent residents of this state, are selling goods which conform to the national food law, and it would be rank injustice to let any bill of this kind be passed by our legislature. I know positively that it is simply an attempt on the part of the wholesale and retail druggists to put us out of business, so that they can have the business themselves.

The same thing was attempted in Nebraska and Kansas two years ago, and in Oklahoma last year, but it did not succeed.

House Bill No. 159, by Wolbert, would make medicine pedlers pay \$100 per county, the license of which is now \$50, and this is more than the average merchant pays, and it is only a poor man that peddles with a team. I ask you to oppose this bill vigorously. The license is now altogether too high, and why make it more? The merchant is asking this simply to put us out of business. The farmers in my county are much opposed to any attempt of this kind to put us out of business, because they are pleased with the goods we sell them at their doors, and will resent this effort of the retailers to make them trade with whom they want to or not. I ask you to advise me just what you think about this matter, and favors you may do for me will be appreciated, and I will endeavor to return them in the future, and I will send you some farmers that I got Saturday who are in favor of the medicine cars to travel without license.

Yours truly,

DR. WARDS,

Agent.

G. A. VAN RIPER,

England, N. D.

The report of the committee on House Bill No. 108 was laid before the senate.

Mr. Crane moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The majority and minority reports on Senate Bill No. 331 were laid before the senate.

Mr. Bessesen moved

That the majority report be adopted.

Which motion prevailed, and

The majority report was adopted.

The majority and minority reports on Senate Bill No. 329 were laid before the senate.

Mr. Bessesen moved

That the majority report be adopted.

Which motion prevailed, and

The majority report was adopted.

A majority of the committee on judiciary made the following report:

Mr. President:

A majority of the committee on judiciary to whom was referred

Senate Bill No. 65,

A bill for an act to amend section 1554 of the revised codes of 1905 relating to taxes, when due, personal, distress and delinquent personal property taxes, and to repeal section 1571 of the revised codes of 1905 relating to real estate taxes due and delinquent, penalty and interest.

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

J. B. SHARPE,  
Chairman.

A minority of the committee on judiciary made the following report:

Mr. President:

A minority of your committee on judiciary to whom was referred



**Senate Bill No. 65,**

A bill for an act to amend section 1554 of the revised codes of 1905 relating to taxes, when due, personal, distress and delinquent personal property taxes, and to repeal section 1571 of the revised codes of 1905 relating to real estate taxes due and delinquent, penalty and interest.

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

GEO. E. DUIS,  
L. A. SIMPSON,  
C. W. PLAIN.

Mr. Simpson objected to the consideration of the report. Which went over one day.

The committee on appropriations made the following report:

Mr. President:

Your committee on appropriations 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 be 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 when so amended recommend the same do pass.

JUDSON LaMOURE,  
Chairman.

Mr. LaMoure moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. President:

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.

JUDSON LaMOURE,  
Chairman.

Mr. LaMoure moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. President:

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 im-  
provements for the state school of science at Wahpeton.

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

JUDSON LaMOURE,  
Chairman.

Mr. LaMoure moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely  
postponed.

Also,

Mr. President:

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 indefinitely postponed.

JUDSON LaMOURE,  
Chairman.

Mr. LaMoure moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Also,

Mr. President:

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 indefinitely postponed.

JUDSON LaMOURE,  
Chairman.

Mr. LaMoure moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Also,

Mr. President:

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 not concurred in and that a conference committee be requested.

JUDSON LaMOURE,  
Chairman.

Mr. LaMoure moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. President:

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 not concurred in and that a conference committee be requested.

JUDSON LaMOURE,  
Chairman.

Mr. LaMoure moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. President:

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 not concurred in and that a conference committee be requested.

JUDSON LaMOURE,  
Chairman.

Mr. LaMoure moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. President:

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 appropri-  
ations therefor.

Have had the same under consideration and recommend  
that the same be not concurred in and that a conference  
committee be requested.

JUDSON LaMOURE,  
Chairman.

Mr. LaMoure moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. President:

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 engineer-  
ing departments; for building sidewalks; for girls' dormi-  
tory 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 not concurred in and that a conference  
committee be requested.

JUDSON LaMOURE,  
Chairman.

Mr. LaMoure moved

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

The committee on railroads made the following report:

Mr. President:

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.

E. F. GILBERT,  
Chairman.

Mr. Gilbert moved

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

Also,

Mr. President:

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:

Change the title to read as follows:

“For an act amending section 4298 of the revised codes of 1905, relating to crossings when land on both sides of railroad is owned by one person, and providing penalties for the violation of the provisions of this act.”

Strike out the words “and if” at the end of line 6 of the printed bill and all of lines 7, 8 and 9.

And when so amended recommend the same do pass.

E. F. GILBERT,  
Chairman.

Mr. Gilbert moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred

Senate Bill No. 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 do pass.

J. B. SHARPE,  
Chairman.

Mr. Sharpe moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. President:

Your committee on judiciary to whom was referred

Senate Bill No. 192,

A bill for an act to amend sections 8294, 8310 and 8311 of the revised codes of North Dakota for 1905, relating to the practice in the county courts with increased jurisdiction.

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

J. B. SHARPE,  
Chairman.

Mr. Sharpe moved

That the report be adopted

Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. President:

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 do pass.

J. B. SHARPE,  
Chairman.

Mr. Sharpe moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. President:

Your committee on judiciary to whom was referred  
Senate Bill No. 163,

A bill for an act relating to the establishing of heirship  
of deceased government homestead and tree claim entry-  
men in the county court.

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

J. B. SHARPE,  
Chairman.

Mr. Sharpe moved

That the report be adopted

Which motion prevailed, and

The further consideration of the bill was indefinitely  
postponed.

Also,

Mr. President:

Your committee on judiciary to whom was referred  
Senate Bill No. 143,

A bill for an act to fix the rate of interest on delinquent  
taxes and to permit the payment of yearly taxes in two  
installments.



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

J. B. SHARPE,  
Chairman.

Mr. Sharpe moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Also,

Mr. President:

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 do pass.

J. B. SHARPE,  
Chairman.

Mr. Sharpe moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. President:

Your committee on judiciary 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 amended as follows:

In the title thereof strike out all of the title beginning with the words "to recall" in the third line of the title as shown in the printed bill, and in place thereof insert the following: "to return to the former system and providing the manner thereof."

Strike out all of sections 1, 2, 3 and 4 of said bill.

On page 8, in line 1, strike out "Sec. 5" and insert in place thereof "Sec. 1."

In line 2, of page 8 of the printed bill, strike out the word "six" and insert in place thereof the word "four."

In line 7, of page 8 of the printed bill, strike out the word "twenty-five" and insert in lieu thereof the word "forty."

After the word "population" in line 12, of page 8 of the printed bill, insert the following:

"The signatures to the petition need not all be appended to one paper, but each signer shall add to his signature his place of residence, giving the street and number. One of the signers of each such paper shall make oath before an officer competent to administer oaths that each signature to the petition appended is the genuine signature of the person whose name it purports to be. Within ten days from the date of filing such petition for a return to the former system of city government, the city auditor shall examine and from the voter's register ascertain whether or not said petition is signed by the requisite number of qualified electors, and, if necessary, the board of city-commissioners shall allow extra help for that purpose; and the city auditor shall attach to said petition his certificate, showing the result of said examination. If by the auditor's certificate the petition is shown to be insufficient, it may be amended within ten days from the date of said certificate. The auditor shall, within ten days after such amendment, make like examination of the amended petition, and if his certificate shall show the same to be insufficient, it shall be returned to the person filing the same; without prejudice, however, to the filing of a new petition of the same effect. If the petition shall be deemed to be sufficient, the auditor shall submit the same to the board of city commissioners without delay. If the petition shall be found to be sufficient, the board of city commissioners shall order and fix a date for holding the said special election not less than thirty days nor more than forty days from the date of the auditor's certificate to the board of city commissioners, that a sufficient petition is filed. The board of city commissioners shall make or cause to be made publication of notice and all arrangements for holding such election, and the same shall be conducted, returned and the result thereof declared, in all respects as are other city elections.

Strike out lines 21, 22 23 and 24 of page 8 of the printed bill.

And when so amended recommend the same do pass.

J. B. SHARPE,  
Chairman.

Mr. Sharpe moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on cities and municipal corporations made the following report:

Mr. President:

Your committee on cities and municipal corporations 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.

JAMES KENNEDY,  
Chairman.

Mr. Kennedy moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. President:

Your committee on cities and 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.

JAMES KENNEDY,  
Chairman.

Mr. Kennedy moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. President:

Your committee on cities and 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 do pass.

JAMES KENNEDY,  
Chairman.

Mr. Kennedy 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. President:

Your committee on game and fish to whom was referred

Senate Bill No. 201,

A bill for an act prohibiting the killing of deer in the state of North Dakota until December 1st, 1914, and providing a penalty therefor.

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

THEO. KOFFEL,  
Chairman.

Mr. Simpson objected to the consideration of the report, which went over one day.

Also,

Mr. President:

Your committee on game and fish to whom was referred  
Senate Bill No. 287,

A bill for an act to amend section 9455 of the revised codes of North Dakota of 1905, relating to the shooting and killing of game birds and animals, and providing a penalty for the violation thereof.

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

On line 10 of the printed bill, strike out the word "first" and insert in lieu thereof the word "seventh."

Line 13 strike out the word "first" and insert the word "seventh."

In line 15 strike out the word "first" and insert the word "seventh."

And when so amended recommend the same do pass.

THEO. KOFFEL,  
Chairman.

Mr. Koffel moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

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

Mr. President:

Your committee on enrolled and engrossed bills have examined

Senate Bill No. 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 find the same correctly enrolled.

THEODORE KOFFEL,  
Chairman.

The secretary announced that the president 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 president signed the same in the presence of the senate.

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

**Mr. President:**

Your committee on enrolled and engrossed bills have examined

**Senate Bill No. 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. 97,**

A bill for an act to establish a state fair and locate the same at Fargo, North Dakota, and make an appropriation 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. 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. 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. 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.

Also,

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. 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 in-

veigling 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. 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. 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. 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

And find the same correctly engrossed.

Dakota.

**THEODORE KOFFEL,**  
Chairman.

Mr. Sharpe offered the following resolution:

WHEREAS, Mr. J. M. Wylie has been engaged with the work of gathering and arranging statistics and data for the legislative manual, and

WHEREAS, The preparation, collation and arrangement of these statistics and data are not completed, and it is important that the work be completed and the data properly and carefully arranged; now, therefore, be it

*Resolved*, That J. M. Wylie be authorized to complete the work of arranging and collating these statistics, and that he be allowed pay at the rate of five dollars a day for thirty days from March 5, and that the copy as rapidly as arranged and prepared be delivered by him to the secretary of state, under whose supervision this work shall be done, and that the expense of this clerical work be paid as a proper charge against this legislative assembly.



Mr. Sharpe moved

That the resolution be adopted.

Which motion prevailed, and

The resolution was adopted.

Mr. Stevens moved

That the motion of Mr. Simpson on page 65 of the journal of March 1 be expunged from the record.

Which motion prevailed.

### FIRST READING OF SENATE BILLS

Mr. Talcott (by unanimous consent) introduced

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.

A joint resolution.

Which was read the first time.

Mr. LaMoure (by unanimous consent) introduced

Senate Bill No. 346,

A joint resolution authorizing the auditing board to pay the sum of five hundred dollars, or so much thereof as may be necessary, to Daniel E. Willard, director of the state geological survey of the agricultural college for expenses incurred in prosecuting said work.

A joint resolution.

Which was read the first time.

Mr. LaMoure moved

That the rules be suspended and that Senate Bills Nos. 345 and 346 be given their second reading and reference.

Which motion prevailed.

### 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 second time, and

Referred to the committee on appropriations.

Senate Bill No. 346,

A joint resolution authorizing the auditing board to pay the sum of five hundred dollars, or so much thereof as may be necessary, to Daniel E. Willard, director of the state

geological survey of the agricultural college for expenses incurred in prosecuting said work.

Was read the second time, and

Referred to the committee on appropriations.

### THIRD READING OF SENATE BILLS.

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 third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 43, nays 0, absent and not voting 4.

Those who voted in the affirmative were:

Messrs.—

Albright  
Anderson  
Baker  
Bessesen  
Cashel  
Crane  
Davis  
Duis  
Gilbert  
Gronvold  
Gunderson  
Holliday  
Irwin  
Johnson  
Kelly

Messrs.—

Kennedy  
Koffel  
LaMoure  
Leutz  
Martin  
Macdonald  
McLean  
Movius  
Neal  
Palmer  
Plain  
Purcell  
Ramsett  
Rice

Messrs.—

Sharpe  
Steel, of Stutsman  
Steele of Ward  
Stevens  
Strom  
Syvertson  
Talcott  
Trimble  
Turner  
Wallin  
Walton  
Welch  
Welo  
Whitcher

Absent and not voting:

Messrs.—

McArthur  
Overson

Messrs.—

Pierce

Messrs.—

Simpson

Messrs. McArthur, Pierce and Overson 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 43, nays 0, absent and not voting 4.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Kennedy	Simpson
Anderson	Koffel	Steel, of Stutsman
Baker	LaMoure	Steele of Ward
Bessesen	Leutz	Stevens
Cashel	Martin	Strom
Crane	McLean	Syverson
Davis	Movius	Talcott
Duis	Neal	Trimble
Gilbert	Palmer	Turner
Gronvold	Plain	Wallin
Gunderson	Purcell	Walton
Holliday	Ramsett	Welch
Irwin	Rice	Welo
Johnson	Sharpe	Whitcher
Kelly		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Macdonald	Overson	Pierce
McArthur		

Messrs. McArthur, Pierce and Overson being excused.

**So the bill passed and the title was agreed to.**

A sealed communication was received from the governor.

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 42, nays 1, absent and not voting 4.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Kelly	Rice
Anderson	Kennedy	Sharpe
Baker	Koffel	Simpson
Bessesen	LaMoure	Steel, of Stutsman
Cashel	Leutz	Stevens
Crane	Martin	Syverson
Davis	Macdonald	Talcott
Duis	McLean	Trimble
Gilbert	Movius	Turner
Gronvold	Neal	Wallin
Gunderson	Palmer	Walton
Holliday	Plain	Welch
Irwin	Purcell	Welo
Johnson	Ramsett	Whitcher

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
McArthur	Pierce	Strom
Overson		

Mr. Steele of Ward voting in the negative.

Messrs. McArthur, Pierce and Overson being excused.

So the bill passed and the title was agreed to.

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.

The question being on the final passage of the bill.

The roll was called and there were ayes 26, nays 10, absent and not voting 11.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Irwin	Purcell
Anderson	Johnson	Ramsett
Baker	Kennedy	Simpson
Bessesen	Koffel	Syvertson
Cashel	Martin	Talcott
Crane	McLean	Trimble
Gilbert	Movius	Wallin
Gronvold	Neal	Welch
Gunderson	Palmer	

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Davis	Plain	Strom
Duis	Steel, of Stutsman	Turner
Holliday	Stevens	Whitcher
Leutz		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Kelly	Overson	Steele of Ward
LaMoure	Pierce	Walton
Macdonald	Rice	Welo
McArthur	Sharpe	

Messrs. McArthur, Pierce and Overson 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 35, nays 0, absent and not voting 12.

## Those who voted in the affirmative were:

## Messrs.—

Albright  
Anderson  
Baker  
Bessesea  
Cashel  
Crane  
Davis  
Gilbert  
Gronvold  
Gunderson  
Holliday  
Irwin

## Messrs.—

Johnson  
Kennedy  
LaMoire  
Leutz  
McLean  
Movius  
Neal  
Palmer  
Plain  
Purcell  
Ramsett  
Sharpe

## Messrs.—

Simpson  
Steel, of Stutsman  
Stevens  
Strom  
Syvertson  
Talcott  
Turner  
Wallin  
Welch  
Welo  
Whitcher

## Absent and not voting:

## Messrs.—

Duis  
Kelly  
Koffel  
Martin

## Messrs.—

Macdonald  
McArthur  
Overson  
Pierce

## Messrs.—

Rice  
Steele of Ward  
Trimble  
Walton

Messrs. McArthur, Pierce and Overson being excused.  
So the bill passed and the title was agreed to.

## 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 41, nays 0, absent and not voting 6.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Kelly	Sharpe
Anderson	Kennedy	Simpson
Baker	Koffel	Steel, of Stutsman
Bessesen	LaMoure	Stevens
Cashel	Leutz	Strom
Crane	Macdonald	Syvertson
Davis	McLean	Talcott
Duis	Movius	Trimble
Gilbert	Neal	Turner
Gronvold	Palmer	Wallin
Gunderson	Plain	Welch
Holliday	Purcell	Welo
Irwin	Ramsett	Whitcher
Johnson	Rice	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Martin	Overson	Steele of Ward
McArthur	Pierce	Walton

Messrs. McArthur, Pierce and Overson being excused.  
So the bill passed and the title was agreed to.

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 third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 40, nays 0, absent and not voting 7.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Kennedy	Simpson
Anderson	Koffel	Steel, of Stutsman
Baker	Macdonald	Steele of Ward
Bessesen	McLean	Stevens
Cashel	Movius	Strom
Crane	Neal	Syvertson
Davis	Palmer	Talcott
Duis	Pierce	Trimble
Gilbert	Plain	Turner
Gunderson	Purcell	Wallin
Holliday	Ramsett	Welch
Irwin	Rice	Welo
Johnson	Sharpe	Whitcher
Kelly		

Absent and not voting:

Messrs.—  
Gronvold  
LaMoure  
Leutz

Messrs.—  
Martin  
McArthur

Messrs.—  
Overson  
Walton

Messrs. McArthur, Pierce and Overson being excused.  
So the bill passed and the title was agreed to.

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

Mr. President:

Your committee on enrolled and engrossed bills have examined

Senate Bill No. 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 find the same correctly enrolled.

THEO. KOFFEL,  
Chairman.

The secretary announced that the president was about to sign

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. 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.

And the president signed the same in the presence of the senate.

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 41, nays 0, absent and not voting 6.



Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Kelly	Simpson
Anderson	Kennedy	Steel, of Stutsman
Baker	Koffel	Steele of Ward
Bessesen	Leutz	Stevens
Cashel	Macdonald	Strom
Crane	McLean	Syvertson
Davis	Movius	Talcott
Duis	Neal	Trimble
Gilbert	Palmer	Turner
Gronvold	Plain	Wallin
Gunderson	Purcell	Welch
Holliday	Ramsett	Welo
Irwin	Rice	Whitcher
Johnson	Sharpe	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
LaMoure	McArthur	Pierce
Martin	Overson	Walton

Messrs. McArthur, Pierce and Overson 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.

The question being on the final passage of the bill.

The roll was called and there were ayes 21, nays 19, absent and not voting 7.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Johnson	Plain
Baker	Koffel	Ramsett
Cashel	Kelly	Rice
Crane	Kennedy	Sharpe
Gilbert	Leutz	Simpson
Gunderson	McLean	Talcott
Irwin	Neal	Welch

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Anderson	Macdonald	Stevens
Bessesen	Movius	Syvertson
Davis	Palmer	Turner
Duis	Purcell	Wallin
Gronvold	Steel, of Stutsman	Welo
Holliday	Steele of Ward	Whitcher
LaMoure		

## Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Martin	Pierce	Trimble
McArthur	Strom	Walton
Overson		

Messrs. McArthur, Pierce and Overson being excused.  
So the bill was lost.

## 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 38, nays 0, absent and not voting 9.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Koffel	Steel, of Stutsman
Anderson	LaMoure	Steele of Ward
Baker	Leutz	Stevens
Bessemer	Macdonald	Strom
Cashel	McLean	Syverson
Crane	Movius	Talcott
Davis	Neal	Trimble
Duis	Palmer	Turner
Gilbert	Plain	Wallin
Gunderson	Purcell	Walton
Irwin	Rice	Welch
Kelly	Sharpe	Whitcher
Kennedy	Simpson	

## Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Gronvold	Martin	Pierce
Holliday	McArthur	Ramsett
Johnson	Overson	Welo

Messrs. McArthur, Pierce and Overson 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 42, nays 0, absent and not voting 5.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Kelly	Sharpe
Anderson	Kennedy	Simpson
Baker	LaMoure	Steel, of Stutsman
Bessemer	Leutz	Steele of Ward
Cashel	Martin	Stevens
Crane	Macdonald	Strom
Davis	McLean	Syvertson
Duis	Movius	Talcott
Gilbert	Neal	Turner
Gronvold	Palmer	Wallin
Gunderson	Plain	Walton
Holliday	Purcell	Welch
Irwin	Ramsett	Welo
Johnson	Rice	Whitcher

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Koffel	Overson	Trimble
McArthur	Pierce	

Messrs. McArthur, Pierce and Overson being excused.

So the bill passed and the title was agreed to.

Mr. Purcell moved

That the vote by which Senate Bill No. 321 was lost be reconsidered.

Which motion prevailed.

Mr. Gilbert offered the following amendment to Senate Bill No. 321:

After the word "company" in last line, add the following: "It is not the intent of this section to apply to mutual insurance companies."

Mr. Gilbert moved

That the amendment be adopted.

Which motion prevailed, and

The amendment was adopted.

## 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

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

The roll was called and there were ayes 35, nays 6, absent and not voting 6.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Kelly	Ramsett
Anderson	Kennedy	Rico
Baker	LaMoure	Sharpe
Cashel	Leutz	Simpson
Crane	Martin	Strom
Duis	Macdonald	Syvertson
Gilbert	McLean	Talcott
Gronvold	Movius	Turner
Gunderson	Neal	Walton
Holliday	Palmer	Welch
Irwin	Plain	Welo
Johnson	Purcell	

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Bessesen	Steel, of Stutsman	Wallin
Duis	Steele of Ward	Whitcher

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Koffel	Overson	Stevens
McArthur	Pierce	Trimble

Messrs. McArthur, Pierce and Overson being excused

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

## 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 42, nays 0, absent and not voting 5.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Kelly	Simpson
Anderson	Kennedy	Steel, of Stutsman

Messrs.—	Messrs.—	Messrs.—
Baker	Koffel	Steele of Ward
Bessesen	LaMoure	Stevens
Cashel	Leutz	Strom
Crane	Martin	Syvertson
Davis	Macdonald	Talcott
Duis	McLean	Trimble
Gilbert	Movius	Turner
Gronvold	Neal	Wallin
Gunderson	Palmer	Walton
Holliday	Plain	Welch
Irwin	Ramsett	Welo
Johnson	Rice	Whitcher

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
McArthur	Pierce	Sharpe
Overson	Purcell	

Mr. Strom explained his vote.

Messrs. McArthur, Pierce and Overson being excused.

So the bill passed and the title was agreed to.

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 third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 42, nays 0, absent and not voting 5.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Kelly	Rice
Anderson	Kennedy	Sharpe
Baker	Koffel	Simpson
Bessesen	LaMoure	Steel, of Stutsman
Cashel	Leutz	Steele of Ward
Crane	Martin	Stevens
Davis	Macdonald	Strom
Duis	McLean	Syvertson
Gilbert	Movius	Talcott
Gronvold	Neal	Trimble
Gunderson	Palmer	Turner
Holliday	Plain	Wallin
Irwin	Purcell	Walton
Johnson	Ramsett	Welch

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
McArthur	Pierce	Whitcher
Overson	Welo	

Messrs. McArthur, Pierce and Overson being excused.

So the bill passed and the title was agreed to.

Mr. Duis moved  
That Senate Bill No. 97 be indefinitely postponed.  
Which motion was lost.

### MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,  
BISMARCK, NORTH DAKOTA,  
March 2, 1909.

Mr. President:

I have the honor to transmit herewith

House Bill No. 359,

A bill for an act to prevent discrimination by surety companies.

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. 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. 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 there-

of, 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. 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.

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

Very respectfully,

W. D. AUSTIN.

Chief Clerk.

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 third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 29, nays 15, absent and not voting 3.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Koffel	Sharpe
Anderson	Leutz	Simpson
Baker	Martin	Strom
Bessesen	Macdonald	Talcott
Duis	Movius	Trimble
Gilbert	Neal	Wallin
Gronvold	Palmer	Walton
Gunderson	Purcell	Welch
Johnson	Ramsett	Welo
Kennedy	Rice	

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Cashel	Kelly	Steele of Ward
Crane	LaMoure	Stevens
Davis	McLean	Syverson

Messrs.— Holliday Irwin	Messrs.— Plain Steel, of Stutsman	Messrs.— Turner Whitcher
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Absent and not voting:

Messrs.— McArthur	Messrs.— Overson	Messrs.— Pierce
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Mr. Simpson explained his vote.

Mr. Koffel explained his vote.

Messrs. McArthur, Pierce and Overson being excused.

So the bill passed and the title was agreed to.

Mr. Duis gave notice that on the following day he would move to reconsider the vote by which Senate Bill No. 97 passed.

The president named as senate members of the conference committee on Senate Bills Nos. 70, 104, 68, 16 and 56, Messrs. LaMoure, McLean and Cashel.

Mr. Simpson in the chair.

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.

The question being on the final passage of the bill.

The roll was called and there were ayes 29, nays 0, absent and not voting 18.

Those who voted in the affirmative were:

Messrs.— Albright Anderson Baker Bessesen Cashel Crane Duis Gronvold Gunderson Irwin	Messrs.— Johnson Kelly Kennedy Koffel Leutz McLean Neal Plain Sharpe Simpson	Messrs.— Steel, of Stutsman Steele of Ward Stevens Syvertson Talcott Wallin Walton Welo Whitcher
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Absent and not voting:

Messrs.— Davis Gilbert Holliday LaMoure Marttn Macdonald	Messrs.— McArthur Movius Overson Palmer Pierce Purcell	Messrs.— Ramsett Rice Strom Trimble Turner Welch
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Messrs. McArthur, Pierce and Overson being excused.  
So the bill passed and the title was agreed to.

Mr. Koffel moved

That Senate Bill No. 130 be amended to read as follows:

In line 5 of the printed bill, after the number "4165," insert the following: "name required." Every corporation must have a corporate name, which it has no power to change unless expressly authorized by law."

In the same line, after the word "every," insert the word "such".

In line 10, strike out the word "formed" and insert in lieu thereof "doing business".

In line 51, strike out the words "twenty-five" and insert in lieu thereof "fifty". In the same line strike out all after the word "dollars" and insert in lieu thereof "for the first".

In line 52, strike out the first four words and insert in lieu thereof "one hundred". In the same line, after the word "less," insert the following: "of the capital stock of the corporation." In the same line, strike out the last word thereof and insert in lieu thereof "twenty-five".

In line 53, strike out all of said line after the word "dollars" where it appears for the first time therein, and insert in lieu thereof "for not to exceed an additional one hundred thousand dollars, and the further sum of ten dollars for each additional one hundred thousand dollars or fraction thereof."

In line 57, after the word "state," strike out the balance of said line and all of line 58 and all of line 59 and all of line 60 and insert in lieu thereof "a sum equal to that provided for in the foregoing section for the same amount of stock."

In line 61, after the period following the number "4185," insert "place of business.)"

In line 62, after the word "state," strike out all of the balance of said line, and all of line 63 down to and including the word "corporation," and insert in lieu thereof the word "or".

In line 64, strike out the word "hearing" and insert in lieu thereof "in this state."

In line 67, strike out the period after the word "fees," insert a comma and the following words: "penalty for failure, duties of secretary of state."

In line 119, strike out the last "s" in the last word of said line.

In line 122, substitute the word "obligations" for "obligation."

In line 133, substitute a period for the comma after the word "business" and strike out the balance of said line, all of line 134, all of line 135, all of line 136 and all of line 137 to the period following the word "directors."

Strike out all of section 3 of said bill.

Mr. Koffel moved

That the amendment be adopted.

Which motion prevailed, and

The amendment was adopted.

Mr. Bessesen moved

That the rules be suspended and all house bills receive their first and second reading and reference.

Which motion prevailed.

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**FIRST AND SECOND READING OF HOUSE BILLS.****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 first and second times and

Referred to the committee on cities and municipal corporations.

**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 first and second times, and

Referred to the committee on appropriations.

**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 first and second times and

Referred to the committee on appropriations.

**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 first and second times and

Referred to the committee on Temperance.

**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 first and second times, and

Referred to the committee on judiciary.

## House Bill No. 163.

For amendment to the constitution of the state of North Dakota, relating to revenue and taxation.

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

## 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 first and second times and  
Referred to the committee on judiciary.

## 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.

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

## 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 first and second times and  
Referred to the committee on State Affairs.

## 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 in-

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

## 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 first and second times and

Referred to the committee on appropriations.

## 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 first and second times and

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

## 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 first and second times and

Referred to the committee on public printing.

## 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 first and second times and

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

## 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 first and second times and

Referred to the committee on public printing.

## 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.

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

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 first and second times, and  
Referred to the committee on warehousing, grain and grain grading.

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

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

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

House Bill No. 320,

A bill for an act to prohibit the marriage of insane, epileptic or feeble minded persons.

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

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 first and second times, and  
Referred to the committee on temperance.

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

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 first and second times and  
Referred to the committee on Judiciary.

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

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

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

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

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

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

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 first and second times and  
Referred to the committee on cities and municipal corporations.

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

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.

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

## 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 first and second times and  
Referred to the committee on state affairs.

## 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 first and second times and  
Referred to the committee on apportionment

## 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 first and second times and  
Referred to the committee on judiciary.

## 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 first and second times and  
Referred to the committee on appropriations.

## 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 first and second times and  
Referred to committee on judiciary.



## House Bill No. 351,

A bill for an act to provide a military code of the state of North Dakota.

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

## 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 first and second times and  
Referred to the committee on cities and municipal corporations.

## 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 first and second times and  
Referred to the committee on appropriations.

## 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 first and second times and  
Referred to the committee on Elections.

## 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 first and second times and  
Referred to the committee on appropriations.

## 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, re-

lating to unlawfully branding and stealing of live stock and prescribing penalties therefor.

Was read the first and second times and

Referred to the committee on live stock and animal husbandry.

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 first and second times and

Referred to the committee on cities and municipal corporations.

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 first and second times and

Referred to the committee on state affairs

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 first and second times and

Referred to the committee on appropriations.

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 first and second times and

Referred to the committee on appropriations.

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 construc-

tion 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 first and second times and

Referred to the committee on appropriations.

House Bill 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 first and second times and

Referred to the committee on state affairs.

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 first and second times and

Referred to the committee on education.

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 first and second times and

Referred to the committee on public printing.

House Bill No. 345,

A bill for an act providing that all state banks shall be known and designated by an official number.

Reported back from committee on banking, February 27, 1909. Recommended for passage.

Was read the first and second times and

Referred to the committee on banks and banking.

## House Bill No. 349,

A bill for an act to amend section 889 of the revised codes of 1905.

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

## 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 first and second times and  
Referred to the committee on banks and banking.

## 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 first and second times and  
Referred to the committee on public health.

## 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 first and second times and  
Referred to the committee on Agriculture.

## 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 first and second times and  
Referred to the committee on education.

## 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 first and second times and  
Referred to the committee on insurance.

## 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 first and second times and

Referred to the committee on cities and municipal corporations.

## 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.

Was read the first and second times and

Referred to the committee on Public Health.

## 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 first and second times and

Referred to the committee on temperance.

## House Bill No. 359,

A bill for an act to prevent discrimination by surety companies.

Was read the first and second times and

Referred to the committee on insurance.

## 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.  
to cities.

Was read the first and second times and

Referred to the committee on cities and municipal corporations.

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 first and second times and

Referred to the committee on State Affairs.

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 first and second times and

Referred to the committee on judiciary.

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.

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 first and second times and

Referred to the committee on state affairs.

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.

Was read the first and second times and

Referred to the committee on railroads.

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 first and second times and

Referred to the committee on judiciary.

### MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,  
BISMARCK, NORTH DAKOTA,  
March 2, 1909.

Mr. President:

I have the honor to transmit herewith

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. 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. 324,

A bill for an act prescribing the powers and duties of village marshals.

Also,

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 en-

gines and other heavy machinery, and prescribing for violation thereof.

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

Very respectfully,

W. D. AUSTIN,  
Chief Clerk.

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

Mr. President:

Your committee on enrolled and engrossed bills have examined

Senate Bill No. 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. 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. 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 find the same correctly enrolled.

THEO. KOFFEL,  
Chairman.

The secretary announced that the president was about to sign

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. 155,

A bill for an act to amend section 192 of the revised codes of the state of North Dakota for 1905, relating to the collection by county treasurers of moneys due on school lands held under contract for 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. 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 president signed the same in the presence of the senate.

### MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,  
BISMARCK, NORTH DAKOTA,  
March 2, 1909.

I have the honor to inform you that the speaker has appointed as house members of conference committee on Senate Bills Nos. 104, 70, 68, 56 and 16, Messrs. Putnam, White and Collins of Cass.

Very respectfully,  
W. D. AUSTIN,  
Chief Clerk.

Mr. LaMoure moved  
That the senate do now go into executive session.  
Which motion prevailed.

### OPEN SESSION.

Mr. Crane moved  
That Senate Bill No. 274 have its third reading and final passage.  
Which motion prevailed.

## 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 41, nays 1, absent and not voting 5.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Kelly	Simpson
Anderson	Kennedy	Steel, of Stutsman
Baker	Koffel	Steele of Ward
Bessesen	LaMoure	Strom
Cashel	Leutz	Syverson
Crane	McLean	Talcott
Davis	Movius	Trimble
Duis	Neal	Turner
Gilbert	Palmer	Wallin
Gronvold	Plain	Walton
Gunderson	Purcell	Welch
Holliday	Ramsett	Welo
Irwin	Rice	Whitcher
Johnson	Sharpe	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Martin	McArthur	Pierce
Macdonald	Overson	

Mr. Stevens voting in the negative.

Messrs. McArthur, Pierce and Overson being excused.

So the bill passed and the title was agreed to.

Mr. Purcell moved

That Senate Bill No. 338 be placed on its third reading and final passage.

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 41, nays 0, absent and not voting 6.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Kelly	Steel, of Stutsman
Anderson	Kennedy	Steele of Ward
Baker	LaMoure	Stevens
Bessesen	Leutz	Strom
Cashel	McLean	Syverson
Crane	Movius	Talcott
Davis	Neal	Trimble
Duis	Palmer	Turner
Gilbert	Plain	Wallin
Gronvold	Purcell	Walton
Gunderson	Ramsett	Welch
Holliday	Rice	Welo
Irwin	Sharpe	Whitcher
Johnson	Simpson	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Koffel	Macdonald	Overson
Martin	McArthur	Pierce

Messrs. McArthur, Pierce and Overson being excused.  
So the bill passed and the title was agreed to.

Mr. Purcell moved

That all senate bills passed this day be reconsidered and the motion to reconsider lie upon the table.

Which motion prevailed.

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 42, nays 0, absent and not voting 5.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Kelly	Simpson
Anderson	Kennedy	Steel, of Stutsman
Baker	LaMoure	Steele of Ward
Bessesen	Leutz	Stevens
Cashel	McLean	Strom
Crane	Movius	Syverson

Messrs.—	Messrs.—	Messrs.—
Davis	Neal	Talcott
Duis	Palmer	Trimble
Gilbert	Pierce	Turner
Gronvold	Plain	Wallin
Gunderson	Purcell	Walton
Holliday	Ramsett	Welch
Irwin	Rice	Welo
Johnson	Sharpe	Whitcher

**Absent and not voting:**

Messrs.—	Messrs.—	Messrs.—
Koffel	Macdonald	Overson
Martin	McArthur	

Messrs. McArthur and Overson being excused.

So the bill passed and the title was agreed to.

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 43, nays 0, absent and not voting 4.

**Those who voted in the affirmative were:**

Messrs.—	Messrs.—	Messrs.—
Albright	Koffel	Simpson
Anderson	LaMoure	Steel, of Stutsman
Baker	Leutz	Steele of Ward
Bessesen	Martin	Stevens
Cashel	McLean	Strom
Crane	Movius	Syverson
Duis	Neal	Talcott
Gilbert	Palmer	Trimble
Gronvold	Pierce	Turner
Gunderson	Plain	Wallin
Holliday	Purcell	Walton
Irwin	Ramsett	Welch
Johnson	Rice	Welo
Kelly	Sharpe	Whitcher
Kennedy		

**Absent and not voting:**

Messrs.—	Messrs.—	Messrs.—
Davis	McArthur	Overson
Macdonald		

Messrs. McArthur and Overson being excused.

So the bill passed and the title was agreed to.

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.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 39, nays 1, absent and not voting 7.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Anderson	Koffel	Simpson
Baker	LaMoure	Steel, of Stutsman
Bessesen	Martin	Steele of Ward
Cashel	Macdonald	Stevens
Crane	McLean	Strom
Gilbert	Movius	Syvertson
Gronvold	Neal	Talcott
Gunderson	Palmer	Trimble
Holliday	Pierce	Turner
Irwin	Plain	Walton
Johnson	Purcell	Welch
Kelly	Rice	Welo
Kennedy	Sharpe	Whitcher

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Albright	McArthur	Ramset
Davis	Overson	Wallin
Duis		

Mr. Leutz voting in the negative.

Messrs. McArthur and Overson being excused.

So the bill passed and the title was agreed to.

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 third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 33, nays 6, absent and not voting 8.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Kelly	Purcell
Anderson	Kennedy	Sharpe
Baker	LaMoure	Simpson
Cashel	Martin	Steel, of Stutsman
Davis	Macdonald	Steele of Ward
Duis	McLean	Strom
Gilbert	Movius	Talcott
Gronvold	Neal	Trimble
Gunderson	Palmer	Walton
Irwin	Pierce	Welo
Holliday	Plain	Whitcher
Johnson		

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Bessesen	Leutz	Turner
Koffel	Stevens	Welch
Absent and not voting:		
Messrs.—	Messrs.—	Messrs.—
Crane	Ramsett	Syverson
McArthur	Rice	Wallin
Overson		

Messrs. McArthur and Overson being excused.  
So the bill passed and the title was agreed to.

MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,  
BISMARCK, NORTH DAKOTA,  
March 2, 1909.

t

Mr. President:

I have the honor to transmit 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. 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. 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 house has passed and your favorable consideration is respectfully requested:

Very respectfully,

W. D. AUSTIN,  
Chief Clerk.

## 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 third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 35, nays 0, absent and not voting 12.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Atbright	Koffel	Simpson
Anderson	LaMoure	Steel, of Stutsman
Baker	Leutz	Steele of Ward
Bessesen	Martin	Syverson
Cashel	Macdonald	Talcott
Crane	Neal	Trimble
Duis	Palmer	Turner
Gilbert	Plain	Wallin
Gronvold	Purcell	Walton
Gunderson	Ramsett	Welch
Holliday	Rice	Whitcher
Kennedy	Sharpe	

## Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Davis	McArthur	Pierce
Irwin	McLean	Stevens
Johnson	Movius	Strom
Kelly	Overson	Welo

Messrs. McArthur and Overson being excused.

So the bill passed and the title was agreed to.

Mr. Crane moved

That the president of the senate appoint a committee of two to confer with a similar committee from the house, which the senate hereby requests the speaker to appoint, relative to House Bill No. 339 and Senate Bill No. 274, of immediate purport.

Which motion prevailed, and

The president named Messrs. Crane and Duis.

## 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 third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 35, nays 0, absent and not voting 12.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	LaMoure	Simpson
Anderson	Martin	Steel, of Stutsman
Baker	Macdonald	Steele of Ward
Bessesen	McLean	Stevens
Cashel	Neal	Strom
Crane	Palmer	Talcott
Gilbert	Pierce	Trimble
Gunderson	Plain	Wallin
Holliday	Purcell	Walton
Irwin	Ramsett	Welch
Kennedy	Rice	Whitcher
Koffel	Sharpe	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Davis	Kelly	Overson
Duis	Leutz	Syverson
Gronvold	McArthur	Turner
Johnson	Movius	Welo

Messrs. McArthur and Overson being excused.

So the bill passed and the title was agreed to.

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 34, nays 1, absent and not voting 12.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Martin	Steel, of Stutsman
Anderson	Macdonald	Steele of Ward
Baker	McLean	Stevens
Bessesen	Neal	Strom
Cashel	Palmer	Talcott
Crane	Pierce	Trimble
Gronvold	Plain	Turner
Gunderson	Purcell	Wallin
Holliday	Ramsett	Walton
Kennedy	Rice	Welch
Koffel	Sharpe	Whitcher
Leutz		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Davis	Kelly	Overson
Duis	LaMoure	Simpson
Gilbert	McArthur	Syverson
Johnson	Movius	Welo



Mr. Irwin voting in the negative.

Messrs. McArthur and Overson being excused.

So the bill passed and the title was agreed to.

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.

The question being on the final passage of the bill.

The roll was called and there were ayes 37, nays 0, absent and not voting 10.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Leutz	Steel, of Stutsman
Anderson	Martin	Steele of Ward
Baker	Macdonald	Stevens
Bessesen	McLean	Strom
Cashel	Neal	Talcott
Crane	Palmer	Trimble
Gronvold	Pierce	Turner
Gunderson	Plain	Wallin
Holliday	Purcell	Walton
Irwin	Ramsett	Welch
Kelly	Rice	Welo
Kennedy	Sharpe	Whitcher
Koffel		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Davis	LaMoure	Overson
Duis	McArthur	Simpson
Gilbert	Movius	Syvertson
Johnson		

Messrs. McArthur and Overson being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 330,

A bill for an act defining the crime of fornication, 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 36, nays 0, absent and not voting 11.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Kennedy	Sharpe
Anderson	Koffel	Steel, of Stutsman
Baker	Leutz	Steele of Ward

Messrs.—	Messrs.—	Messrs.—
Besseser	Macdonald	Stevens
Cashel	McLean	Strom
Crane	Neal	Syvertson
Gilbert	Palmer	Turner
Gronvold	Pierce	Wallin
Gunderson	Plain	Walton
Holliday	Purcell	Welch
Irwin	Ramsett	Welo
Kelly	Rice	Whitcher

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Davis	Martin	Simpson
Duis	McArthur	Talcott
Johnson	Movius	Trimble
LaMoure	Overson	

Messrs. McArthur and Overson 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 35, nays 0, absent and not voting 12.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Kennedy	Steele of Ward
Anderson	Koffel	Stevens
Baker	Leutz	Strom
Bessesen	Macdonald	Talcott
Cashel	McLean	Trimble
Crane	Neal	Turner
Gilbert	Palmer	Wallin
Gronvold	Plain	Walton
Gunderson	Purcell	Welch
Holliday	Ramsett	Welo
Irwin	Rice	Whitcher
Kelly	Steel, of Stutsman	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Davis	Martin	Pierce
Duis	McArthur	Sharpe
Johnson	Movius	Simpson
LaMoure	Overson	Syvertson

Messrs. McArthur and Overson being excused.

So the bill passed and the title was agreed to.

Mr. Crane in the chair.

## 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.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 35, nays 0, absent and not voting 12.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Kennedy	Steele of Ward
Anderson	Koffel	Stevens
Baker	Leutz	Strom
Bessesen	Macdonald	Talcott
Cashel	McLean	Trimble
Crane	Neal	Turner
Gilbert	Palmer	Wallin
Gronvold	Plain	Walton
Gunderson	Purcell	Welch
Holliday	Ramsett	Welo
Irwin	Rice	Whitcher
Kelly	Steel, of Stutsman	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Davis	Martin	Pierce
Duis	McArthur	Sharpe
Johnson	Movius	Simpson
LaMoure	Overson	Syverson

Messrs. McArthur and Overson being excused.

So the bill passed and the title was agreed to.

## 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.

The question being on the final passage of the bill.

The roll was called and there were ayes 37, nays 0, absent and not voting 10.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Leutz	Steele of Ward
Anderson	Macdonald	Stevens
Baker	McArthur	Strom
Bessesen	McLean	Syverson
Cashel	Neal	Talcott
Crane	Palmer	Trimble
Gronvold	Pierce	Turner
Gunderson	Plain	Wallin

Messrs.—	Messrs.—	Messrs.—
Holliday	Purcell	Walton
Irwin	Ramsett	Welch
Kelly	Rice	Welo
Kennedy	Steel, of Stutsman	Whitcher
Koffel		

**Absent and not voting:**

Messrs.—	Messrs.—	Messrs.—
Davis	LaMoure	Overson
Duis	Martin	Sharpe
Gilbert	Movius	Simpson
Johnson		

Messrs. McArthur and Overson being excused.  
So the bill passed and the title was agreed to.

**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.

The question being on the final passage of the bill.

The roll was called and there were ayes 35, nays 0, absent and not voting 12.

**Those who voted in the affirmative were:**

Messrs.—	Messrs.—	Messrs.—
Albright	Koffel	Steele of Ward
Anderson	Leutz	Stevens
Baker	Macdonald	Strom
Bessesen	McLean	Talcott
Cashel	Neal	Trimble
Crane	Palmer	Turner
Gronvold	Plain	Wallin
Gunderson	Purcell	Walton
Holliday	Ramsett	Welch
Irwin	Rice	Welo
Kelly	Simpson	Whitcher
Kennedy	Steel, of Stutsman	

**Absent and not voting:**

Messrs.—	Messrs.—	Messrs.—
Davis	LaMoure	Overson
Duis	Martin	Pierce
Gilbert	McArthur	Sharpe
Johnson	Movius	Syverson

Messrs. McArthur and Overson being excused.  
So the bill passed and the title was agreed to.

**COURTESIES OF THE FLOOR.**

That the house take a recess until tomorrow at 10 o'clock a. m.

Attorney Larson, of Kulm; John A. Stiles, of Winona; F. E. Long, John Barnes, W. H. O'Neil, W. H. Miller, J. J. Hough, J. H. Wilcox, W. McCaul, J. H. Ludwig, W. J. Frederick, Jas. Sullivan, A. Jamsen, Thos. Punton, Chas. Gunkle, F. O. Bergum.

Mr. Talcott moved

**That the senate do now adjourn**

Which motion prevailed, and

The senate adjourned.

**J. W. FOLEY,**  
Secretary.

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FIFTY-EIGHTH DAY

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SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
March 3, 1909.

The senate convened at two o'clock.

The president presiding.

Prayer by the chaplain.

Roll call.

All members present except Messrs. Overson and Pierce,  
who were excused.

MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,  
BISMARCK, NORTH DAKOTA,  
March 3, 1909.

Mr. President:

I have the honor to return herewith

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.

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. 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. 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.

Which the house has passed unchanged.

Also,

Mr. President:

I have the honor to inform you that the house has adopted the report of the conference committee on Senate Bill No. 49.

Also,

Mr. President:

I have the honor to return herewith

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.

Which the senate has 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 passed as amended.

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.

Which the house has 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 passed as amended.

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 house has 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 passed as amended.

Also,

Mr. Speaker:

I have the honor to transmit herewith

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. 13,

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

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. 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. 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. 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. 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 house has passed and your favorable consideration is respectfully requested.

Very respectfully,

W. D. AUSTIN,  
Chief Clerk.

### REFERENCE OF THE JOURNAL.

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

Mr. President:

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

Page 5, line 21, change "246" to "236."

Page 13, line 12, change "86" to "88."

Page 32, after lines 25 and 36, insert the following: "A joint resolution for the appointment of North Dakota experts to sit with Minnesota Boards of Appeals and providing an appropriation therefor." Same page after lines 28 and 38 insert the following: "A joint resolution authorizing the Auditing Board to pay the sum of five hundred dollars or so much thereof as may be necessary to Daniel E. Willard, Director of the State Geological Survey of the Agricultural College for expenses incurred in prosecuting said work."

Page 46, strike out line 19. Same page, line 26, change "28" to "29" and "16" to "15".

Page 47, after line 17, insert the following: "Mr. Simpson in the chair."

In the journal of the fifty-sixth day, page 45, line 20, change "18" to "8" and strike out the remainder of the paragraph, inserting in lieu thereof the following: "sub-division 1, section 5, of the printed bill add the following:" Same page, line 29, change "8" to "18."

Page 46, line 13, change "to" to "of."

And when so corrected recommend that the same be approved.

C. D. RICE,  
Chairman.

Mr. Rice moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

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 PETITONS AND COMMUNICATIONS.

Grand Forks, N. D., March 3, 1909.

*The President of the Senate, Bismarck, N. D.:*

Please present the following communication to the senate:

The undersigned believe the best interests of the state call for the passage of House Bill No. 216, providing for the inspection of liquors shipped into the state, and respectfully petition you to support this measure.

REV. W. W. MOORE,  
And 9 Others.

Beach, N. D., March 1, 1909.

*Hon. A. L. Martin, State House, Bismarck, N. D.:*

We, the undersigned, your constituents, have been buying proprietary medicines from men who call on us regularly with wagons for years. Their selling plan is fair, and got better values in quality and price than we can obtain elsewhere. We resent the effort of the druggists and the storekeepers to drive these men out of business, in seeking to pass such bills as House Bill No. 225 and House Bill No. 159. Both these bills are against our interests, and their object is to create a monopoly of the sale of medicines. We believe that all who travel about the country should pay a reasonable license, not exceeding the following sums: For those who travel on foot, \$15.00 per year; with one horse, \$35.00; two-horse outfits, \$50.00. The latter is more than the average taxes being paid by business men. All this license money should be paid into the county road and bridge fund. We ask you to work against these bills, and to support such a bill as herein indicated, which is fair to all concerned.

B. T. PIESEK,  
And 19 Others.

Mr. Koffel moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The deferred majority and minority reports on Senate Bill No. 65 was laid before the senate.

Mr. Sharpe moved

That the majority report be adopted.

Which motion prevailed.

The committee on appropriations made the following report:

Mr. President:

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.

Was read the first and second times and

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

JUDSON LaMOURE,  
Chairman.

Mr. LaMoure moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred House Bill No. 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 be 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 when so amended recommend the same do pass.

J. B. SHARPE,  
Chairman.

**Mr. Sharpe moved**

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

**Mr. President:**

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 do pass.

J. B. SHARPE,  
Chairman.

**Mr. Sharpe moved**

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

**Mr. President:**

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 do pass.

J. B. SHARPE,  
Chairman.

**Mr. Sharpe moved**

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. President:

Your committee on judiciary 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 town-  
ship and districts, and the compensation of assessors.

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

J. B. SHARPE,  
Chairman.

Mr. Sharpe moved

**That the report be adopted.**

Which motion prevailed, and

**The report of the committee was adopted.**

Also,

Mr. President:

Your committee on judiciary 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 viola-  
tion thereof.

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

J. B. SHARPE,  
Chairman.

Mr. Sharpe moved

**That the report be adopted.**

Which motion prevailed, and

**The report of the committee was adopted.**

Also,

Mr. President:

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 do pass.

J. B. SHARPE,  
Chairman.

Mr. Sharpe moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. President:

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 do pass.

J. B. SHARPE,  
Chairman.

Mr. Sharpe moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. President:

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.

J. B. SHARPE,  
Chairman.

Mr. Sharpe moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also.

Mr. President:

Your committee on judiciary to whom was referred  
Senate Bill No. 305,

A bill for an act creating and defining the Twelfth judicial district within the state of North Dakota, providing for the election of a judge therein and fixing the terms of court in said district.

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

J. B. SHARPE,  
Chairman.

Mr. Sharpe moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. President:

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 do pass.

J. B. SHARPE,  
Chairman.

Mr. Sharpe moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. President:

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

A bill for an act to amend section 7497 of the 1905 revised codes of the state of North Dakota relating to foreclosure of land contracts.

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

Your special committee recommends that Senate Bill No. 57 be amended to read as follows, to-wit:

In line 9 after the word "mortgages" in the printed bill, that the following be inserted, to-wit: "in a sum not to exceed fifty dollars," and that at the end of line 16, after the word "notwithstanding" that the following be added, to-wit: "When such notice of default in the performance of said contract shall have been served as provided in the preceding section, and the time for curing said default shall have elapsed, in all cases where the contract of sale has been or shall be recorded, then said notice of default, together with returns of service thereon made as provided in civil actions, may be filed for record in the office of the register of deeds of the county in which said land is situated, and thereupon said contract shall be deemed duly cancelled, and the said register of deeds is thereupon authorized to discharge the same from the records of his office.

"That all acts or parts of acts in conflict with this act are hereby repealed."

And when so amended recommend the same do pass.

J. B. SHARPE,  
Chairman.

Mr. Sharpe moved

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

Also,

Mr. President:

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 be re-referred to the committee on woman suffrage.

J. B. SHARPE,  
Chairman.

Mr. Sharpe moved

**That the report be adopted.**

**Which motion prevailed, and**

**The report of the committee was adopted.**

Also,

Mr. President:

Your committee on judiciary 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.

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. 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. 163.

For amendment to the constitution of the state of North Dakota, relating to revenue and taxation.

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. 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. 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. 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,

Senate Bill No. 289,

A bill for an act to amend sections 2 and 4 of chapter 68 of North Dakota for 1907, relating to the practice in the county courts.

Also,

Senate Bill No. 333,

A bill for an act prescribing what evidence makes a prima facie case in prosecutions under chapter 34 of the penal code of North Dakota in the revised codes for 1905, and in prosecutions for keeping a house of ill-fame, and specifying what witnesses are not privileged from testifying.

Also,

Senate Bill No. 38,

A bill for an act to provide for a non-resident executor or administrator.

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

J. B. SHARPE,  
Chairman.

Mr. Sharpe moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Also,

Mr. President:

Your committee on judiciary to whom was referred  
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. 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. 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. 94,

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

Also,

House Bill No. 80,

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

Also,

House Bill No. 133,

A bill for an act prescribing the powers, duties and liabilities of constables.

Also,

Senate Bill No. 12,

A bill for an act to amend and re-enact section 7497 of the revised code of 1905 of the state of North Dakota, relating to cancellation of land contracts.

Also,

Senate Bill No. 151,

A bill for an act providing for changes of venue in preliminary hearings before county judges acting as committing magistrates in counties with increased jurisdiction.

Also,

Senate Bill No. 35,

A bill for an act relating to the qualifications of all state, county and city elective officers.

Also,

Senate Bill No. 190,

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

Also,

Senate Bill No. 122,

A bill for an act to amend section 4670 of the revised codes of 1905, relating to lists of shareholders kept by banking association and the manner of transferring shares.

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

J. B. SHARPE,  
Chairman.

Mr. Sharpe moved

That the report be adopted.

Which motion prevailed and

The further consideration of the bill was indefinitely postponed.

Also,

Mr. President:

A majority of your committee on judiciary to whom was referred

Senate Bill No. 150,

A bill for an act to provide for the regulation of telephone phone and telegraph service.

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

J. B. SHARPE,  
Chairman.

Also.

Mr. President:

A minority of your committee on judiciary to whom was referred

Senate Bill No. 150,

A bill for an act to provide for the regulation of telephone phone and telegraph service.

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

Amend the title to read as follows:

Strike out all after enacting clause and insert in lieu thereof the following:

Senate Bill No. 150,

A bill for an act to provide for the regulation of telephone and telegraph rates, and to compel an interchange of telephone and telegraph service.

Section 1. That telephone and telegraph companies, organized for profit, having lines wholly or partly within his state, are hereby declared to be common carriers, subject to the provisions of this act.

Sec. 2. The railroad commission of the state of North Dakota shall have the power to fix and regulate telephone and telegraph rates within the state.

Sec. 3. The railroad commission shall receive and hear the complaints of any citizen, partnership or corporation as to the service or rates charged by such telephone and telegraph companies, and the said commission is hereby

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charged with the enforcement of the provisions of this act, and is as fully empowered and authorized to regulate the rates, charges and equipment of telephone and telegraph companies within the state of North Dakota, and is given such other powers in the regulation of said telephone and telegraph companies as fully as it is authorized and empowered to regulate rates, fares and charges of railroad companies and other common carriers under the law creating said railroad commission.

Sec. 4. Any person, partnership or corporation violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and shall upon conviction be fined not less than five hundred dollars (\$500) for the first offense, and not more than one thousand dollars (\$1,000) for each subsequent offense.

Sec. 5. Any willful delay by telephone and telegraph companies in making interchange connections, as may be hereafter provided by the board of railroad commissioners, shall constitute one of the offenses under this act.

Sec. 6. All acts or parts of acts in conflict with this act are hereby repealed.

And when so amended recommend the same do pass.

GEO. E. DUIS,  
THEODORE KOFFEL,  
H. J. BESSESEN.

Mr. Sharpe moved

That the majority report be adopted.

Mr. Koffel moved

That the minority report be adopted.

Mr. Simpson objected to the consideration of the reports, which went over one day.

Also,

Mr. President:

A majority of your committee on judiciary 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 do pass.

J. B. SHARPE,  
Chairman.

Also,

Mr. President:

A minority of your committee on judiciary 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 indefinitely postponed.

THEODORE KOFFEL,

Mr. Sharpe objected to the consideration of the reports, which went over one day.

The committee on live stock and animal husbandry made the following report:

Mr. President:

Your committee on live stock and animal husbandry 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 report the same without recommendation.

ALEX. MACDONALD,  
Chairman.

Mr. Macdonald moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on state affairs made the following report:

Mr. President:

Your committee on state affairs to whom was referred  
House Bill No. 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 Ped-  
dlers.

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

MAYNARD CRANE,  
Chairman.

Mr. Crane moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. President:

Your committee on state affairs 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 do pass as engrossed.

MAYNARD CRANE,  
Chairman.

Mr. Crane moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. President:

Your committee on state affairs to whom was referred  
Senate Bill No. 334,

A bill for an act to provide for the recording in the of-  
fices of the registers of deeds of the several counties, the  
approved lists of the lands selected by the state of North  
Dakota under the acts of congress granting public lands to

the state for educational and charitable purposes, which lists remain on file in the office of the commissioner of university and school lands.

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

MAYNARD CRANE,  
Chairman.

Mr. Crane moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Also,

Mr. President:

Your committee on state affairs to whom was referred Senate Bill No. 320,

A bill for an act taxing the occupation of auctioneers, regulating and licensing of persons engaged in such occupation, increasing the ordinary county revenue by such taxation, and prescribing penalties for violation of its provisions.

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

MAYNARD CRANE,  
Chairman.

Mr. Crane moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Also,

Mr. President:

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 do pass.

MAYNARD CRANE,  
Chairman.

Mr. Crane moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. President:

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 indefinitely postponed.

MAYNARD CRANE,  
Chairman.

Mr. Crane moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Also,

Mr. President:

Your committee on state affairs to whom was referred

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.

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

MAYNARD CRANE,  
Chairman.

Mr. Crane moved

That the report be adopted

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Also,

Mr. President:

Your committee on state affairs to whom was referred Senate Bill No. 301,

A bill for an act to amend section 2594 of the revised codes of the state of North Dakota, providing for the salary of the register of deeds.

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

MAYNARD CRANE,  
Chairman.

Mr. Crane moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. President:

Your committee on state affairs 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 depositaries.

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

MAYNARD CRANE,  
Chairman.

Mr. Crane moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Also,

Mr. President:

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

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

MAYNARD CRANE,  
Chairman.

Mr. Crane moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

The committee on cities and municipal corporations made the following report:

Mr. President:

Your committee on cities and municipal corporations to whom was referred

House Bill No. 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.

JAMES KENNEDY,  
Chairman.

Mr. Kennedy moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. President:

Your committee on cities and municipal corporations to whom was referred

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.

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

JAMES KENNEDY,  
Chairman.

Mr. Kennedy moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. President:

Your committee on cities and 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 do pass.

JAMES KENNEDY,  
Chairman.

Mr. Kennedy moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. President:

Your committee on cities and 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. re-

vised 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.

**JAMES KENNEDY,**  
Chairman.

Mr. Kennedy moved

That the report be adopted

Which motion prevailed, and

The report of the committee was adopted.

The committee on public health made the following report:

Mr. President:

Your committee on public health to whom was referred 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.

**FERD LEUTZ,**  
Chairman.

Mr. Leutz moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. President:

Your committee on public health 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 do pass.

**F. LEUTZ,**  
Chairman.



Mr. Leutz moved

That the report be adopted.

Which motion prevailed and,

The report of the committee was adopted.

The committee on cities and municipal corporations made the following report:

Mr. President:

Your committee on cities and municipal corporations to whom was referred

House Bill No. 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.

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

JAMES KENNEDY,  
Chairman.

Mr. Kennedy 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. President:

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.

H. H. STROM,  
Chairman.

Mr. Strom moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on state affairs made the following report:

Mr. President:

Your committee on state affairs to whom was referred  
House Bill No. 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 be indefinitely postponed.

MAYNARD CRANE,  
Chairman.

Mr. Crane moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Also,

Mr. President:

Your committee on state affairs to whom was referred  
Senate Bill No. 259,

A bill for an act establishing the office of state boiler inspector for steam vessels and steam boilers, and providing for licensing engineers of steam engines.

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

MAYNARD CRANE,  
Chairman.

Mr. Crane moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. President:

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 do pass.

MAYNARD CRANE,  
Chairman.

Mr. Crane moved

That the report be adopted.

• Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. President:

A majority of 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 do pass.

MAYNARD CRANE,  
Chairman.

Also,

Mr. President:

An minority of 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 indefinitely postponed.

W. E. PURCELL.

MAYNARD CRANE,  
Chairman.

Mr. Duis objected to the consideration of the report, which went over one day.

A majority of the committee on state affairs made the following report:

Mr. President:

A majority of your committee on state affairs to whom was referred

Senate Bill No. 299,

A bill for an act to amend and re-enact section 2613 of the revised codes of North Dakota for the year 1905.

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

MAYNARD CRANE,  
Chairman.

Mr. Simpson moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. President:

A minority of your committee on state affairs to whom was referred

Senate Bill No. 299,

A bill for an act to amend and re-enact section 2613 of the revised codes of North Dakota for the year 1905.

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

MAYNARD CRANE,  
Chairman.

Also,

Mr. President:

Your committee on state affairs to whom was referred

Senate Bill No. 295,

A bill for an act to repeal sections 1967, 1968, 1969, 1970 and 1971 of the revised codes of 1905, relating to wolf bounty.

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

MAYNARD CRANE,  
Chairman.

Mr. Crane moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

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

Mr. President:

Your committee on enrolled and engrossed bills have examined

Senate Bill No. 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. 192,

A bill for an act to amend sections 8294, 8310 and 8311 of the revised codes of North Dakota for 1905, relating to the practice in the county courts with increased jurisdiction.

Also,

Senate Bill No. 287,

A bill for an act to amend section 9455 of the revised codes of North Dakota of 1905, relating to the shooting and killing of game birds and animals, and providing a penalty for the violation thereof.

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 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.

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. 329,

A bill for an act defining a prostitute, and prescribing the punishment therefor.

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. 345,

A joint resolution for the appointment of North Dakota experts to sit with Minnesota boards of appeals, and providing an appropriation therefor.

And find the same correctly engrossed.

**THEODORE KOFFEL,**  
**Chairman.**

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. President:

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. LaMoure moved

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

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. President:

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. LaMoure moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

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. President:

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. LaMoure moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

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:

Mr. President:

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. LaMoure moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

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. President:

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. LaMoure moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

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 by the house.

The roll was called and there were ayes 45, nays 0, absent and not voting 2.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Kennedy	Sharpe
Anderson	Koffel	Simpson
Baker	LaMoure	Steel, of Stutsman
Bessesen	Leutz	Steele of Ward
Cashel	Martin	Stevens
Crane	Macdonald	Strom
Davis	McArthur	Syverson
Duis	McLean	Talcott
Gilbert	Movius	Trimble
Gronvold	Neal	Turner
Gunderson	Palmer	Wallin
Holliday	Plain	Walton
Irwin	Purcell	Welch
Johnson	Ramsett	Welo
Kelly	Rice	Whitcher

Messrs. Overson and Pierce being absent and not voting. So the house amendments were concurred in.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred Senate Bill No. 292.

A bill for an act creating the eleventh judicial district of North Dakota, also changing the boundaries of the third, fifth and sixth judicial districts, and providing for terms

in each of said districts, and providing for the disposition of pending actions in the counties of Sheridan and Steele, and authorizing and empowering the governor to appoint a judge in and for the eleventh district.

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

That in the title of the same in line 2 of the printed bill, strike out the word "third" and strike out the word "sixth" and in place of the word "sixth" insert the word "fourth."

In line 4 of the title change the word "counties" to "county."

In line 5 of the title strike out the words "Sheridan and Steele" and insert in place thereof the word "McIntosh."

In line 3 of section 1 of the printed bill, strike out the word "Sheridan, Wells, Eddy, Foster and" and after the word "Stutsman" add the following words, "Logan, McIntosh and LaMoure."

Strike out lines 1 and 2 of section 2 up to and including the word "Traill."

In lines 3 and 4 of section 2, strike out the words "Steele and LaMoure" and insert in place thereof, "Foster, Eddy and Wells."

In line 2 of section 3 strike out the words "Burleigh, McLean, Emmons, Logan and Kidder," and insert in place thereof the words "Richland, Ransom, Sargent and Dickey."

In line 1 of section 3, strike out the word "sixth" and insert in place thereof the word "fourth."

In line 2 of section 3, strike out "Sheridan" and insert "McIntosh" in place thereof.

In line 3 of section 3, strike out the word "sixth" and insert the word "fourth" in lieu thereof.

In section 3 strike out all of lines 5, 6, 7, 8 and 9, beginning with the words, "and all actions."

In line 8 of section 5 strike out the word "Steele" and insert the word "Foster" in place thereof.

In line 10, section 5, strike out "LaMoure" and insert "Wells." Strike out in the same line the word "second" and insert the word "first." In the same line strike out the word "May" and insert in place thereof the word "February." In the same line strike out the word "January" and insert in place thereof the word "July."

After line 11 of section 5 add the following: "In Eddy county on the fourth Monday of November and April of each year."

In line 2 of section 6, strike out the word "sixth" and insert in place thereof the word "fourth."

Beginning with the word "except" in line 2, section 6, strike out lines 2, 3 and 4.

In line 4, section 7, strike out the word "Eddy" and insert "LaMoure" in place thereof; in the same line strike out "second" and insert in place thereof "first," and in the same line strike out the word "May" and insert the word "February." Strike out "November" and insert in place thereof "on fourth Monday of September."

In line 6 of section 7, strike out "Foster" and in place thereof insert the word "Logan"; in same line strike out "second" and insert the word "fourth"; in the same line strike out the word "March" and insert the word "April" in lieu thereof.

In line 8, section 7, strike out the word "Wells" and insert the word "McIntosh."

Strike out lines 12 and 13 of section 7.

In line 2, section 8, strike out the word "third" and insert the words "fourth and" in place thereof. Strike out in the same line the words "and sixth."

In line 4, section 9, strike out the word "sixth" and insert the word "fourth."

And when so amended recommend the same do pass.

J. B. SHARPE,  
Chairman.

Mr. Purcell objected to the consideration of the report, which went over one day.

## 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. Employes.) 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 control 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 propagating 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 propagation 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 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. 31. Entering Growing Grain.) No person shall at any time enter into any growing, standing, shocked grain or bundled 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 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. 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. Talcott moved

The adoption of the report.

Mr Duis objected, and the report went over one day.

### MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,  
BISMARCK, NORTH DAKOTA,  
March 3, 1909.

Mr. President:

I have the honor to inform you that the speaker has appointed as house members of conference committee on Senate Bill No. 274 and House Bill No. 339, Messrs. Hale and Honey.

Very respectfully,

W. D. AUSTIN,  
Chief Clerk.

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**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.

Mr. Stevens moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Mr. Pierce and Mr. Overson responded to roll call and took their seats.

Mr. Bessesen moved

That the rules be suspended and the senate return to the eighth order of business.

Roll call demanded.

The question being on the return to the eighth order.

The roll was called and there were ayes 13, nays 30, absent and not voting 4.

Those who voted in the affirmative were:

Messrs.—

Bessesen  
Cashel  
Davis  
Gronvold  
Kennedy

Messrs.—

Plain  
Rice  
Steel, of Stutsman  
Stevens

Messrs.—

Strom  
Syvertson  
Turner  
Wallin

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Kelly	Purcell
Anderson	LaMoire	Ramsett
Baker	Leutz	Sharpe
Crane	Martin	Simpson
Duis	McLean	Talcott
Gilbert	Movius	Trimble
Gunderson	Neal	Walton
Holliday	Overson	Weldh
Irwin	Palmer	Welo
Johnson	Pierce	Whitcher

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Koffel	McArthur	Steele of Ward
Macdonald		

MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,  
BISMARCK, NORTH DAKOTA,  
March 3, 1909.

Mr. President:

I have the honor to inform you that the house has adopted the amendments recommended by the conference committee to House Bill No. 156.

Very respectfully,  
W. D. AUSTIN,  
Chief Clerk.

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 40, nays 0, absent and not voting 7.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	LaMoire	Sharpe
Anderson	Leutz	Simpson
Baker	Martin	Steel, of Stutsman
Bessesen	Macdonald	Stevens
Cashel	McLean	Strom
Crane	Movius	Syvertson
Gilbert	Neal	Talcott
Gronvold	Overson	Turner

Messrs.—  
 Gunderson  
 Holliday  
 Irwin  
 Johnson  
 Kelly  
 Kennedy

Messrs.—  
 Palmer  
 Plain  
 Purcell  
 Ramsett  
 Rice

Messrs.—  
 Wallin  
 Walton  
 Welch  
 Welo  
 Whitcher

**Absent and not voting:**

Messrs.—  
 Davis  
 Duis  
 Koffel

Messrs.—  
 McArthur  
 Pierce

Messrs.—  
 Steele of Ward  
 Trimble

So the bill passed and the title was agreed to.

Senate Bill No. 192,

A bill for an act to amend sections 8294, 8310 and 8311 of the revised codes of North Dakota for 1905, relating to the practice in the county courts with increased jurisdiction.

Was read the third time.

Mr. Koffel moved

That Senate Bill No. 192 be indefinitely postponed.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

**MESSAGE FROM THE HOUSE.**

The following message was received from the house:

HOUSE OF REPRESENTATIVES,  
 BISMARCK, NORTH DAKOTA,  
 March 3, 1909.

Mr. President:

I have the honor to transmit 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 house has passed and your favorable consideration is respectfully requested.

Very respectfully,

W. D. AUSTIN,  
 Chief Clerk.

## Senate Bill No. 287,

A bill for an act to amend section 9455 of the revised codes of North Dakota of 1905, relating to the shooting and killing of game birds and animals, and providing a penalty for the violation thereof.

Was read the third time.

Mr. Crane moved

That Senate Bill No. 287 lie over one day.

Which motion prevailed

## 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 third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 38, nays 0, absent and not voting 9.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Kennedy	Rice
Anderson	Koffel	Sharpe
Baker	LaMoure	Simpson
Bessesen	Leutz	Steel, of Stutsman
Cashel	Martin	Strom
Crane	Macdonald	Syverson
Gilbert	McLean	Talcott
Gronvold	Movius	Turner
Gunderson	Overson	Wallin
Holliday	Palmer	Walton
Irwin	Plain	Welch
Johnson	Purcell	Whitcher
Kelly	Ramsett	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Davis	Neal	Stevens
Duis	Pierce	Trimble
McArthur	Steele of Ward	Welo

So the bill passed and the title was agreed to

Mr. LaMoure moved

That the rules be suspended and Senate Bill No. 345 be given its third reading and final passage.

Which motion prevailed.

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 42, nays 0, absent and not voting 5.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Koffel	Rice
Anderson	LaMoure	Sharpe
Baker	Leutz	Simpson
Bessesen	Martin	Steel, of Stutsman
Cashel	Macdonald	Stevens
Davis	McLean	Strom
Gilbert	Movius	Syverson
Gronvold	Neal	Talcott
Gunderson	Overson	Turner
Holliday	Palmer	Wallin
Irwin	Pierce	Walton
Johnson	Plain	Welch
Kelly	Purcell	Welo
Kennedy	Ramsett	Whitcher

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Crane	McArthur	Trimble
Duis	Steele of Ward	

So the bill passed and the title was agreed to.

Mr. LaMoure moved

That the vote by which Senate Bill No. 345 passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Mr. Crane moved

That Senate Bills Nos. 329 and 331 be made a special order at 4 p. m.

Which motion prevailed.

## 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 third time

The question being on the final passage of the bill.

The roll was called and there were ayes 43, nays 0, absent and not voting 4.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	LaMoure	Sharpe
Anderson	Leutz	Simpson
Baker	Martin	Steel, of Stutsman
Bessesen	Macdonald	Stevens
Cashel	McLean	Strom
Crane	Movius	Syverson
Davis	Neal	Talcott
Gronvold	Overson	Trimble
Gunderson	Palmer	Turner
Holliday	Pierce	Wallin
Irwin	Plain	Walton
Johnson	Purcell	Welch
Kelly	Ramsett	Welo
Kennedy	Rice	Whitcher
Koffel		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Duis	McArthur	Steele of Ward
Gilbert		

So the bill passed and the title was agreed to.

## 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 46, nays 0, absent and not voting 1.



Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Koffel	Sharpe
Anderson	LaMoure	Simpson
Baker	Leutz	Steel, of Stutsman
Bessesen	Martin	Steele of Ward
Cashel	Macdonald	Stevens
Crane	McLean	Strom
Davis	Movius	Syvertson
Duis	Neal	Talcott
Gilbert	Overson	Trimble
Gronvold	Palmer	Turner
Gunderson	Pierce	Wallin
Holliday	Plain	Walton
Irwin	Purcell	Welch
Johnson	Ramsett	Welo
Kelly	Rice	Whitcher
Kennedy		

Mr. McArthur being absent and not voting.

So the bill passed and the title was agreed to.

Mr. Duis withdrew his objection to the consideration of the report of the conference committee on House Bill No. 156.

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 amended.

The roll was called and there were ayes 38, nays 3, absent and not voting 6.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Johnson	Rice
Anderson	Kelly	Steel, of Stutsman
Baker	Kennedy	Strom
Bessesen	Koffel	Syvertson
Cashel	LaMoure	Talcott
Crane	Leutz	Trimble
Davis	Martin	Turner
Duis	Macdonald	Wallin
Gilbert	McLean	Walton
Gronvold	Overson	Welch
Gunderson	Palmer	Welo
Holliday	Purcell	Whitcher
Irwin	Ramsett	

**Those who voted in the negative were:**

Messrs.—	Messrs.—	Messrs.—
Movius	Sharpe	Stevens

**Absent and not voting:**

Messrs.—	Messrs.—	Messrs.—
McArthur	Pierce	Simpson
Neal	Plain	Steele of Ward

So the bill as amended by the conference committee passed and the title was agreed to.

Mr. Rice moved

That Senate Bills Nos. 244 and 249 be placed on third reading and final passage.

Which motion prevailed.

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 third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 29, nays 5, absent and not voting 13.

**Those who voted in the affirmative were:**

Albright	Irwin	Purcell
Anderson	Kelly	Ramsett
Baker	Kennedy	Rice
Bessesen	Koffel	Steel, of Stutsman
Cashel	Leutz	Trimble
Crane	McLean	Turner
Davis	Neal	Walton
Duis	Overson	Welo
Gilbert	Palmer	Whitcher
Holliday	Pierce	

**Those who voted in the negative were:**

Macdonald	Stevens	Welch
Plain	Syvertson	

**Absent and not voting:**

Messrs.—	Messrs.—	Messrs.—
Gronvold	McArthur	Steele of Ward
Gunderson	Movius	Strom
Johnson	Sharpe	Talcott
LaMoure	Simpson	Wallin
Martin		

So the bill passed and the title was agreed to.

## 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.

The question being on the final passage of the bill.

The roll was called and there were ayes 36, nays 3, absent and not voting 8.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Irwin	Purcell
Anderson	Johnson	Ramsett
Baker	Kelly	Rice
Bessesen	Kennedy	Steel, of Stutsman
Cashel	Koffel	Syverson
Crane	Leutz	Talcott
Davis	McArthur	Trimble
Duis	McLean	Turner
Gilbert	Neal	Wallin
Gronvold	Palmer	Walton
Gundersen	Pierce	Welo
Holliday	Plain	Whitcher

Those who voted in the negative were:

Overson	Stevens	Welch
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Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
LaMoure	Movius	Steele of Ward
Martin	Sharpe	Strom
Macdonald	Simpson	

So the bill passed and the title was agreed to.

Mr. Ramsett moved

That the senate do now concur in the house amendment to Senate Bill No. 222.

The question being on the final passage of the bill as amended by the house.

The roll was called and there were ayes 37, nays 0, absent and not voting 10.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Kennedy	Sharpe
Anderson	Koffel	Steel, of Stutsman
Baker	Leutz	Stevens
Bessesen	McArthur	Syverson
Cashel	McLean	Talcott

Messrs.—  
 Davis  
 Gilbert  
 Gronvold  
 Gunderson  
 Holliday  
 Irwin  
 Johnson  
 Kelly

Messrs.—  
 Neal  
 Overson  
 Palmer  
 Pierce  
 Plain  
 Purcell  
 Ramsett

Messrs.—  
 Trimble  
 Turner  
 Wallin  
 Walton  
 Welch  
 Welo  
 Whitcher

Absent and not voting:

Messrs.—  
 Crane  
 Duis  
 LaMoure  
 Martin

Messrs.—  
 Macdonald  
 Movius  
 Rice

Messrs.—  
 Simpson  
 Steele of Ward  
 Strom

So the house amendment was concurred in.

MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,  
 BISMARCK, NORTH DAKOTA,  
 March 3, 1909.

Mr. President:

I have the honor to transmit 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.

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

Very respectfully,  
W. D. AUSTIN,  
Chief Clerk.

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

Mr. President:

Your committee on enrolled and engrossed bills have examined

Senate Bill No. 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. 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. 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. 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.

And find the same correctly enrolled.

THEO. KOFFEL,  
Chairman.

The secretary announced that the president was about to sign

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. 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. 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. 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. 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.

And the president signed the same in the presence of the senate.

Mr. Johnson moved

That the rules be suspended and all house bills have their first and second reading and reference.

Which motion prevailed.

#### FIRST AND SECOND READING OF HOUSE BILLS.

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 first and second times and

Referred to the committee on judiciary.

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 the committee on agriculture.

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 first and second times and

Referred to the committee on corporations other than municipal.



**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.

**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, bridges and ferries.

**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.

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

**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 first and second times and  
Referred to the committee on state affairs.

**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.

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

**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 first and second times and  
Referred to the committee on cities and municipal corporations.

**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 first and second times and

Referred to the committee on judiciary.

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 first and second times and

Referred to the committee on Judiciary.

Mr. Sharpe moved

That the house resolution relating to Charles Walker be adopted.

The question being on the adoption of the resolution.

The roll was called and there were ayes 27, nays 9, absent and not voting 11.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Kennedy	Ramsett
Anderson	Macdonald	Rice
Baker	McArthur	Sharpe
Cashel	Movius	Steel, of Stutsman
Crane	Neal	Talcott
Davis	Overson	Wallin
Gilbert	Palmer	Walton
Johnson	Pierce	Welch
Kelly	Purcell	Whitcher

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Duis	Koffel	Simpson
Gunderson	LaMoure	Stevens
Irwin	Plain	Turner

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Bessesen	Martin	Syverson
Gronvold	McLean	Trimble
Holliday	Steele of Ward	Welo
Leutz	Strom	

So the resolution was adopted.

Mr. McArthur moved

That the senate do now concur in the house amendments to Senate Bill No. 72.

## Senate Bill No. 72,

A bill for an act creating the office of forest 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 as amended by the house.

The roll was called and there were ayes 44, nays 0, absent and not voting 3.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Kennedy	Rice
Anderson	Koffel	Sharpe
Baker	LaMoure	Simpson
Bessesen	Leutz	Steel, of Stutsman
Cashel	Macdonald	Stevens
Crane	McArthur	Strom
Davis	McLean	Syvertson
Duis	Movius	Talcott
Gilbert	Neal	Turner
Gronvold	Overson	Wallin
Gunderson	Palmer	Walton
Holliday	Pierce	Welch
Irwin	Plain	Welo
Johnson	Purcell	Whitcher
Kelly	Ramsett	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Martin	Steele of Ward	Trimble

So the house amendments were concurred in.

Mr. Crane moved

That House Bill No. 374 be re-referred to the committee on appropriations.

Which motion prevailed.

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

Mr. President:

Your committee on enrolled and engrossed bills have examined

## Senate Bill No. 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 find the same correctly enrolled.

THEODORE KOFFEL,  
Chairman.

The secretary announced that the president was about to sign

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 the president signed the same in the presence of the senate.

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 40, nays 1, absent and not voting 6.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Kelly	Rice
Anderson	Kennedy	Sharpe
Baker	Koffel	Steel, of Stutsman
Bessesen	LaMoure	Stevens
Cashel	Leutz	Strom
Crane	Macdonald	Syvertson
Davis	McArthur	Talcott
Duis	McLean	Turner
Gilbert	Movius	Wallin
Gronvold	Overson	Walton
Gunderson	Palmer	Welch
Holliday	Pierce	Welo
Irwin	Plain	Whitcher
Johnson		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Martin	Ramsett	Steele of Ward
Neal	Simpson	Trimble

Mr. Purcell voting in the negative.

So the bill passed and the title was agreed to.

Mr. Talcott in the chair.

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.

There roll was called and there were ayes 43, nays 0, absent and not voting 4.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Kennedy	Rice
Anderson	LaMoure	Sharpe
Baker	Leutz	Simpson
Bessesen	Martin	Steel, of Stutsman
Cashel	Macdonald	Stevens
Crane	McArthur	Strom
Davis	McLean	Syvertson
Duis	Movius	Talcott
Gilbert	Neal	Turner
Gronvold	Overson	Wallin
Gunderson	Palmer	Walton
Holliday	Pierce	Welch
Irwin	Plain	Welo
Johnson	Purcell	Whitcher
Kelly		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Koffel	Steele of Ward	Trimble
Ramsett		

So the bill passed and the title was agreed to.

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 41, nays 0, absent and not voting 6.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Kelly	Rice
Anderson	Koffel	Sharpe
Baker	LaMoure	Simpson
Bessesen	Leutz	Steel, of Stutsman
Cashel	Martin	Stevens

Messrs.—

Crane  
Davis  
Duis  
Gilbert  
Gronvold  
Gunderson  
Holliday  
Irwin  
Johnson

Messrs.—

Macdonald  
McArthur  
McLean  
Neal  
Overson  
Palmer  
Pierce  
Plain  
Purcell

Messrs.—

Strom  
Syvertson  
Talcott  
Turner  
Wallin  
Walton  
Welo  
Whitcher

Absent and not voting:

Messrs.—

Kennedy  
Movius

Messrs.—

Ramsett  
Steele of Ward

Messrs.—

Trimble  
Welch

So the bill passed and the title 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.

Mr. LaMoure moved

To defer House Bill No. 96 for one day without its losing its place on the calendar.

Which motion prevailed.

### 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.

The question being on the final passage of the bill.

The roll was called and there were ayes 40, nays 1, absent and not voting 6.

Those who voted in the affirmative were:

Messrs.—

Albright  
Anderson  
Baker  
Bessesen

Messrs.—

Koffel  
LaMoure  
Leutz  
Martin

Messrs.—

Sharpe  
Simpson  
Stevens  
Strom

Messrs.—	Messrs.—	Messrs.—
Cashel	Macdonald	Syverson
Crane	McLean	Talcott
Davis	Neal	Trimble
Duis	Overson	Turner
Gilbert	Palmer	Wallin
Gronvold	Pierce	Walton
Gunderson	Plain	Welch
Irwin	Purcell	Welo
Johnson	Rice	Whitcher
Kennedy		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Kelly	Movius	Steel, of Stutsman
McArthur	Ramsett	Steele of Ward

Mr. Holliday voted in the negative.

So the bill passed and the title was agreed to.

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.

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 0, absent and not voting 4.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	LaMoure	Sharpe
Anderson	Leutz	Simpson
Baker	Macdonald	Steel, of Stutsman
Bessesen	McArthur	Stevens
Cashel	McLean	Strom
Crane	Movius	Syverson
Davis	Neal	Talcott
Duis	Overson	Trimble
Gilbert	Palmer	Turner
Gronvold	Pierce	Wallin
Gunderson	Plain	Walton
Irwin	Purcell	Welch
Johnson	Ramsett	Welo
Koffel	Rice	Whitcher

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Holliday	Martin	Steele of Ward
Kennedy		

So the bill passed and the title was agreed to.

A sealed communication was received from the governor.

Mr. LaMoure moved

That the senate do now go into executive session.

Which motion prevailed.

### OPEN SESSION.

In open session announcement was made of the confirmation of the following executive nominations:

F. A. Willson, of Bathgate, to be oil inspector.

Oliver Knudson, of Michigan City, to be bank examiner.

Mr. Rice moved

That the motion by which House Bill No. 116 was indefinitely postponed be expunged from the record.

Which motion prevailed.

### SPECIAL ORDER

Senate Bill No. 331,

A bill for an act defining the crime of indecent assault, 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 42, nays 1, absent and not voting 4.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Kennedy	Simpson
Anderson	Koffel	Steel, of Stutsman
Baker	Leutz	Stevens
Bessesen	Macdonald	Strom
Cashel	McArthur	Syvertson
Crane	McLean	Talcott
Davis	Movius	Trimble
Duis	Overson	Turner
Gilbert	Plain	Wallin
Gronvold	Purcell	Walton
Gunderson	Ramsett	Welch
Holliday	Rice	Welo
Kelly	Sharpe	Whitcher

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
LaMoure	Pierce	Steele of Ward
Neal		

Mr. Irwin voted in the negative.

So the bill passed and the title was agreed to.



## Senate Bill No. 329,

A bill for an act defining a prostitute, 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 43, nays 0, absent and not voting 4.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Koffel	Sharpe
Anderson	Leutz	Simpson
Baker	Martin	Steel, of Stutsman
Bessesen	Macdonald	Stevens
Cashel	McArthur	Strom
Crane	McLean	Syverson
Davis	Movius	Talcott
Duis	Neal	Trimble
Gilbert	Overson	Turner
Gronvold	Palmer	Wallin
Gunderson	Plain	Walton
Holliday	Purcell	Welch
Irwin	Ramsett	Welo
Johnson	Rice	Whitcher
Kelly		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Kennedy	Pierce	Steele of Ward
LaMoure		

So the bill passed and the title was agreed to.

## 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 40, nays 3, absent and not voting 4.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Kennedy	Rice
Anderson	Koffel	Sharpe
Baker	Leutz	Simpson
Bessesen	Martin	Steel, of Stutsman
Cashel	Macdonald	Stevens
Davis	McArthur	Syverson
Duis	Movius	Talcott
Gilbert	Neal	Trimble
Gronvold	Overson	Turner
Gunderson	Palmer	Wallin
Holliday	Pierce	Walton

Messrs.— Irwin Johnson Kelly	Messrs.— Plain Purcell	Messrs.— Welch Welo
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Those who voted in the negative were:

Messrs.— Crane	Messrs.— Ramsett	Messrs.— Whitcher
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Absent and not voting:

Messrs.— LaMoure McLean	Messrs.— Steele of Ward	Messrs.— Strom
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So the bill passed and the title was agreed to.

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.

The roll was called and there were ayes 36, nays 5, absent and not voting 6.

Those who voted in the affirmative were:

Messrs.— Albright Anderson Baker Bessesen Cashel Duis Gilbert Gronvold Holliday Johnson Kelly Kennedy	Messrs.— Koffel LaMoure Leutz Macdonald McLean Movius Neal Overson Palmer Pierce Plain Purcell	Messrs.— Ramsett Rice Sharpe Simpson Steel, of Stutsman Stevens Strom Syvertson Talcott Trimble Wallin Walton
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Those who voted in the negative were:

Messrs.— Crane Gunderson	Messrs.— Irwin Turner	Messrs.— Whitcher
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Absent and not voting:

Messrs.— Davis Martin	Messrs.— McArthur Steele of Ward	Messrs.— Welch Welo
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So the bill passed and the title was agreed to.

Mr. Talcott moved

That all senate bills passed be reconsidered and the motion to reconsider lie on the table.

## 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 39, nays 0, absent and not voting 8.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Kelly	Ramsett
Anderson	Kennedy	Rice
Baker	LaMoure	Sharpe
Bessesen	Leutz	Simpson
Cashel	Macdonald	Steel, of Stutsman
Crane	McLean	Stevens
Duis	Movius	Strom
Gilbert	Neal	Syvertson
Gronvold	Overson	Trimble
Gunderson	Palmer	Turner
Holliday	Pierce	Welch
Irwin	Plain	Welo
Johnson	Purcell	Whitcher

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Davis	McArthur	Wallin
Koffel	Steele of Ward	Walton
Martin	Talcott	

So the bill passed and the title was agreed to.

## 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 32, nays 4, absent and not voting 11.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Kelly	Ramsett
Anderson	LaMoure	Rice
Baker	Leutz	Sharpe
Bessesen	Macdonald	Steel, of Stutsman
Cashel	McLean	Syvertson
Crane	Movius	Trimble
Gilbert	Neal	Wallin
Gunderson	Palmer	Walton
Holliday	Pierce	Welch
Irwin	Plain	Whitcher
Johnson	Purcell	

Those who voted in the negative were:

Messrs.—  
Gronvold  
Overson

Messrs.—  
Stevens

Messrs.—  
Turner

Absent and not voting:

Messrs.—  
Davis  
Duis  
Kennedy  
Koffel

Messrs.—  
Martin  
McArthur  
Simpson  
Steele of Ward

Messrs.—  
Strom  
Talcott  
Welo

So the bill passed and the title was agreed to.

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

Mr. President:

Your committee on enrolled and engrossed bills have examined

Senate Bill No. 222,

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 find the same correctly enrolled.

THEODORE KOFFEL,  
Chairman.

The secretary announced that the president was about to sign

Senate Bill No. 222,

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 the president signed the same in the presence of the senate.

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 40, nays 0, absent and not voting 7.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Leutz	Simpson
Anderson	Martin	Steel, of Stutsman
Baker	McLean	Stevens
Cashel	Movius	Strom
Crane	Neal	Syvertson
Davis	Overson	Talcott
Gilbert	Palmer	Trimble
Gronvold	Pierce	Turner
Gunderson	Plain	Wallin
Holliday	Purcell	Walton
Irwin	Ramsett	Welch
Johnson	Rice	Welo
Koffel	Sharpe	Whitcher
LaMoure		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Bessesen	Kennedy	McArthur
Duis	Macdonald	Steele of Ward
Kelly		

So the bill passed and the title was agreed to.

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 40, nays 0, absent and not voting 7.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Anderson	LaMoure	Simpson
Baker	Leutz	Steel, of Stutsman
Bessesen	Martin	Stevens
Cashel	Macdonald	Strom
Crane	McLean	Syvertson
Davis	Movius	Talcott
Gilbert	Neal	Trimble

Messrs.—  
 Gronvold  
 Gunderson  
 Holliday  
 Irwin  
 Johnson  
 Kelly  
 Koffel

Messrs.—  
 Overson  
 Palmer  
 Plain  
 Purcell  
 Ramsett  
 Sharpe

Messrs.—  
 Turner  
 Wallin  
 Walton  
 Welch  
 Welo  
 Whitcher

Absent and not voting:

Messrs.—  
 Albright  
 Duis  
 Kennedy

Messrs.—  
 McArthur  
 Pierce

Messrs.—  
 Rice  
 Steele of Ward

So the bill passed and the title was agreed to.

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.

The roll was called and there were ayes 36, nays 2, absent and not voting 9.

Those who voted in the affirmative were:

Messrs.—  
 Anderson  
 Baker  
 Cashel  
 Crane  
 Davis  
 Gilbert  
 Gronvold  
 Gunderson  
 Holliday  
 Johnson  
 Kelly  
 LaMoure

Messrs.—  
 Leutz  
 Martin  
 McLean  
 Movius  
 Neal  
 Overson  
 Palmer  
 Plain  
 Purcell  
 Ramsett  
 Rice  
 Sharpe

Messrs.—  
 Simpson  
 Steel, of Stutsman  
 Stevens  
 Strom  
 Syvertson  
 Talcott  
 Trimble  
 Turner  
 Walton  
 Welch  
 Welo  
 Whitcher

Absent and not voting:

Messrs.—  
 Albright  
 Bessesen  
 Duis

Messrs.—  
 Kennedy  
 Macdonald  
 McArthur

Messrs.—  
 Pierce  
 Steele of Ward  
 Wallin

Messrs. Irwin and Koffel voting in the negative.

So the bill passed and the title was agreed to.

**COURTESIES OF THE FLOOR.**

The courtesies of the floor were extended to the following:

J. W. Foley, Sr., of Medora; Wilbur Preston, C. T. Carroll, W. J. Crawford, Geo. Frederick, Geo. Stevens, of Tower City.

Mr. Movius moved

That the senate do now adjourn.

Which motion prevailed, and

That the senate adjourned.

**J. W. FOLEY,**  
**Secretary.**

FIFTY-NINTH DAY

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SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
March 4, 1909.

The senate convened at two o'clock.  
The president presiding.  
Prayer by the chaplain.  
Roll call.  
All members present.

MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,  
BISMARCK, NORTH DAKOTA,  
March 4, 1909.

Mr. President:

I have the honor to request the return of House Bill No. 361.

Also,

Mr. President:

I have the honor to inform you that the house has adopted the report of the committee of conference on



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. 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. 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,

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 passed the bills as recommended by the conference committee.

Also,

Mr. President:

I have the honor to return herewith

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.

Which the house has 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 passed as amended.

Also,

Mr. President:

I have the honor to return herewith

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. 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.

Which the house has passed unchanged.

Very respectfully,

W. D. AUSTIN,  
Chief Clerk.

### REFERENCE OF THE JOURNAL.

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

Mr. President:

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

Page 1, line 17, change "speaker" to "president."

Page 3, line 13, make same correction.

Page 7, after line 33, insert "The report of the committee on Senate Bill No. 201 was laid before the senate."

Page 10, line 4, change "senate" to "house."

Page 13, line 19, change "or" to "of."

Page 18, strike out lines 28 and 29.

Page 53, line 2, change "speaker" to "president."

Page 54, after line 23, insert the following:

"Mr. Stevens moved

"That the report be adopted.

"Which motion prevailed, and

"The report of the committee was adopted."

Page 63, line 21, change "return" to "transmit."

Page 72, line 1, strike out "moved" and insert in lieu thereof "in the chair."

And when so corrected recommend that the same be approved.

C. D. RICE,  
Chairman.

Mr. Rice moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

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

Mr. President:

Your committee on enrolled and engrossed bills have examined

Senate Bill No. 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.

And find the same correctly enrolled.

THEODORE KOFFEL,  
Chairman.

The secretary announced that the president 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.

And the president signed the same in the presence of the senate.

### PETITONS AND COMMUNICATIONS.

Mr. Irwin presented the following petition:

We, the undersigned, respectfully request you to vote and work against House Bill No. 225, by Bjorndahl, which would put a prohibitive license upon men who sell family remedies to us from wagons, and also House Bill No. 159, by Wolbert, which would raise the present license paid by these men. We consider that they are already paying more than enough, and if the legislature wishes to take any action, it ought to reduce the amount of the license.

We demand the right to buy from whom we please, and resent this attempt to take from us the opportunity to buy our family remedies from the wagon salesmen who are furnishing good goods, and on reasonable terms.

WILLIAM SMITH,

And 52 Others.

Mr. Overson presented the following petition:

*To the Eleventh Legislative Assembly:*

We, the undersigned citizens and taxpayers of Williams 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.

JACOB WEDMANN,  
And 35 Others.

We, the members of the B. and T. club of Williston, 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.

LOIS G. GRANT,  
And 15 Others.

For the reason that there has been increased attention given to reforestation and tree culture throughout the country of late, and because the state of North Dakota, owing to natural causes, is particularly interested in this subject, we, the members of the B. and T. club, ask our legislative members to try and secure better laws for the encouragement of tree culture.

MRS. C. ELITHORPE,  
MRS. S. BROWNELL,  
MRS. C. H. MANSFIELD,  
Committee.

In view of the fact that many of the states are improving their child labor laws, or enacting new ones, and believing that our state should do what it can to aid in this meritorious legislation, and believing further that much good would come directly from such laws in our state, we, the members of the B. and T. club, ask the members of our legislative delegation to use their best efforts in putting on our

statute books wholesome laws for the regulation of child labor.

MRS. C. ELITHORPE,  
MRS. S. BROWNELL,  
MRS. C. H. MANSFIELD,  
Committee, and 13 Others.

### REPORTS OF STANDING COMMITTEES.

The committee on apportionment made the following report:

Mr. President:

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 do pass.

H. H. STEELE,  
Chairman.

Mr. Steele moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on elections made the following report:

Mr. President:

Your committee on elections to whom was referred Senate Bill No. 307.

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 indefinitely postponed.

GEO. D. PALMER,  
Chairman.

Mr. Palmer moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Also,

Mr. President:

Your committee on elections 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 amended as follows:

Strike out sections 3 and 4.

And when so amended recommend the same do pass.

GEO. D. PALMER,  
Chairman.

Mr. Palmer moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on woman suffrage made the following  
report:

Mr. President:

Your committee on woman suffrage to whom was re-  
ferred

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 regu-  
lation of the sale or importation of intoxicating liquors.

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

W. B. OVERSON,  
Chairman.

Mr. Overson moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely  
postponed.

The committee on banks and banking made the following report:

**Mr. President:**

Your committee on banks and banking to whom was referred

House Bill No. 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.

ED. PIERCE,  
Chairman,

Mr. Pierce moved

**That the report be adopted.**

Which motion prevailed, and

**The report of the committee was adopted.**

The committee on warehousing, grain and grain grading made the following report:

**Mr. President:**

Your committee on warehousing, grain 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.

HENRY McLEAN,  
Chairman.

Mr. McLean moved

**That the report be adopted.**

Which motion prevailed, and

**The report of the committee was adopted.**

Also,

**Mr. President:**

Your committee on warehouses, grain 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 stor-



ing of grain, and providing for the revoking of warehouse licenses.

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

HENRY McLEAN,  
Chairman.

Mr. McLean moved

**That the report be adopted.**

Which motion prevailed, and

**The report of the committee was adopted.**

Also,

Mr. President:

Your committee on warehouses, grain 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 do pass.**

HENRY McLEAN,  
Chairman.

Mr. McLean moved

**That the report be adopted.**

Which motion prevailed, and

**The report of the committee was adopted.**

Also,

Mr. President:

Your committee on warehouses, grain 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 do pass.**

HENRY McLEAN,  
Chairman.

Mr. McLean moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on public health made the following report:

Mr. President:

Your committee on public health to whom was referred  
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.

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

FERD LEUTZ,  
Chairman.

Mr. Leutz 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. President:

Your committee on judiciary 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.

J. B. SHARPE,  
Chairman.

Mr. Sharpe moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. President:

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 jus-  
tice courts.

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

J. B. SHARPE,  
Chairman.

Mr. Sharpe moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also.

Mr. President:

Your committee on judiciary to whom was referred  
House Bill No. 388,

A bill for an act to require telephone exchanges to con-  
tract 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 indefinitely postponed.

J. B. SHARPE,  
Chairman.

Mr. Sharpe moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely  
postponed.

The committee on military affairs made the following re-  
port:

Mr. President:

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 do pass.

F. A. BAKER,  
Chairman.

Mr. Baker moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on appropriations made the following report:

Mr. President:

Your committee on appropriations to whom was referred House Bill No. 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 be amended as follows:

Strike out all of section 1, after the word "college," in line 7 of the engrossed bill.

And when so amended recommend the same do pass.

JUDSON LaMOURE,  
Chairman.

Mr. LaMoure moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on public printing made the following report:

Mr. President:

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:

Section 3, emergency, in line 3, after the word "regulating," strike out the word "to."

And when so amended recommend the same do pass.

C. ALBRIGHT,  
Chairman.

Mr. Albright moved

That the report be adopted

Which motion prevailed, and

The report of the committee was adopted.

Also.

Mr. President:

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 do pass.

C. ALBRIGHT,  
Chairman.

Mr. Albright moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on agriculture made the following report:

Mr. President:

Your committee on agriculture to whom was referred

House Bill No. 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.

C. W. PLAIN,  
Chairman.

**Mr. Plain moved**

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

**Mr. President:**

**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 do pass.

**C. W. PLAIN,**  
Chairman.

**Mr. Plain moved**

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

**The committee on education made the following report:**

**Mr. President:**

**Your committee on education to whom was referred**

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.

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

In line 4 of the printed bill strike out "professional" and insert in lieu thereof "architects."

**And when so amended recommend the same do pass.**

**F. S. TALCOTT,**  
Chairman.

Mr. Talcott moved

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

Also,

Mr. President:

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 (educational) of each separate institution.

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

F. S. TALCOTT,  
Chairman.

Mr. Talcott moved

That the report be adopted.  
Which motion prevailed, and  
The further consideration of the bill was indefinitely postponed.

Also,

Mr. President:

Your committee on education to whom was referred  
Senate Bill No. 204,

A bill for an act to create a state board of regents of seven members for the control of the educational institutions of the state, and to define the powers and duties of said board.

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

F. S. TALCOTT,  
Chairman.

Mr. Talcott moved

That the report be adopted.  
Which motion prevailed, and  
The further consideration of the bill was indefinitely postponed.

Also,

Mr. President:

Your committee on education to whom was referred  
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.

Have had the same under consideration and recommend that the same be 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 when so amended recommend the same do pass.

F. S. TALCOTT,  
Chairman.

Mr. Talcott moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

#### COMMUNICATION FROM THE GOVERNOR.

GOVERNOR'S OFFICE,  
BISMARCK, NORTH DAKOTA,

*To the Senate:*

GENTLEMEN: I have the honor to inform you that I have approved and filed in the office of the secretary of state

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 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.

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. 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. 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. 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. 207,

A bill for an act to appropriate money for repairing and wiring at the state penitentiary.

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. 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.

Very respectfully,

JOHN BURKE,  
Governor.

A sealed communication was received from the governor.

Mr. LaMoure moved

That the senate now proceed to executive session.

Which motion prevailed.

## OPEN SESSION.

In open session announcement was made of the confirmation of the following appointments:

A. M. Anderson of Fargo, N. D., for the position of inspector of hotels.

For superintendent of public health, Dr. Grassick, Grand Forks, N. D.

For state engineer, T. R. Atkinson, Bismarck, N. D.

For trustees of the soldiers' home, Marian Grange, Sheldon, N. D.; Alexander Hay, Wahpeton, N. D.

For trustees of the deaf and dumb school, Thomas Daugherty, Starkweather, N. D.; L. A. Larson, Rugby, N. D.; Barton Page, Leeds, N. D.; Charles Peterson, Bigbee, N. D.

For trustees of the Mayville normal, H. S. Taylor, Mayville, N. D.; David Dinnie, Minot, N. D.

For trustees of the Valley City Normal, James Campbell, Mandan, N. D.; Walter R. Reed, Amenia, N. D.

For trustees of the reform school at Mandan, N. D., William Lanterman, Mandan, N. D.; E. A. Lillibridge, Dickinson, N. D.; Joseph Mann, Washburn, N. D.

For trustees of the Grafton, N. D., institution for the feeble minded, John M. O'Connor, St. Thomas, N. D.

## REPORTS OF STANDING COMMITTEES.

The committee on insurance made the following report:

Mr. President:

Your committee on insurance 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 do pass.

L. A. SIMPSON,  
Chairman.

Mr. Simpson moved

That the report be adopted.

Which motion prevailed. and

The report of the committee was adopted.

Also,

Mr. President:

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.

L. A. SIMPSON,  
Chairman.

Mr. Simpson moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on railroads made the following report:

Mr. President:

Your committee on railroads to whom was referred  
House Bill No. 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 do pass.

E. F. GILBERT,  
Chairman.

Mr. Gilbert moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

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

Your committee on insurance to whom was referred  
Senate Bill No. 277,

A bill for an act to amend and re-enact section 4466 of the revised codes of North Dakota for the year 1905, relating to the publication of insurance statements.

Have had the same under consideration and return same without recommendation.

L. A. SIMPSON,  
Chairman.

Mr. Simpson moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on appropriations made the following report:

Mr. President:

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:

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 words "he is" and insert in lieu thereof the words "they are."

Before the word "the," line 1, section 2, insert the following, "the governor, the secretary of state and."

Same line strike out the 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."

And when so amended recommend the same do pass.

JUDSON LaMOURE,  
Chairman.

Mr. LaMoure moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on temperance made the following report

Mr. President:

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 do pass.

H. H. STROM,  
Chairman.

Mr. McArthur objected to the adoption of the report, which went over one day.

The committee on temperance made the following report:

Mr. President:

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 do pass.

H. H. STROM,  
Chairman.

Mr. Strom moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on education made the following report:

Mr. President:

Your committee on education to whom was referred  
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 be amended as follows:

Amend the title 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 when so amended recommend the same do pass.

F. S. TALCOTT,  
Chairman.

Mr. Talcott moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on temperance made the following report

Mr. President:

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 be amended as follows:

In line 4 of printed bill strike out the word "malt."

And when so amended recommend the same do pass.

H. H. STROM,  
Chairman.

Mr. McArthur objected to the adoption of the report, which went over one day.

The committee on appropriations made the following report:

Mr. President:

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.

JUDSON LaMOURE,  
Chairman.

Mr. LaMoure moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. President:

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.

JUDSON LaMOURE,  
Chairman.



Mr. LaMoure moved

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

Also,

Mr. President:

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.

JUDSON LaMOURE,  
Chairman.

Mr. LaMoure moved

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

Also,

Mr. President:

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 do pass.

JUDSON LaMOURE,  
Chairman.

Mr. LaMoure moved

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

Also,

Mr. President:

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 be 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 when so amended recommend the same do pass.

JUDSON LaMOURE,  
Chairman.

Mr. LaMoure moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. President:

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 be 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 when so amended recommend the same do pass.

JUDSON LaMOURE,  
Chairman.

Mr. LaMoure moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. President:

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 be 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.

Re-number 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 (3,00) 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 when so amended recommend the same do pass.**

JUDSON LaMOURE,

Chairman.

Mr. LaMoure moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on education made the following report:

Mr. President:

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.

F. S. TALCOTT,  
Chairman.

Mr. Talcott moved

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

The committee on appropriations made the following report:

Mr. President:

Your committee on appropriations to whom was referred  
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 be indefinitely postponed.

JUDSON LaMOURE,  
Chairman.

Mr. LaMoure moved

That the report be adopted.  
Which motion prevailed, and  
The further consideration of the bill was indefinitely postponed.

Also,

Mr. President:

Your committee on appropriations 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 be indefinitely postponed.

JUDSON LaMOURE,  
Chairman.

Mr. Lamoure moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Also,

Mr. President:

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 be indefinitely postponed.

JUDSON LaMOURE,  
Chairman.

Mr. LaMoure moved

That the report be adopted

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Also,

Mr. President:

Your committee on appropriations 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 be indefinitely postponed.

JUDSON LaMOURE,  
Chairman.

Mr. LaMoure moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Also,

Mr. President:

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.

JUDSON LaMOURE,  
Chairman.

Mr. LaMoure moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on public health made the following report:

Mr. President:

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.

F. LEUTZ,  
Chairman.

Mr. Leutz moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred

House Bill No. 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.

Have had the same under consideration and recommend that the same be 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 the 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 in November in 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 when so amended recommend the same do pass.

J. B. SHARPE,  
Chairman.

Mr. Sharpe moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on cities and municipal corporations made the following report:

Mr. President:

Your committee on cities and 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 all of lines 12 to 22 inclusive, and insert in lieu thereof the following:

“The president of the board of city commissioners and four city commissioners shall be elected by the legal and qualified voters in the city in the following manner: The city commissioner receiving the highest number of votes cast at the election shall be the president of the board of city commissioners, and in case of a tie they shall draw lots to decide the tie. All of the city commissioners shall be elected at large and not by wards; each voter shall be al-



lowed as many votes for the candidates for the office of city commissioners as there are commissioners to be elected, such votes to be distributed among the candidates as the voters shall see fit, but no voter shall be allowed to cast more votes than candidates to be elected.”

And when so amended recommend the same do pass.

JAMES KENNEDY,  
Chairman.

Mr. Kennedy moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on agriculture made the following report:

Mr. President:

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

A bill for an act entitled “An act to provide for liens upon crops and for the levy of a tax to secure the payment of the purchase price of seed grains.”

Also,

Senate Bill No. 26,

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 taxes for same shall be levied and collected, and how expense and indemnity for losses by hail shall be paid.

Also,

Senate Bill No. 95,

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.

C. W. PLAIN,  
Chairman.

Mr. Plain moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

The majority and minority reports on House Bill No. 370 were laid before the senate.

Mr. Koffel moved

The adoption of the minority report.

Mr. Duis moved

The adoption of the majority report.

Which substitute motion prevailed, and

The majority report was adopted.

The majority and minority reports on House Bill No. 250 were laid before the senate.

Mr. Simpson moved

The adoption of the majority report.

Mr. Purcell moved

As a substitute the adoption of the minority report.

Which substitute was lost, and

The original motion prevailed.

The committee on appropriations made the following report:

Mr. President:

Your committee on appropriations 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 do pass.

JUDSON LaMOURE,  
Chairman.

Mr. Sharp objected to the consideration of the report, which went over one day.

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

Mr. President:

Your committee on enrolled and engrossed bills have examined

Senate Bill No. 57,

A bill for an act to amend section 7497 of the 1905 revised codes of the state of North Dakota relating to foreclosure of land contracts.

Also,

Senate Bill No. 259,

A bill for an act establishing the office of state boiler inspector for steam vessels and steam boilers, and providing for licensing engineers of steam engines.

Also,

Senate Bill No. 299,

A bill for an act to amend and re-enact section 2613 of the revised codes of North Dakota for the year 1905.

Also,

Senate Bill No. 301,

A bill for an act to amend section 2594 of the revised codes of the state of North Dakota, providing for the salary of the register of deeds.

Also,

Senate Bill No. 305,

A bill for an act creating and defining the Twelfth judicial district within the state of North Dakota, providing for the election of a judge therein and fixing the terms of court in said district.

And find the same correctly engrossed.

THEO. KOFFEL,  
Chairman.

#### MESSAGE FROM THE GOVERNOR.

The following message was received from the governor:

GOVERNOR'S OFFICE,  
BISMARCK, NORTH DAKOTA,  
March 4, 1909.

*To the Senate:*

GENTLEMEN: I return you herewith Senate Bill No. 254, being an act making an appropriation for the purchase of

a Mandan Indian village on the upper Missouri river in this state, without my approval, for the reason that it is now apparent that the appropriation bills passed, and those that will in all probability pass this legislative assembly, will exceed the revenue of the state, and in my judgment there is no necessity for the purchase of this Indian village at this time.

Very respectfully,

JOHN BURKE,  
Governor.

### REPORTS OF STANDING COMMITTEES.

The committee on state affairs made the following report:

Mr. President:

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

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.

MAYNARD CRANE,  
Chairman.

Mr. Crane moved

That the report be adopted

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Also,

Mr. President:

Your committee on state affairs to whom was referred Senate Bill No. 309.

A bill for an act to license transient merchants, hawkers and peddlers in the state of North Dakota.

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

MAYNARD CRANE,  
Chairman.

Mr. Crane moved

**That the report be adopted.**

**Which motion prevailed, and**

The further consideration of the bill was indefinitely postponed.

Also,

Mr. President:

Your committee on state affairs to whom was referred

Senate Bill No. 86,

A bill for an act to amend section 1554 of the revised codes of 1905 of North Dakota, relating to delinquent personal property taxes, when due.

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

MAYNARD CRANE,  
Chairman.

Mr. Crane moved

**That the report be adopted.**

**Which motion prevailed, and**

The further consideration of the bill was indefinitely postponed.

Also,

Mr. President:

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.

MAYNARD CRANE,  
Chairman.

Mr. Crane moved

**That the report be adopted.**

**Which motion prevailed, and**

The report of the committee was adopted.

Also,

Mr. President:

Your committee on state affairs to whom was referred  
Concurrent resolution concerning postal savings banks.

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

MAYNARD CRANE,  
Chairman.

Mr. Crane moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely  
postponed.

Also,

Mr. President:

Your committee on state affairs to whom was referred  
House Bill No. 113,

A bill for an act to prohibit discrimination between dif-  
ferent sections, communities or localities, and to prohibit  
unfair competition, and providing penalties for the viola-  
tion thereof.

Have had the same under consideration and return to  
senate without recommendation.

MAYNARD CRANE,  
Chairman.

Mr. Simpson objected to the consideration of the report,  
which went over one day.

Also,

Mr. President:

Your committee on state affairs to whom was referred  
Senate Bill No. 32,

A bill for an act entitled an act to provide for the appoint-  
ment of a board of "State Flag Commissioners," and to  
provide funds for the selection and purchase of a state flag  
for the state of North Dakota.

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

MAYNARD CRANE,  
Chairman.

Mr. Crane moved

That the report be adopted

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Also,

Mr. President:

Your committee on state affairs 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 indefinitely postponed.

MAYNARD CRANE,  
Chairman.

Mr. Crane moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Also,

Mr. President:

Your committee on state affairs to whom was referred 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.

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

MAYNARD CRANE,  
Chairman.

Mr. Crane moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Also,

Mr. President:

A majority of your committee on state affairs 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 indefinitely postponed.

MAYNARD CRANE,  
Chairman.

Also,

Mr. President:

A minority of your committee on state affairs 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 do pass.

MAYNARD CRANE,  
Chairman.

Mr. Movius objected to the consideration of the report, which went over one day.

Mr. Pierce moved that the rules be suspended and House Bill No. 374 be placed on its third reading and final passage.

Which motion prevailed.

Mr. Leutz moved

That the rules be suspended and House Bill No. 306 be placed on 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 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 43, nays 0, absent and not voting 4.

Those who voted in the affirmative were:

Albright	Kennedy	Rice
Anderson	LaMoure	Steel, of Stutsman
Baker	Leutz	Steele of Ward
Bessesen	Martin	Stevens
Cashel	Macdonald	Strom
Crane	McArthur	Syvertson
Davis	McLean	Talcott
Duis	Movius	Trimble
Gilbert	Neal	Turner
Gunderson	Overson	Wallin
Gronvold	Palmer	Walton
Holliday	Pierce	Welch
Irwin	Plain	Welo
Johnson	Purcell	Whitcher
Kelly		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Koffel	Sharpe	Simpson
Ramsett		

So the bill passed and the title was agreed to.

Mr. Pierce 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. 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 29, nays 14, absent and not voting 4.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Martin	Sharpe
Anderson	McArthur	Steel, of Stutsman
Baker	McLean	Syvertson
Bessesen	Neal	Talcott
Duis	Overson	Trimble
Irwin	Palmer	Turner
Johnson	Pierce	Wallin
Kelly	Purcell	Walton
Kennedy	Ramsett	Welch
Leutz	Rice	

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Cashel	Holliday	Stevens
Crane	LaMoure	Strom
Davis	Macdonald	Welo
Gilbert	Plain	Whitcher
Gunderson	Steele of Ward	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Gronvold	Movius	Simpson
Koffel		

So the bill passed and the title was agreed to.

Mr. Talcott moved

That the rules be suspended and the report on House Bill No. 283 be adopted.

Which motion was lost.

Mr. Movius in the chair.

## MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,  
BISMARCK, NORTH DAKOTA,

March 4, 1909.

Mr. President:

I have the honor to return 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 house has refused to consider.

Very respectfully,  
W. D. AUSTIN,  
Chief Clerk.

The following report of the special committee was received.

## 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 2,000,000 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
	<hr/>
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
	<hr/>

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
	<hr/>

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.

#### 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 \$556.92, 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 .....	\$ 90.63
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 viola-

tions, 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 institution 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 col-

lection 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.

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. Pierce moved

That the report be adopted and the committee discharged.

Which motion prevailed.

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

Mr. President:

Your committee on enrolled and engrossed bills have examined

Senate Bill No. 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 find the same correctly enrolled.

**THEODORE KOFFEL,**  
Chairman.

The secretary announced that the president 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 president signed the same in the presence of the senate.

#### MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,  
BISMARCK, NORTH DAKOTA,

March 4, 1909.

Mr. President:

I have the honor to inform you that the house has adopted the report of the conference committee appointed on Senate Bill No. 104, and passed the bill as amended by the conference committee.

Also,

Mr. President:

I have the honor to inform you that the house requests the return of Senate Bill No. 107.

Also,

Mr. President:

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

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 the house has passed by a two-thirds vote and your favorable consideration is respectfully requested.

Very respectfully,

W. D. AUSTIN,  
Chief Clerk.

#### MESSAGE FROM THE GOVERNOR.

The following message was received from the governor:

GOVERNOR'S OFFICE,  
BISMARCK, NORTH DAKOTA,

March 4, 1909.

*To the Honorable, the Senate of the Eleventh Legislative Assembly:*

It is with great reluctance that I return without my approval Senate Bill No. 108, being an act making an 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 and special orders, and the proceedings of the department, and providing for keeping copies of the same on file in the state library at Bismarck, N. D., and for the expenses incurred at state and national encampments.

The patriotic motives inspiring the passage of this law are most worthy and meet with my heartiest approval, for the Grand Army is, indeed, a grand army of veterans, who, nearly half a century ago, risked their lives in defense of their country; who have since contributed so much to what that country is today, and who in a few years will live only in the memory of a grateful people.

We owe them a debt of gratitude that we can never fully pay. They are entitled to every consideration at our hands, and because of the respect and reverence, and the debt of gratitude that we owe them, I have labored to reconcile this measure with section 185 of the constitution. And I have failed.

Section 185 of the constitution provides that the state shall not make donations to or in aid of any individual, association or corporation, except for the necessary support of the poor. The Grand Army is an association such as is mentioned in section 185, and this appropriation is not for the support of the poor, but is to aid this organization to prepare, issue and distribute its general and special orders and the proceedings of the department, and providing for keeping copies of the same on file in the state library at Bismarck, N. D., and for expense incurred at state and national encampments. These purposes are not for the support of the poor, but are in aid of such an organization as is mentioned in the constitution, and come clearly within its inhibition. This section 185 should be amended so that such organizations as the Grand Army might receive assistance from the state.

Respectfully submitted,

JOHN BURKE,  
Governor.

Mr. Simpson moved

That the senate return Senate Bill No. 107 to the house.

Which motion prevailed.

Mr. Pierce moved

That senate rule 41 be abrogated for this day.

Roll call demanded.

The question being on the abrogation of the rule for the day.

The roll was called and there were ayes 32, nays 14, absent and not voting 1.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Irwin	Rice
Anderson	Johnson	Stevens
Baker	Kelly	Strom
Bessessen	LaMoure	Syverfson
Cashel	Leutz	Talcott
Crane	McLean	Trimble
Davis	Movius	Wallin
Duis	Overson	Walton
Gilbert	Palmer	Welo
Gronvold	Pierce	Whitcher
Holliday	Plain	

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Gunderson	McArthur	Steel, of Stutsman
Kennedy	Neal	Steele of Ward
Koffel	Purcell	Turner
Martin	Ramsett	Welch
Macdonald	Simpson	

Mr. Sharpe being absent and not voting.

Mr. Crane explained his vote.

So the motion prevailed.

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

Mr. President:

Your committee on enrolled and engrossed bills have examined

Senate Bill No. 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 find the same correctly enrolled.

THEODORE KOFFEL,  
Chairman.

The secretary announced that the president 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. 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.

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.

And the president signed the same in the presence of the senate.

Mr. Palmer moved

That House Bill No. 236 be returned to the committee on elections.

Mr. Plain moved

That the rules be suspended and the chairman of the railroad committee return House Bill No. 76, and that it be made a special order.

Roll call demanded.

The question being on the motion to recall.

The roll was called and there were ayes 18, nays 26, absent and not voting 3.

Those who voted in the affirmative were:

**Messrs.—**

Bessen  
Cashel  
Davis  
Gilbert  
Kennedy  
Koffel

**Messrs.—**

Macdonald  
McArthur  
Overson  
Plain  
Ramsett  
Rice

**Messrs.—**

Steel, of Stutsman  
Steele of Ward  
Strom  
Syvertson  
Turner  
Wallin



## Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Albright	LaMoire	Simpson
Anderson	Leutz	Stevens
Baker	Martin	Talcott
Crane	McLean	Trimble
Duis	Movius	Walton
Gunderson	Neal	Welch
Irwin	Palmer	Welo
Johnson	Pierce	Whitcher
Kelly	Purcell	

## Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Gronvold	Holliday	Sharpe

Mr. Stevens explained his vote.

So the motion was lost.

Mr. Pierce moved

That the report of the committee on House Bill No. 283 be adopted.

Roll call demanded.

The question being on the adoption of the report.

The roll was called and there were ayes 21, nays 25, absent and not voting 1.

## Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Anderson	Kennedy	Ramsett
Baker	LaMoire	Rice
Bessesen	McLean	Stevens
Cashel	Overson	Strom
Gilbert	Palmer	Talcott
Gronvold	Pierce	Trimble
Holliday	Plain	Wallin

## Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Leutz	Steel, of Stutsman
Crane	Martin	Steele of Ward
Davis	Macdonald	Syverson
Duis	McArthur	Turner
Gunderson	Movius	Walton
Irwin	Neal	Welch
Johnson	Purcell	Welo
Kelly	Simpson	Whitcher
Koffel		

Mr. Sharpe being absent and not voting.

Mr. Talcott explained his vote.

Mr. Kennedy explained his vote.

Mr. Purcell explained his vote.

So the motion was lost.

### MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,  
BISMARCK, NORTH DAKOTA,

March 4, 1909.

Mr. President:

I have the honor to return herewith

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.

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 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. 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. 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. 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.

Which the house has passed unchanged.

Very respectfully,

W. D. AUSTIN,  
Chief Clerk.

#### REPORTS OF STANDING COMMITTEES.

The committee on elections made the following report:

Mr. President:

Your committee on elections to whom was referred  
House Bill No. 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.

GEO. D. PALMER,  
Chairman.

Mr. Palmer moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

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

Mr. President:

Your committee on corporations other than municipal to whom was referred

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.

W. E. PURCELL,  
Chairman.

Mr. Purcell moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. President:

Your committee on corporations other than municipal to whom was referred

Senate Bill No. 336,

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 be indefinitely postponed.

W. E. PURCELL,  
Chairman.

Mr. Purcell moved

That the report be adopted.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

Mr. Crane moved

That the senate do now concur in the house amendments to Senate Bill No. 60.

The question being on the final passage of the bill as amended by the house.

The roll was called and there were ayes 37, nays 2, absent and not voting 8.

Those who voted in the affirmative were:

Messrs.—

Albright  
Anderson  
Baker  
Bessesen

Messrs.—

Kelly  
Kennedy  
Koffel  
Leutz

Messrs.—

Purcell  
Ramsett  
Rice  
Steele of Ward

Messrs.—	Messrs.—	Messrs.—
Cashel	Martin	Strom
Crane	McArthur	Syvertson
Davis	McLean	Talcott
Duis	Neal	Turner
Gilbert	Overson	Wallin
Gunderson	Palmer	Walton
Holliday	Pierce	Welo
Irwin	Plain	Whitcher
Johnson		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Gronvold	Movius	Trimble
LaMoure	Sharpe	Welch
Macdonald	Steel, of Stutsman	

Messrs. Simpson and Stevens voting in the negative.  
So the house amendments were concurred in.

The secretary announced that the president was about to sign

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.

Also,

House Bill No. 69,

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

And the president signed the same in the presence of the senate.

Mr. Steele moved

That the senate do now concur in the house amendments to Senate Bill No. 10.

The question being on the final passage of the bill as amended by the house.

The roll was called and there were ayes 38, nays 0, absent and not voting 9.

## Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Johnson	Purcell
Anderson	Kelly	Ramsett
Baker	Kennedy	Rice
Bessesen	Koffel	Simpson
Cashel	Leutz	Steele of Ward
Crane	Martin	Stevens
Davis	Macdonald	Talcott
Duis	McLean	Trimble
Gilbert	Neal	Turner
Gronvold	Overson	Wallin
Gunderson	Palmer	Walton
Holliday	Pierce	Whitcher
Irwin	Plain	

## Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
LaMoure	Sharpe	Syverson
McArthur	Steel, of Stutsman	Welch
Movius	Strom	Welo

So the house amendments were concurred in.

## MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,  
BISMARCK, NORTH DAKOTA,  
March 4, 1909.

Mr. President:

I have the honor to return herewith

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. 154,

A bill for an act to amend section 6710 of the revised codes of 1905, relating to holidays.

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. 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. 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.

Which the house has passed unchanged.

Very respectfully,  
W. D. AUSTIN,  
Chief Clerk.

Mr. Duis moved

That the senate do now concur in the house resolution to suspend joint rule No. 10.

The question being on the suspension of the rule.

The roll was called and there were ayes 15, nays 30, absent and not voting 2.

Those who voted in the affirmative were:

Messrs.—

Bessesen  
Cashel  
Duis  
Holliday  
Irwin

Messrs.—

Kelly  
Koffel  
Macdonald  
McArthur  
Overson

Messrs.—

Plain  
Purcell  
Steele of Ward  
Stevens  
Turner

Absent and not voting:

Messrs.—

Anderson  
Baker  
Crane  
Davis  
Gilbert  
Gronvold  
Gunderson  
Johnson  
Kennedy  
LaMoure

Messrs.—

Leutz  
Martin  
McLean  
Movius  
Neal  
Palmer  
Pierce  
Ramsett  
Rice  
Simpson

Messrs.—

Steel, of Stutsman  
Strom  
Syvertson  
Talcott  
Trimble  
Wallin  
Walton  
Welch  
Welo  
Whitcher

Mr. Bessesen explained his vote.

Messrs. Albright and Sharpe being absent and not voting.

So the motion was lost.

Mr. Purcell moved

That House Bill No. 283 be indefinitely postponed.

Roll call demanded.

The question being on the indefinite postponement of the bill.

The roll was called and there were ayes 26, nays 20, absent and not voting 1.

Those who voted in the affirmative were:

Messrs.—

Albright  
Crane  
Davis  
Duis  
Gunderson  
Holliday  
Irwin  
Johnson  
Kelly

Messrs.—

Koffel  
Leutz  
Martin  
Macdonald  
McArthur  
Movius  
Neal  
Purcell  
Simpson

Messrs.—

Steel, of Stutsman  
Steele of Ward  
Syvertson  
Talcott  
Turner  
Walton  
Welch  
Welo  
Whitcher

Those who voted in the negative were:

Messrs.—

Anderson  
Baker  
Bess  
Cashel  
Gilbert  
Gronvold  
Kennedy

Messrs.—

LaMoure  
McLean  
Overson  
Palmer  
Pierce  
Plain

Messrs.—

Ramsett  
Rice  
Stevens  
Strom  
Trimble  
Wallin

Mr. Sharpe being absent and not voting.

Mr. Steele explained his vote.

So the motion prevailed, and

The further consideration of the bill was indefinitely postponed.

The secretary announced that the president was about to sign



## House Bill No. 6,

A bill for an act 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 the president signed the same in the presence of the senate.

## COURTESIES OF THE FLOOR.

The courtesies of the senate were extended to the following:

Harry S. Clark, of the Grand Forks Herald; H. C. Berry, of Harvey; W. R. Blakely, of Grafton, N. D.; I. Smith, Wm. Keyes, Clayton Smith, Prof Geo. A. Mcfarland and Dr. E. A. Pray, of Valley City.

Mr. Duis moved

That the senate take a recess till 8 o'clock p. m.

Which motion prevailed, and

The senate took a recess.

J. W. FOLEY,  
Secretary.

## AFTER RECESS.

The senate convened.

The president presiding.

**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.

The roll was called and there were ayes 37, nays 0, absent and not voting 10.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Koffel	Steele of Ward
Anderson	LaMoure	Stevens
Baker	Leutz	Strom
Bessesen	Macdonald	Syverson
Crane	McLean	Talcott
Davis	Movius	Trimble
Duis	Neal	Turner
Gronvold	Palmer	Wallin
Gunderson	Plain	Walton
Irwin	Ramsett	Welch
Johnson	Rice	Welo
Kelly	Simpson	Whitcher
Kennedy		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Cashel	McArthur	Purcell
Gilbert	Overson	Sharpe
Holliday	Pierce	Steel, of Stutsman
Martin		

So the bill passed and the title was agreed to.

**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.

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 0, absent and not voting 5.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Anderson	Leutz	Sharpe
Albright	Martin	Simpson
Baker	Macdonald	Steel, of Stutsman

Messrs.—	Messrs.—	Messrs.—
Crane	McArthur	Steele of Ward
Davis	McLean	Stevens
Duis	Movius	Strom
Gilbert	Neal	Syvertson
Gronvold	Overson	Talcott
Gunderson	Palmer	Trimble
Irwin	Pierce	Turner
Johnson	Plain	Wallin
Kelly	Purcell	Walton
Kennedy	Ramsett	Welo
Koffel	Rice	Whitcher

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Bessesen	Holliday	Welch
Cashel	LaMoure	

So the bill passed and the title was agreed to.

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.

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 0, absent and not voting 7.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Koffel	Simpson
Anderson	LaMoure	Steel, of Stutsman
Baker	Leutz	Steele of Ward
Cashel	Macdonald	Stevens
Crane	McLean	Strom
Davis	Movius	Syvertson
Duis	Neal	Talcott
Gilbert	Overson	Trimble
Gronvold	Palmer	Turner
Gunderson	Pierce	Wallin
Irwin	Plain	Walton
Johnson	Purcell	Welch
Kelly	Ramsett	Whitcher
Kennedy		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Bessesen	McArthur	Sharpe
Holliday	Rice	Welo
Martin		

So the bill passed and the title was agreed to.

## 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 40, nays 0, absent and not voting 7.

Those who voted in the affirmative were:

## Messrs.—

Albright  
Anderson  
Baker  
Bessesen  
Cashel  
Crane  
Davis  
Duis  
Gilbert  
Gronvold  
Gunderson  
Irwin  
Johnson  
Kelly

## Messrs.—

Koffel  
LaMoure  
Leutz  
Macdonald  
McLean  
Movius  
Neal  
Overson  
Palmer  
Pierce  
Plain  
Purcell  
Ramsett

## Messrs.—

rtice  
Sharpe  
Stevens  
Strom  
Syvertson  
Talcott  
Trimble  
Turner  
Wallin  
Walton  
Welch  
Welo  
Whitcher

Absent and not voting:

## Messrs.—

Holliday  
Kennedy  
Martin

## Messrs.—

McArthur  
Simpson

## Messrs.—

Steel, of Stutsman  
Steele of Ward

So the bill passed and the title was agreed to.

The secretary announced that the president was about to sign

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 meeting of assessors.

Also,

House Bill No. 70,

A bill for an act amending section 6887 of the revised codes of 1905.

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. 165,

A bill for an act to amend section 533 of the 1905 revised codes of North Dakota relative to the authorizing of officers to administer oaths.

And the president signed the name in the presence of the senate.

### MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,  
BISMARCK, NORTH DAKOTA,

March 4, 1909.

Mr. President:

I have the honor to return 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 house has amended as follows:

Strike out the following: "Real estate agents and."

In which the house has concurred as amended.

Also,

Mr. President:

I have the honor to return herewith

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.

Which the house has 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 passed as amended.

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 house has 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 passed as amended.

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.

Which the house has 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 passed as amended.

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.

Which the house has 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 passed as amended.

Also,

Mr. President:

I have the honor to return herewith

## 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. 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. 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. 124,

A bill for an act to amend section 2005 of the revised code of 1905.

Which the house has passed unchanged.

Very respectfully,

W. D. AUSTIN,

Chief Clerk.

## 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 35, nays 1, absent and not voting 11.

Those who voted in the affirmative were:

Messrs.—

Albright  
Anderson  
Baker  
Crane  
Davis  
Duis  
Gilbert  
Gronvold  
Gunderson  
Irwin  
Johnson  
Kennedy

Messrs.—

Koffel  
Leutz  
Macdonald  
McLean  
Movius  
Neal  
Palmer  
Pierce  
Plain  
Ramsett  
Sharpe  
Simpson

Messrs.—

Steele of Ward  
Stevens  
Strom  
Syvertson  
Talcott  
Trimble  
Turner  
Wallin  
Walton  
Welch  
Whitcher

Absent and not voting:

Messrs.—

Bessesen  
Cashel  
Holliday  
Kelly

Messrs.—

Martin  
McArthur  
Overson  
Purcell

Messrs.—

Rice  
Steel, of Stutsman  
Welo

Mr. LaMoure voted in the negative.

So the bill passed and the title was agreed to  
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.

Mr. Neal moved

That House Bill No. 191 be indefinitely postponed.

Which motion prevailed, and

The further consideration of the bill was indefinitely postponed.

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 42, nays 0, absent and not voting 5.

**Those who voted in the affirmative were:**

Messrs.—	Messrs.—	Messrs.—
Albright	LaMoure	Sharpe
Anderson	Leutz	Simpson
Cashel	Martin	Steele of Ward
Messrs.—	Messrs.—	Messrs.—
Crane	Macdonald	Stevens
Davis	McLean	Strom
Duis	Movius	Syverson
Gilbert	Neal	Talcott
Gronvold	Overson	Trimble
Gunderson	Palmer	Turner
Irwin	Pierce	Wallin
Johnson	Plain	Walton
Kelly	Purcell	Welch
Kennedy	Ramsett	Welo
Koffel	Rice	Whitcher

**Absent and not voting:**

Messrs.—	Messrs.—	Messrs.—
Baker	Holliday	Steel, of Stutsman
Bessesen	McArthur	

So the bill passed and the title was agreed to.

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 45, nays 0, absent and not voting 2.

**Those who voted in the affirmative were:**

Messrs.—	Messrs.—	Messrs.—
Albright	Koffel	Sharpe
Anderson	LaMoure	Simpson
Baker	Leutz	Steel, of Stutsman
Bessesen	Martin	Steele of Ward
Cashel	Macdonald	Stevens
Crane	McLean	Strom
Davis	Movius	Syverson
Duis	Neal	Talcott
Gilbert	Overson	Trimble
Gronvold	Palmer	Turner
Gunderson	Pierce	Wallin
Irwin	Plain	Walton
Johnson	Purcell	Welch
Kennedy	Ramsett	Welo
Kelly	Rice	Whitcher

Messrs. Halliday and McArthur being absent and not voting.

So the bill passed and the title was agreed to.

## 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.

The roll was called and there were ayes 40, nays 1, absent and not voting 6.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Anderson	Koffel	Sharpe
Baker	Leutz	Steele of Ward
Bessesen	Martin	Stevens
Cashel	Macdonald	Strom
Crane	McLean	Syverson
Davis	Movius	Talcott
Duis	Neal	Trimble
Gronvold	Overson	Turner
Gilbert	Palmer	Wallin
Gunderson	Plain	Walton
Irwin	Purcell	Welch
Johnson	Ramsett	Welo
Kelly	Rice	Whitcher
Kennedy		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Albright	McArthur	Simpson
Holliday	Pierce	Steel, of Stutsman

Mr. LaMoure voted in the negative.

So the bill passed and the title was agreed to.

## 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 43, nays 0, absent and not voting 4.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Leutz	Simpson
Anderson	Martin	Steel, of Stutsman
Baker	Macdonald	Steele of Ward
Bessesen	McLean	Stevens
Cashel	Movius	Strom
Crane	Neal	Syverson
Gilbert	Overson	Talcott

Messrs.—	Messrs.—	Messrs.—
Gronvold	Palmer	Trimble
Gunderson	Pierce	Turner
Irwin	Plain	Wallin
Johnson	Purcell	Walton
Kelly	Ramsett	Welch
Kennedy	Rice	Welo
Koffel	Sharpe	Whitcher
LaMoure		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Davis	Holliday	McArthur
Duis		

So the bill passed and the title was agreed to.

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 40, nays 0, absent and not voting 7.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Koffel	Sharpe
Anderson	LaMoure	Steel, of Stutsman
Baker	Leutz	Steele of Ward
Bessesen	Martin	Stevens
Cashel	Macdonald	Strom
Crane	McLean	Syvertson
Davis	Movius	Talcott
Gilbert	Neal	Trimble
Gronvold	Overson	Wallin
Gunderson	Plain	Walton
Irwin	Purcell	Welch
Johnson	Ramsett	Welo
Kelly	Rice	Whitcher
Kennedy		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Duis	Palmer	Simpson
Holliday	Pierce	Turner
McArthur		

So the bill passed and the title was agreed to.

## 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 43, nays 0, absent and not voting 4.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Koffel	Rice
Anderson	LaMoure	Sharpe
Baker	Leutz	Steel, of Stutsman
Bessesen	Martin	Steele of Ward
Cashel	Macdonald	Stevens
Crane	McLean	Strom
Davis	Movius	Svvertson
Duis	Neal	Trimble
Gilbert	Overson	Turner
Gronvold	Palmer	Wallin
Gunderson	Pierce	Walton
Irwin	Plain	Welch
Johnson	Purcell	Welo
Kelly	Ramsett	Whitcher
Kennedy		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Holliday	Simpson	Talcott
McArthur		

So the bill passed and the title was agreed to.

## 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 45, nays 0, absent and not voting 2.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Koffel	Rice
Anderson	LaMoure	Sharpe
Baker	Leutz	Steel, of Stutsman
Bessesen	Martin	Steele of Ward
Cashel	Macdonald	Stevens
Crane	McArthur	Strom
Davis	McLean	Svvertson
Duis	Movius	Talcott

Messrs.—	Messrs.—	Messrs.—
Gilbert	Neal	Trimble
Gronvold	Overson	Turner
Gunderson	Palmer	Wallin
Irwin	Pierce	Walton
Johnson	Plain	Welch
Kelly	Purcell	Welo
Kennedy	Ramsett	Whitcher

Messrs. Halliday and Simpson being absent and not voting.

So the bill passed and the title was agreed to.

### MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,  
BISMARCK, NORTH DAKOTA,  
March 4, 1909.

Mr. President:

I have the honor to return herewith:

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. 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. 157,

A bill for an act to amend and re-enact section 822 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.

Which the house has passed unchanged.

Very respectfully,

W. D. AUSTIN,

Chief Clerk.

Mr. Duis moved

That the vote by which all house bills passed be reconsidered and the motion to reconsider lie on the table.

Which motion prevailed.

Mr. Trimble moved

That the senate concur in the house amendments to the house resolution regarding immigration.

Which motion prevailed.

Mr. LaMoure moved

That the senate do now concur in house amendments to Senate Bill No. 81.

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 as amended by the house.

The roll was called and there were ayes 44, nays 0, absent and not voting 3.

Those who voted in the affirmative were:

Messrs.—

Albright  
Anderson  
Baker  
Bessesen  
Cashel  
Crane  
Davis  
Duis  
Gilbert  
Gronvold  
Gunderson  
Irwin  
Johnson  
Kelly  
Kennedy

Messrs.—

Koffel  
LaMoure  
Leutz  
Martin  
Macdonald  
McLean  
Movius  
Neal  
Overson  
Palmer  
Pierce  
Plain  
Purcell  
Ramsett  
Rice

Messrs.—

Sharpe  
Steel, of Stutsman  
Steele of Ward  
Stevens  
Strom  
Syvertson  
Talcott  
Trimble  
Turner  
Wallin  
Walton  
Welch  
Welo  
Whitcher

Absent and not voting:

Messrs.—

Holliday

Messrs.—

McArthur

Messrs.—

Simpson

So the house amendments were concurred in.

Mr. Plain moved

That the senate do now concur in House amendments to Senate Bill No. 123.

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 as amended by the house.

The roll was called and there were ayes 46, nays 0, absent and not voting 1.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	LaMoure	Sharpe
Anderson	Leutz	Simpson
Baker	Martin	Steel, of Stutsman
Cashel	Macdonald	Steele of Ward
Crane	McArthur	Stevens
Davis	McLean	Strom
Duis	Movius	Syverson
Gilbert	Neal	Talcott
Gronvold	Overson	Trimble
Gunderson	Palmer	Turner
Holliday	Pierce	Wallin
Irwin	Plain	Walton
Johnson	Purcell	Welch
Kelly	Ramsett	Welo
Kennedy	Rice	Whitcher
Koffel		

Mr. Bessesen being absent and not voting.

So the house amendments were concurred in.

Mr. Purcell moved

That the senate do now concur in house amendments to Senate Bill No. 20.

Senate Bill No. 20,

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 third time.



The question being on the final passage of the bill as amended by the house.

The roll was called and there were ayes 43, nays 0, absent and not voting 4.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Leutz	Simpson
Anderson	Martin	Steel, of Stutsman
Baker	Macdonald	Steele of Ward
Cashel	McLean	Stevens
Crane	Movius	Strom
Duis	Neal	Syvertson
Gilbert	Overson	Talcott
Gronvold	Palmer	Trimble
Gunderson	Pierce	Turner
Irwin	Plain	Wallin
Johnson	Purcell	Walton
Kelly	Ramsett	Welch
Kennedy	Rice	Welo
Koffel	Sharpe	Whitcher
LaMoure		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Bessesen	Holliday	McArthur
Davis		

So the house amendments were concurred in.

Mr. Palmer moved

That the senate do now concur in house amendments to Senate Bill No. 116.

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 as amended by the house.

The roll was called and there were ayes 43, nays 0, absent and not voting 4.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Martin	Simpson
Anderson	Macdonald	Steel, of Stutsman
Baker	McArthur	Steele of Ward
Cashel	McLean	Stevens
Crane	Movius	Strom
Duis	Neal	Syvertson
Gilbert	Overson	Talcott

Messrs.—  
 Gronvold  
 Gunderson  
 Irwin  
 Johnson  
 Kelly  
 Kennedy  
 LaMoure  
 Leutz

Messrs.—  
 Palmer  
 Pierce  
 Plain  
 Purcell  
 Ramsett  
 Rice  
 Sharpe

Messrs.—  
 Trimble  
 Turner  
 Wallin  
 Walton  
 Welch  
 Welo  
 Whitcher

**Absent and not voting:**

Messrs.—  
 Bessesen  
 Davis

Messrs.—  
 Holliday

Messrs.—  
 Koffel

So the house amendments were concurred in.

Mr. Gronvold moved

That the senate do now concur in house amendment to Senate Bill No. 170.

**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 as amended by the house.

The roll was called and there were ayes 42, nays 0, absent and not voting 5.

**Those who voted in the affirmative were:**

Messrs.—  
 Albright  
 Anderson  
 Baker  
 Cashel  
 Crane  
 Duis  
 Gilbert  
 Gronvold  
 Gunderson  
 Irwin  
 Johnson  
 Kennedy  
 Koffel  
 LaMoure

Messrs.—  
 Leutz  
 Martin  
 Macdonald  
 McLean  
 Movius  
 Neal  
 Overson  
 Palmer  
 Pierce  
 Plain  
 Purcell  
 Ramsett  
 Rice  
 Sharpe

Messrs.—  
 Simpson  
 Steel, of Stutsman  
 Steele of Ward  
 Stevens  
 Strom  
 Syvertson  
 Talcott  
 Turner  
 Trimble  
 Wallin  
 Walton  
 Welch  
 Welo  
 Whitcher

**Absent and not voting:**

Messrs.—  
 Bessesen  
 Davis

Messrs.—  
 Holliday  
 Kelly

Messrs.—  
 McArthur

So the house amendments were concurred in.

## 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 44, nays 0, absent and not voting 3.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	LaMoure	Simpson
Anderson	Leutz	Steel, of Stutsman
Baker	Martin	Steele of Ward
Bessesen	Macdonald	Stevens
Cashel	McArthur	Strom
Crane	McLean	Syvertson
Duis	Movius	Talcott
Gilbert	Neal	Trimble
Gronvold	Overson	Turner
Gunderson	Palmer	Wallin
Irwin	Pierce	Walton
Johnson	Plain	Welch
Kelly	Purcell	Welo
Kennedy	Ramsett	Whitcher
Koffel	Rice	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Davis	Holliday	Sharpe

So the bill passed and the title was agreed to.

## 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.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 38, nays 0, absent and not voting 9.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Koffel	Steel, of Stutsman
Anderson	Kennedy	Steele of Ward

<b>Messrs.—</b>	<b>Messrs.—</b>	<b>Messrs.—</b>
Baker	LaMoure	Simpson
Bessesen	Leutz	Stevens
Cashel	Martin	Strom
Crane	Macdonald	Syvertson
Duis	McLean	Trimble
Gilbert	Movius	Turner
Gronvold	Overson	Wallin
Gunderson	Pierce	Walton
Irwin	Purcell	Welo
Johnson	Rice	Whitcher
Kelly	Sharpe	

Absent and not voting:

<b>Messrs.—</b>	<b>Messrs.—</b>	<b>Messrs.—</b>
Davis	Neal	Ramsett
Holliday	Palmer	Talcott
McArthur	Plain	Welch

So the bill passed and the title was agreed to.  
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 on the final passage of the bill.

The roll was called and there were ayes 45, nays 0, absent and not voting 2.

Those who voted in the affirmative were:

<b>Messrs.—</b>	<b>Messrs.—</b>	<b>Messrs.—</b>
Albright	Koffel	Sharpe
Anderson	LaMoure	Simpson
Baker	Leutz	Steel, of Stutsman
Bessesen	Martin	Steele of Ward
Cashel	Macdonald	Stevens
Crane	McLean	Strom
Davis	Movius	Syvertson
Duis	Neal	Talcott
Gilbert	Overson	Turner
Gronvold	Palmer	Trimble
Gunderson	Pierce	Wallin
Irwin	Plain	Walton
Johnson	Purcell	Welch
Kelly	Ramsett	Welo
Kennedy	Rice	Whitcher

Absent and not voting, Messrs. Halliday and McArthur.  
So the bill passed and the title was agreed to.

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.

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 0, absent and not voting 4.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Koffel	Rice
Anderson	LaMoure	Sharpe
Baker	Leutz	Simpson
Bessesen	Martin	Steele of Ward
Cashel	Macdonald	Stevens
Crane	McLean	Strom
Davis	Movius	Syvertson
Duis	Neal	Trimble
Gilbert	Overson	Turner
Gronvold	Palmer	Wallin
Gunderson	Pierce	Walton
Irwin	Plain	Welch
Johnson	Purcell	Welo
Kelly	Ramsett	Whitcher
Kennedy		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Holliday	Steel, of Stutsman	Talcott
McArthur		

So the bill passed and the title was agreed to.

Mr. Duis moved

That the vote by which all house bills passed be reconsidered and the motion to reconsider lie 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 21, nays 20, absent and not voting, 6.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Gunderson	Sharpe
Bessesen	Irwin	Steele of Ward
Cashel	Kelly	Strom
Crane	Koffel	Talcott

Messrs.—  
Davis  
Duis  
Gilbert

Messrs.—  
LaMoure  
Movius  
Purcell

Messrs.—  
Turner  
Wallin  
Walton

Those who voted in the negative were:

Messrs.—  
Anderson  
Baker  
Gronvold  
Johnson  
Kennedy  
Martin  
McLean

Messrs.—  
Neal  
Overson  
Palmer  
Pierce  
Plain  
Ramsett  
Rice

Messrs.—  
Simpson  
Stevens  
Syvertson  
Trimble  
Welch  
Whitcher

Absent and not voting:

Messrs.—  
Holliday  
Leutz

Messrs.—  
Macdonald  
McArthur

Messrs.—  
Steel, of Stutsman  
Welo

### VERIFICATION DEMANDED.

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 42, nays 3, absent and not voting 2.

Those who voted in the affirmative were:

Messrs.—  
Albright  
Anderson  
Baker  
Bessesen  
Cashel  
Crane  
Davis  
Duis  
Gilbert  
Gronvold  
Gunderson  
Irwin  
Johnson  
Kelly

Messrs.—  
Koffel  
LaMoure  
Leutz  
Martin  
Macdonald  
McLean  
Movius  
Neal  
Overson  
Palmer  
Pierce  
Plain  
Purcell  
Ramsett

Messrs.—  
Rice  
Steel, of Stutsman  
Sharpe  
Simpson  
Steele of Ward  
Strom  
Syvertson  
Talcott  
Trimble  
Turner  
Wallin  
Walton  
Welch  
Whitcher

Those who voted in the negative were :

Messrs.—	Messrs.—	Messrs.—
Holliday	Kennedy	Stevens

Absent and not voting Messrs. McArthur and Welo.  
So the bill passed and the title was agreed to.

### MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,  
BISMARCK, NORTH DAKOTA,  
March 4, 1909.

Mr. President:

I have the honor to return herewith:

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. 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. 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.

Which the house has passed unchanged.

Very respectfully,

W. D. AUSTIN,  
Chief Clerk.

Mr. Simpson moved

That the vote by which all house bills passed be reconsidered and that motion lie on the table.

Which motion prevailed.

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 43, nays 1, absent and not voting, 3.

Those who voted in the affirmative were:

Messrs.—

Albright  
Anderson  
Baker  
Bessesen  
Cashel  
Crane  
Davis  
Duis  
Gilbert  
Gunderson  
Holliday  
Irwin  
Johnson  
Kelly  
Kennedy

Messrs.—

Koffel  
LaMoure  
Leutz  
Martin  
Macdonald  
McLean  
Movius  
Neal  
Overson  
Palmer  
Pierce  
Plain  
Purcell  
Ramsett

Messrs.—

Rice  
Sharpe  
Simpson  
Steel, of Stutsman  
Steele of Ward  
Stevens  
Strom  
Talcott  
Turner  
Wallin  
Walton  
Welch  
Weio  
Whitcher

Absent and not voting:

Messrs.—

McArthur

Messrs.—

Syvertson

Messrs.—

Trimble

Mr. Gronvold voting in the negative.

So the bill passed and the title was agreed to.

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 43, nays 0, absent and not voting 4.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Koffel	Rice
Anderson	LaMoure	Simpson
Baker	Leutz	Sharpe
Bessesen	Martin	Steel, of Stutsman
Cashel	Macdonald	Stevens
Crane	McLean	Strom
Davis	Movius	Talcott
Duis	Neal	Trimble
Gilbert	Overson	Turner
Gunderson	Palmer	Wallin
Holliday	Pierce	Walton
Irwin	Plain	Welch
Johnson	Purcell	Welo
Kelly	Ramsett	Whitcher
Kennedy		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Gronvold	Steele of Ward	Syverson
McArthur		

So the bill passed and the title was agreed to.

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 41, nays 0, absent and not voting 6.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Kennedy	Sharpe
Anderson	Koffel	Simpson

Messrs.—	Messrs.—	Messrs.—
Baker	Leutz	Steel, of Stutsman
Bessesen	Martin	Stevens
Cashel	Macdonald	Strom
Crane	McLean	Talcott
Davis	Movius	Trimble
Duis	Neal	Turner
Gilbert	Overson	Wallin
Gronvold	Pierce	Walton
Gunderson	Plain	Welch
Holliday	Purcell	Welo
Irwin	Ramsett	Whitcher
Kelly	Rice	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Johnson	McArthur	Steele of Ward
LaMoure	Palmer	Syverson

So the bill passed and the title was agreed to.

Mr. Koffel 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.

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 40, nays 0, absent, and not voting 7.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Koffel	Rice
Anderson	LaMoure	Sharpe
Baker	Leutz	Simpson
Besseser	Martin	Steel, of Stutsman
Cashel	McLean	Stevens
Crane	Movius	Strom
Davis	Neal	Syverson
Duis	Overson	Trimble
Gilbert	Palmer	Turner
Gunderson	Pierce	Wallin
Holliday	Plain	Walton

Messrs.—	Messrs.—	Messrs.—
Irwin	Purcell	Welo
Kelly	Ramsett	Whitcher
Kennedy		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Gronvold	McArthur	Talcott
Johnson	Steele of Ward	Welch
Macdonald		

So the bill passed and the title was agreed to.

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 39, nays 1, absent and not voting 7.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Kelly	Purcell
Anderson	Kennedy	Ramsett
Baker	Koffel	Rice
Bessesen	LaMoure	Simpson
Cashel	Leutz	Steel, of Stutsman
Crane	Martin	Stevens
Davis	McLean	Syvertson
Duis	Movius	Talcott
Gilbert	Neal	Trimble
Gronvold	Overson	Turner
Gunderson	Palmer	Wallin
Holliday	Pierce	Walton
Irwin	Plain	Whitcher

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Johnson	Sharpe	Welch
Macdonald	Steele of Ward	Welo
McArthur		

Mr. Strom voting in the negative.

So the bill passed and the title was agreed to.

## 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 were ayes 26, nays 12, absent and not voting 9.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Irwin	Neal
Anderson	Kelly	Pierce
Baker	Kennedy	Simpson
Cashel	Koffel	Talcott
Crane	LaMoure	Trimble
Duis	Leutz	Turner
Gilbert	Martin	Wallin
Gunderson	McLean	Walton
Holliday	Movius	

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Bessesen	Palmer	Stevens
Davis	Plain	Strom
Gronvoid	Purcell	Syvertson
Overson	Ramsett	Whitcher

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Johnson	Rice	Steele of Ward
Macdonald	Sharpe	Welch
McArthur	Steel, of Stutsman	Welo

So the bill passed and the title was agreed to.

## 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 37, nays 5, absent and not voting 5.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Kelly	Purcell
Anderson	Kennedy	Ramsett
Baker	Koffel	Sharpe
Bessesen	LaMoure	Steel, of Stutsman
Cashel	Macdonald	Steele of Ward
Crane	McLean	Strom
Davis	Movius	Syvertson
Duis	Neal	Trimble
Gilbert	Overson	Turner
Gronvold	Palmer	Wallin
Irwin	Pierce	Walton
Holliday	Plain	Whitcher
Johnson		

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Gunderson	Martin	Stevens
Leutz	Simpson	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
McArthur	Talcott	Welo
Rice	Welch	

So the bill passed and the title was agreed to.

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 43, nays 0, absent and not voting 4.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Kennedy	Sharpe
Anderson	Koffel	Simpson

Messrs.—	Messrs.—	Messrs.—
Baker	LaMoure	Steel, of Stutsman
Bessesen	Leutz	Steele of Ward
Cashel	Martin	Stevens
Crane	McLean	Strom
Davis	Movius	Syvertson
Duis	Neal	Talcott
Gilbert	Overson	Trimble
Gronvold	Palmer	Turner
Gunderson	Pierce	Wallin
Holliday	Plain	Walton
Irwin	Purcell	Welch
Johnson	Ramsett	Whitcher
Kelly		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Macdonald	Rice	Welo
McArthur		

So the bill passed and the title was agreed to.

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 41, nays 0, absent and not voting 6.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Kelly	Ramsett
Anderson	Kennedy	Sharpe
Baker	Koffel	Simpson
Bessesen	LaMoure	Steel, of Stutsman
Cashel	Leutz	Steele of Ward
Crane	Martin	Stevens
Davis	Macdonald	Strom
Duis	McLean	Syvertson
Gilbert	Movius	Turner
Gronvold	Neal	Wallin
Gunderson	Overson	Walton
Holliday	Palmer	Welch

Messrs.—	Messrs.—	Messrs.—
Irwin	Plain	Whitcher
Johnson	Purcell	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
McArthur	Rice	Trimble
Pierce	Talcott	Welo

So the bill passed and the title was agreed to.

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 25, nays 18, absent and not voting 4.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Anderson	LaMoure	Sharpe
Baker	Leutz	Simpson
Cashel	Martin	Steel, of Stutsman
Davis	Macdonald	Talcott
Gilbert	Movius	Trimble
Gunderson	Neal	Walton
Holliday	Pierce	Welch
Kelly	Rice	Whitcher
Kennedy		

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Bessesen	Koffel	Stevens
Crane	Overson	Strom
Duis	Palmer	Syvertson
Gronvold	Plain	Turner
Irwin	Purcell	Wallin
Johnson	Steele of Ward	Welo

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Albright	McLean	Ramsett
McArthur		

Mr. Bessesen explained his vote.

So the bill passed and the title was agreed to, but the emergency clause was lost.

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 40, nays 0, absent and not voting 7.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Anderson	LaMoure	Sharpe
Baker	Leutz	Steel, of Stutsman
Bessesen	Martin	Steele of Ward
Cashel	Macdonald	Stevens
Crane	McLean	Strom
Duis	Movius	Syverson
Gilbert	Neal	Trimble
Gronvold	Overson	Turner
Gunderson	Palmer	Wallin
Holliday	Pierce	Walton
Irwin	Plain	Welch
Johnson	Purcell	Welo
Kennedy	Rice	Whitcher
Koffel		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Albright	McArthur	Simpson
Davis	Ramsett	Talcott
Kelly		

So the bill passed and the title was agreed to.

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 39, nays 2, absent and not voting 6.



Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Anderson	LaMoure	Simpson
Baker	Leutz	Steel, of Stutsman
Bessesen	Martin	Steele of Ward
Cashel	Macdonald	Stevens
Crane	McLean	Strom
Gilbert	Movius	Syvertson
Gronvold	Neal	Trimble
Gunderson	Overson	Turner
Holliday	Palmer	Wallin
Irwin	Plain	Walton
Johnson	Purcell	Welch
Kelly	Rice	Welo
Kennedy	Sharpe	Whitcher

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Albright	McArthur	Ramsett
Davis	Pierce	Talcott

Messrs. Duis and Koffel voting in the negative.

So the bill passed and the title was agreed to.

Mr. Simpson moved.

That the vote by which House Bill No. 202 was passed be reconsidered.

Which motion prevailed.

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 41, nays 0, absent and not voting 6.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Koffel	Simpson
Anderson	LaMoure	Steele of Ward
Baker	Leutz	Stevens
Bessesen	Martin	Strom
Cashel	Macdonald	Syvertson
Crane	McArthur	Talcott
Duis	McLean	Trimble
Gilbert	Movius	Turner

Messrs.—

Gronvold  
Gunderson  
Holliday  
Irwin  
Johnson  
Kennedy

Messrs.—

Neal  
Overson  
Palmer  
Plain  
Purcell  
Sharpe

Messrs.—

Wallin  
Walton  
Welch  
Welo  
Whitcher

Absent and not voting:

Messrs.—

Davis  
Kelly

Messrs.—

Pierce  
Ramsett

Messrs.—

Rice  
Steel, of Stutsman

So the bill passed and the title was agreed to.

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 44, nays 0, absent and not voting 3.

Those who voted in the affirmative were:

Messrs.—

Albright  
Anderson  
Baker  
Bessesen  
Cashel  
Crane  
Davis  
Duis  
Gronvold  
Gunderson  
Holliday  
Irwin  
Johnson  
Kelly  
Kennedy

Messrs.—

LaMoure  
Leutz  
Martin  
Macdonald  
McArthur  
McLean  
Movius  
Neal  
Overson  
Palmer  
Plain  
Purcell  
Ramsett  
Rice  
Sharpe

Messrs.—

Simpson  
Steel, of Stutsman  
Steele of Ward  
Stevens  
Strom  
Syvertson  
Talcott  
Trimble  
Turner  
Wallin  
Walton  
Welch  
Welo  
Whitcher

Absent and not voting:

Messrs.—

Gilbert

Messrs.—

Koffel

Messrs.—

Pierce

So the bill passed and the title was agreed to.

Mr. Movius moved

That House Bill No. 207 be indefinitely postponed.

Mr. Simpson moved

That House Bill No. 207 go over one day and take its place on the calendar.

Which motion prevailed.

Mr. LaMoure moved

That the Senate take a recess till 11 a. m. on Friday.

Which motion prevailed and the senate took a recess till 11 o'clock.

J. W. FOLEY,  
Secretary.

FIFTY-NINTH DAY AFTER RECESS  
AND  
SIXTIETH DAY

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SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,

March 5, 1909.

The senate convened at 11 o'clock pursuant to recess taken.

The president presiding.

Prayer by the chaplain.

Roll call.

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

Mr. President:

Your committee on enrolled and engrossed bills have examined

Senate Bill No. 4,

A bill for an act, 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. 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. 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. 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. 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. 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. 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. 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. 154,

A bill for an act to amend section 6710 of the revised codes of 1905, relating to holidays.

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. 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. 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.

Also,

Senate Bill No. 124,

A bill for an act to amend section 2005 of the revised code of 1905.

And find the same correctly enrolled.

THEODORE KOFFEL,  
Chairman.

The secretary announced that the president was about to sign

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. 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. 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. 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. 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. 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. 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. 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. 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. 154,**

A bill for an act to amend section 6710 of the revised codes of 1905, relating to holidays.

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. 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.



Also,

Senate Bill No. 124,

A bill for an act to amend section 2005 of the revised code of 1905.

And the president signed the same in the presence of the senate.

### MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,  
BISMARCK, NORTH DAKOTA,

March 5, 1909.

Mr. President:

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

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. LAXDAL, *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.

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

Also,

Mr. President:

I have the honor to inform you that the house has concurred in senate amendments to House Bills. Nos. 306, 90, 154, 165 and 374.

And passed the bills as amended.

Also,

Mr. President:

I have the honor to return herewith  
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. 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. 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. 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. 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 operation

ing terminal elevators, in the states of Minnesota and Wisconsin or either.

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. 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. 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. 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. 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.

Which the house has passed unchanged.

Also,

Mr. President:

I have the honor to return 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 house has 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 passed as amended.

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.

Which the house has 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 passed as amended.

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.

Which the house has 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 passed as amended.

Also,

Mr. President:

I have the honor to return herewith

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. 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. 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. 117,

A bill for an act to provide for instruction in military science at the state normal-industrial school, located at Ellendale.

Which the house has passed unchanged.

Also,

Mr. President:

I have the honor to return herewith

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.

Also,

Senate Bill No: 183,

A bill for an act prohibiting drinking of intoxicating liquors on railroad trains in North Dakota; prescribing peace officer.

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. 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. 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. 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. 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. 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. 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. 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. 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. 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. 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. 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.

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. 293

A bill for an act granting recognition to diplomas issued by first class high schools as teacher's diplomas.

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. 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. 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. 150,

A bill for an act to provide for the regulation of telephone phone and telegraph service.

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. 294,

A bill for an act to amend section 437 of the revised codes of North Dakota for the year 1905 relating to qualifications of deputies and clerks in state, county and municipal offices.

Which the house has indefinitely postponed.

Very respectfully,

W. D. AUSTIN,  
Chief Clerk.

Mr. Movius moved

That House Bill No. 207 be indefinitely postponed.

Which motion was lost.

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.

The roll was called and there were ayes 26, nays 15, absent and not voting 6.

Those who voted in the affirmative were:

Messrs.—

Bessesen  
Cashel  
Crane

Messrs.—

Koffel  
LaMoure  
Macdonald

Messrs.—

Steele of Ward  
Stevens  
Syvertson

Messrs.—	Messrs.—	Messrs.—
Davis	Neal	Talcott
Duis	Overson	Turner
Gilbert	Pierce	Wallin
Gunderson	Ramsett	Walton
Holliday	Rice	Whitcher
Kennedy	Steel, of Stutsman	

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Kelly	Plain
Anderson	Leutz	Sharpe
Gronvold	Martin	Strom
Irwin	McLean	Welch
Johnson	Movius	Welo

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Baker	Palmer	Simpson
McArthur	Purcell	Trimble

Mr. Strom explained his vote.

**So the bill passed and the title was agreed to.**

Mr. Cashel moved

That the rules be suspended and House Bill No. 351 be placed on 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 39, nays 0, absent and not voting 8.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Koffel	Purcell
Baker	LaMoure	Sharpe
Bessesen	Leutz	Simpson
Cashel	Martin	Steel, of Stutsman
Crane	Macdonald	Stevens
Davis	McArthur	Strom
Duis	McLean	Syverson
Gilbert	Movius	Talcott
Gronvold	Neal	Turner
Gunderson	Overson	Wallin
Irwin	Palmer	Walton
Johnson	Pierce	Welch
Kennedy	Plain	Whitcher

**Absent and not voting:**

Messrs.—  
**Anderson**  
**Holliday**  
**Kelly**

Messrs.—  
**Ramsett**  
**Rice**  
 ..Steele of Ward

Messrs.—  
**Trimble**  
**Welo**

**So the bill passed and the title was agreed to.**

Mr. Cashel 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.**

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

Mr. President:

Your committee on enrolled and engrossed bills have examined

**Senate Bill No. 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. 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. 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. 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. 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. 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. 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. 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. 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. 157,

A bill for an act to amend and re-enact section 822 of the revised codes of North Dakota for the year 1905.

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.

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. 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. 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.

And find the same correctly enrolled.

THEODORE KOFFEL,  
Chairman.

The secretary announced that the president 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. 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.

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. 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. 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. 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. 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. 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. 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. 157,

A bill for an act to amend and re-enact section 822 of the revised codes of North Dakota for the year 1905.

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. 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. 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.

And the president signed the same in the presence of the senate.

The secretary announced that the president was about to sign

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. 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. 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. 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. 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.

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. 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. 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 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. 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.

And the president signed the same in the presence of the senate.

#### MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,  
BISMARCK, NORTH DAKOTA,

March 5, 1909.

Mr. President:

I have the honor to inform you that the house has concurred in senate amendments to House Bills Nos. 205, 97 and 194.

And passed the bills as amended.

Also,

Mr. President:

I have the honor to return herewith  
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. 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. 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. 276,

A bill for an act to establish a legislative drafting bureau in connection with the legislative reference department of the state library commission.

Which the house has passed unchanged.

Also,

Mr. President:

I have the honor to return herewith

**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 house has 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 passed as amended.

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.

Which the house has 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 passed as amended.

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.

Which the house has 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 passed as amended.

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 house has 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 passed as amended.

Very respectfully,  
W. D. AUSTIN,  
Chief Clerk.

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 41, nays 0, absent and not voting 6.

Those who voted in the affirmative were:

Messrs.—

Albright  
Anderson  
Baker  
Bessesen

Messrs.—

Kelly  
Kennedy  
LaMoure  
Leutz

Messrs.—

Purcell  
Rice  
Sharpe  
Steel, of Stutsman

<b>Messrs.—</b>	<b>Messrs.—</b>	<b>Messrs.—</b>
Cashel	Martin	Steele of Ward
Crane	Macdonald	Stevens
Davis	McArthur	Strom
Duis	McLean	Syverson
Gilbert	Movius	Turner
Gronvold	Neal	Wallin
Gunderson	Overson	Walton
Holliday	Palmer	Welo
Irwin	Pierce	Whitcher
Johnson	Plain	

Absent and not voting:

<b>Messrs.—</b>	<b>Messrs.—</b>	<b>Messrs.—</b>
Koffel	Simpson	Trimble
Ramsett	Talcott	Welch

So the bill passed and the title was agreed to.

Mr. LaMoure moved

That the senate do now adjourn.

Which motion prevailed, and

The senate adjourned.

J. W. FOLEY,  
Secretary.



SIXTIETH DAY

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SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,

March 5, 1909.

The senate convened at two o'clock.

The president presiding.

Prayer by the chaplain.

Roll call.

All members present.

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

Mr. President:

Your committee on enrolled and engrossed bills have examined

Senate Bill No. 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. 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. 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. 225,

A bill for an act defining the tenth judicial district, and providing for terms of court therein.

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, as amended by chapter 205 of the session laws of North Dakota for 1907.

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.

And find the same correctly enrolled.

THEODORE KOFFEL,  
Chairman.

The secretary announced that the president was about to sign

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. 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. 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. 225,

A bill for an act defining the tenth judicial district, and providing for terms of court therein.

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, as amended by chapter 205 of the session laws of North Dakota for 1907.

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. 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.

And the president signed the same in the presence of the senate.

### REFERENCE OF THE JOURNAL.

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

Mr. President:

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

Page 17, line 12, after word "Dakota," insert "Agricultural." Make the same correction in line 15.

Page 22, line 29, after "6," insert "of title."

Page 42, line 8, change "274" to "374."

Page 58, line 22, change "Henry" to "Harry."

Page 65, line 34, change "Senate" to "House."

Page 88, after line 39, insert the following: "Those voting in the negative were Duis and Koffel."

And when so corrected recommend that the same be approved.

C. D. RICE,  
Chairman.

Mr. Rice moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

### REPORTS OF STANDING COMMITTEES.

The committee on public printing made the following report:

Mr. President:

A majority 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.

CHRIST ALBRIGHT,  
Chairman.

Also,

Mr. President:

A minority 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.

G. S. TRIMBLE,  
HENRY McLEAN,  
F. M. WALTON,  
C. ALBRIGHT.

Mr. Trimble objected to the consideration of the report which went over one day.

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

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 the same under consideration and report the same without recommendation.

L. A. SIMPSON,  
Chairman.

Mr. Simpson moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Mr. Price objected to the consideration of the report on House Bill No. 38.

The committee on appropriations made the following report:

Mr. President:

Your committee on appropriations 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:

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 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 section three, four and five.

And when so amended recommend the same do pass.

JUDSON LaMOURE,  
Chairman.

Mr. LaMoure moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. President:

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.

JUDSON LaMOURE,  
Chairman.

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

Also,

Mr. President:

Your committee on appropriations 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 appropriat-

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

JUDSON LaMOURE,  
Chairman.

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

#### MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,  
BISMARCK, NORTH DAKOTA,

March 5, 1909.

Mr. President:

I have the honor to return herewith:

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. 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. 331,

A bill for an act defining the crime of indecent assault, and prescribing the punishment therefor.

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. 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. 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. 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.

Which the house has indefinitely postponed.

Very respectfully,

W. D. AUSTIN,  
Chief Clerk.



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**REPORTS OF STANDING COMMITTEES.**

The committee on appropriations made the following report:

Mr. President:

Your committee on appropriations to whom was referred House Bill No. 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.

JUDSON LaMOURE,  
Chairman.

Mr. LaMoure moved

That the report be adopted

Which motion prevailed, and

The report of the committee was adopted.

The committee on banks and banking made the following report:

Mr. President:

Your committee on banks and banking to whom was referred

Senate Bill No. 80,

A bill for an act to amend section No. 4657 of the revised code of 1905, relating to the limitations of loans to one concern.

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

ED. PIERCE,  
Chairman.

Mr. Pierce moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. President:

Your committee on banks and banking to whom was referred

Senate Bill No. 312.

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 do pass.

ED. PIERCE,  
Chairman,

Mr. Pierce moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. President:

Your committee on banks and banking to whom was referred

Senate Bill No. 52,

A bill for an act creating a state banking board, establishing a depositors' guarantee fund to insure depositors against loss when the bank becomes insolvent, prescribing the qualifications of officers and directors, fixing the salary of bank commissioner and his assistants and providing for more frequent examination, fixing penalty for embezzlement, limiting the amount of the bank funds that can be loaned to any one person, corporation or firm; declaring an emergency.

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

ED. PIERCE,  
Chairman.

Mr. Pierce moved

That the report be adopted

Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. President:

Your committee on banks and banking to whom was referred

Senate Bill No. 3,

A bill for an act to provide for the protection of depositors in banking corporations.

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

ED. PIERCE,  
Chairman.

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

Also,

Mr. President:

Your committee on banks and banking to whom was referred

Senate Bill No. 36,

An act amending chapter 92 of the session laws of 1907 relating to county funds.

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

ED. PIERCE,  
Chairman.

Mr. Pierce 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. President:

Your committee on immigration to whom was referred  
Senate Bill No. 230,

A bill for an act to amend section 131 of the revised codes of North Dakota for 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 indefinitely postponed.

H. H. STEELE,  
Chairman.

Mr. Steele moved  
That the report be adopted.  
Which motion prevailed, and  
The further consideration of the bill was indefinitely postponed.

The committee on game and fish made the following report:

Mr. President:

Your committee on game and fish to whom was referred Senate Bill No. 315.

A bill for an act to protect the game birds known as prairie chicken or grouse until January 1st, 1911, and to provide penalties for the violation thereof.

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

THEO. KOFFEL,  
Chairman.

Mr. Koffel moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on railroads made the following report:

Mr. President:

Your committee on railroads to whom was referred Senate Bill No. 115,

A bill for an act amending and re-enacting section 4267 of the revised codes of 1905.

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

E. F. GILBERT,  
Chairman.

Mr. Gilbert moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. President:

Your committee on railroads to whom was referred Senate Bill No. 138,

A bill for an act, entitled "An act concerning railroads and to better protect the lives 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 do pass.

E. F. GILBERT,  
Chairman.

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

Also,

Mr. President:

Your committee on railroads to whom was referred:  
 Senate Bill No. 178,

A bill for an act to prohibit the granting to or use by any person of any free pass, frank or special privilege withheld from any other person, and to fix the penalty for the violation thereof.

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

That Senate Bill No. 178 be amended as follows, to-wit: Strike out "all thereof" after the enacting clause and in place thereof insert the following, to-wit:

Section 1. It shall be unlawful for any person, association, co-partnership, corporation, railroad, common carrier or any representative thereof, to offer, give or in any manner furnish to any person, either for himself or another, any free pass or frank, or any special privilege or reduction in rate withheld from any other person for the traveling accommodation or transportation of any person or property or the transmission of any message or communication, except to persons included within the classes hereinafter designated and limited, and it shall also be unlawful for any person or persons not included within the classes hereinafter excepted and limited, to solicit, receive or accept either for himself or another from any person, association, co-partnership, corporation, railroad or common carrier, for use in any manner or for any purposes any free pass or frank or special privilege withheld from any person for the traveling accommodation or transportation of any person or property or the transmission of any message or communication; provided, however, that nothing contained in this act shall be construed to prohibit or make unlawful the issuing or giving of any such free ticket, free pass, or free transportation to any person or persons within the classes hereinafter excepted or limited or the acceptance or use of the same by persons within such classes, that is to say, officers, bona fide agents, surgeons, physicians, attorneys and employes of such railroads or other companies or persons affected by this act, *in good faith upon the pay roll* of such companies and dependent members of their families children under twelve years of age, ministers of religion, members of the state traveling agricultural educational institution and to include all people engaged in educational work when in discharge of their duties, persons connected with or in the employ of the government agricultural experiment station at Fargo, while traveling in the performance of their duties, persons exclusively engaged in charitable and eleemosynary work, indigent, destitute and homeless persons, and such persons when transported by charitable societies or hospitals or by public charity and necessary agents employed in such transportation, inmates of national homes or state homes for disabled volunteer soldiers, inmates of soldiers' and sailors' homes, including those entering and returning from such homes and boards of managers of such homes, postoffice inspectors, customs inspectors, and immigration inspectors; witnesses for said railroad companies attending any

legal investigation in which said company is interested; officials and linemen of the telegraph and telephone companies, if operated in connection with said common carriers; employes retired from service on account of age or because of disability sustained while in the service of said railway company, and the dependent members of their families, or the widows or dependent children of the employes killed while in the service of said railroad company; necessary caretakers of live stock, poultry, vegetables and fruit, including transportation to and from the point of delivery, employes on sleeping and express cars, railway mail service employes, newsboys on trains, baggage agents and persons injured in wrecks and physicians and nurses attending them; provided, that one trip pass for a discharged employe and his family may be issued for use within thirty days of such discharge. Provided, further, that the provisions of this act shall not be construed to prohibit and make unlawful the interchange of passes and express and other franks for the officers; bona fide agents, surgeons, physicians, attorneys and employes, *in good faith upon the pay rolls* of such companies, and the dependent members of their families, of any person or company affected by this act, not to prohibit any company affected by this act, from doing any of the things prohibited hereby free, with the object of providing relief in cases of general epidemic, pestilence or calamitous visitation. Provided, further, that the provisions of this act shall not be construed to prohibit or make unlawful the interchange of passenger transportation and message service between such railroad companies and telegraph companies; and provided, further, that the provisions of this act shall not be construed to prohibit or make unlawful the interchange between railroads, express, telephone and telegraph companies of the transportation of persons and property and the transmission of messages.

Provided, further, that the provisions of this act shall not be construed to, prohibit or make unlawful the free transportation of city policemen, firemen and mail carriers and postmen on the street railways of any cities of this state.

Provided, further, that the provisions of this act shall not be construed or make unlawful the granting of reduced home-seekers' rates or the granting of round trip excursion rates to any class of persons, provided, that all persons of that class shall be allowed equal privileges in respect to such home-seekers or excursion rates, but excursion rates shall not be allowed any person or any representatives of any political party to enable them to attend any political convention either as delegate or otherwise.

Sec. 2. The board of railroad commissioners and their secretary shall have the right of free transportation in the performance of their duties on all railroads and railroad trains, in this state and their experts or other agents whose service they may require shall likewise be transported free of charge, and the railroad companies doing business within this state shall furnish such free transportation upon demand of such board.

Sec. 3. No person and no officer, agent, officer or employe of any railroad, railroad corporation or common carrier, shall be excused from testifying or producing books and documents in his possession in relation to any violation of this act on the ground that such testimony, books or documents would tend to convict the person so testifying of the crime; but no person so testifying shall be liable to prosecution or punishment for any offense concerning which he has been required to testify or to produce books or documents.

Sec. 4. Any person, corporation or company or any officer or agent of such corporation or company violating any of the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding two hundred dollars or by imprisonment in the county jail for a period not exceeding ninety days.

And when so amended recommend the same do pass.

E. F. GILBERT,  
Chairman.

Mr. Gilbert moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. President:

Your committee on railroads to whom was referred:

Senate Bill No. 103,

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

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

E. F. GILBERT,  
Chairman.

Mr. Gilbert moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

The committee on appropriations made the following report:

Mr. President:

Your committee on appropriations to whom was referred House Bill No. 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 be amended as follows:

Change the figures in said bill to read "two thousand."

And when so amended recommend the same do pass.

JUDSON LaMOURE,  
Chairman.

Mr. LaMoure moved

That the report be adopted.

That the report be adopted

The report of the committee was adopted.

Mr. Movius objected to the consideration of the report which went over one day.

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**REPORT OF CONFERENCE COMMITTEE.**

The committee on conference made the following report:

Mr. President:

Your committee on conference to whom was referred

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,

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 Senate Bill 274 do pass the house and that House Bill 339 which has passed the house, be indefinitely postponed.

This action being taken on account of the two bills being identical.

GEO. E. DUIS, Chairman,  
MAYNARD CRANE,  
Senate Committee.

C. A. HALE,  
JOHN A. HONEY,  
House Committee.

Mr. Strom moved

That the minority report on House Bill 216 be adopted.

Which motion was lost.

**COMMUNICATION FROM THE SECRETARY OF STATE.**

Mr. Price moved

That it be the sense of the senate that the communication be read.

Which motion prevailed.



OFFICE OF SECRETARY OF STATE,  
BISMARCK, NORTH DAKOTA,

March 4, 1909.

*To the Members of the Eleventh Legislative Assembly:*

SIRS—I beg leave to correct and emphatically contradict certain statements made in the Report of the House Committee appointed to investigate various state offices, submitted the Speaker March 2, 1909. The Trustees of Public Property consists 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 either a statement of malicious prevarication or one of inexcusable ignorance.

It has been the custom to distribute a part of the orders for these kinds 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 an absurdity for any one "discovering" that the various State Boards have and probably will continue patronizing various local Bismarck concerns with which there is a possibility of a state official employee 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, and apparently only submitted for purposes of casting discredit. I am not passing on the questionability of office deputies and employees 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 studied method in endeavoring to discredit the Secretary of State by fixing upon him entire responsibility of the Trustees of Public Property for supplies authorized by said Trustees, and yet the committee is forced to admit 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 record of legislative and state supplies left in my department and can inform any *member* what the various departments 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 and misleading. 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 and entirely misleading and so intended. 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.

The entire report is, as I well know, instigated and practically prepared by Messrs. Packard and Ployhar of the Valley City Times-Record, whose enmity I have incurred solely through my constant refusal to allow that paper to dictate my political and official affairs, and owing further to my constant refusal to repeated oral and written requests made for both money and public printing. On the part of that paper I have been subjected to repeated attempts of extortion and blackmail, as defined by statute, ever since January, 1907, when I took my oath of office.

At a very late date was this resolution calling for an investigation of various state offices made, and purposely for so I am well aware. No attempt has been made to examine any other office by the committee, and there is not the faintest shadow of a doubt in my mind that anything else was ever intended, nor was a bona fide investigation of my office ever intended, except so much as would serve the purpose for slandering a state official on the records of the last days' sessions of the House Journal. 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. I believe there are many honorable men in the assembly who will not countenance the use of your representative body for the purposes of gratifying personal grudges and for slandering a state official the last few days of the session, when it is too late to make suitable answer, and when it is a patent fact that not even a semi bona fide investigation could possibly have been made or for that matter ever contemplated. But these investigations could have been very easily accomplished if good faith had been used and a committee had been appointed earlier in the session.

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 bills 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 and if not protected by legislative privilege, grossly and criminally libelous.

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 20, 1908:

System of keeping records and accounts, (Good).  
Clerical work on books (Good)."

If this reply of mine of the eleventh hour is considered late, what is to be considered of the slanderous report spread on the records of the House Journal of March 2nd, with no opportunity given me to officially refute the same save as herewith expressed?

Respectfully submitted,

ALFRED BLAISDELL,  
Secretary of State.

The president of the senate presented the following communication:

#### CHAPTER . . . .

##### *Senate Joint Resolution No. 13.*

Whereas, Under the National Food and Drugs Act of June 30th, 1906, known as the "Pure Food Law", a decision was rendered by the department of agriculture designated as "Food Inspection Decision, No. 76", limiting the amount of sulphur dioxid in dried fruit for interstate shipment to 35-1000 of 1 per cent, and

Whereas, it was found impossible on the part of the California growers and shippers of dried fruit to produce a sound and merchantable product for such interstate shipment and keep the same within the requirements of said food inspection decision, and

Whereas, said sulphured dried fruits, such as peaches, pears, apricots and apples, have for many years been prepared by this method (known as sulphuring) without injury to the product or to the consumer and the most eminent scientists and medical authorities have declared such sulphured fruit to be non-injurious and healthful, and

Whereas, the president of the United States has appointed a national commission composed of eminent scientific men to investigate and report on this question and pending such report, said Food Inspection Decision, No. 76, stands suspended, and

Whereas, there is pending and to be introduced in the legislatures now in session and to convene in other states, a bill prepared by the association of state and national food and dairy departments, which bill, should it become a law in any state, would prohibit the sale therein of any food product containing sulphur dioxid; now, therefore, be it

Resolved by the senate and assembly jointly, that it is believed that such an enactment passed in any state at this time is unnecessary and premature and that the result of the adoption of such law would work an incalculable hard-

ship upon and be an injustice to the dried fruit industry of California and the trade of the United States and that such legislation should at least be deferred until the said national referee commission shall have rendered its report, and be it further

Resolved, That copies of this resolution be forthwith transmitted to the governors and legislative bodies of all states where the legislatures are now in session or about to convene, asking their earnest consideration lest they—before a full hearing and decision is rendered—impair and destroy an industry that supports and sustains hundreds of thousands of persons in every portion of the United States.

W. R. PORTER, President of the Senate,  
P. A. STANTON, Speaker of the Assembly,

Attest:

C. F. CURRY, Secretary of State.

Mr. Talcott moved

That the vote by which House Bill 283 was indefinitely postponed be reconsidered.

Mr. McArthur moved a call of the senate.

Mr. LaMoure moved

That further proceedings under the call be dispensed with.

Which motion prevailed.

Mr. McArthur moved that the vote by which House Bill No. 283 passed be reconsidered and the reconsideration lie on the table.

Roll call demanded.

The question being on the motion;

The roll was called and there were ayes 20, nays 27, absent and not voting 0.

Those who voted in the affirmative were:

Messrs.—

Crane  
Davis  
Duis  
Gunderson  
Holliday  
Irwin  
Johnson

Messrs.—

Kelly  
Koffel  
Leutz  
Martin  
Macdonald  
McArthur  
Purcell

Messrs.—

Simpson  
Steele of Ward  
Syvertson  
Turner  
Welch  
Whitcher

Those who voted in the negative were:

Messrs.—

Albright  
Anderson

Messrs.—

McLean  
Movius

Messrs.—

Sharpe  
Steel, of Stutsman

Messrs.—	Messrs.—	Messrs.—
Baker	Neal	Stevens
Bessesen	Overson	Strom
Cashel	Palmer	Talcott
Gilbert	Pierce	Trimble
Gronvold	Plain	Wallin
Kennedy	Ramsett	Walton
LaMoure	Rice	Welo

Which motion was lost, and

The original motion to reconsider prevailed.

Mr. Crane moved

That the senate do now go into executive session.

Which motion prevailed.

### OPEN SESSION.

In open session announcement was made of the confirmation of the following executive nominations:

For trustees of agricultural college: Frank Sanford, Rogers; Hon. L. A. Ueland, LaMoure; Arian Bowen, Mohall.

For trustees of University of North Dakota:

Tracy R. Bangs of Grand Forks; E. K. Spoonheim of Northwood; Victor Wardrobe of Leeds; N. C. Young of Fargo; H. T. Helgeson of Meeton.

For trustee of the school of forestry at Bottineau: M. H. O'Hara, Kenmare.

For trustees of the manual training school at Ellendale: E. L. Walker, Ellendale; Ebenezer Magoffin, Monage; Herman Landbloom, Fargo.

For trustee of the Valley City Normal, Hugh McDonald, Valley City.

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

Mr. President:

Your committee on enrolled and engrossed bills have examined

Senate Bill No. 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. 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. 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. 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.

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. 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.

And find the same correctly enrolled.

**THEODORE KOFFEL,**  
Chairman.

The secretary announced that the president was about to sign

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. 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. 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. 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.

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. 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.

And the president signed the same in the presence of the senate.

The secretary announced that the president was about to sign

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. 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 pen-

itentiary; 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. 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 the president signed the same in the presence of the senate.

#### MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,  
BISMARCK, NORTH DAKOTA,

March 5, 1909.

Mr. President:

I have the honor to return herewith

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. 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.

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. 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. 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. 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. 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. 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. 202,

A bill for an act fixing the salary of the clerk of the supreme court.

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.

Which the house has passed unchanged.

Very respectfully,

W. D. AUSTIN,  
Chief Clerk.

Mr. McArthur moved

That House Bill No. 283 be amended as follows:

On page two, line 21 after the word "therefore" insert the following: "a petition signed by the applicant and sixty per cent of the reputable freeholders, having the qualifications of electors of the town, village, township or ward of any city, and fifty per cent of the reputable women having the necessary qualifications of electors at school elections in the town, village, township or ward of any city wherein such business is located. All petitions shall set forth:"

Mr. McArthur moved

That the amendment be adopted.

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.

The question being on the final passage of the bill.

The roll was called and there were ayes 26, nays 20, absent and not voting 1.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	LaMoure	Rice
Anderson	McLean	Sharpe
Baker	Movius	Steel, of Stutsman
Bessesen	Neal	Strom
Cashel	Overson	Talcott
Crane	Palmer	Trimble
Gilbert	Pierce	Wallin
Gronvold	Plain	Walton
Kennedy	Ramsett	

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Davis	Koffel	Steele of Ward
Duis	Leutz	Stevens
Gunderson	Martin	Syverson
Holliday	Macdonald	Turner
Irwin	McArthur	Welo
Johnson	Purcell	Whitcher
Kelly	Simpson	

Mr. Stevens explained his vote.

Mr. Welch being absent and not voting.

So the bill passed and the title was agreed to.

Mr. LaMoure 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.

Mr. Koffel moved

That the Senate do now concur in the House amendments to Senate Bill No. 114.

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 as amended by the house.

The roll was called and there were ayes 41, nays 0, absent and not voting 6.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Koffel	Rice
Anderson	LaMoure	Sharpe
Baker	Leutz	Steel, of Stutsman
Bessesen	Martin	Steele of Ward
Cashel	Macdonald	Stevens

Messrs.—	Messrs.—	Messrs.—
Crane	McArthur	Strom
Duis	McLean	Syverson
Gilbert	Movius	Talcott
Gronvold	Neal	Turner
Gunderson	Overson	Wallin
Holliday	Palmer	Walton
Irwin	Pierce	Welo
Johnson	Plain	Whitcher
Kennedy	Ramsett	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Davis	Purcell	Trimble
Kelly	Simpson	Welch

So the house amendments were concurred in.

Mr. Koffel moved that the senate do not concur in Senate Bill No. 283, and that a committee of conference be appointed.

Which motion prevailed

Mr. Price moved

That House Bill No. 327 be placed on third reading and final passage.

Which motion prevailed.

Mr. LaMoure moved

That House Bill No. 348 be placed on its third reading and final passage under suspension of the rules.

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 him 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 39, nays 2, absent and not voting 6.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Johnson	Rice
Anderson	Kelly	Sharpe
Baker	Kennedy	Steel, of Stutsman
Bessesen	Koffel	Steele of Ward
Cashel	LaMoure	Stevens
Crane	Leutz	Strom
Davis	Macdonald	Syverson
Duis	Movius	Talcott
Gilbert	Neal	Turner
Gronvold	Overson	Wallin

Messrs.—	Messrs.—	Messrs.—
Gunderson	Palmer	Walton
Holliday	Pierce	Welch
Irwin	Ramsett	Whitcher

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Martin	Purcell	Trimble
McArthur	Simpson	Welo

Messrs. McLean and Plain voting in the negative.

**So the bill passed and the title was agreed to.**

Mr. Talcott 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.**

Mr. McArthur moved

That the senate do now concur in the house amendments to Senate Bill No. 205.

**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.

The question being on the final passage of the bill as amended by the house.

The roll was called and there were ayes 43, nays 0, absent and not voting 4.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	LaMoure	Sharpe
Anderson	Leutz	Simpson
Baker	Macdonald	Steel, of Stutsman
Cashel	McArthur	Steele of Ward
Crane	McLean	Stevens
Davis	Movius	Strom
Duis	Neal	Syverson
Gilbert	Overson	Talcott
Gunderson	Palmer	Turner
Holliday	Pierce	Wallin
Irwin	Plain	Walton
Johnson	Purcell	Welch
Kelly	Ramsett	Welo
Kennedy	Rice	Whitcher
Koffel		

**Absent and not voting:**

Messrs.—

Bessesen  
Gronvold

Messrs.—

Martin

Messrs.—

Trimble

So the house amendments were concurred in.

Mr. Welch moved

That the senate do now concur in the house amendments to Senate Bill No. 290.

Which motion prevailed.

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 as amended by the house.

The roll was called and there were ayes 40, nays 0, absent and not voting 7.

Those who voted in the affirmative were:

Messrs.—

Albright  
Anderson  
Baker  
Bessesen  
Cashel  
Crane  
Davis  
Duis  
Gilbert  
Gronvold  
Gunderson  
Holliday  
Kelly  
Kennedy

Messrs.—

Koffel  
LaMoure  
Leutz  
Martin  
Macdonald  
McArthur  
McLean  
Movius  
Neal  
Overson  
Palmer  
Pierce  
Plain

Messrs.—

Ramsett  
Rice  
Sharpe  
Simpson  
Strom  
Syvertson  
Talcott  
Turner  
Wallin  
Walton  
Welch  
Welo  
Whitcher**Absent and not voting:**

Messrs.—

Johnson  
Irwin  
Purcell

Messrs.—

Stevens  
Steel, of Stutsman

Messrs.—

Steele of Ward  
Trimble

So the house amendments were concurred in.

Mr. Wallin moved



That the senate do not concur in the house amendments to Senate Bill No. 220 and that a conference committee be appointed.

Which motion prevailed.

### MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,  
BISMARCK, NORTH DAKOTA,

March 5, 1909.

**Mr. President:**

I have the honor to return herewith  
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. 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. 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. 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. 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.

Which the house has passed unchanged.

Very respectfully,

W. D. AUSTIN.

Chief Clerk.

Mr. Leutz moved

That the senate do now concur in the house amendments to Senate Bill No. 340.

**Which motion prevailed.**

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 as amended by the house.

The roll was called and there were ayes 38, nays 0, absent and not voting 9.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Leutz	Steel, of Stutsman
Anderson	Martin	Steele of Ward
Baker	McArthur	Strom
Bessesen	McLean	Syverson
Cashel	Movius	Talcott
Crane	Neal	Trimble
Gronvold	Overson	Turner
Gunderson	Pierce	Wallin
Johnson	Plain	Walton
Kelly	Ramsett	Welch
Kennedy	Rice	Welo
Koffel	Sharpe	Whitcher
LaMoure	Simpson	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Davis	Holliday	Purcell
Duis	Irwin	Palmer
Gilbert	Macdonald	Stevens

So the house amendments were concurred in.

Mr. LaMoure moved

That House Bills No. 108 and 327 be placed upon its third reading and final passage.

**Which motion prevailed.**

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

**Mr. President:**

Your committee on enrolled and engrossed bills have examined

Senate Bill No. 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. 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. 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. 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.

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.

And find the same correctly enrolled.

THEODORE KOFFEL,  
Chairman.

The secretary announced that the president was about to sign

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. 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. 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. 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. 278,

A bill for an act, entitled an act to amend section 9758 of the state of North Dakota, relating to preliminary examinations.

And the president signed the same in the presence of the senate.

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 27, nays 2, absent and not voting 18.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Martin	Rice
Baker	McArthur	Steel, of Stutsman
Bessesen	McLean	Steele of Ward
Crane	Neal	Stevens
Gunderson	Overson	Syvertson
Holliday	Palmer	Trimble
Irwin	Pierce	Turner
Kelly	Plain	Wallin
Leutz	Ramsett	Walton

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Anderson	Johnson	Sharpe
Cashel	Kennedy	Simpson
Davis	LaMoure	Talcott
Duis	Macdonald	Welch
Gilbert	Movius	Welo
Gronvold	Purcell	Whitcher

Messrs. Koffel and Strom voting in the negative.

So the bill passed and the title was agreed to.

But the emergency clause was lost.

Mr. Crane moved

That the vote by which House Bill No. 108 passed be re-ed, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

The president named as conference committee on Senate Bill No. 283, Messrs. Koffel, Purcell and Bessesen.

On Senate Bill No. 220, Messrs. Neil, Gilbert and Wallin.

## REPORT OF STANDING COMMITTEES

The committee on highways, bridges and ferries made the following report:

Mr. President:

Your committee on highways, bridges and ferries to whom was referred

House Bill No. 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.

Have had the same under consideration and submit the same without recommendation.

T. WELO,  
Chairman.

Mr. Welo moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Also,

Mr. President:

Your committee on highways, bridges and ferries 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 corporations.

Also,

Senate Bill No. 139,

A bill for an act 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 holder 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 restriction on road inspector and expenditure of road tax funds.

Also,

Senate Bill No. 306.

A bill for an act to amend section 1438 of the revised code of 1905 of the state of North Dakota relating to compensation of overseers of highways.

Have had the same under consideration and submit the same without recommendation.

T. WELO,  
Chairman.

Mr. Welo moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

Mr. Talcott in the chair.

### MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,  
BISMARCK, NORTH DAKOTA,

March 5, 1909.

Mr. President:

I have the honor to inform you that the speaker has appointed as house members of conference committee on Senate Bill No. 220, Messrs. Kneeland, Chatfield and Baker of Cass.

On Senate Bill No. 283 Messrs. Anderson, Nyhus and McLearn.

Also,

Mr. President:

I have the honor to return herewith

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. 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. 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. 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.

Which the house has passed unchanged.

Also,

Mr. President:

I have the honor to inform you that the house declines to concur in the senate amendments to House Bill No. 108 and asks for a committee of conference, and the speaker has named as such conferees on the part of the house, Messrs. Sorlie, Wolbert and Garden.

Very respectfully,

W. D. AUSTIN,  
Chief Clerk.



Mr. Crane moved that a conference committee be named on House Bill No. 108.

Which motion prevailed.

The president named as conference committee on House Bill No. 108 Messrs. Crane, Koffel and Kennedy.

### MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,  
BISMARCK, NORTH DAKOTA,

March 5, 1909.

Mr. President:

I have the honor to return 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.

Which the house has 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 railroads.

And passed as amended.

Also,

Senate Bill No. 329,

A bill for an act defining a prostitute, and prescribing the punishment therefor.

Which the house has amended as follows:

Strike out after the word "ill fame" in line 3 of the engrossed bill: all of lines 3, 4 and all of line 5 prior to the word "or".

And passed as amended.

Very respectfully,

W. D. AUSTIN,  
Chief Clerk.

The secretary announced that the president was about to sign

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.

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.

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. 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.

And the president signed the same in the presence of the senate.

### MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,  
BISMARCK, NORTH DAKOTA,

March 5, 1909.

Mr. President:

I have the honor to return herewith

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. 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. 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. 330,

A bill for an act defining the crime of fornication, and prescribing the punishment therefor.

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. 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.

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. 321,

A bill for an act to amend section 4464 of the revised codes of North Dakota for 1905.

Which the house has indefinitely postponed.

Very respectfully,

W. D. AUSTIN,

Chief Clerk.

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 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.

The roll was called and there were ayes 43, nays 0, absent and not voting 4.

## Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Koffel	Sharpe
Anderson	LaMoure	Steel, of Stutsman
Baker	Leutz	Steele of Ward
Bessesen	Martin	Stevens
Cashel	Macdonald	Strom
Crane	McLean	Syvertson
Duis	Movius	Talcott
Gilbert	Neal	Trimble
Gronvold	Overson	Turner
Gunderson	Palmer	Wallin
Holliday	Pierce	Walton
Irwin	Plain	Welch
Johnson	Ramsett	Welo
Kelly	Rice	Whitcher
Kennedy		

## Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Davis	Purcell	Simpson
McArthur		

So the bill passed and the title was agreed to.

Mr. LaMoure 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.

Mr. Gunderson moved

That House Bill No. 327 be amended as follows:

In line 3, page 1 of the printed bill, strike out the word "eleventh" and insert in lieu thereof the word "twelfth."

In line 11, page 1 of the printed bill, after the word respectfully, insert the words "From and after their confirmation by the senate of said 12th legislative assembly."

Mr. Gunderson moved

That the amendment be adopted.

Which motion prevailed, and

The amendment was adopted.

Mr. Price moved

That the bill (H. B. 327) be 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 figure 1909 and insert 1911. Also strike out the emergency clause.

Mr. Pierce moved

That the amendment be adopted.

Which motion prevailed, and  
The amendment was adopted.

### REPORT OF CONFERENCE COMMITTEE.

Mr. President:

Your joint conference committee appointed by the senate and house to confer upon Senate Bill No. 220 beg leave to report as follows.

We recommend that the bill pass as amended by the house.

E. S. NEAL,  
E. F. GILBERT,  
F. G. KNEELAND,  
T. BAKER Jr.,  
MARK M. CHATFIELD.

The question being on the report of the conference committee.

The roll was called and there were ayes 37, nays 5, absent and not voting 5.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	LaMoure	Ramsett
Anderson	Leutz	Rice
Baker	Martin	Sharpe
Bessesen	Macdonald	Steel, of Stutsman
Cashel	McLean	Stevens
Gilbert	Movius	Strom
Gronvold	Neal	Talcott
Gunderson	Overson	Trimble
Holliday	Palmer	Walton
Irwin	Pierce	Welch
Johnson	Plain	Welo
Kelly	Purcell	Whitche:
Koffel		

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Duis	Syverson	Wallin
Kennedy	Turner	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Crane	McArthur	Steele of Ward
Davis	Simpson	

So the report was adopted.

Mr. Pierce moved

That the senate do now concur in the house amendments to Senate Bill No. 339.

Which motion prevailed.

## 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 as amended by the house;

The roll was called and there were ayes 40, nays 0, absent and not voting 7.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	LaMoure	Steel, of Stutsman
Anderson	Leutz	Steele of Ward
Baker	Martin	Stevens
Bessesen	McLean	Strom
Cashel	Movius	Syverson
Duis	Neal	Talcott
Gilbert	Overson	Trimble
Gronvold	Palmer	Turner
Gunderson	Pierce	Wallin
Holliday	Plain	Walton
Irwin	Ramsett	Welch
Johnson	Rice	Welo
Kelly	Sharpe	Whitcher
Kennedy		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Crane	McArthur	Purcell
Davis	Koffel	Simpson
Macdonald		

So the house amendments were concurred in.

Mr. Strom moved that House Bill 117 be placed on third reading and final passage.

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 36, nays 3, absent and not voting 8.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Anderson	Kennedy	Sharpe
Baker	Koffel	Steele of Ward
Bessesen	LaMoure	Stevens
Cashel	Macdonald	Strom
Crane	McLean	Syverson
Duis	Neal	Talcott
Gilbert	Overson	Turner
Gronvold	Palmer	Wallin
Gunderson	Pierce	Walton
Irwin	Plain	Welch
Johnson	Ramsett	Welo
Kelly	Rice	Whitcher

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Martin	Movius

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Davis	McArthur	Steel, of Stutsman
Holliday	Purcell	Trimble
Leutz	Simpson	

So the bill passed and the title was agreed to.

Mr. Strom 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.

#### MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,  
BISMARCK, NORTH DAKOTA,

March 5, 1909.

Mr. President:

I have the honor to return herewith  
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. 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. 187,

A bill for an act to amend section 4429 of the revised codes of 1905, relating to the capital stock of insurance companies.

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. 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 house has failed to pass.

Very respectfully,

W. D. AUSTIN,

Chief Clerk.

## MOTIONS AND RESOLUTIONS.

Mr. Gunderson presented the following:

*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.

Mr. Gunderson moved

That the resolution be adopted.

Which motion prevailed, and

The resolution was adopted.

Mr. Gunderson introduced 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.

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

Mr. Overson introduced 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.

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

Mr. Overson introduced 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.

Mr. Overson moved

That the resolution be adopted.

Which motion prevailed, and

The resolution was adopted.

The following resolution was introduced by special committee appointed to investigate the office of the superintendent of schools.

WHEREAS, The senate heretofore appointed a committee to investigate the office of the State Superintendent of Public Instruction, and

WHEREAS, Said committee deemed it necessary to employ some one competent to check over the receipts and disbursements of said office, and

WHEREAS, Said committee employed William Moore of Bismarck to render such services as were directed by the committee in said investigation, and

WHEREAS, Said William Moore has rendered valuable and efficient services; therefore, be it

*Resolved*, By the Senate of the State of North Dakota that the said William Moore be allowed the sum of fifty dollars for such services, and the state auditor is hereby directed to issue his warrant for the same.

Mr. Crane moved

That the resolution be adopted.

Which motion prevailed, and

The resolution was adopted.

Mr. Rice moved

That whereas the senate committee on railroads, has had in its possession House Bill No. 76 the same being the White Anti-Pass bill for some time and whereas said committee has failed to make any report whatever upon said bill to this senate, and whereas this being the last day of this session and this bill will have to be reported this day in order to have the same acted upon, that it be the sense of this senate that the chairman of said senate railroad committee, be instructed to forthwith return said House Bill No. 76, to this senate.

Mr. LaMoure made a point of order.

Which was sustained.

Mr. Martin presented the following resolution:

*Resolved*, That Miss H. M. Barber, senate stenographer, be allowed salary from January 12th to January 18th, inclusive, at the rate of \$5.00 per day, amounting to \$35.00; the above being the number of days that Miss Barber was doing work for the senate members before her name appears on the Journal of the Senate having been elected. The President and Secretary of the Senate are hereby authorized to sign vouchers for the above named person for the amount herein specified.

Mr. Martin moved

That the resolution be adopted.

Which motion prevailed, and

The resolution was adopted.

Mr. Albright introduced the following concurrent resolution:

WHEREAS, E. M. Michellsohn and J. D. Gray were elected employees of the senate, but were not sworn in until after a recess; now, therefore, be it *Resolved*, That these employees be allowed full pay from the time upon which the Journal shows them to have been elected.

Mr. Albright moved

That the resolution be adopted.

Which motion prevailed, and

The resolution was adopted.

Mr. Bessesen offered the following resolution:

WHEREAS, The Hon. William H. Taft, on March 4, 1909, has been inaugurated as the President of the United States; be it therefore

*Resolved*, That the President of the Senate is hereby authorized and directed to appoint a committee of three to act with himself for the purpose of forthwith conveying by telegraphic dispatch, to the new President, William H. Taft, at Washington, D. C., the heartiest congratulations and happiest felicitations of this Senate, upon his said inauguration.

Mr. Bessesen moved

That the resolution be adopted.

Which motion prevailed, and

The resolution was adopted.

The president named Messrs. Kennedy, Bessesen and LaMoure.

Mr. Talcott moved

That House Bill No. 305 be placed on 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.

The question being on the final passage of the bill

The roll was called and there were ayes 39, nays 0, absent and not voting 8.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Kelly	Rice
Anderson	Kennedy	Sharpe
Baker	Koffel	Steele of Ward
Bessesen	LaMoure	Stevens
Cashel	Leutz	Strom
Crane	Martin	Syverson
Duis	McLean	Talcott
Gilbert	Movius	Trimble
Gronvold	Neal	Turner
Gunderson	Overson	Wallin
Holliday	Palmer	Walton
Irwin	Plain	Welch
Johnson	Ramsett	Whitcher

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Davis	Pierce	Steel, of Stutsman
Macdonald	Purcell	Welo
McArthur	Simpson	

So the bill passed and the title was agreed to.

Mr. Kennedy moved

That House Bill No. 379, 307 and 316 be placed on third reading and final passage.

Which motion prevailed.

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.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 31, nays 1, absent and not voting 15.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Johnson	Ramsett
Anderson	Kennedy	Rice
Baker	Koffel	Strom
Bessesen	Martin	Syverson
Cashel	Leutz	Talcott
Crane	McLean	Trimble
Gilbert	Neal	Turner
Gronvold	Overson	Walton
Gunderson	Palmer	Welch
Holliday	Plain	Whitcher
Irwin		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Davis	Movius	Steel, of Stutsman
Kelly	Pierce	Steele of Ward
LaMoure	Purcell	Stevens
Macdonald	Sharpe	Wallin
McArthur	Simpson	Welo

Mr. Duis voting in the negative.

So the bill passed and the title was agreed to.

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

**Mr. President:**

Your committee on enrolled and engrossed bills have examined

Senate Bill No. 202,

A bill for an act fixing the salary of the clerk of the supreme court.

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. 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 find the same correctly enrolled.

THEO. KOFFEL,  
Chairman.

The secretary announced that the president was about to sign

Senate Bill No. 202,

A bill for an act fixing the salary of the clerk of the supreme court.

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. 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 president signed the same in the presence of the senate.

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 35, nays 2, absent and not voting 10.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Kennedy	Ramsett
Anderson	Koffel	Rice
Baker	LaMoure	Sharpe
Cashel	Leutz	Steele of Ward
Crane	Martin	Stevens
Duis	McArthur	Talcott
Gilbert	McLean	Turner
Gronvold	Movius	Wallin
Gunderson	Neal	Walton
Irwin	Overson	Welch
Johnson	Palmer	Whitcher
Kelly	Plain	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Bessesen	Purcell	Syverson
Davis	Simpson	Trimble
Holliday	Steel, of Stutsman	Welo
Pierce		

Messrs. MacDonald and Strom voting in the negative.

Mr. Strom explained his vote.

So the bill passed and the title was agreed to.

Mr. MacDonald moved

That House Bill No. 316 be indefinitely postponed.

Which motion was lost.

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 25, nays 11, absent and not voting 11.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Kennedy	Palmer
Anderson	LaMoure	Sharpe
Baker	Leutz	Stevens
Bessesen	Martin	Syverson
Crane	McLean	Talcott
Duis	Movius	Wallin
Gunderson	Neal	Walton
Johnson	Overson	Welch
Kelly		



**Those who voted in the negative were:**

Messrs.—	Messrs.—	Messrs.—
Gronvold	Plain	Strom
Irwin	Rice	Turner
Macdonald	Steel, of Stutsman	Whitcher
McArthur	Steele of Ward	

**Absent and not voting:**

Messrs.—	Messrs.—	Messrs.—
Cashel	Koffel	Simpson
Davis	Pierce	Trimble
Gilbert	Purcell	Welo
Holliday	Ramsett	

So the bill passed and the title was agreed to.

Mr. Neal moved

That House Bill No. 157 and 158 be placed on third reading and final passage.

Which motion prevailed.

Mr. Crane moved

That the senate do now concur in the house amendments to Senate Bill No. 167.

Which motion prevailed.

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.

Was read the third time.

The question being on the final passage of the bill as amended by the house;

The roll was called and there were ayes 39, nays 0, absent and not voting 8.

**Those who voted in the affirmative were:**

Messrs.—	Messrs.—	Messrs.—
Albright	Leutz	Steel, of Stutsman
Anderson	Martin	Steele of Ward
Baker	McArthur	Stevens
Bessesen	McLean	Strom
Cashel	Movius	Syvertson
Crane	Neal	Talcott
Duis	Overson	Trimble
Gilbert	Palmer	Turner
Irwin	Plain	Wallin
Johnson	Purcell	Walton
Kelly	Ramsett	Welch
Kennedy	Rice	Welo
Koffel	Sharpe	Whitcher
LaMoure		

## Absent and not voting:

Messrs.—  
 Davis  
 Gronvold  
 Gunderson

Messrs.—  
 Holliday  
 Macdonald

Messrs.—  
 Pierce  
 Simpson

So the house amendments were concurred in.

Dated March 4th., 1909, Bismarck, N. D.

To William H. Taft, President,  
 Washington, D. C.

The Senate of the State of North Dakota now in session sends you heartiest congratulations upon your inauguration as president of the United States and best wishes for a successful administration.

R. S. LEWIS, President of the Senate,  
 JAMES KENNEDY,  
 JUDSON LaMOURE,  
 HENRY J. BESSESEN,

Senate Committee.

Mr. LaMoure moved  
 That the senate take a recess until 8 p. m.  
 Which motion prevailed.

## AFTER RECESS.

The senate convened.  
 The president presiding.

A sealed communication was received from the governor.

Mr. LaMoure moved  
 That the senate go into executive session.  
 Which motion prevailed.

In open session announcement was made of the confirmation of the following executive nominations.

E. W. Conny of Pembina, trustee of the Blind Asylum at Bathgate.

Library Board, A. Sheets, of Lakota and Mrs. Dr. Darrow, of Fargo.

Mr. Price offered the following resolution:

Resolved that a steering committee of the following senators be appointed, viz: Sharpe, Purcell, LaMoure, Koffel, Pierce, Talcott and Bessesen to whom all bills on the secretary's desk be at once referred.

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

## REPORT OF SPECIAL COMMITTEE.

Bismarck, N. D., March 5, 1909.

*To the Senate of the State of North Dakota:*

We, the undersigned, your special committee appointed by the president of the senate, under the directions of the senate, to investigate the office of the Superintendent of Public Instruction of the state of North Dakota, beg leave to report as follows:

That on the day of our appointment we organized and selected as our assistant for the purpose of going over the books and records in the superintendent's office, Prof. Wm. Moore of Bismarck, a gentleman familiar with matters pertaining to said office.

Pursuant to instructions from your committee, Mr. Moore has made and rendered to your committee a complete detail as to what the books kept in the superintendent's office show with reference to the receipt and disbursements on two principal points, viz., first: The fees received from county teachers' examinations, and second, the receipts from state certificates and disbursements thereof. From all the available records in said office we find that from the year 1903 to the year 1908, inclusive, there has been received in the office of the superintendent of public instruction from the county certificate fund the following sums, viz:

1903 .....	\$ 2,628.25
1904 .....	2,945.25
1905 .....	2,900.00
1906 .....	2,851.00
1907 .....	3,143.00
1908 .....	3,084.20
Total .....	\$ 17,551.60

This fee is paid into the state superintendent of public instruction's office by the various school teachers of the state before making application for a county certificate and is provided for in section 876 of the revised codes of 1905. At the time of making the application the fee of two dollars by each applicant is paid, one dollar of which by the respective county superintendents is transmitted to the state superintendent of public instruction to be used by the superintendent of public instruction "for such clerical assistance as he may deem necessary and competent for the reading of teachers' answer papers and work connected therewith."

We find no record of any moneys expended for clerical assistance in connection with the examination of such papers for the year 1903, excepting the sum of twenty-five dollars, paid to Fanny Dunning, Mr. Stockwell claims; that the same percentage was paid out by him for clerical assistance for that year, approximately, as in other years.

We find upon investigation from 1903 to 1908, inclusive, that the total expenditures necessary in the preparing of the examination papers for the teachers, in the reading of the papers transmitted containing the answers, and for express and postage, is about sixty-six per cent of the total amount received, and this is a liberal allowance for all necessary clerical work connected therewith, from which it will be seen the superintendent has received and kept for his own personal services under his construction

of the law, over and above all compensation allowed him by law in connection with the other duties of his office, the sum of \$5,882.83.

The several items received and disbursed by him in connection with said county teachers' examination fund appear in detail in the annexed statement, which is made a part of this report. Under section 872, revised codes 1905, as amended on page 145 of the laws of 1907, the superintendent of public instruction received a fee of \$5.00 from each applicant for a life professional certificate, a fee of \$3.00 for a state certificate; of the first or second class, and a fee of \$2.00 from each applicant for a special certificate, which moneys are turned over to him absolutely and by him are to be used "to aid in the establishment and maintenance of teachers' reading circles, and in the professionalizing of teaching in the state in such other ways as he may deem advisable."

From said fund for the years 1903 up to and including February 20th, 1909, inclusive, the state superintendent received the sum of \$6,043.20, and has expended \$5,504.09 and fees returned \$97.82, and has in his possession in cash \$441.29 belonging to said fund. The several items of receipt and expenditure are specifically set forth in the detailed report accompanying this report and made a part hereof. A reading of this law, section 872, revised codes of 1905, will impress the ordinary mind as providing various opportunities for the expenditure of state money without proper safeguards for its legitimate expenditure.

Your committee has asked of Supt. Stockwell and received from him, an explanation in writing, as to his construction of the laws under which he has been acting and his methods of disbursing several funds, which statement we append to this report. None of the fees collected by the state superintendent under the provisions of law above enumerated have ever at any time been covered into the state treasury, and no account to any officer of any of said fees has ever been made by the state superintendent.

Your committee is informed by the state superintendent that during his incumbency of the office for a period covering six years, no examination has ever been made of his office by the state examiners' department. Section 84 of the state constitution provides "All fees and profits arising from any state office shall be covered into the state treasury." Section 401 of the revised codes of 1905 provides that the state officers shall render a true account of all moneys received by him.

The superintendent of public instruction claims that, under sections 872 and 876, none of these fees received from the sources mentioned in these sections should be turned into the treasury, but are to be expended by him and under his direction and all fees not expended under section 876 belong to him individually as a part of his compensation for the additional work imposed on him by sections 869, 873, 874, 875 and 876.

As to whether or not the contention of the superintendent of public instruction is correct as to the fees covered by sections 872 and 876, we make no findings, as it is a question of the construction of these laws by the court.

Your committee has had it very forcibly impressed upon it that the laws of the state carrying out the constitutional provision contained in section 84, should require all moneys received by any public officer to be covered into the state treasury, and all funds therefrom to be disbursed subject to the instruction and approval of the state auditing board. Bills of this character were introduced and passed in the Senate during the present session, but have been indefinitely postponed in the House of Representatives, and we strongly recommend the enactment of such a law.

Your committee desire to state that the time at their disposition has been so meagre that we have been unable to further investigate the office and our investigation only covers the points which we have enumerated above, and we recommend that the governor call upon the state examiners' department to make a thorough investigation of this office covering all receipts and dis-

bursements, in connection with all its departments, concerning the office since statehood, and that the examiner make a detailed report of his examination to the governor. We suggest that this report be made as speedily as consistent with the other duties of the public examiner's office.

We do not believe it to be the policy of the law that state officers should receive any fees in connection with the duties of their office over and above the salary which the constitution and the law provides.

We cannot ascertain that any opinion from the attorney general's office has ever been required touching the distribution of the fees and moneys above referred to, and we recommend that the attorney general take such steps as may be necessary to thoroughly investigate the legal question as to the right of former and present states' superintendents to retain the fees, above those which are absolutely required to properly do the work placed upon the office by sections 872 and 876.

Your committee desire to express appreciation of the valuable services rendered by Supt. Stockwell and his assistants in an effort to get a detailed condition of affairs, and also to express appreciation for the apparent frankness of the present superintendent in presenting conditions to your committee, all of which is respectfully reported and we respectfully request that it be received and your committee discharged.

L. A. SIMPSON,  
J. E. DAVIS,  
W. E. PURCELL,  
Special Committee.

#### RECEIPTS FROM STATE CERTIFICATES.

1903 and 1904 .....	\$ 1,495.00
1905 and 1906 .....	1,756.00
1907 and 1908 .....	2,501.10
1909 to February 20 .....	291.10
Total .....	\$ 6,043.20

#### EXPENDITURES.

1903 and 1904 .....	\$ 1,421.82
1905 and 1906 .....	1,604.32
1907 and 1908 .....	2,295.00
1909 to February 20 .....	182.25
Total expenditures .....	\$ 5,504.09
Fees returned .....	97.82
Cash on hand and in bank .....	441.29
Total .....	\$ 6,043.20

#### RECEIPTS FROM STATE CERTIFICATES.

During 1903 and 1904 there were only two kinds of state certificates issued, namely, life professional and normal. The fee for each was \$5. I find from the records that there were 299 issued of both classes. The original applications are on file in chronological order, accompanied by the recommendations sent. The issuance of the certificate is recorded in volume A, entitled "A Record of State Certificates." The entries for 1903 and 1904 begin on page 32. The following then is the amount received as shown by and entered on this record and also by the cash book.

Life profession and normal certificates issued, 299 at \$5 ..... \$ 1,495.00

## EXPENDITURES, 1903 (From Ledger).

March 17—Expenses of reading circle meeting at Ellendale (no vouchers) .....	\$ 65.00
April 7—County Superintendent W. G. Crocker, Ransom county, for expenses to circle meeting (voucher) .....	15.50
April 7—M. W. Barnes, Valley City, same as above (voucher) .....	15.00
April 7—W. L. Stockwell, same as above (voucher) .....	15.00
June 29—St. Thomas Times, Grant Hager, printing (voucher) .....	125.00
August 17-19—Expenses of course of study committee at Bismarck (no voucher, check) .....	55.00
August 28—Mrs. Helen Stockwell, clerical work on course of study (no voucher, check) .....	50.00
September 30—St. Thomas Times, Grant Hager (voucher) .....	25.00
October 15—J. E. McCartney, institute conductor at Eddy county, extra compensation (no voucher) .....	25.00
October 15—Miss Ella Stout (same as last (no voucher) .....	25.00
October 15—Photographs for school exhibits at St. Louis Exposition (no voucher) .....	10.00
October 15—Florence Baldwin, expenses to Federation of Women's Clubs to present circulating library matters (no voucher, check) .....	16.50
November 3—E. J. Taylor, expenses to Fargo to meet with state superintendent and program committee of state educational association (no voucher, check) .....	16.50
December 29—Fee returned to applicant, Mrs. O'Boutelier .....	5.00
December 29—J. F. Hetler, county superintendent Trail county, expense for reading circle (no voucher, check) .....	6.00
December 29—W. L. Stockwell, traveling expenses (no voucher, check) .....	40.50
Total disbursements, 1903 .....	\$ 500.00

## EXPENDITURES, 1904 (From Ledger).

January 4—Fee returned to Mary Halpin .....	\$ 5.00
March 5—Webb Bros., pictures for superintendent's office (no bill or voucher, check) .....	20.80
March 5—C. B. Waldron, material furnished for special day bulletin (no voucher, check) .....	5.00
April 5—Hammerling Co., Pittsburg, Pa., historical matter for distribution among teachers and pupils (check for draft) .....	25.00
April 5—L. B. Fancher, county superintendent Ramsey county, reading circle meeting (expense voucher) .....	20.10
April 5—G. A. McFarland, Valley City, same as above (voucher) .....	11.75
April 5—M. W. Barnes, Valley City, same as above (voucher) .....	11.75
April 5—E. J. Taylor, expense from Bismarck to Fargo and return, reading circle (voucher) .....	17.00
April 5—W. L. Stockwell, Grafton to Fargo and return, expense reading circle (voucher) .....	20.00
April 5—E. J. Taylor, bank exchange on checks (voucher) ..	.20
April 21—E. J. Taylor, expense of attending called meeting of county superintendents (no voucher, check) .....	12.50
May 2—Beard Art & Stationery Co., picture prizes for well kept grounds in rural schools (voucher and check) .....	22.40
May 2—Subscription to American School Board Journal School House Plans, (check and receipt) .....	2.50
May 7—H. H. Lampman, printing (voucher) .....	15.00
May 20—Prizes to Valley City Normal (voucher) .....	10.00
May 20—E. J. Taylor, exchange on checks (voucher) .....	.30

June 8—Prizes to Agricultural College (voucher) .....	20.00
June 10—W. G. Crocker, expense reading circle, (voucher)..	13.70
July 6—John Homan, Bismarck, supplies for county superintendents (no voucher, check) .....	25.00
July 6—John White, county superintendent's expense (no voucher, check) .....	5.00
August 2—St. Thomas Times (Hager), printing (voucher) ..	70.00
August 2—W. W. Denning, certificate fees returned (check) .	16.10
August 2—E. J. Taylor, expense of visiting summer school at Mayville, Bismarck to Mayville and return (voucher) ....	21.00
August 2—Shotwell and Grover .....	1.80
August 2—Frank Hughes for running car to capitol at night for county superintendents .....	3.45
August 25—W. L. Stockwell .....	75.00
August 30—Grant Hager, printing (voucher) .....	35.00
October 3—Grant Hager, printing (voucher) .....	13.00
October 4—Helen Davies, extra compensation in summer institute, Emmons county .....	10.00
October 20—Mrs. Helen Stockwell, expenses to State Federation of Women's Clubs to present library work and traveling libraries (voucher) .....	25.00
October 22—Shotwell & Grover, supplies (no voucher, check)	3.00
October 22—E. J. Taylor, cash advanced for hack and dray (no voucher) .....	1.50
November 4—William Moore, clerical work (no voucher, check) .....	2.00
November 10—County Superintendent L. B. Fancher, for half of 1903 and half of 1904, salary as secretary of reading circle (voucher) .....	100.00
November 10—W. L. Stockwell, traveling expenses (voucher) .	40.00
November 21—St. Paul Book & Stationery Co. (voucher) ....	1.55
December 7—W. L. Stockwell, supplies (no voucher) .....	5.00
December 8—Dayton Dry Goods Co., Minneapolis, pictures for prizes at Grand Forks exhibit, 1904 (voucher) .....	14.00
December 8—Grant Hager, printing (voucher) .....	83.32
December 9—L. B. Fancher, county superintendent of Ramsey county, salary last half 1904, for reading circle work ....	50.00
December 31—W. L. Stockwell, general expenses (voucher) ..	78.10

#### RECEIPTS FROM STATE CERTIFICATES, 1905-1906.

Life professionals, 109 at \$5 .....	\$ 545.00
First class, 235 at \$3 .....	705.00
Second class, 154 at \$3 .....	462.00
Specials, 22 at \$2 .....	44.00
Total .....	\$ 1,756.00
Balance from 1903 and 1904 .....	

#### EXPENDITURES FOR 1905.

March 31—St. Thomas Times, Hager (voucher) .....	\$ 83.34
April 13—St. Thomas Times, Hager (voucher) .....	27.78
May 2—St. Thomas Times, Hager (voucher) .....	27.78
May 10—L. B. Fancher, expenses to reading circle committee (voucher) .....	32.60
May 10—M. W. Barnes, same as above (voucher) .....	10.50
May 10—W. L. Stockwell, same as above (voucher) .....	12.00
June 6—St. Thomas Times, Hager, printing .....	27.78
June 15—W. L. Stockwell, prizes agricultural college (voucher)	30.00
June 30—E. H. Pierce, printing (voucher) .....	36.70

June 30—L. B. Fancher, salary as secretary of reading circle (voucher) .....	50.00
July 15—S. A. Nye, printing (voucher) .....	14.00
August 4—S. A. Nye, printing (voucher) .....	45.00
August 9—E. J. Taylor, exchange (voucher) .....	.10
September 4—Palladium, Knappen (voucher) .....	2.50
September 7—Prof. Gillette, Valley City, editorial work on Bulletin .....	75.00
September 9—E. J. Taylor, expenses to Dickinson to take testimony on charges against a teacher at Gladstone (voucher) .....	10.75
October 24—Superintendent C. C. Schmidt, Jamestown, expenses to Fargo to consult committee on high school credits (voucher) .....	6.60
October 25—A. L. Woods, Grand Forks, reading proof on educational association proceedings (voucher) .....	10.00
October 28—W. L. Stockwell, traveling expenses (voucher)...	37.00
October 28—R. D. Hoskins, envelopes (voucher) .....	2.00
October 28—F. E. Smith, committee meeting at Fargo on high school credits (voucher) .....	2.70
November 11—E. J. Taylor, trip to Fargo to consult state superintendent (voucher) .....	16.30
November 11—Palladium, printing, Knappen (voucher) .....	14.00
November 11—E. J. Taylor, marking examination papers for state certificates (voucher) .....	10.00
December 7—Manuel Smith Heating Co., Mpls., lecture on ventilation (voucher) .....	19.00
December 7—E. J. Taylor, trip to Dickinson (voucher) .....	9.90
December 15—E. H. L. Vesperman, N. D. Tel. Co., telegrams (voucher) .....	2.65

## EXPENDITURES FOR 1906

January 5—E. J. Taylor, exchange (voucher) .....	\$ .70
January 5—E. H. Pierce, printing (voucher) .....	55.00
January 17—E. J. Taylor, trip to Grafton to consult state superintendent (voucher) .....	25.58
January 20—W. G. Crocker, deficiency in printing course of study (voucher) .....	100.00
February 10—First National Bank, Bismarck, exchange .....	.20
March 14—W. G. Crocker, deficiency balance on printing course of study .....	37.34
March 14—St. Thomas Times (Hager) printing (voucher)..	6.00
March 14—Dayton Company, Mpls., picture presented to Cleveland consolidated district (voucher) .....	14.50
March 23—W. L. Stockwell, expense to Louisville convention National Superintendents' Meeting (voucher) .....	53.00
March 26—Mattie Davis, per diem reading circle meeting (voucher) ..	3.00
March 26—W. L. Stockwell, same as above (voucher) .....	10.95
March 26—M. W. Barnes, same as above (voucher) .....	8.00
March 26—George A. McFarland, same as above (voucher)..	7.50
March 26—T. A. Hazelquist, same as above (voucher) .....	8.05
May 15—E. J. Taylor, trip to Emerado to request board to see about high school classification (voucher) .....	28.05
May 25—W. L. Stockwell, expense (voucher).....	15.00
May 31—LaMoure Chronicle, Taylor (voucher) .....	13.60
June 12—Professor Weeks, Valley City, editing bulletin reading circle .....	75.00
June 28—S. A. Nye, printing .....	60.00
June 28—W. L. Stockwell, prizes at University (voucher) ...	15.00
June 28—Express on pictures .....	1.38



June 30—Dayton Dry Goods Co., pictures for prizes .....	15.00
July 2—E. J. Taylor, secretary of state reading circle board, salary for year .....	100.00
July 5—LaMoure Chronicle (Taylor), printing .....	23.00
July 10—W. L. Stockwell, salary, expense, reading circle (no itemized voucher) .....	100.00
September 29—Sam Parker, supplies (no voucher, check).....	8.00
November 8—Fee returned to Miss Miner .....	3.00
October 8—St. Thomas Times, printing (Hager), (voucher)...	41.11
November 5—St. Thomas Times, printing (Hager), (voucher)	41.11
November 5—E. J. Taylor, reading August examinations for state certificates .....	10.55
November 5—Palladium, printing (Knappen) (voucher) .....	15.00
November 15—E. H. Pierce, printing (voucher) .....	52.50
December 8—St. Thomas Times (Hager) .....	41.12
December 8—Exchange (voucher) .....	.10

## RECEIPTS FROM STATE CERTIFICATES 1907 AND 1908.

Received from all classes of certificates ..... \$ 2,501.10

## EXPENDITURES FOR 1907.

January 7—St. Thomas Times (Hager), printing (voucher).. \$	41.11
January 30—Exchange (voucher) .....	.10
February 8—St. Thomas Times (Hager) printing (voucher)...	41.11
February 8—Grand Forks Herald, printing (voucher).....	24.00
March 7—St. Thomas Times (Hager), printing (voucher)...	41.12
March 10—Exchange (voucher) .....	.10
March 14—Lidgerwood Broadaxe (Andrews), printing (voucher) er) .....	12.50
March 25—Grand Forks Herald, printing (voucher) .....	24.00
April 1—Katherine Sterritt, indexing certificate records (voucher) .....	20.00
April 2—St. Thomas Times (Hager), printing (voucher)...	41.13
April 24—Supt. Hasselquist, expense reading circle meeting...	22.60
April 24—Mattie Davis, expense reading circle meeting (voucher) er) .....	11.50
April 24—M. W. Barnes, expense reading circle meeting (voucher) .....	20.60
April 24—George A. McFarland, same as above (voucher)...	22.00
April 24—W. L. Stockwell, same as above (voucher) .....	28.20
April 26—E. J. Taylor, salary as secretary of reading circle and expense (voucher) .....	55.00
May 3—St. Thomas Times (Hager) printing (voucher).....	41.12
May 31—Grand Forks Herald, printing (voucher) .....	24.00
June 1—Grand Forks Herald, printing (voucher) .....	16.00
June 6—St. Thomas Times (Hager), printing (voucher)...	41.13
June 29—Stockwell prizes at University, and Valley City normal school (voucher) .....	30.00
July 3—A. D. Weeks, editorial work for half year on read- ing circle Bulletin. (voucher) .....	50.00
July 15—Mrs. W. E. Parsons, indexing 1,200 names (voucher)	12.00
August 1—A. D. Weeks, half year's salary on Bulletin (voucher)	50.00
September 10—Edinburg Tribune, printing (voucher) .....	32.00
September 10—Prof. Geo. S. Thomas, treasurer for balance of lecture fee of O'Shea at state association .....	50.00
September 10—Express N. P. Co., (voucher) .....	2.45
October 17—St. Thomas Times (Hager), printing (voucher)	41.12
October 19—Supt. B. A. Wallace, to pay debts of teacher's read- ing circle left by J. F. Hetler (voucher) .....	16.30
October 19—Exchange (voucher) .....	.10
November 2—St. Thomas Times (Hager), printing, (voucher)	13.90

November 19—Jamestown Capital, printing (voucher).....	63.25
December 2—St. Thomas Times (Hager), printing (voucher)	23.91
December 5—R. D. Hoskins, supplies .....	1.65

## EXPENDITURES FOR 1908.

January 7—St. Thomas Times (Hager), printing (voucher) \$	23.90
January 27—Exchange (voucher) .....	10
February 5—Lidgerwood Broadaxe (Andrews), printing (voucher) .....	20.35
February 5—Leeds News (Voight), printing (voucher) ....	19.00
February 6—St. Thomas Times (Hager), printing (voucher)	23.91
March 11—William Moore, indexing school laws (voucher)..	75.00
March 14—St. Thomas Times (Hager), printing (voucher)..	23.90
March 16—E. J. Taylor, secretary of reading circle board (voucher) .....	100.00
April 2—St. Thomas Times (Hager), printing (voucher) ....	23.90
April 18—R. D. Hoskins, office journal (voucher) .....	4.00
April 27—Stockwell, prizes at agricultural college (voucher)	15.00
April 27—George A. McFarland, meeting of reading circle board expenses, (voucher) .....	19.20
April 27—Mattie Davis, same as above (voucher) .....	10.00
April 27—E. G. Warren, same as above (voucher) .....	13.00
April 27—C. L. Vigness, same as above (voucher) .....	6.00
May 2—W. L. Stockwell, same as above (voucher) .....	27.60
May 2—St. Thomas Times, Hager, printing (voucher)....	23.91
May 5—Telegrams, (voucher) .....	.45
May 7—Postage and envelopes (voucher) .....	5.00
May 7—Gasoline for typewriter .....	.15
May 22—N. P. Express .....	.25
May 22—LaMoure Chronicle (Taylor) printing (voucher)....	27.00
May 22—A. E. Lindstrom, printing (voucher) .....	24.00
June 3—St. Thomas Times, Hager, printing (voucher) ....	23.90
June 13—C. L. Allen, Lisbon, printing, (voucher) .....	45.00
June 13—C. C. Hosmer, one-half of fee for school house plans	50.00
June 30—E. J. Taylor, expense to Emerado and return (voucher) .....	35.00
July 2—Long distance telephone call .....	.85
July 2—Stockwell, prizes for University (voucher) .....	15.00
July 22—A. D. Weeks, salary editing Bulletin half year (voucher) .....	15.00
August 14—J. Stewart .....	30.00
August 26—A. D. Weeks, salary editing Bulletin half year (voucher) .....	50.00
August 31—E. J. Taylor, salary as secretary of reading circle (voucher) .....	50.00
September 2—Palladium, Knappen, printing (voucher) ....	7.50
September 11—Olive Proctor, clerical work (voucher) .....	7.00
September 17—Grand Forks Herald, printing (voucher) .....	20.00
September 28—St. Thomas Times, Hager, printing (voucher)	46.13
October 7—W. L. Stockwell, incidental expenses refunded from travel fund in 1909 .....	25.00
October 21—W. L. Stockwell, expenses (voucher) .....	44.35
October 31—Olive Proctor, clerical work (voucher).....	25.00
November 6—St. Thomas Times (Hager), printing (voucher)	46.13
December 5—St. Thomas Times (Hager), printing (voucher)	46.12
December 9—Long distance telephone call (voucher) .....	.95
December 10—W. L. Stockwell, cash advanced for travel expense, refunded in 1909 (voucher) .....	75.00
December 26—Helen Stockwell, work on library list and special programs .....	100.00

December 31—E. J. Taylor, salary as secretary of reading circle and traveling expenses from July 28 to December 31..	108.45
May 1, 1908—Dayton Dry Goods Co., picture for prize (voucher)	7.50

## RECEIPTS FOR STATE CERTIFICATES TO FEBRUARY 20, 1909.

All classes state certificates .....	\$ 97.00
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## EXPENDITURES TO FEBRUARY 20, 1909.

January 8—Grafton Record (Pierce) printing (voucher)....	\$ 28.50
January 11—St. Thomas Times (Hager), printing (voucher)...	58.63
January 30—Grafton Record (Pierce), printing (voucher)....	42.50
February 5—St. Thomas Times (Hager), printing .....	58.62

## RECEIPTS FOR 1903.

March examination 1903 .....	\$ 749.00
May examination 1903 .....	692.15
August examination 1903 .....	601.00
October examination 1903 .....	586.00

Total .....

	\$ 2,628.15
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## EXPENDITURES, 1903.

March examination, 1903, paid to W. L. Stockwell .....	\$ 749.00
Deputy paid no markers at this time.	
May examination, 1903, paid to W. L. Stockwell .....	692.15
Deputy turned all fees to Mr. Stockwell.	
August examination, 1903, paid to W. L. Stockwell .....	576.00
August examination, 1903, Paid to Fannie Dunning .....	25.00
October examination, 1903, paid to W. L. Stockwell .....	586.00

## RECEIPTS FOR 1904.

March examination, 1904 .....	\$ 843.10
May examination, 1904 .....	731.00
August examination, 1904 .....	684.00
October examination, 1904 .....	687.15

Total .....

	\$ 2,945.25
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## EXPENDITURES, 1904.

March examination, 1904, paid to W. L. Stockwell .....	\$ 768.10
March examination, 1904, paid to E. J. Taylor .....	75.00
May examination, 1904, paid to W. L. Stockwell .....	375.00
May examination, 1904, paid to Sam Parker .....	38.10
May examination, 1904, paid to Florence Baldwin .....	26.00
May examination, 1904, paid to E. J. Taylor .....	32.85
May examination, 1904, paid to Fannie Dunning .....	18.48
May examination, 1904, paid to Miss Kendrick .....	41.91
May examination, 1904, paid to Sam Parker .....	22.08
May examination, 1904, paid to Florence Baldwin .....	16.95
May examination, 1904, paid to E. J. Taylor .....	77.48
May examination, 1904, paid to W. L. Stockwell (check)	82.15

Total .....

	\$ 731.00
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August examination, 1904, paid to W. L. Stockwell .....	\$ 429.95
August examination, 1904, paid to Miss Digby .....	23.91
August examination, 1904, paid to Miss Kendrick .....	16.47

August examination, 1904, paid to Sam Parker .....	21.90
August examination, 1904, paid to Mrs. Baldwin .....	20.73
August examination, 1904, paid to Miss C. Stockwell .....	18.25
August examination, 1904, paid to Mrs. Stockwell .....	19.59
August examination, 1904, paid to E. J. Taylor .....	83.59
August examination, 1904, paid to Mrs. Cobb .....	18.39
Check to balance to W. L. Stockwell .....	31.22
Total .....	\$ 684.00
October examination, 1904, paid to W. L. Stockwell .....	\$ 616.15
October examination, 1904, paid to E. J. Taylor .....	50.00
October examination, 1904, paid to A. L. Woods .....	21.00
Total .....	\$ 687.00

## RECEIPTS FOR 1905.

March examination, 1905 .....	\$ 885.00
May examinations, 1905 .....	865.00
August examination, 1905 .....	696.00
October examination, 1905 .....	551.00
Total .....	\$ 2,997.00

## EXPENDITURES FOR 1905.

March examination, 1905, paid to W. L. Stockwell .....	\$ 759.08
March examination, 1905, paid to E. J. Taylor .....	50.00
March examination, 1905, paid to Mrs. Baldwin .....	23.65
March examination, 1905, paid to E. J. Taylor .....	9.12
March examination, 1905, paid to Miss Dunning .....	17.25
March examination, 1905, paid to Sam Parker .....	25.70
Total .....	\$ 884.80
Balance on hand .....	20
May examination, 1905, paid to W. L. Stockwell .....	\$ 687.00
May examination, 1905, paid to Palladium .....	12.00
May examination, 1905, paid to express .....	9.42
May examination, 1905, paid to Sam Parker .....	24.00
May examination, 1905, paid to Mrs. Baldwin .....	32.00
May examination, 1905, paid to Mrs. Everts .....	33.00
May examination, 1905, paid to E. J. Taylor .....	66.18
May examination, 1905, paid to express .....	1.00
Total .....	\$ 865.00
August examination, 1905, paid to express .....	\$ 6.98
August examination, 1905, paid to E. J. Taylor .....	50.00
August examination, 1905, paid to Sargent county .....	5.00
August examination, 1905, paid to Richland county .....	11.00
August examination, 1905, paid to Sam Parker .....	20.00
August examination, 1905, paid to Mrs. Baldwin .....	30.25
August examination, 1905, paid to Mrs. Everts .....	25.00
August examination, 1905, paid to William Moore .....	22.00
August examination, 1905, paid to W. L. Stockwell .....	525.77
Total .....	\$ 696.00

October examination, 1905, paid to express .....	\$	6.50
October examination, 1905, paid to freight .....		.25
October examination, 1905, paid to exchange .....		.40
October examination, 1905, paid to William Moore .....		22.50
October examination, 1905, paid to Mrs. Everts .....		23.25
October examination, 1905, paid to Miss Stockwell .....		20.00
October examination, 1905, paid to Mrs. Hagar .....		20.19
October examination, 1905, paid to Sam Parker .....		24.20
October examination, 1905, paid to Mrs. Baldwin .....		20.70
October examination, 1905, paid to W. L. Stockwell .....		362.81
October examination, 1905, paid to E. J. Taylor .....		50.00
Total .....	\$	550.80
Needs 20c to balance.		

## RECEIPTS FOR 1906.

March examination, 1906 .....	\$	812.00
May examination, 1906 .....		667.00
August examination, 1906 .....		835.00
October examination, 1906 .....		537.00
Total .....	\$	2,851.00

## EXPENDITURES FOR 1906.

March examination, 1906, paid to E. J. Taylor .....	\$	50.00
March examination, 1906, paid to express and drayage .....		10.70
March examination, 1906, paid to exchange .....		.25
March examination, 1906, paid to Mrs. Baldwin .....		25.00
March examination, 1906, paid to Sam Parker .....		25.00
March examination, 1906, paid to Wm. Moore .....		25.00
March examination, 1906, paid to Mrs. Everts .....		25.00
March examination, 1906, paid to Mrs. Hagar .....		26.55
March examination, 1906, paid to W. L. Stockwell .....		625.00
Total .....	\$	812.50
Overpaid .....		.50
May examination, 1906, paid to express .....	\$	7.90
May examination, 1906, paid to drayage .....		1.50
May examination, 1906, paid to exchange .....		.10
May examination, 1906, paid to E. J. Taylor .....		50.00
May examination, 1906, paid to Sam Parker .....		27.00
May examination, 1906, paid to Jennie Hall .....		23.50
May examination, 1906, paid to William Moore .....		27.00
May examination, 1906, paid to Mrs. Baldwin .....		22.00
May examination, 1906, paid to Mrs. Hagar .....		21.50
May examination, 1906, paid to Mrs. Everts .....		22.00
May examination, 1906, paid to W. L. Stockwell .....		464.50
Total .....	\$	667.00
August examination, 1906, paid to W. J. Alexander .....	\$	45.00
August examination, 1906, paid to express .....		9.25
August examination, 1906, paid to Sam Parker .....		25.00
August examination, 1906, paid to Mrs. Baldwin .....		25.00
August examination, 1906, paid to Mrs. Hagar .....		21.50
August examination, 1906, paid to Mrs. Everts .....		26.10
August examination, 1906, paid to William Moore .....		25.00
August examination, 1906, paid to Jennie Hall .....		24.00

August examination, 1906, paid to Mrs. S. A. Stockwell .....	23.25
August examination, 1906, paid to W. L. Stockwell .....	405.90
August examination, 1906, paid to E. J. Taylor .....	50.00
Check to balance to W. L. Stockwell .....	1.55

Total ..... \$ 835.00

October examination, 1906, paid to Palladium .....	\$ 15.00
October examination, 1906, paid to express .....	11.31
October examination, 1906, paid to Hinckley .....	.50
October examination, 1906, paid to E. J. Taylor .....	50.00
October examination, 1906, paid to Mrs. Baldwin .....	18.00
October examination, 1906, paid to Jennje Hall .....	20.00
October examination, 1906, paid to Mrs. Everts .....	22.50
October examination, 1906, paid to William Moore .....	22.50
October examination, 1906, paid to Mrs. Hagar .....	26.45
October examination, 1906, paid to W. L. Stockwell .....	350.74

Total ..... \$ 537.00

## RECEIPTS FOR 1907.

March examination, 1907 .....	\$ 834.00
May examination, 1907 .....	817.00
August examination, 1907, (no account of receipts kept) .....	
October examination, 1907 .....	703.00

## EXPENDITURES FOR 1907.

March examination, 1907, paid to express .....	\$ 11.85
March examination, 1906, return to Barnes county .....	6.00
March examination, 1907, paid to E. J. Taylor .....	50.00
March examination, 1907, paid to Miss Hall .....	27.00
March examination, 1907, paid to Mrs. Baldwin .....	10.00
March examination, 1907, paid to Mrs. Everts .....	27.00
March examination, 1907, paid to Mrs. Hagar .....	27.00
March examination, 1907, paid to Mrs. Granger .....	28.40
March examination, 1907, paid to William Moore .....	28.00
March examination, 1907, paid to W. L. Stockwell .....	600.75
March examination, 1907, paid to W. E. Parsons .....	18.00

Total ..... \$ 834.00

May examination, 1907, paid to express .....	\$ 14.30
May examination, 1907, paid to drayage .....	3.75
May examination, 1907, paid to Miss Hall .....	26.50
May examination, 1907, paid to W. E. Parsons .....	20.00
May examination, 1907, paid to Mrs. Everts .....	22.00
May examination, 1907, paid to Mrs. Baldwin .....	25.50
May examination, 1907, paid to Mrs. Hagar .....	30.00
May examination, 1907, paid to Wm. Moore .....	30.00
May examination, 1907, paid to E. J. Taylor .....	50.00
May examination, 1907, paid to W. L. Stockwell .....	594.95

Total ..... \$ 817.00

August examination, 1907 (deputy absent from city and no record of disbursements was kept).	
October examination, 1907, paid to express .....	\$ 14.60
October examination, 1907, returned to Pierce county .....	1.00
October examination, 1907, paid to William Moore .....	20.00
October examination, 1907, paid to Mrs. Cobb .....	20.00

October examination, 1907, paid to Mrs. Everts .....	16.00
October examination, 1907, paid to — Paulson .....	5.00
October examination, 1907, paid to Mrs. Hagar .....	30.00
October examination, 1907, paid to Miss Hall .....	25.00
October examination, 1907, paid to Mrs. Baldwin .....	24.00
October examination, 1907, paid to W. E. Parsons .....	39.40
October examination, 1907, paid to E. J. Taylor .....	50.00
October examination, 1907, paid to W. L. Stockwell .....	458.00
Total .....	\$ 703.00

## APPLICATIONS, AUGUST, 1907.

Adams .....	13
Barnes .....	131
Benson .....	8
Billings .....	12
Bottineau .....	18
Burleigh .....	16
Cass .....	58
Cavalier .....	12
Dickey .....	12
Eddy .....	4
Emmons .....	12
Foster .....	8
Grand Forks .....	50
Griggs .....	3
Hettinger .....	18
Kidder .....	6
LaMoure .....	9
Logan .....	8
McHenry .....	15
McIntosh .....	8
McLean .....	30
Mercer .....	3
Morton .....	20
Nelson .....	8
Oliver .....	3
Pembina .....	20
Pierce .....	16
Ramsey .....	16
Ransom .....	14
Richland .....	42
Rolette .....	6
Sargent .....	9
Stark .....	20
Steele .....	8
Stutsman .....	8
Towner .....	9
Traill .....	22
Walsh .....	34
Ward .....	94
Wells .....	3
Williams .....	31
McKenzie .....	2
Total .....	839

## RECEIPTS FOR 1908.

March examinations, 1908 .....	\$	818.00
May examinations, 1908 .....		641.20
August examinations, 1908 .....		875.00
October examinations, 1908 .....		750.00
Total .....	\$	3,084.20

## EXPENDITURES FOR 1908.

March examination, 1908, paid to express .....	\$	15.10
March examination, 1908, paid to Mrs. Baldwin .....		30.50
March examination, 1908, paid to Mrs. S. A. Stockwell .....		16.50
March examination, 1908, paid to Mrs. Hagar .....		35.00
March examination, 1908, paid to Jennie Hall .....		27.00
March examination, 1908, paid to Mrs. Everts .....		27.50
March examination, 1908, paid to William Moore .....		30.00
March examination, 1908, paid to W. E. Parsons .....		24.00
March examination, 1908, paid to E. J. Taylor .....		50.00
March examination, 1908, paid to Mrs. W. L. Stockwell .....		10.00
March examination, 1908, paid to W. L. Stockwell .....		552.40

Total ..... \$ 818.00

May examination, 1908, paid to express .....	\$	14.00
May examination, 1908, paid to exchange .....		.20
May examination, 1908, paid to Mrs. S. A. Stockwell .....		30.40
May examination, 1908, paid to Mrs. Everts .....		26.50
May examination, 1908, paid to W. E. Parsons .....		31.50
May examination, 1908, paid to Mrs. Baldwin .....		25.00
May examination, 1908, paid to Mrs. Hagar .....		30.50
May examination, 1908, paid to Miss Hall .....		26.50
May examination, 1908, paid to E. J. Taylor .....		50.00
May examination, 1908, paid to W. L. Stockwell .....		306.60

Total ..... \$ 641.20

August examination, 1908, paid to express .....	\$	16.00
August examination, 1908, return to Adams county .....		2.00
August examination, 1908, return to state certificate fund .....		3.00
August examination, 1908, return to Benson county .....		1.00
August examination, 1908, paid to Mrs. Baldwin .....		25.00
August examination, 1908, paid to Mrs. Stockwell .....		50.00
August examination, 1908, paid to Mrs. S. A. Stockwell .....		21.00
August examination, 1908, paid to W. E. Parsons .....		39.00
August examination, 1908, paid to Miss Hall .....		25.00
August examination, 1908, paid to Mrs. Everts .....		25.00
August examination, 1908, paid to Mrs. Hagar .....		25.00
August examination, 1908, paid to —, Granger .....		30.25
August examination, 1908, paid to E. J. Taylor .....		50.00
August examination, 1908, paid to Olive Proctor, clerk .....		25.00
August examination, 1908, paid to W. L. Stockwell .....		537.75

Total ..... \$ 875.00

October examination, 1908, paid to express .....	\$	17.00
October examination, 1908, paid to fund .....		3.00
October examination, 1908, paid to W. E. Parsons .....		38.00
October examination, 1908, paid to — Granger .....		30.00
October examination, 1908, paid to Mrs. Everts .....		29.00
October examination, 1908, paid to Mrs. S. A. Stockwell .....		27.72



October examination, 1908, paid to Mrs. Cobb .....	23.00
October examination, 1908, paid to Miss Nye .....	36.40
October examination, 1908, paid to Mrs. W. L. Stockwell ....	77.00
October examination, 1908, paid to Miss Hall .....	25.00
October examination, 1908, paid to Mrs. W. L. Stockwell .....	20.00
October examination, 1908, paid to E. J. Taylor .....	50.00
October examination, 1908, paid to W. L. Stockwell .....	373.88
Total .....	\$ 750.00

## DEPARTMENT OF PUBLIC INSTRUCTION.

Bismarck, N. D., March 4, 1909.

*Hon. L. A. Simpson,*  
*Hon. W. E. Purcell,*  
*Hon. J. E. Davis,*  
 Committee.

Gentlemen: In response to your request for my statement relative to the interpretation placed by me upon sections 869, 872 and 876 of the revised codes of 1905, I beg leave to submit the following:

Section 872 fixes the payment of certain fees for state certificates. These fees are paid to the superintendent of public instruction, and quoting the words of the statute, "shall be used by him to aid in the establishment and maintenance of teachers' reading circles, and in the professionalizing of teaching in the state, and in such other ways as he may deem advisable."

During the past six years this has been done. These fees have been covered into a reading circle fund and paid out for any purpose that in our judgment would raise the standard of teaching or increase the efficiency of teachers, or would raise the standard or promote the cause of education in the state.

It is quite possible for anyone not familiar with the intent of the department to comment adversely upon the disposition of this reading circle fund, however, we have not hesitated to use it when it stimulated any educational endeavor, whether it be for the purpose of establishing courses of reading for teachers or of encouraging public speaking among our young people, or in placing in the hands of our teachers monthly bulletins, courses of study, library lists, special day programs or any other material which enables a teacher to be of more service to the children under her charge.

As to sections 869 and 876, which relate to certain fees paid to the superintendent of public instruction in connection with the examination and the marking of teachers' answer papers. I desire first to call your attention to the fact that chapter 9 of the political code, article 1, sections 748 to 760, inclusive, fix the duties of the superintendent of public instruction, and section 763 fixes his compensation for these duties. By reference to section 752 you will note that originally the superintendent of public instruction was simply to "prepare or cause to be prepared all questions to be used in the examination of applicants for teacher's certificates, prescribe the rules and regulations for conducting such examination, etc." Later, in 1901, the legislature saw fit by amending sections 869, 873, 874, 875 and 876, to place upon the department of public instruction the heavy responsibility and arduous task of the reading and the marking of all answer papers of all teachers writing for certificates and passing upon the qualifications of all teachers in the state. In short, the legislature doubled the work of the department of public instruction, without making any provision for added clerical help, or compensation other than that a fee of one dollar for each applicant should be turned over to the superintendent of public instruction for this purpose, which fee is provided for in section 876. The only limitation upon the superintendent of public instruction is found in section 869 which states that the expenditures shall not exceed in

the aggregate the sum annually collected from applicants for county certificates for this purpose. When these changes were made in the plan of examining teachers, it came as a result of a long continued discussion by leading educators of the state, and most prominent in this movement were the county superintendents, upon whom formerly was imposed this work. The provision of the fee of one dollar was frequently discussed by county superintendents and was always understood as a fund at the disposal of the superintendent of public instruction.

The interpretation of this section was placed upon it by my predecessor, former Governor J. M. Devine, was that this fee was the superintendent's to be used in the payment of any and all clerical help necessary in reading and marking these answer papers, and of the superintendent for added work and responsibility. I quote from a recent letter from him, which is attached to this statement: "The one dollar to meet this additional expense was placed in the bill for the purpose of paying the state superintendent and others whom he might secure, and it was so understood and discussed over and over again both by the county superintendents and the members of the Senate and House committees after the bill was introduced."

This is the construction that I have placed upon the law. I have never had any doubt as to the absolute right of the superintendent of public instruction to these fees. No one has ever questioned that right before, and when questioned, I asked that an investigation be made. This investigation has been made.

I have only one thing to say in closing, and that is, if the interpretation placed upon these sections by my predecessor and myself is in doubt, there are courts established whose duty it is to pass upon our laws.

Very respectfully,

W. L. STOCKWELL.

#### STATEMENT OF MR. STOCKWELL IN CONNECTION WITH COUNTY CERTIFICATE FEES.

In 1903 there were	2,555	new applicants.
In 1904 there were	2,874	new applicants.
In 1905 there were	3,003	new applicants.
In 1906 there were	2,851	new applicants.
In 1907 there were	3,194	new applicants.
In 1908 there were	3,084	new applicants.

17,461 new applicants.

Each new applicant pays one dollar.

All applicants for second or third grade certificates are examined in reading, writing, orthography, arithmetic, U. S. history, language and grammar, geography, civics, physiology and hygiene, and theory and practice, in addition to this each applicant writes a preliminary paper which must be read and graded. Those writing on first grade subjects must add to the above list algebra geometry, physics, physical geography and psychology.

During the past six years every teacher has been allowed to write twice for the one fee of a dollar. This means that on an average one-fourth to one third of all applicants write twice on some or all subjects.

The cost of reading all papers together with express and printing expense, and the \$200 paid annually to my deputy for extra services in connection with the examinations, will amount, conservatively estimated, to over sixty-five cents for each new applicant. This on the 17,461 applicants during the past six years would make the actual cost of the examinations, \$11,350. This does not include any compensation to the superintendent of public instruction. The cost for actual reading has averaged five cents per paper. This has varied according to the subject read and the length of

the examination. At times to those readers who desired we allowed fifty cents an hour. I am confident that should this work be undertaken by a separate board or be done outside of our organized office force every bit of \$1.00 fee would be necessary to defray the expense, however, this work has been handled through this office by the office force doing a large amount of extra work.

In connection with every examination I have given special attention for a considerable length of time to going over the returns and papers of every applicant to see that each applicant has secured full justice. This work has always been done outside of my regular work. I am confident that judgment of those who give the subject full consideration will be that the intent of the legislature of 1901 cannot be doubted.

This money does not arise within the department of public instruction. It comes to this department for the purpose of defraying the expense of a certain duty imposed upon the department, and for paying the superintendent for the extra work imposed by law. This fund does not belong to the state. It is placed at the absolute disposal of the superintendent, who, if he performed all the work personally, could without question take the same as his compensation. This plan of attaching this work to the department of public instruction was devised by the educators of the state, not by the department.

It was the especial desire of county superintendents, and the law was framed by their committee, and for its provisions this committee and the legislature of 1901 are alone responsible. Its first interpretation was given by the then superintendent, J. M. Devine, and our interpretation has been the same.

Respectfully submitted,  
W. L. STOCKWELL.

Mr. Simpson moved

That the resolution be adopted and the committee discharged.

Which motion prevailed.

### MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,  
BISMARCK, NORTH DAKOTA,

March 5, 1909.

Mr. President:

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

1. Relating to irrigation.
2. Relative to compensation of Geo. Schnepfer.
3. Relative to misappropriation of the funds of the penitentiary.
4. Relative to penitentiary investigation committee.  
In which the house has concurred.

Also,

**Mr. President:**

I have the honor to return herewith

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. 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. 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. 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 house has failed to pass.

Also,

**Mr. President:**

I have the honor to return herewith

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. 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. 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 house has passed unchanged.

Very respectfully,

W. D. AUSTIN,

Chief Clerk.

#### REPORT OF CONFERENCE COMMITTEE.

Mr. President:

Your conference committee to whom was referred Senate Bill 283 have had the same under consideration and recommend that the house recede from its amendments.

THEODORE KOFFEL,  
W. E. PURCELL,  
I. J. BESSESEN,  
BERNT ANDERSON,  
T. D. HUGHES,  
JOHN McLEAR.

Mr. Koffel moved

That the report be adopted.

Which motion prevailed, and

The report of the committee was adopted.

#### MESSAGE FROM THE HOUSE.

The following message was received from the house:

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

Mr. President:

I have the honor to inform you that the house requests the return of Senate Bill No. 130.

Very respectfully,

W. D. AUSTIN,

Chief Clerk.

The secretary announced that the president was about to sign

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 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.

And the president signed the same in the presence of the senate.

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 37, nays 0, absent and not voting 10.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Anderson	LaMoure	Simpson
Baker	Leutz	Steel, of Stutsman
Cashel	Martin	Steele of Ward
Crane	Macdonald	Stevens
Davis	McLean	Strom
Gilbert	Movius	Syverson
Gronvold	Neal	Trimble
Gunderson	Overson	Wallin
Holliday	Palmer	Walton
Irwin	Plain	Welch
Johnson	Ramsett	Welo
Kelly	Rice	Whitcher
Kennedy		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Albright	McArthur	Sharpe
Bessesen	Pierce	Talcott
Duis	Purcell	Turner
Koffel		

So the bill passed and the title was agreed to.

Mr. Simpson 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.

MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,  
BISMARCK, NORTH DAKOTA,

March 5, 1909.

Mr. President:

I have the honor to inform you that the house has adopted the report of conference committee on Senate Bill No. 283.

Very respectfully,  
W. D. AUSTIN,  
Chief Clerk.

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 37, nays 1, absent and not voting 9.

Those who voted in the affirmative were:

Messrs.—

Anderson  
Baker  
Cashel  
Crane  
Davis  
Duis  
Gilbert  
Gronvold  
Gunderson  
Irwin  
Johnson  
Kelly  
Kennedy

Messrs.—

Koffel  
LaMoure  
Leutz  
Martin  
Macdonald  
McLean  
Movius  
Neal  
Overson  
Palmer  
Plain  
Ramsett

Messrs.—

Rice  
Simpson  
Steel, of Stutsman  
Stevens  
Strom  
Syvertson  
Trimble  
Wallin  
Walton  
Welch  
Welo  
Whitcher

Absent and not voting:

Messrs.—

Albright  
Bessesen  
Holliday

Messrs.—

McArthur  
Pierce  
Purcell

Messrs.—

Sharpe  
Talcott  
Turner

Mr. Steele of Ward voting in the negative.

So the bill passed and the title was agreed to.

Mr. Steele moved that the house request for the return of Senate Bill No. 130 be granted.

Which motion prevailed.

Mr. Plain moved

That the senate do now concur in the house amendments to Senate Bill No. 329.

Senate Bill No. 329.

A bill for an act defining a prostitute, and prescribing the punishment therefor:

Was read the third time.

The question being on the final passage of the bill as amended by the house;

The roll was called and there were ayes 35, nays 0, absent and not voting 12.

Those who voted in the affirmative were:

Messrs.—

Anderson  
Baker  
Cashel  
Crane

Messrs.—

Koffel  
LaMoure  
Leutz  
Martin

Messrs.—

Simpson  
Steel, of Stutsman  
Stevens  
Strom



Messrs.—	Messrs.—	Messrs.—
Davis	Macdonald	Syverson
Duis	McLean	Trimble
Gilbert	Movius	Wallin
Gronvold	Overson	Walton
Holliday	Palmer	Welch
Irwin	Plain	Welo
Johnson	Ramsett	Whitcher
Kennedy	Rice	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Albright	McArthur	Sharpe
Bessesen	Neal	Steele of Ward
Gunderson	Pierce	Talcott
Kelly	Purcell	Turner

So the house amendments were concurred in.

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

**Mr. President:**

**Your committee on enrolled and engrossed bills have examined**

Senate Bill No. 37,

A bill for an act 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. 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. 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. 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. 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. 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. 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. 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. 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. 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. 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 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 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. 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.

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. 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.

And find the same correctly enrolled.

**THEODORE KOFFEL,**  
**Chairman.**

The secretary announced that the president was about to sign

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. 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. 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. 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. 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. 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. 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. 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. 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. 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. 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. 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. 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. 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. 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.

And the president signed the same in the presence of the senate.

House Bill No. 36,

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

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 0, absent and not voting 10.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Anderson	Kennedy	Rice
Baker	Koffel	Simpson
Cashel	LaMoure	Steel, of Stutsman
Crane	Leutz	Stevens
Davis	Martin	Syvertson
Duis	Macdonald	Trimble
Gilbert	McLean	Turner
Gronvold	Movius	Wallin
Gunderson	Overson	Walton
Holliday	Palmer	Welch
Irwin	Plain	Welo
Johnson	Ramsett	Whitcher
Kelly		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Abright	Pierce	Steele of Ward
Bessesen	Purcell	Strom
McArthur	Sharpe	Talcott
Neal		

So the bill passed and the title was agreed to.

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 35, nays 0, absent and not voting 12.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Anderson	Kelly	Plain
Baker	Kennedy	Ramsett
Cashel	LaMoure	Simpson
Crane	Leutz	Steel, of Stutsman
Davis	Martin	Stevens
Duis	Macdonald	Strom
Gilbert	McLean	Syvertson
Gronvold	Movius	Wallin
Gunderson	Neal	Walton
Holliday	Overson	Welch
Irwin	Palmer	Welo
Johnson	Pierce	



## Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Albright	Purcell	Talcott
Bessesen	Rice	Trimble
Koffel	Sharpe	Turner
McArthur	Steele of Ward	Whitcher

So the bill passed and the title was agreed to.

Mr. Gilbert 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. 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.

The roll was called and there were ayes 37, nays 0, absent and not voting 10.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Anderson	Kennedy	Ramsett
Baker	LaMoure	Rice
Cashel	Leutz	Simpson
Crane	Martin	Steele of Ward
Davis	Macdonald	Stevens
Duis	McArthur	Strom
Gilbert	McLean	Syvertson
Gronvold	Movius	Wallin
Gunderson	Neal	Walton
Holliday	Overson	Welch
Irwin	Palmer	Welo
Johnson	Plain	Whitcher
Kelly		

## Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Albright	Purcell	Talcott
Bessesen	Sharpe	Trimble
Koffel	Steel, of Stutsman	Turner
Pierce		

So the bill passed and the title was agreed to.

Mr. Simpson moved

That all house bills be transmitted to the house as soon as possible.

Which motion prevailed.

### MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,  
BISMARCK, NORTH DAKOTA,

March 5, 1909.

Mr. President:

I have the honor to return herewith

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.

Which the house has 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 figures "15.00" and insert in lieu thereof the figures "10.00"

And passed as amended.

Very respectfully,

W. D. AUSTIN,  
Chief Clerk.

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 38, nays 0, absent and not voting 9.

Those who voted in the affirmative were:

Messrs.—

Albright  
Anderson  
Baker  
Cashel  
Crane  
Davis

Messrs.—

Kelly  
LaMoure  
Leutz  
Martin  
Macdonald  
McArthur

Messrs.—

Rice  
Simpson  
Steel, of Stutsman  
Stevens  
Strom  
Syvertson

Messrs.—	Messrs.—	Messrs.—
Duis	McLean	Trimble
Gilbert	Movius	Turner
Gronvold	Neal	Wallin
Gunderson	Overson	Walton
Holliday	Palmer	Welch
Irwin	Plain	Whitcher
Johnson	Ramsett	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Bessesen	Pierce	Steele of Ward
Kennedy	Purcell	Talcott
Koffel	Sharpe	Welo

So the bill passed and the title was agreed to.

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

Mr. President:

Your committee on enrolled and engrossed bills have examined

Senate Bill No. 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.

And find the same correctly enrolled.

THEO. KOFFEL,  
Chairman.

The secretary announced that the president was about to sign

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.

And the president signed the same in the presence of the senate.

The secretary announced that the president was about to sign

**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. 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.

And the president signed the same in the presence of the senate.

**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.

Mr. Simpson moved to amend House Bill 143 as follows: Sec. 1, page 1, line 5, strike out "one" insert "three".

Page 1, line 21, strike out the last word "one" and insert "two".

Page 9, in 48th district strike out "three" insert "two".

Mr. Simpson moved

That the amendment be adopted.

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 43, nays 0, absent and not voting 4.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Koffel	Sharpe
Anderson	LaMoure	Simpson
Baker	Leutz	Steel, of Stutsman
Bessesen	Martin	Steel of Ward
Caschel	Macdonald	Stevens
Davis	McArthur	Strom
Duis	McLean	Syvertson
Gilbert	Movius	Talcott
Gronvold	Neal	Trimble
Gunderson	Overson	Turner
Holliday	Palmer	Walton
Irwin	Pierce	Welch
Johnson	Plain	Welo
Kelly	Ramsett	Whitcher
Kennedy		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Crane	Rice	Wallin
Purcell		

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

The secretary announced that the president was about to sign

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 the president signed the same in the presence of the senate.

## 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 42, nays 0, absent and not voting 5.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Koffel	Sharpe
Anderson	LaMoure	Simpson
Baker	Leutz	Steel, of Stutsman
Bese sen	Martin	Steele of Ward
Cashel	Macdonald	Stevens
Davis	McArthur	Strom
Duls	McLean	Syvertson
Gilbert	Movius	Talcott
Gronvold	Neal	Trimble
Gunderson	Overson	Turner
Holliday	Palmer	Wallin
Irwin	Plain	Walton
Johnson	Ramsett	Welch
Kennedy	Rice	Welo

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Crane	Kelly	Whitcher
Pierce	Purcell	

So the bill passed and the title was agreed to.

Mr. Kennedy moved

That the senate do now concur in the house amendments to Senate Bill No. 107.

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 as amended by the house;

The roll was called and there were ayes 42, nays 0, absent and not voting 5.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Kennedy	Sharpe
Anderson	Koffel	Simpson
Baker	LaMoure	Steel, of Stutsman
Bessesen	Leutz	Steele of Ward
Cashel	Martin	Stevens
Crane	Macdonald	Strom
Davis	McArthur	Syverson
Duis	McLean	Talcott
Gilbert	Movius	Turner
Gronvold	Neal	Wallin
Gunderson	Overson	Walton
Holliday	Palmer	Welch
Irwin	Ramsett	Welo
Johnson	Rice	Whitcher

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Kelly	Plain	Trimble
Pierce	Purcell	

So the house amendments were concurred in.

## MOTIONS AND RESOLUTIONS.

Mr. Crane offered 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 shall 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.

Mr. Crane moved

That the resolution be adopted.

**Which motion prevailed, and**

The resolution was adopted.

Mr. Crane offered 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.

Mr. Crane moved

That the resolution be adopted.

**Which motion prevailed, and**

The resolution was adopted.

**Mr. Overson presented the following 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.

**Mr. Overson moved**

**That the resolution be adopted.**

**Which motion prevailed, and**

**The resolution was adopted.**

**Mr. Sharp offered the following resolution:**

WHEREAS, Daniel M. Slattery, superintendent of the capitol building, has tendered to the members of the senate of the eleventh legislative assembly uniform courtesy, and has used every means and opportunity, and has at all times shown his willingness in every way, to make it pleasant and convenient for the members of the Senate, therefore, be it

*Resolved,* That the Senate of the eleventh legislative assembly do hereby express its thanks to Daniel M. Slattery for the courtesies and conveniences he has provided during this session.

**Mr. Sharp moved**

**That the resolution be adopted.**

**Which motion prevailed, and**

**The resolution was adopted.**

**Mr. LaMoure offered the following resolution:**

*Be It Resolved,* That the Secretary of the Senate and the First Assistant Secretary, together with one clerk to be named by the President of the Senate, be authorized to compare, correct and report upon the journals of the fifty-ninth and sixtieth days and to compare and correct the written and printed journals for the session; and that when completed their report shall be filed with the secretary of state with the written journal for the session, and that they each be allowed six dollars a day for such work,



to be completed within twenty-five days and vouchers for such services shall be signed by the president of the senate and the secretary of the senate and paid as other expenses of this legislative assembly.

Mr. LaMoure moved

That the resolution be adopted.

Which motion prevailed, and

The resolution was adopted.

The president of the senate named P. J. Burfening as the third member of the committee to compare and correct the journals.

Mr. Talcott offered the following resolution:

*Be It Resolved*, That the Senate of the state of North Dakota does hereby express its grateful appreciation of the capable, prompt and courteous manner in which the secretary of the senate has performed the onerous duties of his position.

Recognizing the many ways in which he has assisted in the work and contributed to the orderly and expeditious dispatch of business, as well as his general good fellowship, the members will long carry in their minds a pleasant memory, and in their hearts a cheerful regard for James W. Foley.

Mr. Talcott moved

That the resolution be adopted.

Which motion prevailed, and

The resolution was adopted.

Mr. Talcott offered the following resolution:

*Be It Resolved by the Senate of the State of North Dakota*, That it hereby expresses its appreciation of the prompt, careful and cheerful manner in which the desk force has performed its work during the session just closing. By its attention to duty and willingness it has done much to expedite the transaction of business, to the advantage of the state and the satisfaction of the members of this body.

Mr. Talcott moved

That the resolution be adopted.

Which motion prevailed, and

The resolution was adopted.

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 39, nays 1, absent and not voting 7.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	LaMoure	Sharpe
Anderson	Leutz	Steel, of Stutsman
Baker	Martin	Steele of Ward
Bessesen	Macdonald	Stevens
Cashel	McArthur	Strom
Crane	McLean	Syverson
Duis	Movius	Talcott
Gilbert	Overson	Trimble
Gronvold	Palmer	Wallin
Holliday	Pierce	Walton
Johnson	Plain,	Welch
Kelly	Purcell	Welo
Kennedy	Ramsett	Whitcher

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Davis	Neal	Simpson
Irwin	Rice	Turner
Koffel		

Mr. Gunderson voting in the negative.

So the bill passed and the title was agreed to.

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 44, nays 0, absent and not voting 3.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Koffel	Simpson
Anderson	LaMoure	Steel, of Stutsman
Baker	Leutz	Steele of Ward
Bessesen	Martin	Stevens
Cashel	Macdonald	Strom
Crane	McArthur	Syverson
Duis	Movius	Talcott
Gilbert	Neal	Trimble
Gronvold	Overson	Turner
Gunderson	Palmer	Wallin
Holliday	Pierce	Walton
Irwin	Plain	Welch
Johnson	Purcell	Welo
Kelly	Ramsett	Whitcher
Kennedy	Sharpe	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Davis	McLean	Rice

So the bill passed and the title was agreed to.

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 41, nays 0, absent and not voting 6.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Kennedy	Sharpe
Anderson	Koffel	Steel, of Stutsman
Baker	LaMoure	Steele of Ward
Bessesen	Macdonald	Strom
Cashel	McArthur	Syvertson
Crane	McLean	Talcott
Duis	Movius	Trimble
Gilbert	Neal	Turner
Gronvold	Overson	Wallin
Gunderson	Palmer	Walton
Holliday	Pierce	Welch
Irwin	Plain	Welo
Johnson	Ramsett	Whitcher
Kelly	Rice	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Davis	Martin	Simpson
Leutz	Purcell	Stevens

So the bill passed and the title was agreed to.

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 36, nays 5, absent and not voting 6.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Koffel	Ramsett
Anderson	LaMoure	Rice
Baker	Leutz	Sharpe
Cashel	Martin	Simpson
Duis	Macdonald	Steele of Ward
Gronvold	McLean	Stevens

Messrs.—  
 Gunderson  
 Holliday  
 Irwin  
 Johnson  
 Kelly  
 Kennedy

Messrs.—  
 Movius  
 Neal  
 Overson  
 Palmer  
 Pierce  
 Purcell

Messrs.—  
 Strom  
 Talcott  
 Walton  
 Welch  
 Welo  
 Whitcher

Those who voted in the negative were:

Messrs.—  
 Crane  
 Gilbert

Messrs.—  
 McArthur  
 Plain

Messrs.—  
 Turner

Absent and not voting:

Messrs.—  
 Bessesen  
 Davis

Messrs.—  
 Steel, of Stutsman  
 Syvertson

Messrs.—  
 Trimble  
 Wallin

So the bill passed and the title was agreed to.

### MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,  
 BISMARCK, NORTH DAKOTA,

March 5, 1909.

Mr. President:

I have the honor to inform you that the house declines to concur in the senate amendments to House Bill No. 143, and asks for a committee of conference, and the speaker has named as such conferees on the part of the house, Messrs. Sorlie, Chatfield and Johnson of Bottineau.

Very respectfully,

W. D. AUSTIN,  
 Chief Clerk.

Mr. Simpson moved

That the president name a conference committee on House Bill No. 143.

Which motion prevailed, and

The president of the senate named Messrs. Simpson, Gilbert and Rice.

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 37, nays 0, absent and not voting 10.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Koffel	Purcell
Anderson	LaMoure	Ramsett
Baker	Martin	Steele of Ward
Cashel	Macdonald	Stevens
Crane	McArthur	Strom
Duis	McLean	Syverson
Gronvold	Movius	Trimble
Gunderson	Neal	Turner
Holliday	Overson	Wallin
Irwin	Palmer	Walton
Johnson	Pierce	Welch
Kelly	Plain	Whitcher
Kennedy		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Bessesen	Rice	Steel, of Stutsman
Davis	Sharpe	Talcott
Gilbert	Simpson	Welo
Leutz		

So the bill passed and the title was agreed to.

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 37, nays 0, absent and not voting 10.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Koffel	Sharpe
Anderson	LaMoure	Steele of Ward
Bessesen	Leutz	Stevens
Cashel	Martin	Strom
Crane	Macdonald	Syverson
Duis	McArthur	Talcott
Gronvold	McLean	Turner

**Messrs.—**

Gunderson  
Holliday  
Irwin  
Johnson  
Kelly  
Kennedy

**Messrs.—**

Movius  
Neal  
Overson  
Palmer  
Purcell

**Messrs.—**

Wallin  
Walton  
Welch  
Welo  
Whitcher

**Absent and not voting:****Messrs.—**

Baker  
Davis  
Gilbert  
Pierce

**Messrs.—**

Plain  
Ramsett  
Rice

**Messrs.—**

Simpson  
Steel, of Stutsman  
Trimble

So the bill passed and the title was agreed to.

The secretary announced that the president 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 president signed the same in the presence of the senate.

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.

The question being on the final passage of the bill.

The roll was called and there were ayes 38, nays 0, absent and not voting 9.

Those who voted in the affirmative were:

**Messrs.—**

Albright  
Anderson  
Baker  
Bessesen  
Cashel  
Crane  
Davis  
Gilbert  
Gronvold  
Gunderson  
Holliday  
Irwin  
Kelly

**Messrs.—**

Kennedy  
Koffel  
LaMoure  
Leutz  
Martin  
Macdonald  
McArthur  
Movius  
Overson  
Palmer  
Pierce  
Plain  
Purcell

**Messrs.—**

Ramsett  
Sharpe  
Stevens  
Strom  
Syvertson  
Talcott  
Trimble  
Turner  
Wallin  
Walton  
Welch  
Whitcher

**Absent and not voting:**

Messrs.—	Messrs.—	Messrs.—
Duis	Neal	Steel, of Stutsman
Johnson	Rice	Steele of Ward
McLean	Simpson	Welo

So the bill passed and the title was agreed to.

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.

Was read the third time.

The question being on the final passage of the bill.

The roll was called and there were ayes 33, nays 3, absent and not voting 11.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Anderson	Macdonald	Steele of Ward
Baker	McLean	Stevens
Cashel	Movius	Strom
Crane	Neal	Syvertson
Gronvold	Overson	Talcott
Gunderson	Palmer	Trimble
Irwin	Pierce	Turner
Johnson	Plain	Wallin
Kelly	Purcell	Walton
Kennedy	Ramsett	Welch
LaMoure	Sharpe	Whitcher

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Leutz	Martin

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Bessesen	Holliday	Simpson
Davis	Koffel	Steel, of Stutsman
Duis	McArthur	Welo
Gilbert	Rice	

So the bill passed and the title was agreed to.

## REPORT OF CONFERENCE COMMITTEE.

Mr. President:

Your conference committee on House Bill No. 143 respectfully report that the house declines to recede from its position.

O. J. SORLIE,  
M. M. CHATFIELD,  
MATT JOHNSON,  
For the House.

L. A. SIMPSON,  
E. F. GILBERT,  
C. D. RICE,  
For the Senate.

Mr. Simpson moved

To reconsider the vote by which the amendments to House Bill No. 143 were adopted.

Which motion prevailed.

Mr. Simpson moved

That House Bill No. 143 be placed on its third reading and final passage

Which motion prevailed.

Mr. Simpson moved

To amend House Bill 143 as follows:

Strike out the word "one" in line 5 of section 1, and insert "three".

Mr. Simpson moved

That the amendment be adopted.

Which motion prevailed, and

The amendment 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.

The roll was called and there were ayes 37, nays 0, absent and not voting 10.



Those who voted in the affirmative were:

Messrs.—

Albright  
Anderson  
Baker  
Bessesen  
Cashel  
Crane  
Davis  
Gilbert  
Gronvold  
Gunderson  
Irwin  
Johnson  
Kelly

Messrs.—

Kennedy  
Koffel  
LaMoure  
Leutz  
Martin  
Macdonald  
McLean  
Movius  
Neal  
Overson  
Palmer  
Plain

Messrs.—

Purcell  
Sharpe  
Simpson  
Steel, of Stutsman  
Steele of Ward  
Stevens  
Strom  
Syvertson  
Talcott  
Trimble  
Welch  
Whitcher

Absent and not voting:

Messrs.—

Duis  
Holliday  
McArthur  
Pierce

Messrs.—

Ramsett  
Rice  
Turner

Messrs.—

Wallin  
Walton  
Welo

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

Mr. Kennedy moved

To amend House Bill 380 as follows:

Strike out all of section 1 after the word "follows" and insert the following. "Commissioners How Elected.) 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 the 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.

Mr. Kennedy moved

That the amendment be adopted.

Which motion prevailed, and

The amendment was adopted.

Mr. LaMoure moved

To strike out the concurrent amendment to House Bill No. 380.

Which motion prevailed.

## 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.

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

The roll was called and there were ayes 33, nays 3, absent and not voting 11.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Johnson	Ramsett
Anderson	Kelly	Sharpe
Baker	Kennedy	Steel, of Stutsman
Cashel	Leutz	Steele of Ward
Crane	Martin	Strom
Davis	McLean	Talcott
Gilbert	Movius	Trimble
Gronvold	Neal	Wallin
Gunderson	Overson	Walton
Holliday	Plain	Welch
Irwin	Purcell	Whitcher

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
LaMoure	McArthur	Palmer

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Bessesen	Pierce	Syvertson
Duis	Rice	Turner
Koffel	Simpson	Welo
Macdonald	Stevens	

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

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

Mr. President:

Your committee on enrolled and engrossed bills have examined

## Senate Bill No. 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. 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. 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 find the same correctly enrolled.

**THEODORE KOFFEL,**  
Chairman.

The secretary announced that the president 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. 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.

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.

And the president signed the same in the presence of the senate.

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.

The roll was called and there were ayes 37, nays 2, absent and not voting 8.

Those who voted in the affirmative were:

Messrs.—

Albright  
Anderson  
Baker  
Cashel  
Crane  
Gilbert  
Gronvold  
Gunderson  
Holliday  
Irwin  
Johnson  
Kelly  
Kennedy

Messrs.—

LaMoure  
Leutz  
Martin  
Macdonald  
McArthur  
McLean  
Movius  
Neal  
Overson  
Palmer  
Plain  
Purcell

Messrs.—

Ramsett  
Rice  
Simpson  
Steel, of Stutsman  
Stevens  
Strom  
Syvertson  
Turner  
Wallin  
Walton  
Welch  
Whitcher

Absent and not voting:

Messrs.—

Bessesen  
Duis  
Koffel

Messrs.—

Pierce  
Sharpe  
Steele of Ward

Messrs.—

Talcott  
Welo

Messrs. Davis and Trimble voting in the negative.

So the bill passed and the title was agreed to.

**MESSAGE FROM THE HOUSE.**

The following message was received from the house:

HOUSE OF REPRESENTATIVES,  
BISMARCK, NORTH DAKOTA,

March 5, 1909.

**Mr. President:**

I have the honor to inform you that the House declines to concur in the senate amendments to House Bill No. 340 and asks for a committee of conference, and the speaker has named as such conferees on the part of the house Messrs. Skulason, Traynor and Chatfield.

Very respectfully,  
W. D. AUSTIN,  
Chief Clerk.

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 39, nays 0, absent and not voting 8.

Those who voted in the affirmative were:

Messrs.—

Albright  
Anderson  
Baker  
Bessesen  
Cashel  
Crane  
Davis  
Duls  
Gilbert  
Gronvold  
Irwin  
Johnson  
Kelly

Messrs.—

Kennedy  
Koffel  
LaMoure  
Leutz  
Martin  
Macdonald  
McLean  
Movius  
Neal  
Overson  
Palmer  
Plain  
Purcell

Messrs.—

Rice  
Simpson  
Steel, of Stutsman  
Steele of Ward  
Stevens  
Strom  
Syvertson  
Turner  
Wallin  
Walton  
Welch  
Welo  
Whitcher

**Absent and not voting:**

Messrs.—

Gunderson  
Holliday  
McArthur

Messrs.—

Pierce  
Ramsett  
Sharpe

Messrs.—

Talcott  
Trimble

So the bill passed and the title was agreed to.

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

Mr. President:

Your committee on enrolled and engrossed bills have examined

Senate Bill No. 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 find the same correctly enrolled.

Also,

Senate Bill No. 329,

A bill for an act defining a prostitute, and prescribing the punishment therefor.

And find the same correctly enrolled.

THEODORE KOFFEL,  
Chairman.

And the president signed the same in the presence of the senate.

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. 329,

A bill for an act defining a prostitute, and prescribing the punishment therefor.

And the president signed the same in the presence of the senate.

## 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 24, nays 10, absent and not voting 13.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Leutz	Steel, of Stutsman
Anderson	Martin	Stevens
Crane	McArthur	Strom
Davis	Movius	Syverson
Gunderson	Neal	Talcott
Kennedy	Purcell	Wallin
Koffel	Sharpe	Walton
LaMoure	Simpson	Whitcher

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Baker	Johnson	Overson
Cashel	Macdonald	Turner
Duls	McLean	Welch
Gronvold		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Bessesen	Palmer	Rice
Gilbert	Pierce	Steele of Ward
Holliday	Plain	Trimble
Irwin	Ramsett	Welo
Kelly		

So the bill passed and the title was agreed to.

The president named as senate conferees on House Bill No. 340; Messrs. Stevens, McDonald and Rice.

## 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 37, nays 0, absent and not voting 10.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Leutz	Steel, of Stutsman
Anderson	Martin	Steele of Ward
Baker	Macdonald	Stevens
Cashel	McLean	Strom
Crane	Movius	Syvertson
Duis	Neal	Talcott
Gronvold	Overson	Trimble
Gunderson	Palmer	Turner
Irwin	Plain	Wallin
Johnson	Purcell	Walton
Kelly	Sharpe	Welch
Kennedy	Simpson	Whitcher
LaMoure		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Besseser	Koffel	Ramsett
Davis	McArthur	Rice
Gilbert	Pierce	Welo
Holliday		

So the bill passed and the title was agreed to.

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 36, nays 0, absent and not voting 11.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Irwin	Plain
Anderson	Johnson	Purcell
Baker	Kennedy	Sharpe
Bessesen	Koffel	Simpson
Cashel	LaMoure	Steel, of Stutsman
Crane	Leutz	Steele of Ward
Davis	Martin	Syvertson
Duis	McLean	Talcott
Gilbert	Movius	Turner
Gronvold	Neal	Wallin
Gunderson	Overson	Walton
Holliday	Palmer	Whitcher

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Kelly	Ramsett	Trimble
Macdonald	Rice	Welch
McArthur	Stevens	Welo
Pierce	Strom	

So the bill passed and the title was agreed to.



## 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 36, nays 1, absent and not voting 10.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Johnson	Sharpe
Anderson	Kelly	Simpson
Baker	Koffel	Steel, of Stutsman
Bessesen	LaMoure	Steele of Ward
Cashel	Leutz	Syvertson
Crane	Martin	Talcott
Davis	Movius	Trimble
Duis	Neal	Turner
Gilbert	Overson	Wallin
Gronvold	Palmer	Walton
Holliday	Plain	Welch
Irwin	Purcell	Whitcher

## Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Kennedy	Pierce	Stevens
Macdonald	Ramsett	Strom
McArthur	Rice	Welo
McLean		

So the bill passed and the title was agreed to.

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 39, nays 0, absent and not voting 8.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Kelly	Sharpe
Anderson	Kennedy	Simpson
Baker	Koffel	Steel, of Stutsman
Bessesen	LaMoure	Steele of Ward
Cashel	Leutz	Syvertson
Crane	Martin	Talcott

Messrs.—

Davis  
Duis  
Gilbert  
Gronvold  
Gunderson  
Irwin  
Johnson

Messrs.—

Macdonald  
Movius  
Neal  
Overson  
Palmer  
Plain  
Ramsett

Messrs.—

Trimble  
Turner  
Wallin  
Walton  
Welch  
Welo  
Whitcher

Absent and not voting:

Messrs.—

Holliday  
McArthur  
McLean

Messrs.—

Pierce  
Purcell  
Rice

Messrs.—

Stevens  
Strom

So the bill passed and the title was agreed to.

Mr. Purcell asked unanimous consent to amend House Bill No. 110.

Which motion was granted.

### MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,  
BISMARCK, NORTH DAKOTA,

March 5, 1909.

Mr. President:

I have the honor to inform you that the house declines to concur in the senate amendments to House Bill No. 380 and asks for a committee of conference, and the speaker has named as such conferees on the part of the house, Messrs. Hanley, Chatfield and Wolbert.

Very respectfully,

W. D. AUSTIN,  
Chief Clerk.

Mr. Purcell moved

That House Bill No. 110 be amended as follows:

Line 2 of Section 1 of the engrossed bill, strike out the word "two" and insert the word "one". Line 3 strike out the figures "2000" and insert "\$1000".

Line 7 of section 2, engrossed bill strike out the words "one thousand" and insert the words "five hundred" and strike out the figures "1000" and insert the figures "500".

Strike out all of section 2, section 3 and section 4.

Mr. Purcell moved

That the amendment be adopted.

Which motion prevailed and  
The amendment was adopted.

House Bill No. 110,

A bill for an act requiring state officials to reside at the capitol and provide adequate compensation.

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 39, nays 3, absent and not voting 5.

Those who voted in the affirmative were:

Messrs.—

Albright  
Anderson  
Bessesen  
Cashel  
Crane  
Davis  
Duis  
Gilbert  
Irwin  
Johnson  
Kelly  
Kennedy  
LaMoure

Messrs.—

Leutz  
Martin  
Macdonald  
McLean  
Movius  
Neal  
Overson  
Palmer  
Pierce  
Plain  
Purcell  
Ramsett  
Rice

Messrs.—

Sharpe  
Simpson  
Steel, of Stutsman  
Steele of Ward  
Stevens  
Syvertson  
Talcott  
Trimble  
Turner  
Walton  
Welch  
Welo  
Whitcher

Those who voted in the negative were:

Messrs.—

Grönvold

Messrs.—

Gunderson

Messrs.—

Wallin

Absent and not voting:

Messrs.—

Baker  
Holliday

Messrs.—

Koffel  
McArthur

Messrs.—

Strom

So the bill passed as amended and the title was agreed to.  
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 40, nays 0, absent and not voting 7.

Those who voted in the affirmative were:

Messrs.—

Albright  
Anderson  
Baker

Messrs.—

LaMoure  
Leutz  
Martin

Messrs.—

Sharpe  
Simpson  
Steel, of Stutsman

Messrs.—	Messrs.—	Messrs.—
Cashel	Macdonald	Steele of Ward
Crane	McArthur	Syvertson
Davis	McLean	Talcott
Duis	Movius	Trimble
Gilbert	Neal	Turner
Gronvold	Overson	Wallin
Gunderson	Palmer	Walton
Irwin	Pierce	Welch
Johnson	Plain	Welo
Kelly	Purcell	Whitcher
Kennedy		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Bessesen	Ramsett	Stevens
Holliday	Rice	Strom
Koffel		

So the bill passed and the title was agreed to.

The president of the senate named as senate conferees on House Bill No. 380, Messrs. Kennedy, Welch and Trimble.

The secretary announced that the president was about to sign:

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. 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. 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.

And the president signed the same in the presence of the senate.

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.

The question being on the final passage of the bill.

The roll was called and there were ayes 39, nays 0, absent and not voting 8.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Kennedy	Ramsett
Anderson	Koffel	Sharpe
Baker	LaMoure	Simpson
Bessesen	Leutz	Steel, of Stutsman
Cashel	Martin	Steele of Ward
Crane	Macdonald	Strom
Duis	Movius	Syvertson
Gilbert	Neal	Talcott
Gronvold	Overson	Trimble
Gunderson	Palmer	Turner
Irwin	Pierce	Walton
Johnson	Plain	Welch
Kelly	Purcell	Whitcher

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Davis	McLean	Wallin
Holliday	Rice	Welo
McArthur	Stevens	

So the bill passed and the title was agreed to.

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.

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 0, absent and not voting 7.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Kennedy	Rice
Anderson	LaMoure	Sharpe
Baker	Leutz	Steel, of Stutsman
Bessesen	Martin	Strom

Messrs.—	Messrs.—	Messrs.—
Cashel	Macdonald	Syverson
Crane	McArthur	Talcott
Davis	McLean	Trimble
Duls	Movius	Turner
Gilbert	Neal	Wallin
Gronvold	Palmér	Walton
Gunderson	Plain	Welch
Irwin	Purcell	Welo
Johnson	Ramsett	Whitcher
Kelly		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Holliday	Pierce	Steele of Ward
Koffel	Simpson	Stevens
Overson		

So the bill passed and the title was agreed to.

### REPORT OF CONFERENCE COMMITTEE.

Mr. President:

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. STEVENS,  
 A. MacDONALD,  
 C. D. RICE.

Mr. Pierce moved that House Bill No. 113 be placed upon its third reading and final passage.

Which motion was lost.

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 as amended by the conference committee.

The roll was called and there were ayes 37, nays 0, absent and not voting 10.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Leutz	Rice
Anderson	Martin	Sharpe
Baker	Macdonald	Simpson
Bessesen	McArthur	Stevens
Cashel	McLean	Syverson
Davis	Movius	Talcott
Duis	Neal	Trimble
Gilbert	Palmer	Turner
Irwin	Pierce	Wallin
Johnson	Plain	Walton
Kelly	Purcell	Welch
Kennedy	Ramsett	Whitcher
LaMoure		

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Crane	Koffel	Steele of Ward
Gronvold	Overson	Strom
Gunderson	Steel, of Stutsman	Welo
Holliday		

So the bill passed as amended and the title was agreed to.  
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 42, nays 0, absent and not voting 5.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	LaMoure	Sharpe
Anderson	Leutz	Simpson
Baker	Martin	Steele of Ward
Bessesen	Macdonald	Stevens
Cashel	McArthur	Strom
Crane	McLean	Syverson
Davis	Movius	Talcott
Duis	Neal	Trimble
Gilbert	Palmer	Turner
Gronvold	Pierce	Wallin
Gunderson	Plain	Walton
Irwin	Purcell	Welch
Johnson	Ramsett	Welo
Koffel	Rice	Whitcher

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Holliday	Kennedy	Steel, of Stutsman
Kelly	Overson	

So the bill passed and the title was agreed to.

## 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 41, nays 0, absent and not voting 6.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	LaMoure	Sharpe
Anderson	Leutz	Simpson
Baker	Martin	Steel, of Stutsman
Bessesen	Macdonald	Steele of Ward
Cashel	McArthur	Stevens
Crane	McLean	Syvertson
Davis	Movius	Talcott
Duis	Neal	Trimble
Gilbert	Overson	Turner
Gronvold	Palmer	Wallin
Gunderson	Pierce	Walton
Irwin	Plain	Welch
Johnson	Purcell	Whitcher
Koffel	Rice	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Holliday	Kennedy	Strom
Kelly	Ramsett	Welo

So the bill passed and the title was agreed to.

## MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,  
BISMARCK, NORTH DAKOTA,

March 5, 1909.

Mr. President:

I have the honor to inform you that the house declines to concur in the senate amendments to House Bill No. 110 and asks for a committee of conference, and the speaker has named as such conferees on the part of the house, Messrs. Gibbens, Cunningham and Baker of Stark.

Very respectfully,

W. D. AUSTIN,  
Chief Clerk.



The president of the senate named as senate conferees on House Bill 110, Messrs. Purcell, Gilbert and Davis.

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 36, nays 0, absent and not voting 11.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	LaMoure	Ramsett
Anderson	Leutz	Sharpe
Baker	Martin	Steel, of Stutsman
Cashel	Macdonald	Steele of Ward
Crane	McLean	Stevens
Duis	Movius	Syverson
Gronvold	Neal	Talcott
Gunderson	Overson	Turner
Irwin	Palmer	Wallin
Johnson	Pierce	Walton
Kelly	Plain	Welo
Koffel	Purcell	Whitcher

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Bessessen	Kennedy	Strom
Davis	McArthur	Trimble
Gilbert	Rice	Welch
Holliday	Simpson	

So the bill passed and the title was agreed to.

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 33, nays 0, absent and not voting 14.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Koffel	Plain
Anderson	LaMoure	Ramsett
Baker	Leutz	Sharpe
Cashel	Martin	Simpson
Crane	Macdonald	Steele of Ward
Duis	McLean	Stevens

Messrs.—  
 Gronvold  
 Irwin  
 Johnson  
 Kelly  
 Kennedy

Messrs.—  
 Movius  
 Neal  
 Overson  
 Palmer  
 Pierce

Messrs.—  
 Syvertson  
 Talcott  
 Turner  
 Walton  
 Whitcher

**Absent and not voting:**

Messrs.—  
 Bessesen  
 Davis  
 Gilbert  
 Gunderson  
 Holliday

Messrs.—  
 McArthur  
 Purcell  
 Rice  
 Steel, of Stutsman  
 Strom

Messrs.—  
 Trimble  
 Wallin  
 Welch  
 Welo

So the bill passed and the title was agreed to.

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. Simpson moved

That House Bill No. 229 be indefinitely postponed.

Which motion was lost.

Mr. Simpson moved

A call of the senate.

Mr. Simpson moved

A point of order.

Which point of order was not sustained.

The question being on the final passage of the bill.

The roll was called and there were ayes 29, nays 10, absent and not voting 8.

Those who voted in the affirmative were:

Messrs.—  
 Anderson  
 Baker  
 Bessesen  
 Cashel  
 Crane  
 Duis  
 Gronvold  
 Gunderson  
 Irwin  
 Johnson

Messrs.—  
 Kelly  
 Koffel  
 LaMoure  
 Macdonald  
 McArthur  
 Overson  
 Pierce  
 Ramsett  
 Sharpe  
 Steel, of Stutsman

Messrs.—  
 Steele of Ward  
 Stevens  
 Strom  
 Syvertson  
 Talcott  
 Turner  
 Wallin  
 Welo  
 Whitcher

Those who voted in the negative were:

Messrs.—  
 Albright  
 Leutz  
 Martin  
 McLean

Messrs.—  
 Movius  
 Neal  
 Palmer

Messrs.—  
 Plain  
 Simpson  
 Walton

**Absent and not voting:**

Messrs.—	Messrs.—	Messrs.—
Davis	Kennedy	Trimble
Gilbert	Purcell	Welch
Holliday	Rice	

So the bill passed and the title was agreed to.

Mr. Koffel moved

That no bills other than those now on the secretary's desk be placed on their third reading and final passage.

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 38, nays 0, absent and not voting 9.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Martin	Simpson
Anderson	Macdonald	Steel, of Stutsman
Baker	McArthur	Steele of Ward
Cashel	McLean	Stevens
Crane	Movius	Strom
Duis	Neal	Syvertson
Gronvold	Overson	Trimble
Gunderson	Palmer	Turner
Irwin	Pierce	Wallin
Johnson	Plain	Walton
Kelly	Ramsett	Welo
LaMoure	Rice	Whitcher
Leutz	Sharpe	

**Absent and not voting:**

Messrs.—	Messrs.—	Messrs.—
Bessesen	Holliday	Purcell
Davis	Kennedy	Talcott
Gilbert	Koffel	Welch

So the bill passed and the title was agreed to.

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 32, nays 0, absent and not voting 15.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	Koffel	Ramsett
Anderson	LaMoure	Sharpe
Baker	Leutz	Steel, of Stutsman
Cashel	Macdonald	Stevens
Crane	McLean	Talcott
Duls	Movius	Trimble,
Gronvold	Neal	Turner
Gunderson	Overson	Wallin
Irwin	Palmer	Walton
Johnson	Pierce	Welo
Kelly	Plain	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Bessesen	Martin	Steele of Ward
Davis	McArthur	Strom
Gilbert	Purcell	Syverson
Holliday	Rice	Welch
Kennedy	Simpson	Whitcher

So the bill passed and the title was agreed to.

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

Mr. President:

Your committee on enrolled and engrossed bills have examined

Senate Bill No. 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. 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.

And find the same correctly enrolled.

THEODORE KOFFEL,  
Chairman.

The secretary announced that the president was about to sign:

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. 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.

And the president signed the same in the presence of the senate.

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 36, nays 0, absent and not voting 11.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Albright	LaMoure	Rice
Anderson	Leutz	Sharpe
Baker	Martin	Simpson
Cashel	Macdonald	Steele of Ward
Crane	McArthur	Stevens
Duis	McLean	Syverson
Gilbert	Movius	Talcott
Gunderson	Neal	Turner
Holliday	Overson	Wallin
Irwin	Pierce	Walton
Johnson	Plain	Welo
Kelly	Ramsett	Whitcher

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Bessesen	Koffel	Strom
Davis	Palmer	Trimble

Messrs.—  
Gronvold  
Kennedy

Messrs.—  
Purcell  
Steel, of Stutsman

Messrs.—  
Welch

So the bill passed and the title was agreed to.

Mr. Talcott moved

That when the senate adjourns sine die, the motion be made by Senator Crane.

Which motion prevailed.

The secretary announced that the president 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 president signed the same in the presence of the senate.

## REPORT OF CONFERENCE COMMITTEE.

Mr. President:

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 house 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 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 that the bill do pass.

E. F. GILBERT,  
W. E. PURCELL,  
J. E. DAVIS,  
A. W. CUNNINGHAM,  
A. S. GIBBENS,  
F. M. BAKER.

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 amended by the conference committee.

The roll was called and there were ayes 38, nays 3, absent and not voting 6.

Those who voted in the affirmative were:

Messrs.—

Albright  
Anderson  
Baker  
Crane  
Davis  
Duls  
Gilbert  
Irwin  
Johnson  
Kennedy  
Koffel  
LaMoire  
Leutz

Messrs.—

Martin  
Macdonald  
McArthur  
McLean  
Movius  
Neal  
Palmer  
Pierce  
Plain  
Purcell  
Ramsett  
Sharpe  
Simpson

Messrs.—

Steel, of Stutsman  
Steele of Ward  
Stevens  
Strom  
Syvertson  
Talcott  
Trimble  
Turner  
Walton  
Welch  
Welo  
Whitcher

Those who voted in the negative were:

Messrs.—

Gunderson

Messrs.—

Kelly

Messrs.—

Wallin

Absent and not voting:

Messrs.—

Bessesen  
Cashel

Messrs.—

Gronvold  
Holliday

Messrs.—

Overson  
Rice

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

Mr. Simpson presented a framed photograph of the members of the senate to the president of the senate, Hon. R. S. Lewis, with appropriate remarks.

Mr. Purcell made an address, congratulating the president of the senate on his fairness and wisdom as presiding officer.

The president of the senate responded.

Mr. MacDonald moved

That the chair be presented to the president of the senate.

Which motion prevailed

Mr. Talcott moved

That the senate gavel be presented to the president pro tem, L. A. Simpson.

Which motion prevailed.

Mr. Purcell offered the following resolution:

Whereas Maynard Crane, senator from Griggs county is about to leave us for the sunny south and whereas the sunshine of the south can be no more warm and genial than the reflection of his kindly disposition among us, now therefore

Be it resolved that this senate expresses its regret at his departure and the hope that his lines may be cast in pleasant places and that he may ever cherish as kindly a remembrance of his friends in this senate as they will of him.

Mr. Purcell moved

That the resolution be adopted and an engrossed copy be sent to the senator.

Which motion prevailed.

The committee on enrollment made the following report:  
Mr. Speaker:

Your committee on enrollment respectfully report that:  
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 find the same correctly enrolled.

THEODORE KOFFEL,  
Chairman.

The secretary announced that the president 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 president signed the same in the presence of the senate.



## MESSAGE FROM THE HOUSE.

The following message was received from the house:

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

Mr. President:

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

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 additional for such services.

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

Very respectfully,

W. D. AUSTIN,  
Chief Clerk.

Mr. Simpson moved

That the resolution be amended by adding the name of Peter J. Burfening, senate clerk, also to receive additional compensation of one dollar a day.

Mr. Simpson moved.

That the resolution as amended be adopted.

Which motion prevailed, and

The resolution was adopted.

The secretary announced that the president 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. 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. 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. 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.

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. 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.

And the president signed the same in the presence of the senate.

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

Mr. President:

Your committee on enrolled and engrossed bills have examined.

Senate Bill No. 107,

A bill for an act to 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 find the same correctly enrolled.

THEO. KOFFEL,

Chairman.

The secretary announced that the president 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 president signed the same in the presence of the senate.

#### MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,  
BISMARCK, NORTH DAKOTA,

March 5, 1909.

Mr. President:

I have the honor to inform you that the house has concurred in the senate amendments to House concurrent resolution relating to clerk hire.

Very respectfully,

W. D. AUSTIN,

Chief Clerk.

The secretary announced that the president was about to sign:

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. 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. 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.

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. 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.

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. 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. 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. 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 the president signed the same in the presence of the the senate.

Mr. Talcott moved

That a committee of 3 be named to notify the governor and the house that the senate was about to adjourn sine die.

Which motion prevailed, and

The president named the following committee to notify the governor: Messrs. Plain, Kennedy and Martin.

To notify the house: Messrs. Gunderson, Davis and Purcell.

Mr. Simpson nominated Henry McLean for president pro tem of the senate.

Which motion prevailed.

The secretary announced that the president was about sign:

House Bill No. 157,

A bill for an act to provide for probation for persons convicted of felonies and misdemeanors.

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. 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. 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. 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. 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. 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. 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 the president signed the same in the presence of the senate.

The committee to notify the governor reported that he had no further communications to make.

The secretary announced that the president was about to sign:

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.

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. 110,

A bill for an act requiring state officials to reside at the capitol and to provide adequate compensation.

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. 236,

A bill for an act to amend section 651 of the revised codes of the state of North Dakota for 1905.

And the president signed the same in the presence of the senate.

#### COURTESIES OF THE FLOOR.

The courtesies of the floor were granted to Carl J. Rustad of Buford.

A committee from the house announced that the house was about to adjourn sine die.

Mr. Crane moved

That the senate adjourn sine die.

Which motion prevailed, and

The senate adjourned sine die.

J. W. FOLEY,  
Secretary,





## REPORT OF SPECIAL COMMITTEE

The committee appointed by the senate to compare and correct the journal of the Sixtieth day and to compare the written and printed journals of the session beg leave to submit the following report:

### CORRECTIONS IN JOURNAL OF SIXTIETH DAY

Page 1 strike out lines seven and eight.

Page 15, line 8, change "150" to "50" and change title of bill to that of Senate Bill No. 50.

Page 33, next to last line, insert "of your" before the word "committee."

Page 34, line 11, insert "of your" before the word "committee."

Page 34, strike out third and fourth line from bottom of page. Add at bottom of page "which went over one day."

Page 35, line 17, after "atives" insert the following: "and by striking out all words after the word state in the fourth line thereof. Strike out Section 2 and insert i 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 sit as representatives.'"

Page 44, strike out the next to last line and the last line. Strike out lines 6 and 7 and insert the following: "Mr. Movius objected to the consideration of the report which went over one day."

Page 45, fourth line from bottom, change "Price" to "Pierce."

Page 49, line 26, change word "poned" to "indefinitely postponed."

Page 50, fourth line after "Open Session" change name Arian to Arja. Ninth line after Open Session change "Meeton" to "Milton."

Page 58, strike out lines 32 and 36.

Page 59, line 20, change "Price" to "Pierce."

Page 60, strike out lines 19, 20 and 25.

Page 61, strike out lines 9, 10 and 19.

Page 63, strike out lines 10, 11 and 15.

Page 73, insert after the fifth line from the bottom, all of page 74, beginning with "Mr. Gunderson moved" to the bottom of the page and the first two lines on page 75.

Page 74, change "Price" to "Pierce."

Page 75, line 14, insert "adoption of" before "report."

Page 75, strike out the last line.

Page 76, strike out the first and seventh lines.

Page 80, before the word "superintendent" in line 34, insert "state" and strike out "of schools" in line 35.

Page 86, strike out lines 21, 22, and 27.

Line 30, change 39 to 40.

Line 31, change 8 to 7.

Page 87, after line 6 insert "The following copy of a telegram was filed."

Page 87, fifth line from bottom, change "Price" to "Pierce."

Page 104, line 30, change "resolution" to "report."

Page 109, strike out lines 33 and 36.

Page 119, line 2, change "possible" to "passed."

Page 123, strike out lines 34 and 41.

Page 134, third line from bottom, change word "concurrent" to "committee."

Page 139, strike out lines 26 and 27 and insert "The secretary announced that the President was about to sign."

Page 142, insert after roll call on House Bill No. 158, "Mr. Gunderson voted in the negative."

Page 147, before 11th line from bottom insert, "Mr. Talcott seconded."

## CORRECTIONS IN WRITTEN JOURNAL—VOLUME ONE

Page 82, insert after Second Reading of Senate Bills: Senate Bill No. 12, A bill for an act to amend and re-enact section 7497 of the Revised Codes of 1905 of the state of North Dakota relating to cancellation of land contracts was read the second time and referred to the committee on judiciary.

Change title of Senate Bill No. 9 to the following: A bill for an act to amend section 9366 of the Revised Codes of North Dakota of 1905 defining what shall be considered and held to be intoxicating liquors.

Page 83, second line, change word "judiciary" to "temperance."

Page 157, line 20, change 43 to 42, line 21 change 4 to 5.

Page 168, after line 9, insert, "and find the same correctly engrossed."

Page 210, strike out from line 9 to bottom of page.

Page 269, line 29, change "appointment" to "apportionment."

Page 362, strike out lines 5 to 18 inclusive.

Page 423, line 4, change 58 to 85.

Page 448, under second reading of Senate Bills, insert:

Senate Bill No. 244

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

Senate Bill No. 245

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

Page 449, line 3, change 287 to 247.

Page 483, change 145 in thirteenth line from bottom of page, to 154.

Page 495, line 5, change 37 to 38.

Page 496, after line 16, insert:

Absent and not voting—Messrs. Albright, Kennedy, Movius, Plain, Palmer, Simpson, Steele of Ward, Wallin, Witcher.

Page 496, fifth line from bottom, change 36 to 37, next line change 9 to 8.

Page 525, line 2, change "apportionment" to "appropriations."

Page 575, tenth line from bottom, change "Irving" to "Irwin."

Page 622, after line 7 insert "Senate Bill No. 97."

## CORRECTIONS IN WRITTEN JOURNAL—VOLUME TWO

Page 14, strike out line 8 to 27 inclusive.

Page 40, after the word "appropriation" in line 10, insert, "to whom was referred

Senate Bill No. 166.

A bill for an act making an appropriation."

Page 46, strike out lines 11 to 38 inclusive.

Page 89, strike out line 25 and 26.

Page 93, at second line from bottom insert the following:

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 40, nays, 0, absent and not voting, 7.

Those who voted in the affirmative were: Messrs.: Albright, Anderson, Bessesen, Cashel, Crane, Davis, Duis, Gronvold, Gunderson, Irwin, Johnson, Kelly, Kennedy, Koffel, LaMoure, Martin, Macdonald, McLean, Movius, Neal, Overson, Palmer, Plain, Ramsett, Sharpe, Steel, of Stutsman, Steele of Ward, Strom, Syvertson, Talcott, Trimble, Turner, Wallin, Walton, Welch, Welo Whitcher.

Absent and not voting: Messrs.: Gilbert, Holliday, McArthur, Pierce, Purcell, Rice, Simpson.

Mr. Purcell being excused.

So the bill passed and the title was agreed to.

Page 160, line 20, change "passed" to "was lost," and strike out balance of line.

Page 186, strike out last line.

Page 187, strike out lines 1 to 17.

JAMES W. FOLEY  
F. W. KEMPF  
PETER BURFENING  
Committee.

Bismarck, N. D., March 31, 1909.

# INDEX

## RECORD OF BILLS IN THE SENATE

### SENATE BILLS

#### Senate Bill No. 1.—(Welch)

A bill for an act to amend section 8799 of chapter 18 of the Penal Code as published in the revised codes of 1905.

Introduction and first reading, 34.  
Second reading and reference, 43.  
Reported back, 232.  
Indefinitely postponed, 232.

#### Senate Bill No. 2.—(Welch)

A bill for an act making an appropriation for improvements and betterment of the public building known as the Executive Mansion.

Introduction and first reading, 35  
Second reading and reference, 43.  
Reported back, 674.  
Indefinitely postponed, 674.

#### Senate Bill No. 3.—(Price)

A bill for an act to provide for the protection of depositors in banking corporations.

Introduction and first reading, 38.  
Second reading and reference, 64.  
Reported back, 1271.

#### 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.

Introduction and first reading, 38.  
Second reading and reference, 64  
Reported back, 144, 672.  
Third reading, 715.  
Passed, 715.  
Received from the house, 1192.

#### Senate Bill No. 5.—(Gunderson)

A bill for an act entitled, "An act providing for the establishment of a good roads department at the state agricultural college, defining the duties of such department and providing for an appropriation to pay the current and contingent expenses of same.

Introduction and first reading, 38.  
Second reading and reference, 64.  
Reported back, 351, 676.  
Indefinitely postponed, 676.

#### Senate Bill No. 6.—(Gunderson)

A bill for an act to amend section 9353 of the revised codes of the state of North Dakota for the year 1905, relating to prohibition, and repealing sections 9354, 9355, 9356, 9357, 9359, 9360, 9361, 9362, 9363, 9364 and 9365 of the same codes and relating to the same subject.

Introduction and first reading, 39.

#### 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.

Introduction and first reading, 39.  
Second reading and reference, 65.  
Reported back, 122, 168.  
Third reading, 149, 197.  
Passed, 150.  
Received from the house, 738.

#### Senate Bill No. 8.—(McArthur)

A bill for an act to regulate the sale of intoxicating liquors for

**Senate Bill No. 8.—Continued.**

medicinal, sacramental, scientific and mechanical purposes.  
 Introduction and first reading, 39.  
 Second reading and reference, 92.  
 Reported back, 596.  
 Third reading, 962.  
 Passed, 962.  
 Received from the house, 1309.

**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.  
 Introduction and first reading, 39.  
 Second reading and reference, 75.  
 Third reading, 130.  
 Indefinitely postponed, 975.  
 Received from the house, 975.

**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.  
 Introduction and first reading, 39.  
 Second reading and reference, 105.  
 Reported back, 158.  
 Third reading, 197.  
 Passed, 198.  
 Received from the house, 1045.  
 Amended, 1045.  
 Amendments concurred in, 1194.

**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.  
 Introduction and first reading, 39.  
 Second reading and reference, 92.  
 Reported back, 348.  
 Third reading, 450.  
 Passed, 451.  
 Received from the house, 1268.

**Senate Bill No. 12.—(Steele of Ward)**

A bill for an act to amend and reenact section 7497 of the revised code of 1905 of the state of North Dakota, relating to cancellation of land contracts.  
 Introduction and first reading, 40.  
 Second reading and reference, 75.  
 Reported back, 1059.  
 Indefinitely postponed, 1059.

**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.  
 Introduction and first reading, 40.  
 Second reading and reference, 76.  
 Reported back, 140, 233.  
 Third reading, 198, 263.  
 Passed, 264.  
 Received from the house, 550.

**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.  
 Introduction and first reading, 40.  
 Second reading and reference, 92.  
 Reported back, 678.  
 Third reading, 709.  
 Passed, 709.  
 Received from the house, 844.  
 Other action, 1141.

**Senate Bill No. 15.—(Gunderson)**

A concurrent resolution for an amendment to the constitution of the state of North Dakota, relating to the right of trial by jury.  
 Introduction and first reading, 40.  
 Second reading and reference, 76.  
 Reported back, 203.

**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 lab-

**Senate Bill No. 16.—Continued.**

oratory 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.

Introduction and first reading, 40.  
 Second reading and reference, 76  
 Reported back, 673, 986.  
 Third reading, 692, 1079.  
 Passed, 692.  
 Received from the house, 835.  
 Amended, 836.  
 Amendments concurred in, 1079.  
 Conference, 986.  
 Report of conference committee, 1079.

**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.

Introduction and first reading, 40.  
 Second reading and reference, 92.  
 Third reading, 132.  
 Received from the house, 1246.  
 Conference, 1030.

**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."

Introduction and first reading, 41.  
 Second reading and reference, 92.  
 Reported back, 529.  
 Third reading, 567.  
 Passed, 567.  
 Indefinitely postponed, 976.  
 Received from the house, 976.

**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.

**Senate Bill No. 19.—Continued.**

Introduction and first reading, 41.  
 Second reading and reference, 93.  
 Reported back, 353, 994.  
 Third reading, 380.  
 Passed, 380.  
 Received from the house, 957.  
 Other action, 761.

**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.

Introduction and first reading, 41.  
 Second reading and reference, 93.  
 Third reading, 135.  
 Passed, 135.  
 Received from the house, 970.  
 Amendments concurred in, 1214.

**Senate Bill No. 21.—(Neal)**

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

Introduction and first reading, 41.  
 Second reading and reference, 105.  
 Reported back, 184.  
 Third reading, 229.  
 Passed, 229.  
 Received from the house, 738.

**Senate Bill No. 22.—(Neal)**

A bill for an act entitled, "An act to provide for liens upon crops and for the levy of a tax to secure the payment of the purchase price of seed grains."

Introduction and first reading, 41.  
 Second reading and reference, 105.  
 Reported back, 1158.  
 Indefinitely postponed, 1158.

**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

**Senate Bill No. 23.—Continued.**

for the year 1905, with regard to evidence as to statements and transactions with decedents."

Introduction and first reading, 41.  
Second reading and reference, 76.  
Reported back, 133.  
Third reading, 151.  
Passed, 151.  
Received from the house, 460.  
Other action, 495, 697.

**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.  
Introduction and first reading, 42.  
Second reading and reference, 93.  
Reported back, 141.  
Third reading, 174.  
Passed, 175.  
Received from the house, 1241.

**Senate Bill No. 25.—(Stevens)**

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."  
Introduction and first reading, 42.  
Second reading and reference, 76.  
Reported back, 500.  
Indefinitely postponed, 500.

**Senate Bill No. 26.—(Strom)**

A bill for an act establishing a state hail insurance department and making the commissioner of agriculture and labor also commissioner of state hail insurance; prescribing rules, regulations and duties of all officers connected therewith; prescribing how taxes for same shall be levied and collected, and how expense and indemnity for losses by hail shall be paid.  
Introduction and first reading, 42.  
Second reading and reference, 93.  
Reported back, 1158.  
Indefinitely postponed, 1158.

**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."

Introduction and first reading, 42.  
Second reading and reference, 77.  
Reported back, 191.  
Third reading, 229.  
Passed, 230.  
Received from the house, 695.  
Amended, 695.  
Amendments concurred in, 766.  
Other action, 790.

**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."  
Introduction and first reading, 42.  
Second reading and reference, 77.  
Reported back, 123.  
Third reading, 151.  
Passed 152.  
Received from the house, 392.

**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.  
Introduction and first reading, 62.  
Second reading and reference, 105.  
Reported back, 669.  
Third reading, 691.  
Passed, 692.  
Received from the house, 842.



**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.

Introduction and first reading, 62.  
Second reading and reference, 105.

Reported back, 560.

Third reading, 828.

Passed, 829.

Received from the house, 1243.

**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.

Introduction and first reading, 63.  
Second reading and reference, 105.

Reported back, 278.

Third reading, 310.

Passed, 310.

Received from the house, 551.

**Senate Bill No. 32.—(Stevens)**

A bill for an act entitled, "An act to provide for the appointment of a board of 'State Flag Commissioners,' and to provide funds for the selection and purchase of a state flag for the state of North Dakota."

Introduction and first reading, 63.  
Second reading and reference, 106.

Reported back, 160, 1162.

Indefinitely postponed, 1162.

**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.

Introduction and first reading, 63.  
Second reading and reference, 106.

Reported back, 159, 349.

Third reading, 198, 381.

Passed, 381.

Received from the house, 1269.

**Senate Bill No. 34.—(Syvertson)**

A bill for an act to amend and reenact section 1582 of the revised codes of North Dakota of 1905, relating to the redemption of real estate from tax sale.

Introduction and first reading, 63.  
Second reading and reference, 106.

Reported back, 141.

Indefinitely postponed 141.

**Senate Bill No. 35.—(Syvertson)**

A bill for an act relating to the qualifications of all state, county and city elective officers.

Introduction and first reading, 63.  
Second reading and reference, 116.

Reported back, 1059.

Indefinitely postponed, 1059.

**Senate Bill No. 36.—(Johnson)**

An act amending chapter 92 of the session laws of 1907 relating to county funds.

Introduction and first reading, 63.  
Second reading and reference, 116.

Reported back, 143, 1272.

**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 baking properties produced therefrom, and the chemical composition thereof.

Introduction and first reading, 63.  
Second reading and reference, 116.

Reported back, 856.

Third reading, 952.

Passed, 952.

Received from the house, 1287.

**Senate Bill No. 38.—(Cashel)**

A bill for an act to provide for a non-resident executor or administrator.

Introduction and first reading, 64.  
Second reading and reference, 106.

Reported back, 639.

Indefinitely postponed, 1057.

**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.

Introduction and first reading, 64.  
Second reading and reference, 106.

Reported back, 142.

Third reading, 175.

Passed, 175.

Received from the house, 460.

Other action, 495, 697.

**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.

Introduction and first reading, 72.  
Second reading and reference, 106.

Reported back, 237.

Third reading 265.

Passed, 265.

Received from the house, 970.

**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.

Introduction and first reading, 73.  
Second reading and reference, 107.

Reported back, 422.

Third reading, 479.

Passed, 479.

Received from the house, 1211.

**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.

Introduction and first reading, 73.  
Second reading and reference, 107.

Reported back, 158.

**Senate Bill No. 42.—Continued.**

Third reading, 199.

Passed, 199.

Received from the house, 971.

**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.

Introduction and first reading, 73.  
Second reading and reference, 107.

Reported back, 665.

Third reading, 714.

Passed, 714.

Received from the house, 836.

Other action, 1142.

**Senate Bill No. 44.—(LaMoure)**

A bill for an act providing when surety may be released on bond and prescribing mode of procedure.

Introduction and first reading, 73.  
Second reading and reference, 107.

Reported back, 142.

Third reading 175.

Passed, 176.

Received from the house, 978.

**Senate Bill No. 45.—(Leutz)**

A bill for an act to provide for the establishment and maintenance of county training schools for teachers.

Introduction and first reading, 73.  
Second reading and reference, 107.

Reported back, 319, 396.

**Senate Bill No. 46.—(Neal)**

A bill for an act to empower the school board of any district to establish and maintain free

**Senate Bill No. 46.—Continued.**

kindergartens for the instruction of children between four and six years of age.  
Introduction and first reading, 73.  
Second reading and reference, 107.  
Reported back, 401.  
Third reading, 454.  
Passed, 455.  
Received from the house, 1211.

**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.  
Introduction and first reading, 74.  
Second reading and reference, 108.  
Reported back, 668.  
Third reading, 688.  
Passed, 688.  
Received from the house, 836.

**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.  
Introduction and first reading, 74.  
Second reading and reference, 108.  
Reported back, 236, 659.  
Third reading, 688.  
Passed, 689.  
Received from the house, 910.

**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.  
Introduction and first reading, 74.  
Second reading and reference, 108.  
Reported back, 160.  
Third reading, 199.  
Passed, 200.  
Received from the house, 459.  
Amended, 460.  
Adopted, 1045.  
Other action, 734.

**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.  
Introduction and first reading, 74.  
Second reading and reference, 108.  
Reported back, 932, 995.  
Third reading, 1010.  
Passed, 1010.  
Amended, 932.

**Senate Bill No. 51.—(Purcell by request)**

A bill to amend section 1787 of the revised codes of North Dakota, 1905.  
Introduction and first reading, 74.  
Second reading and reference, 108.

**Senate Bill No. 52.—(Purcell)**

A bill for an act creating a state banking board, establishing a state depositors' guaranty fund to insure depositors against loss when bank becomes insolvent, prescribing the qualifications of officers and directors, fixing the salary of bank commissioner and his assistants and providing for more frequent examinations, fixing the penalty for embezzlement, limiting the amount of the bank funds that can be loaned to any one person, corporation or firm; declaring an emergency.  
Introduction and first reading, 74.  
Second reading and reference, 116.  
Reported back, 1271.

**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.  
Introduction and first reading, 75.  
Second reading and reference, 93.  
Reported back, 123.  
Third reading, 152.  
Passed, 152.  
Received from the house, 460.  
Other action, 495, 698.

**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.  
 Introduction and first reading, 75.  
 Second reading and reference, 94.  
 Reported back, 219.  
 Third reading, 244.  
 Received from the house, 460.  
 Other action, 495, 698.

**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.  
 Introduction and first reading, 75.  
 Second reading and reference, 94.  
 Reported back, 140, 319.  
 Third reading, 200, 415.  
 Passed, 415.  
 Indefinitely postponed, 976.  
 Received from the house, 976.

**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.  
 Introduction and first reading, 75.  
 Second reading and reference, 108.  
 Reported back, 661, 985.  
 Third reading, 689.  
 Passed, 690.  
 Received from the house, 910.  
 Amended, 910.  
 Conference, 985, 1030.  
 Report of conference committee, 1077.

**Senate Bill No. 57.—(Movius)**

A bill for an act to amend section 7497 of the 1905 revised codes of the state of North Dakota relating to foreclosure of land contracts.  
 Introduction and first reading, 89.  
 Second reading and reference, 94.  
 Reported back, 1055.  
 Amended, 1055.  
 Adopted, 1126.

**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.  
 Introduction and first reading, 89.  
 Second reading and reference, 94.  
 Reported back, 124, 930.  
 Third reading, 152.  
 Passed, 153.  
 Received from the house, 392.

**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.  
 Introduction and first reading, 89.  
 Second reading and reference, 95.  
 Reported back, 235.  
 Third reading, 266.  
 Passed, 266.  
 Received from the house, 1044.

**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 this act, and defining a negro person.  
 Introduction and first reading, 89.  
 Second reading and reference, 95.  
 Reported back, 220, 234.  
 Third reading, 266.  
 Passed, 268.  
 Received from the house, 1126.  
 Amended, 1126.  
 Amendments concurred in, 1193.

**Senate Bill No. 61.—(Anderson)**

A bill for an act authorizing counties in the state to issue bonds or warrants to purchase and

**Senate Bill No. 61.—Continued.**

procure seed grain for needy farmers resident therein.  
Introduction and first reading, 90.  
Second reading and reference, 95.  
Reported back, 1161.  
Indefinitely postponed, 1161.

**Senate Bill No. 62.—(Talcott)**

A bill for an act to provide for the nonpartisan nomination and election of state superintendent of public instruction and county superintendents of schools.  
Introduction and first reading, 90.  
Second reading and reference, 95.  
Reported back, 139, 806.  
Indefinitely postponed, 806.

**Senate Bill No. 63.—(Talcott)**

A bill for an act to encourage elementary education and appropriate money therefor.  
Introduction and first reading, 90.  
Second reading and reference, 95.  
Reported back, 217.

**Senate Bill No. 64.—(Cashel)**

A bill for an act to provide for nominating candidate by political parties for United States senators, members of congress, and certain state offices, calling caucuses, county and state conventions, regulating and governing the same, providing an appropriation therefor and suitable penalties for violations thereof.  
Introduction and first reading, 90.  
Second reading and reference, 95.  
Reported back, 805.  
Indefinitely postponed, 805.

**Senate Bill No. 65.—(Duis)**

A bill for an act to amend section 1554 of the revised codes of 1905 relating to taxes, when due, personal distress and delinquent personal property taxes, and to repeal section 1571 of the revised codes of 1905 relating to real estate taxes due and delinquent, penalty and interest.  
Introduction and first reading, 90.  
Second reading and reference, 96.  
Reported back, 981, 1050.

**Senate Bill No. 66.—(Cashel)**

A bill for an act providing for calling caucuses of political parties, regulating the same and providing suitable penalties for their violation.  
Introduction and first reading, 91.  
Second reading and reference, 96.  
Reported back, 807.  
Indefinitely postponed, 807.

**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.  
Introduction and first reading, 91.  
Second reading and reference, 96.  
Reported back, 204.  
Third reading, 515.  
Passed, 516.  
Received from the house, 1196.

**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.  
Introduction and first reading, 91.

**Senate Bill No. 68.—Continued.**

Second reading and reference, 97.  
 Reported back, 354, 658, 985.  
 Third reading, 694.  
 Passed, 695.  
 Received from the house, 844,  
 1126.  
 Amended, 845.  
 Conference, 1030.  
 Report of conference committee,  
 1075.  
 Adopted, 1126.

**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 expo-  
 sition.  
 Introduction and first reading, 91.  
 Reported back, 658.  
 Third reading, 703.  
 Passed, 704.  
 Received from the house, 843.

**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 Dev-  
 ils Lake, North Dakota, and  
 making an appropriation there-  
 for.  
 Introduction and first reading,  
 103.  
 Second reading and reference,  
 172.  
 Reported back, 657, 984.  
 Third reading, 693.  
 Passed, 693.  
 Received from the house, 845,  
 1126.  
 Amended, 845.  
 Conference, 985, 1030.  
 Report of conference committee,  
 1076.  
 Adopted, 1126.

**Senate Bill No. 71.—(Duis)**

A bill for an act amending the con-  
 stitution of the state of North  
 Dakota, empowering the legis-  
 lative assembly to provide by  
 law for the erection, leasing,  
 purchasing and operating term-  
 inal elevators, in the states of  
 Minnesota and Wisconsin or  
 either.

**Senate Bill No. 71.—Continued.**

Introduction, and first reading,  
 103.  
 Second reading and reference,  
 129.  
 Reported back, 402.  
 Third reading, 819.  
 Passed, 820.  
 Received from the house, 1240.

**Senate Bill No. 72.—(McArthur)**

A bill for an act creating the of-  
 fice of forest fire warden and  
 prescribing the powers, duties  
 and compensations of such of-  
 fice.  
 Introduction and first reading,  
 103.  
 Second reading and reference,  
 147.  
 Reported back, 238.  
 Third reading, 268.  
 Passed, 269.  
 Received from the house, 1045.  
 Amended, 1045.  
 Amendments concurred in 1112.

**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.  
 Introduction and first reading,  
 104.  
 Second reading and reference,  
 117.  
 Reported back, 209.  
 Third reading, 764.  
 Passed, 765.  
 Received from the house, 1192.

**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 con-  
 viction of violators of the pro-  
 hibition law.  
 Introduction and first reading,  
 104.  
 Second reading and reference,  
 129.  
 Reported back, 283.  
 Third reading, 310.  
 Passed, 311.  
 Received from the house, 549.  
 Other action, 603.

**Senate Bill No. 75.—(Crane)**

A bill for an act to amend section 8359 of the revised codes of 1905.  
 Introduction and first reading, 104.  
 Second reading and reference, 129.  
 Reported back, 158.  
 Indefinitely postponed, 158.

**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.  
 Introduction and first reading, 104.  
 Second reading and reference, 129.  
 Reported back, 657.  
 Third reading, 704.  
 Passed, 705.  
 Received from the house, 1191.

**Senate Bill No. 77.—(Ramsett)**

A bill for an act to amend section 3012 of the revised codes of the state of North Dakota for the year 1905, relating to road and bridge taxes.  
 Introduction and first reading, 104.  
 Second reading and reference, 130.  
 Reported back, 350.

**Senate Bill No. 78.—(Gunderson)**

A bill for an act to amend section 2437 of the revised codes of the state of North Dakota for the year 1905.  
 Introduction and first reading, 104.  
 Second reading and reference, 143.  
 Reported back, 215.  
 Indefinitely postponed, 215.

**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."  
 Introduction and first reading, 114.  
 Second reading and reference, 172.  
 Reported back, 283.  
 Third reading, 311.  
 Passed, 311.  
 Received from the house, 550.  
 Other action, 604.

**Senate Bill No. 80.—(Walton)**

A bill for an act to amend section No. 4657 of the revised code of 1905, relating to the limitations of loans to one concern.  
 Introduction and first reading, 114.  
 Second reading and reference, 143.  
 Reported back, 1270.  
 Received from the house, 1270.

**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.  
 Introduction and first reading, 114.  
 Second reading and reference, 167.  
 Reported back, 653.  
 Third reading, 706.  
 Passed, 707.  
 Received from the house, 1202.  
 Amended, 1203.  
 Amendments concurred in, 1212.

**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.  
 Introduction and first reading, 114.  
 Second reading and reference, 148.

**Senate Bill No. 82.—Continued.**

Reported back, 351.  
 Third reading, 383.  
 Passed, 384.  
 Received from the house, 1246.

**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.

Introduction and first reading, 114.

Second reading and reference, 148.

Reported back, 670.

Third reading, 711.

Passed, 712.

Received from the house, 1220.

**Senate Bill No. 84.—(Bessesen)**

A bill for an act relating to the granting of a new trial in all actions, civil or criminal, tried to a jury.

Introduction and first reading, 114.

Second reading and reference, 148.

Reported back, 464.

Indefinitely postponed, 464.

**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.

Introduction and first reading, 115.

Second reading and reference, 148.

Reported back, 370.

Third reading, 416.

Passed, 416.

Received from the house, 1127.

**Senate Bill No. 86.—(Gronvold)**

A bill for an act to amend section 1554 of the revised codes of 1905 of North Dakota, relating to delinquent personal property taxes when due.

Introduction and first reading, 115.

**Senate Bill No. 86.—Continued.**

Second reading and reference, 149.

Reported back, 219, 1162.

Indefinitely postponed, 1162.

**Senate Bill No. 87.—(Strom)**

A bill for an act to amend sections 5510 and 5511 of the revised codes of 1905, relating to the legal rate of interest, and defining usury.

Introduction and first reading, 115.

Second reading and reference, 149.

Reported back, 181.

Indefinitely postponed, 181.

**Senate Bill No. 88.—(Welo)**

A bill for a concurrent resolution 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, 115.

Second reading and reference, 149.

Reported back, 348.

**Senate Bill No. 89.—(Ramsett)**

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, 115.

Second reading and reference, 167.

Reported back, 865, 920.

Indefinitely postponed, 920.

**Senate Bill No. 90.—(Simpson)**

A bill for an act making an appropriation for the Dickinson experiment station, located at the city of Dickinson.

Introduction and first reading, 115.

Second reading and reference, 149.

Reported back, 667.

Third reading, 713.

Passed, 713.

Received from the house 836.



**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.

Introduction and first reading, 110.

Second reading and reference, 149.

Reported back, 655.

Third reading, 710.

Passed, 710.

Received from the house, 842.

**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 maintenance thereof, and empowering certain officers to establish and maintain such system, and for purposes connected therewith.

Introduction and first reading, 127.

Second reading and reference, 172.

Reported back, 350.

Third reading, 777.

Passed, 778.

Indefinitely postponed, 976.

Received from the house, 976, 1243.

**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.

**Senate Bill No. 93.—Continued.**

Introduction and first reading, 172.

Second reading and reference, 172.

Reported back, 582.

Third reading, 778.

Passed, 778.

**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.

Introduction and first reading, 127.

Second reading and reference, 137.

Reported back, 466, 803.

Third reading, 516, 999.

Passed, 999.

Indefinitely postponed, 1244.

Received from the house, 1244.

**Senate Bill No. 95.—(Strom)**

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.

Introduction and first reading, 127.

Second reading and reference, 173.

Reported back, 1158.

Indefinitely postponed, 1158.

**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.

Introduction and first reading, 127.

Second reading and reference, 173.

Reported back, 353, 370.

Third reading, 417.

Passed, 417.

Received from the house, 1196.

**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.

Introduction and first reading, 128.

Second reading and reference, 608.

Reported back, 873, 995.

Third reading, 1012.

Passed, 1013.

Received from the house, 1168.

**Senate Bill No. 98.—(Sharpe)**

A bill for an act to encourage education in agriculture and domestic science by providing for the establishment and maintenance of county schools of agriculture and domestic economy for the certification of graduates of such schools, and making appropriations for such schools.

Introduction and first reading, 128.

Second reading and reference, 192.

Reported back, 764.

**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.

Introduction and first reading, 128.

Second reading and reference, 193.

Reported back, 298, 680.

Third reading, 702.

Passed, 702.

Received from the house, 837.

**Senate Bill No. 100.—(Martin)**

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.

**Senate Bill No. 100.—Continued.**

Introduction and first reading, 134.

Second reading and reference, 193.

Reported back, 808.

Third reading, 959.

**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.

Introduction and first reading, 145.

Second reading and reference, 173.

Reported back, 220.

Third reading, 288.

Received from the house, 970.

**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.

Introduction and first reading, 145.

Second reading and reference, 193.

Reported back, 218, 671.

Third reading, 690.

Passed 691.

Received from the house, 842.

Other action, 1142.

**Senate Bill No. 103.—(Plain)**

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

Introduction and first reading, 146.

Second reading and reference, 173.

Reported back, 1276.

**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.

Introduction and first reading, 146.

Second reading and reference, 174.

Reported back, 218, 662, 986.

Third reading, 718.

Passed, 718.

Received from the house, 910.

Amended, 910.

Conference, 986, 1030.

Report of conference committee, 1077.

Adopted, 1184.

**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.

Introduction and first reading, 146.

Second reading and reference, 174.

Reported back, 280.

Third reading, 334.

Passed, 335.

Received from the house, 970.

**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.

Introduction and first reading, 146.

Second reading and reference, 193.

Reported back, 234.

Third reading, 269.

Passed, 269.

Received from the house, 549, 975.

Other action, 604.

**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 station agricultural experiment station with the enforcement thereof.

Introduction and first reading, 146.

Second reading and reference, 193.

Reported back, 466.

Third reading, 517.

Passed, 517.

Indefinitely postponed, 975.

Received from the house, 975, 1351.

Amended, 1351.

Amendments concurred in, 1355.

Other action, 1184.

**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.

Introduction and first reading, 146.

Second reading and reference, 194.

Reported back, 559, 654.

Third reading, 705.

Passed, 706.

Received from the house, 844.

Other action, 1185.

**Senate Bill No. 109.—(Palmer)**

A bill for an act providing for the removal of cars from spurs and sidetracks of railroads that have

**Senate Bill No. 109.—Continued.**

been loaded for shipment for billing by the same common carriers, and providing penalties for failure to do same.

Introduction and first reading, 147.

Second reading and reference, 194.

Reported back, 237.

Third reading, 270.

Passed, 270.

Received from the house, 1043.

**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.

Introduction and first reading, 147.

Second reading and reference, 174.

Reported back, 235.

Third reading, 264.

Passed, 265.

Received from the house, 969.

**Senate Bill No. 111.—(Syvertson)**

A bill for an act to amend section 417 of the revised codes of North Dakota, 1905, relating to officers and offices and the qualification of officers.

Introduction and first reading, 147.

Second reading and reference, 194.

Reported back, 297.

Indefinitely postponed, 297.

**Senate Bill No. 112.—(Sharpe)**

A bill for a concurrent resolution amending the constitution of the state of North Dakota.

Introduction and first reading, 147.

Second reading and reference, 194.

Reported back, 215.

Third reading, 270.

Indefinitely postponed, 977.

Received from the house, 977.

**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.

Introduction and first reading, 165.

Second reading and reference, 194.

Reported back, 663.

Third reading, 696.

Passed, 696.

Received from the house, 837.

**Senate Bill No. 114.—(Purcell)**

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.

Introduction and first reading, 166.

Second reading and reference, 194.

Reported back, 363.

Third reading, 433, 1290.

Passed, 433.

Received from the House, 1259.

Amended, 1259.

Amendments concurred in, 1290.

**Senate Bill No. 115.—(Purcell)**

A bill for an act amending and re-enacting section 4267 of the revised codes of 1905.

Introduction and first reading, 166.

Second reading and reference, 195.

Reported back, 1273.

**Senate Bill No. 116.—(Palmer)**

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.

Introduction and first reading, 166.

Second reading and reference, 195.

Reported back, 216.

**Senate Bill No. 116.—Continued.**

Third reading 271, 1118.  
 Passed, 271.  
 Received from the house, 1203.  
 Amended, 1203.  
 Amendments concurred in, 1214.

**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.  
 Introduction and first reading, 166.  
 Second reading and reference, 195.  
 Reported back, 219.  
 Third reading, 765.  
 Passed, 765.  
 Received from the house, 1244.

**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.  
 Introduction and first reading, 166.  
 Second reading and reference, 195.  
 Reported back, 402.  
 Third reading, 455.  
 Passed, 455.  
 Received from the house, 1195.

**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.  
 Introduction and first reading, 166.  
 Second reading and reference, 195.  
 Reported back, 399.  
 Third reading, 565.  
 Passed, 566.  
 Received from the house, 969.

**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.  
 Introduction and first reading, 167.  
 Second reading and reference, 195.  
 Reported back, 217, 674.  
 Third reading, 696.  
 Passed, 697.  
 Received from the house, 1240.

**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.  
 Introduction and first reading, 167.  
 Second reading and reference, 196.  
 Reported back, 423.  
 Third reading, 479.  
 Passed, 480.  
 Received from the house, 791.

**Senate Bill No. 122.—(Gronvold)**

A bill for an act to amend section 4670 of the revised codes of 1905, relating to lists of shareholders kept by banking association and the manner of transferring shares.  
 Introduction and first reading, 167.  
 Second reading and reference, 196.  
 Reported back, 1059.  
 Indefinitely postponed, 1059.

**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.  
 Introduction and first reading, 167.  
 Second reading and reference, 196.  
 Reported back, 355.  
 Third reading, 480.  
 Passed, 481.  
 Received from the house, 1203.  
 Amended, 1203.  
 Amendments concurred in, 1213.

**Senate Bill No. 124.—(Baker)**

A bill for an act to amend section 2005 of the revised codes of 1905.

Introduction and first reading, 171.

Second reading and reference, 196.

Reported back, 526.

Third reading, 567.

Passed, 568.

Received from the house, 1205.

**Senate Bill No. 125.—(Wallin)**

A bill for an act to amend section 645, chapter 8, of the revised codes of 1905.

Introduction and first reading, 171.

Second reading and reference, 196.

Reported back, 527.

Received from the house, 1211.

**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.

Introduction and first reading 172.

Second reading and reference, 196.

Reported back, 655.

Third reading, 693.

Passed, 694.

Received from the house, 1191.

**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.

Introduction and first reading, 189.

Second reading and reference, 256.

Reported back, 759.

Third reading, 951.

Passed, 951.

Received from the house, 1337.

Amended, 949.

**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.

Introduction and first reading, 189.

Second reading and reference, 244.

Reported back, 746.

Third reading, 767.

Passed, 767.

Received from the house, 1240.

**Senate Bill No. 129.—(Simpson)**

A bill for an act to create the office of tax commissioner and to define his powers, duties and compensation, and making an appropriation therefor.

Introduction and first reading, 189.

Second reading and reference, 244.

**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.

Introduction and first reading, 190.

Second reading and reference, 228.

Reported back, 921, 994.

Third reading, 1013.

Passed, 1013.

Received from the house, 1305.

Amended, 1014.

Other action, 1338.

**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

**Senate Bill No. 131.—Continued.**

and to prescribe penalties for the violation of this act.  
 Introduction and first reading, 190.  
 Second reading and reference, 228.  
 Reported back, 236, 396.  
 Third reading 456.  
 Passed, 463.  
 Received from the house, 1294.

**Senate Bill No. 132.—(Simpson)**

A bill for an act designating those authorized to solemnize marriages, and concerning the license therefor.  
 Introduction and first reading, 190.  
 Second reading and reference, 228.  
 Reported back, 510.  
 Third reading, 540.  
 Passed, 540.  
 Received from the house, 977.

**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.  
 Introduction and first reading, 190.  
 Second reading and reference, 228.  
 Reported back, 556.  
 Third reading, 631.  
 Passed, 775.  
 Indefinitely postponed, 976.  
 Received from the house, 976.  
 Other action, 631.

**Senate Bill No. 134.—(Wallin)**

A bill for an act providing for all county officers to keep a record of all fees collected by them and report to the board of county commissioners.  
 Introduction and first reading, 190.  
 Second reading and reference, 256.  
 Reported back, 282, 756.  
 Third reading, 335.  
 Indefinitely postponed, 756.  
 Other action, 335.

**Senate Bill No. 135.—(Cashel)**

A bill for an act to punish derogatory statements affecting banks, and providing penalties therefor.  
 Introduction and first reading, 190.  
 Second reading and reference, 256.  
 Reported back, 374.  
 Third reading, 451.  
 Indefinitely postponed, 452.

**Senate Bill No. 136.—(Kelly)**

A bill for an act prescribing additional duties of the county surveyor and state engineer.  
 Introduction and first reading, 191.  
 Second reading and reference, 244.  
 Reported back, 297, 349.  
 Indefinitely postponed, 349.

**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.  
 Introduction and first reading, 191.  
 Second reading and reference, 228.  
 Reported back, 318.  
 Third reading, 385.  
 Passed, 385.  
 Received from the house, 1044.

**Senate Bill No. 138.—(Gilbert)**

A bill for an act, entitled "An act concerning railroads and to better protect the lives of railway employes and the traveling public, and providing penalties for the violation thereof."  
 Introduction and first reading, 191.  
 Second reading and reference, 228.  
 Reported back, 424, 1273.  
 Third reading, 494.  
 Other action, 494.

**Senate Bill No. 139.—(Crane)**

A bill for an act 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 holder 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 restriction on road inspector and expenditure of road tax funds.

Introduction and first reading, 205.

Reported back, 1300.

**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; 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 overtime in the factory may be paid extra for overtime; prescribing rules to be observed in the payment of wages, and the keeping of accounts; providing that the wife,

**Senate Bill No. 140.—Continued.**

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.

Introduction and first reading, 206.

Second reading and reference, 257.

Reported back, 343.

Third reading, 386.

Passed, 386.

Received from the house, 1044.

**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.

Introduction and first reading, 206.

Second reading and reference, 257.

Reported back, 344.

Third reading, 386.

Passed, 387.

Received from the house, 1044.

**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.

Introduction and first reading, 206.

Second reading and reference, 257.

Reported back, 346.

Third reading, 387.

Passed, 387.

Received from the house, 1045.



**Senate Bill No. 143.—(Simpson)**

A bill for an act to fix the rate of interest on delinquent taxes and to permit the payment of yearly taxes in two installments.

Introduction and first reading, 207.

Second reading and reference, 258.

Reported back, 989.

Indefinitely postponed, 990.

**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.

Introduction and first reading, 207.

Second reading and reference, 258.

Reported back, 284.

Third reading, 308.

Passed, 309.

Received from the house, 550.

Amended, 550.

Amendments concurred in, 604.

**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.

Introduction and first reading, 207.

Second reading and reference, 258.

Reported back, 656.

Third reading, 698.

Passed, 699.

Received from the house, 843.

Other action, 1142.

**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

**Senate Bill No. 146.—Continued.**

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.

Introduction and first reading, 207.

Second reading and reference, 258.

Reported back, 661.

Third reading, 699.

Passed, 699.

Received from the house, 842.

**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 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.

Introduction and first reading, 207.

Second reading and reference, 258.

Reported back, 677.

Third reading, 699.

Passed, 700.

Received from the house, 843.

Other action, 1142.

**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.

Introduction and first reading, 208.

Second reading and reference, 259.

Reported back, 677.

Third reading, 690.

Passed, 690.

Indefinitely postponed, 677.

Received from the house, 910.

**Senate Bill No. 149.—(Gronvold)**

A concurrent resolution amending the constitution of the state of North Dakota, establishing and locating a state normal school at such place in the counties of Pierce, McHenry or Ward as the legislative assembly may hereafter determine.

Introduction and first reading, 208.

Second reading and reference, 259.

Reported back, 762.

Indefinitely postponed, 762.

**Senate Bill No. 150.—(McArthur)**

A bill for an act to provide for the regulation of telephone and telegraph rates and to compel an interchange of telephone and telegraph service.

Introduction and first reading, 208.

Second reading and reference, 259.

Reported back, 505, 1060.

Introduction and first reading,

Received from the house, 1247.

**Senate Bill No. 151.—(Purcell)**

A bill for an act providing for changes of venue in preliminary hearings before county judges acting as committing magistrates in counties with increased jurisdiction.

Introduction and first reading, 208.

Second reading and reference, 259.

Reported back, 1059.

Indefinitely postponed, 1059.

**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.

Introduction and first reading, 208.

Second reading and reference, 259.

**Senate Bill No. 152.—Continued.**

Reported back, 281.

Third reading, 335.

Passed, 335.

Received from the house, 611.

Other action, 611.

**Senate Bill No. 153.—(Cashel)**

A bill for an act to punish the making or use of false statements to obtain credit, and providing penalties therefor.

Introduction and first reading, 208.

Second reading and reference, 260.

**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.

Introduction and first reading, 226.

Second reading and reference, 260.

Reported back, 423.

Third reading, 481.

Passed, 482.

Received from the house, 970, 1195.

**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.

Introduction and first reading, 226.

Second reading and reference, 260.

Reported back, 298.

Third reading, 336.

Passed, 337.

**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.

Introduction and first reading, 226.

Second reading and reference, 260.

Reported back, 281.

Third reading, 337.

Passed, 337.

Received from the house, 1191.

**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.

Introduction and first reading, 228.

Second reading and reference, 260.

Reported back, 371.

Third reading, 476.

Passed, 477.

Received from the house, 1211.

**Senate Bill No. 158.—(Martin)**

A bill for an act to amend and reenact section 2489 of the revised codes of 1905.

Introduction and first reading, 227.

Second reading and reference, 260.

Reported back, 403.

Third reading, 473.

Passed, 473.

Received from the house, 737.

**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.

Introduction and first reading, 227.

**Senate Bill No. 159.—Continued.**

Second reading and reference, 261.

Reported back, 678.

Third reading, 700.

Passed, 701.

Received from the house, 910.

**Senate Bill No. 160.—(Cashel)**

A bill for an act for calling and regulating caucuses and conventions for nominating judges of the district court, county officers and members of the legislative assembly.

Introduction and first reading, 227.

Second reading and reference, 261.

Reported back, 806.

Indefinitely postponed, 807.

**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.

Introduction and first reading, 227.

Second reading and reference, 261.

Reported back, 507, 822.

Third reading, 778, 899.

Passed, 899.

Lost, 779.

Indefinitely postponed, 977.

Received from the house, 977.

Other action, 782.

**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.

Introduction and first reading, 227.

**Senate Bill No. 162.—Continued.**

Second reading and reference, 261.  
 Reported back, 347.  
 Third reading, 388.  
 Passed, 388.  
 Received from the house, 1196.

**Senate Bill No. 163.—(Bessesen)**

A bill for an act relating to the establishing of heirship of deceased government homestead and tree claim entrymen in the county court.

Introduction and first reading, 241.  
 Second reading and reference, 261.  
 Reported back, 299, 989.  
 Indefinitely postponed, 989.

**Senate Bill No. 164.—(Bessesen)**

A bill for an act to amend section 1 of chapter 45 of the session laws of North Dakota for 1907, relating to the size of cities which may become incorporated under the commission system of government.

Introduction and first reading, 242.  
 Second reading and reference, 262.

**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 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.

Introduction and first reading, 242.  
 Second reading and reference, 262.  
 Reported back, 652.  
 Third reading, 708.  
 Passed, 709.  
 Received from the house, 844.  
 Amended, 844.  
 Amendments concurred in, 948, 949.

**Senate Bill No. 166.—(Overson)**

A bill for an act making an appropriation for the Williston experiment station, located at the city of Williston, Williams county.

Introduction and first reading, 242.  
 Second reading and reference, 262.  
 Reported back, 662.  
 Third reading, 718.  
 Passed, 719.  
 Received from the house, 911.

**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.

Introduction and first reading, 242.  
 Second reading and reference, 262.  
 Reported back, 987.  
 Third reading, 1097.  
 Passed, 1097.  
 Received from the house, 1302.  
 Amended, 1302.  
 Amendments concurred in, 1318.

**Senate Bill No. 168.—(Crane)**

A bill for an act to amend section 9151 of the revised codes of 1905 of North Dakota.

Introduction and first reading, 242.  
 Second reading and reference, 262.  
 Reported back, 318.  
 Third reading, 388.  
 Passed, 389.  
 Received from the house, 1220.

**Senate Bill No. 169.—(Overson)**

A bill for an act compelling druggists to whom a permit has been issued to sell intoxicating liquors, to make a statement of sale, giving the names of persons to whom sold, the disease for which sold, the date of sale and the amount sold,

**Senate Bill No. 169.—Continued.**

for posting said statements, and sending a copy thereof to the state's attorney.

Introduction and first reading, 242.  
Second reading and reference, 262.

**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.

Introduction and first reading, 243.  
Second reading and reference, 263.  
Reported back, 299.  
Third reading, 338.  
Passed, 338.  
Received from the house, 1204.  
Amended, 1204.  
Amendments concurred in, 1215.

**Senate Bill No. 171.—(Ramsett)**

A bill for an act to prohibit corrupt practices in elections and provide penalties therefor.

Introduction and first reading, 243.  
Second reading and reference, 263.  
Reported back, 806.  
Indefinitely postponed, 806.

**Senate Bill No. 172.—(Strom by request)**

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 viola-

**Senate Bill No. 172.—Continued.**

tion of the provisions of this act, designating ports of entry where liquors shipped into the state shall be inspected.

Introduction and first reading, 243.  
Second reading and reference, 263.

**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.

Introduction and first reading, 255.  
Second reading and reference, 329.  
Reported back, 352.  
Third reading, 413.  
Passed, 413.  
Received from the house, 969.

**Senate Bill No. 174.—(Kelly)**

A bill for an act to amend section 8841, chapter 20, of the revised codes of 1905, relating to the crime of kidnaping, and providing a penalty therefor.

Introduction and first reading, 255.  
Second reading and reference, 307.  
Reported back, 372.  
Indefinitely postponed, 372.

**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.

Introduction and first reading, 255.  
Second reading and reference, 308.  
Reported back, 499.  
Third reading, 540.  
Passed, 540.  
Received from the house, 1245.

**Senate Bill No. 176.—(Strom)**

A concurrent resolution for an amendment to the constitution for a state hail insurance de-

**Senate Bill No. 176.—Continued.**

partment 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.

Introduction and first reading, 256.

Second reading and reference, 308.

Reported back, 867, 933.

Third reading, 963, 966.

Passed, 966.

Lost, 963.

Received from the house, 1310.

**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.

Introduction and first reading, 250.

Second reading and reference, 308.

Reported back, 371, 1299.

Third reading, 452.

Passed, 453.

Received from the house, 1246.

**Senate Bill No. 178.—(Bessesen)**

A bill for an act to prohibit the granting to or use by any person of any free pass, frank or special privilege withheld from any other person and to fix the penalty for the violation thereof.

Introduction and first reading, 286.

Second reading and reference, 329.

Reported back, 1274.

**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.

**Senate Bill No. 179.—Continued.**

Introduction and first reading,

286.

Second reading and reference, 329.

Reported back, 588.

Received from the house, 1205.

**Senate Bill No. 180.—(Leutz)**

A bill for an act to amend section 1070 of the revised codes of North Dakota of 1905, and making an appropriation to meet the necessary expenses of the state geological survey.

Introduction and first reading, 286.

Second reading and reference, 329.

Reported back, 675.

Indefinitely postponed, 675.

**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.

Introduction and first reading, 287.

Second reading and reference, 330.

Reported back, 355.

Third reading, 413.

Passed, 413.

Received from the house, 977.

**Senate Bill No. 182.—(Strom)**

A bill providing for the appointment of live stock inspectors by board of county commissioners, and providing for fees and mileage; defining qualification of inspector, duties of inspector and owner; imposing compulsory inspection and test of live stock; fines for neglect or refusal to comply, indemnity to owner.

Introduction and first reading, 287.

Second reading and reference, 361, 485.

Reported back, 504.

Third reading, 823.

Indefinitely postponed, 824.

**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.

Introduction and first reading, 287.

Second reading and reference, 330.

Reported back, 396, 525.

Third reading, 474, 569.

Passed, 570.

Received from the house, 1244.

**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.

Introduction and first reading, 287.

Second reading and reference, 361.

Reported back, 760.

Third reading, 829.

Passed, 830.

Received from the house, 1268.

**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.

Introduction and first reading, 287.

Second reading and reference, 330.

Reported back, 373.

Third reading, 453.

Passed, 454.

Received from the house, 1337.

**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

**Senate Bill No. 186.—Continued.**

collected, and how expense and indemnity for losses by hail shall be paid.

Introduction and first reading, 287.

Second reading and reference, 361.

Reported back, 866.

Passed, 964.

Received from the house, 1245.

Amended, 964.

**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.

Introduction and first reading, 288.

Second reading and reference, 330.

Reported back, 867.

Third reading, 965.

Passed, 965.

Received from the house, 1310.

**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 the year flow less than one-third of one cubic foot per second.

Introduction and first reading, 288.

Second reading and reference, 430.

Reported back, 584.

Third reading, 779.

Passed, 780.

Received from the house, 1243.

**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.

Introduction and first reading,

288.

**Senate Bill No. 189.—Continued.**

Second reading and reference,  
330.  
Reported back, 354.  
Third reading, 414.  
Passed, 414.  
Received from the house, 1247.

**Senate Bill No. 190.—(Bessesen)**

A concurrent resolution for an amendment to the constitution providing for the initiative and referendum.  
Introduction and first reading,  
288.  
Second reading and reference,  
290.  
Reported back, 1059.  
Indefinitely postponed, 1059.

**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.  
Introduction and first reading,  
305.  
Second reading and reference,  
379.  
Reported back, 600.  
Third reading, 633.  
Passed, 634.  
Received from the house 1337.

**Senate Bill No. 192.—(Koffel by request)**

A bill for an act to amend sections 8294, 8310, and 8311 of the revised codes of North Dakota for 1905, relating to the practice in the county courts with increased jurisdiction.  
Introduction and first reading,  
306.  
Second reading and reference,  
431.  
Reported back, 988.  
Third reading, 1098.  
Indefinitely postponed, 1098.

**Senate Bill No. 193.—(Koffel)**

A bill for an act to amend section 8089 of the revised codes of 1905 of North Dakota, relating

**Senate Bill No. 193.—Continued.**

to the exemption of personal property and the disposition thereof in the matter of estates pending in the county court.  
Introduction and first reading,  
306.  
Second reading and reference,  
331.  
Reported back, 404.  
Third reading, 474.  
Passed, 475.  
Received from the house, 1246.

**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.  
Introduction and first reading,  
306.  
Second reading and reference,  
362.  
Reported back, 438.  
Third reading, 482.  
Passed, 483.  
Received from the house, 737.

**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.  
Introduction and first reading,  
306.  
Second reading and reference,  
307, 308.  
Reported back, 593.  
Third reading, 634.  
Passed, 636.  
Received from the house, 737.  
Other action, 636, 737.

**Senate Bill No. 196.—(Simpson)**

A bill for an act to amend and reenact section 832 of the revised codes of North Dakota for the year A. D. 1905.  
Introduction and first reading,  
306.



**Senate Bill No. 196.—Continued.**

Second reading and reference,  
379.  
Reported back, 532.  
Indefinitely postponed, 533.

**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.

Introduction and first reading  
306.  
Second reading and reference,  
379.  
Reported back, 559, 805.  
Third reading, 631, 960.  
Passed, 960.  
Received from the house, 1301.  
Other action, 632, 775.

**Senate Bill No. 198.—(McArthur.)**

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.

Introduction and first reading,  
307.  
Second reading and reference,  
379.  
Reported back, 668.  
Third reading, 712.  
Passed, 712.  
Received from the house, 848.  
Other action, 1143.

**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.

Introduction and first reading,  
307.  
Second reading and reference,  
380.  
Reported back, 601.  
Third reading, 780.  
Passed, 780.  
Received from the house, 1243.

**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.

Introduction and first reading,  
307.  
Second reading and reference,  
380.  
Reported back, 528.  
Third reading, 570.  
Passed, 570.  
Received from the house, 1205.

**Senate Bill No. 201.—(Neal)**

A bill for an act prohibiting the killing of deer in the state of North Dakota, until December 1st, 1914, and providing a penalty therefor.

Introduction and first reading,  
325.  
Second reading and reference,  
331.  
Reported back, 993.

**Senate Bill No. 202.—(Sharpe)**

A bill for an act fixing the salary of the clerk of the supreme court.

Introduction and first reading,  
320.  
Second reading and reference,  
331.  
Reported back, 404.  
Third reading, 475.  
Received from the house, 1289.

**Senate Bill No. 203.—(LaMoure)**

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.

Introduction and first reading,  
326.  
Second reading and reference,  
331.

**Senate Bill No. 203.—Continued.**

Reported back, 437.  
Third reading, 483.  
Passed, 483.  
Received from the house, 1245.

**Senate Bill No. 204.—(Davis)**

A bill for an act to create a state board of regents of seven members for the control of the educational institutions of the state, and to define the powers and duties of said board.

Introduction and first reading, 326.  
Second reading and reference, 331.  
Reported back, 1140.  
Indefinitely postponed, 1140.

**Senate Bill No. 205.—(McArthur)**

A bill for an act providing a method of taking away the increased jurisdiction of county courts.

Introduction and first reading, 326.  
Second reading and reference, 331.  
Reported back, 731.  
Third reading, 824.  
Passed, 824.  
Received from the house, 1242.  
Amended, 1242.  
Amendments concurred in, 1292.

**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.

Introduction and first reading, 326.  
Second reading and reference, 332.  
Reported back, 580.  
Third reading, 781.  
Passed, 781.  
Received from the house, 1337.

**Senate Bill No. 207.—(Welch)**

A bill for an act to appropriate money for repairing and wiring at the state penitentiary.

Introduction and first reading, 326.

**Senate Bill No. 207.—Continued.**

Second reading and reference, 332.  
Reported back, 665.  
Third reading, 715.  
Passed, 716.  
Received from the house, 843.  
Other action, 1143.

**Senate Bill No. 208.—(Welch)**

A bill for an act to appropriate money for repairing the outer wall around the buildings and grounds of the North Dakota state penitentiary.

Introduction and first reading, 327.  
Second reading and reference, 332.  
Reported back, 676.  
Indefinitely postponed, 676.

**Senate Bill No. 209.—(Steel of Stutsman)**

A bill for an act to amend sections 6, 8, 10, 11, 12, 13 and 15 of chapter 137, laws of 1907.

Introduction and first reading, 327.  
Second reading and reference, 332.

**Senate Bill No. 210.—(Stevens)**

A bill for an act to validate all mortgages and other liens of personal property in which a corporation is a party and which have been signed as a witness by an officer, stockholder, director or employe of such corporation.

Introduction and first reading, 327.  
Second reading and reference, 332.  
Reported back, 465.  
Indefinitely postponed, 466.

**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.

Introduction and first reading, 327.

**Senate Bill No. 211.—Continued.**

Second reading and reference,  
332.  
Reported back, 723.  
Third reading, 824.  
Passed, 825.  
Received from the house, 1246.

**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.

Introduction and first reading,  
327.  
Second reading and reference,  
333.  
Reported back, 588.  
Third reading, 767.  
Passed, 768.  
Received from the house, 1338.

**Senate Bill No. 213.—(Rice)**

A bill for an act to amend and reenact section 2594 of the revised codes of North Dakota of 1905, relating to the salary of the register of deeds.

Introduction and first reading,  
327.  
Second reading and reference,  
333.

**Senate Bill No. 214.—(Rice)**

A bill for an act to provide for the ascertaining and giving of notice of the title of the lands to the heirs of deceased persons, and establishing the right of heirship to real property, and to provide a method of procedure therefor.

Introduction and first reading,  
328.  
Second reading and reference,  
333.  
Reported back, 922.  
Indefinitely postponed, 922.

**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.

Introduction and first reading,  
328.  
Second reading and reference,  
333.  
Reported back, 404.  
Third reading, 475.  
Passed, 476.  
Received from the house, 1127.

**Senate Bill No. 216.—(Gronvold)**

A bill for an act providing for the hanging of storm windows of public buildings.

Introduction and first reading,  
328.  
Second reading and reference,  
333.  
Reported back, 601.

**Senate Bill No. 217.—(Rice)**

A bill for an act requiring the district courts of the state to prescribe rules of practice.

Introduction and first reading,  
328.  
Second reading and reference,  
333.

**Senate Bill No. 218.—(Rice)**

A bill for an act to provide for the extension of corporate limits of cities, and to provide a method of procedure for such extension.

Introduction and first reading,  
328.  
Second reading and reference,  
334.

**Senate Bill No. 219.—(Rice)**

A bill for an act to amend section 2596 of the revised codes of North Dakota of 1905, and chapter 69 of the session laws of North Dakota for 1907, providing for the clerk hire for the register of deeds' office in the various counties in the state.

**Senate Bill No. 219.—Continued.**

Introduction and first reading, 328.  
 Second reading and reference, 334.  
 Reported back, 534.  
 Indefinitely postponed, 630.

**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.  
 Introduction and first reading, 329.  
 Second reading and reference, 334.  
 Reported back, 749.  
 Third reading, 832.  
 Passed, 833.  
 Received from the house, 1242.  
 Amended, 1242.  
 Conference, 1294, 1300.  
 Report of conference committee, 1307.  
 Adopted, 1307.

**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.  
 Introduction and first reading, 359.  
 Second reading and reference, 362.  
 Reported back, 886.  
 Third reading, 999.  
 Passed, 1000.  
 Received from the house, 1294.

**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.

**Senate Bill No. 222.—Continued.**

Introduction and first reading, 359.  
 Second reading and reference, 362.  
 Reported back, 465.  
 Third reading, 517.  
 Passed, 518.  
 Received from the house, 1046.  
 Amended, 1046.  
 Amendments concurred in, 1104.

**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.  
 Introduction and first reading, 360.  
 Second reading and reference 360.  
 Reported back, 422.  
 Third reading, 477.  
 Passed, 478, 605.  
 Indefinitely postponed, 977.  
 Received from the house, 577, 977.  
 Other action, 605.

**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.  
 Introduction and first reading, 360.  
 Second reading and reference, 361.  
 Reported back, 422.  
 Third reading, 478.  
 Passed, 478.  
 Indefinitely postponed, 977.  
 Received from the house, 977.

**Senate Bill No. 225.—(Simpson)**

A bill for an act defining the tenth judicial district, and providing for terms of court therein.  
 Introduction and first reading, 360.  
 Second reading and reference, 361.  
 Reported back, 557.  
 Third reading, 632.  
 Passed, 776.  
 Received from the house, 1241.  
 Other action, 632, 776.

**Senate Bill No. 226.—(Gunderson)**

A bill for an act to amend and reenact sections 1287, 1288 and 1289 of the revised codes of North Dakota, for the year 1905, relating to insurance of public buildings.

Introduction and first reading, 360.

Second reading and reference, 361.

Reported back, 865.

Third reading, 1000.

Passed, 1001.

Received from the house, 1288.

**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.

Introduction and first reading, 378.

Second reading and reference, 431.

Reported back, 437.

Third reading, 484.

Passed, 484.

Received from the house, 1191.

**Senate bill No. 228.—(Davis)**

A bill for an act to amend chapter 117 of the session laws of 1907, to amend section 1973 of the revised codes of 1905.

Introduction and first reading, 378.

Second reading and reference, 449.

Reported back, 861.

**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.

Introduction and first reading, 378.

Second reading and reference, 450.

Reported back, 581.

Third reading, 636.

Passed, 637.

Received from the house, 1205.

**Senate Bill No. 230.—(Movius)**

A bill for an act to amend section 131 of the revised codes of North Dakota for 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, 378.

Second reading and reference, 471.

Reported back, 1272.

**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.

Introduction and first reading, 379.

Second reading and reference, 450.

Reported back, 500.

Third reading, 541.

Passed, 541.

Received from the house, 1044.

**Senate Bill No. 232.—(Committee on Education)**

A bill for an act to amend sections 894 and 895 of the revised codes of 1905.

Introduction and first reading, 408.

Second reading and reference, 410.

Reported back, 497.

Third reading, 541.

Passed, 542.

Received from the house, 1220.

**Senate Bill No. 233.—(Committee on Education)**

A bill for an act to amend section 763 of the revised codes of 1905.

Introduction and first reading, 408.

Second reading and reference, 41.

Reported back, 498.

**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.

Introduction and first reading, 408.

Second reading and reference, 411.

Reported back, 533.

Third reading, 632.

Passed, 632.

Received from the house, 1289.

**Senate Bill No. 235.—(Committee on Education)**

A bill for an act to encourage professional spirit among teachers in this state.

Introduction and first reading, 409.

Second reading and reference, 411.

Reported back, 498.

Third reading, 542.

Passed, 542.

Received from the house, 1220.

**Senate Bill No. 236.—(Walton)**

A bill for an act to amend section 2610 of the revised codes of 1905 of the state of North Dakota, relative to fees to be charged to justices of the peace.

Introduction and first reading, 409.

Second reading and reference, 411.

Reported back, 501.

Indefinitely postponed, 501.

**Senate Bill No. 237.—(Committee on Education)**

A bill for an act to amend section 777 of the revised codes of 1905.

Introduction and first reading, 409.

Second reading and reference, 411.

Reported back, 499.

Third reading, 543.

Passed, 544.

Received from the house, 1220.

**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.

Introduction and first reading, 409.

Second reading and reference, 411.

Reported back, 501, 754.

Third reading, 544, 828.

Passed, 828.

Received from the house, 1241.

Other action, 544.

**Senate Bill No. 239.—(Martin by request)**

A bill for an act to provide funds to reimburse the counties whose treasurers paid rewards for the arrest and conviction of violators of the prohibition law, according to section 9395, revised codes of 1905, which section provides a reward of fifty (\$50) dollars for each conviction, to be paid by the county treasurer upon the order of the court in which conviction was made, and for which payment the county treasurer shall be allowed to withhold from taxes due the state any such amounts as he may have paid, which bills the state auditing board refused to allow because of an opinion of the attorney general holding that the law was unconstitutional.

Introduction and first reading, 409.

Second reading and reference, 412.

Reported back, 858.

Indefinitely postponed, 858.

**Senate Bill No. 240.—(Trimble)**

A bill for an act to repeal chapter 109 of the session laws of 1907, relating to the selection of candidates for election by popular vote, and relating to the nomination and the perpetuation of political parties.

**Senate Bill No. 240.—Continued.**

Introduction and first reading,  
410.  
Second reading and reference,  
412.  
Reported back, 528.

**Senate Bill No. 241.—(Simpson)**

A bill for an act to appropriate the sum of twenty-five hundred dollars, or so much thereof as may be necessary, for the purpose of defraying accounts by the sheriff, witnesses, interpreters and jurors, who served in the courts of Stark county in connection with cases arising in unorganized counties attached to Stark county for judicial purpose, which accounts accrued prior to April 1, 1907.

Introduction and first reading,  
410.  
Second reading and reference,  
412.

**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

Introduction and first reading,  
410.  
Second reading and reference,  
412.  
Reported back, 664.  
Third reading, 717.  
Passed, 717.  
Received from the house, 1287.

**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.

Introduction and first reading,  
428.  
Second reading and reference,  
431.  
Reported back, 653.  
Third reading, 707.  
Passed, 707.  
Received from the house, 1240.

**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.

Introduction and first reading,  
429.  
Second reading and reference,  
431.  
Reported back, 864.  
Third reading, 1103.  
Passed, 1103.

**Senate Bill No. 245.—(Rice by request)**

A bill for an act to impose upon foreign insurance companies the same conditions which are imposed upon insurance companies organized under the laws of this state by the state or nation wherein such foreign insurance company is organized or domiciled.

Introduction and first reading,  
429.  
Second reading and reference,  
431.  
Reported back, 583.  
Indefinitely postponed, 583.

**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.

Introduction and first reading,  
429.  
Second reading and reference,  
432.  
Reported back, 592.  
Third reading, 637, 820.  
Passed, 821.  
Received from the house, 1294.

**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.

**Senate Bill No. 247.—Continued.**

Introduction and first reading,  
429.  
Second reading and reference,  
432.  
Reported back, 583.  
Third reading, 821.  
Passed, 822.  
Received from the house, 1310.

**Senate Bill No. 248.—(Kelley)**

A bill for an act to provide a uniform per diem and expense to members of the boards of trustees of state institutions, the boards of management of normal schools, and members of other boards appointed by the governor.

Introduction and first reading,  
429.  
Second reading and reference,  
432.  
Reported back, 556.  
Indefinitely postponed, 556.

**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.

Introduction and first reading,  
429.  
Second reading and reference,  
432.  
Reported back, 864.  
Third reading, 1104.  
Passed, 1104.  
Received from the house, 1304.

**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.

Introduction and first reading,  
430.  
Second reading and reference,  
432.  
Reported back, 586.  
Third reading, 833.  
Passed, 833.  
Received from the house, 1245.

**Senate Bill No. 251.—(Duis)**

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,  
430.  
Second reading and reference,  
432.  
Reported back, 560.  
Indefinitely postponed, 560.

**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.

Introduction and first reading,  
430.  
Second reading and reference,  
433.  
Reported back, 533.  
Third reading, 570.  
Passed, 571.  
Received from the house, 1211.  
Other action, 534.

**Senate Bill No. 253.—Purcell by request)**

A bill for an act to amend section 444 of the revised codes of the state of North Dakota for the year 1905, relating to the employment of stenographers by the supreme court.

Introduction and first reading,  
430.  
Second reading and reference,  
433.  
Reported back, 557.  
Indefinitely postponed, 557.

**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.

Introduction and first reading,  
447.  
Second reading and reference,  
511.  
Reported back, 671.  
Third reading, 710.  
Passed, 711.  
Received from the house, 836.  
Other action, 1160.



**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.

Introduction and first reading, 447.

Second reading and reference, 511.

Reported back, 664.

Third reading, 716.

Passed, 716.

Indefinitely postponed, 859.

Received from the house, 843.

Other action, 1143.

**Senate Bill No. 256.—(Talcott)**

A bill for an act to divide the state of North Dakota into two (2) congressional districts, and defining the boundaries of each or said congressional districts of the state of North Dakota.

Introduction and first reading, 447.

Second reading and reference, 511.

**Senate Bill No. 257.—(Leutz)**

A bill for an act to amend section 294 of the revised codes of 1905, relating to the appointment and qualifications of a board of medical examiners,

Introduction and first reading, 447.

Second reading and reference, 512.

Reported back, 587.

**Senate Bill No. 258.—(Pierce)**

A bill for an act to amend section 1295, 1296, 1297 and 1298 of the revised codes of North Dakota of 1905, being chapter 13, entitled state library.

Introduction and first reading, 447.

Second reading and reference, 512.

Reported back, 856.

Third reading, 953.

Lost, 953.

**Senate Bill No. 259.—(Leutz)**

A bill for an act establishing the office of state boiler inspector for steam vessels and steam boilers, and providing for licensing engineers of steam engines.

Introduction and first reading, 448.

Second reading and reference, 565.

**Senate Bill No. 260.—(Leutz)**

A bill for an act providing for the free testing for tuberculosis of neat cattle used for breeding and dairy purposes.

Introduction and first reading, 448.

Second reading and reference, 512.

**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.

Introduction and first reading, 448.

Second reading and reference, 537.

Reported back, 666.

Third reading, 713.

Passed, 714.

Received from the house, 1205.

**Senate Bill No. 262.—(Baker by request)**

A bill for an act to amend chapter 168, session laws 1907, being an amendment to section 6295 of the revised codes of North Dakota for 1905, providing for a lien for repairs of personalty.

Introduction and first reading, 448.

Second reading and reference, 538.

Reported back, 589.

**Senate Bill No. 263.—(Cashel)**

A bill for an act to prohibit the marriage of insane, epileptic or feeble minded persons.

**Senate Bill No. 263.—Continued.**

Introduction and first reading,  
448.  
Second reading and reference,  
512.

**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.

Introduction and first reading,  
448.  
Second reading and reference,  
512.  
Reported back, 600, 802.  
Third reading, 781, 961.  
Passed, 782, 961.  
Received from the house, 1294.

**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.

Introduction and first reading,  
449.  
Second reading and reference,  
512.  
Reported back, 660.  
Third reading, 702.  
Passed, 703.  
Received from the house, 891.  
Other action, 1143.

**Senate Bill No. 266.—(Syvertson)**

A bill for an act to amend section 894 of the session laws of 1907, relating to education.

Introduction and first reading,  
449.  
Second reading and reference,  
538.  
Reported back, 871.  
Indefinitely postponed, 871.

**Senate Bill No. 267.—(Gunderson)**

A bill for an act to amend section 9353 of the revised codes of the state of North Dakota for the year 1905, relating to prohibition, and repealing sections 9354, 9355, 9356, 9357, 9358, 9359, 9360, 9361, 9362, 9363, 9364,

**Senate Bill No. 267.—Continued.**

9365 of the same codes, and relating to the same subject.  
Introduction and first reading,  
449.  
Second reading and reference,  
513.

**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.

Introduction and first reading,  
449.  
Second reading and reference,  
538.  
Reported back, 558.  
Third reading, 776.  
Passed, 777.  
Received from the house, 1287.

**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.

Introduction and first reading,  
470.  
Second reading and reference,  
472.  
Reported back, 868.  
Third reading, 1001.  
Passed, 1001.  
Received from the house, 1304.

**Senate Bill No. 270.—(Simpson)**

A bill for an act to require all persons, firms, associations now engaged, or may hereafter engage, in the purchase of grain for shipment out of the state by rail, other than public warehouse and elevator men, firms, associations and corporations engaged in said business and now required by law to take out

**Senate Bill No. 270.—Continued.**

licenses and give bond to the state, to take out a license to carry on said business and to give bond to the state.

Introduction and first reading, 470.

Second reading and reference, 472.

Reported back, 751.

Third reading, 892.

Indefinitely postponed, 893.

**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.

Introduction and first reading, 470.

Second reading and reference, 472.

Reported back, 587.

Third reading, 637.

Passed, 638.

Received from the house, 1258.

**Senate Bill No. 272.—(Martin)**

A bill for an act to amend and reenact section 9268 of the revised codes of 1905.

Introduction and first reading, 471.

Second reading and reference, 472.

**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.

Introduction and first reading, 471.

Second reading and reference, 472.

Reported back, 753.

Third reading, 893.

Passed, 894.

Indefinitely postponed, 976.

Received from the house, 976.

**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.

Introduction and first reading, 471.

Second reading and reference, 473.

Reported back, 868.

Third reading, 1030.

Passed, 1031.

Received from the house, 1258.

Conference, 1094.

Report of conference committee, 1277.

**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.

Introduction and first reading, 507.

Second reading and reference, 513.

Reported back, 589.

Third reading, 638.

Passed, 638.

Received from the house, 977.

**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.

Introduction and first reading, 508.

Second reading and reference, 513.

Reported back, 756.

Third reading, 894.

Passed, 894.

Received from the house, 1258.

Amended, 1309.

**Senate Bill No. 277.—(Crane)**

A bill for an act to amend and reenact section 4466 of the revised codes of North Dakota for the year 1905, relating to the

**Senate Bill No. 277.—Continued.**

publication of insurance statements.  
 Introduction and first reading, 508.  
 Second reading and reference, 513.  
 Reported back, 1146.

**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.  
 Introduction and first reading, 508.  
 Second reading and reference, 513.  
 Reported back, 590.  
 Third reading, 782.  
 Passed, 783.  
 Received from the house, 1241.

**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."  
 Introduction and first reading, 508.  
 Second reading and reference, 513.  
 Reported back, 590.  
 Third reading, 783.  
 Passed, 783.  
 Received from the house, 1245.

**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."  
 Introduction and first reading, 508.  
 Second reading and reference, 514.  
 Reported back, 591.  
 Received from the house 1245.

**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

**Senate Bill No. 281.—Continued.**

the tenth legislative assembly of the state of North Dakota, relating to indeterminate sentences of persons convicted of crime.  
 Introduction and first reading, 508.  
 Second reading and reference, 514.  
 Reported back, 591.  
 Third reading, 784.  
 Passed, 784.  
 Indefinitely postponed, 976.  
 Received from the house, 976.

**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."  
 Introduction and first reading, 509.  
 Second reading and reference, 514.  
 Reported back, 761, 926.  
 Third reading, 895, 1032.  
 Passed, 1033.  
 Received from the house, 1288.  
 Amended, 926.  
 Other action, 895.

**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."  
 Introduction and first reading, 509.  
 Second reading and reference, 514.  
 Reported back, 924.  
 Received from the house, 1260.  
 Amended, 924, 1260.  
 Conference, 1299, 1300.  
 Report of conference committee, 1338.  
 Adopted, 1340.

**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."

Introduction and first reading, 509.

Second reading and reference, 514.

Reported back, 755.

Third reading, 896.

Passed, 897.

Received from the house, 1301.

**Senate Bill No. 285.—(Stevens)**

A bill for an act to amend section 2733 of the revised codes of North Dakota of the year 1905, relating to city justices of the peace.

Introduction and first reading, 509.

Second reading and reference, 514.

Reported back, 804.

Indefinitely postponed, 804.

**Senate Bill No. 286.—(Steel of Stutsman)**

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, 509.

Second reading and reference, 515.

Reported back, 730.

**Senate Bill No. 287.—(Duis)**

A bill for an act to amend section 9455 of the revised codes of North Dakota of 1905, relating to the shooting and killing of game birds and animals, and providing a penalty for the violation thereof.

Introduction and first reading, 510.

Second reading and reference, 515.

Reported back, 994.

Third reading, 1099.

Amended, 994.

**Senate Bill No. 288.—(Ramsett)**

A bill for an act to amend chapter 218 of the session laws of North Dakota, 1907, relating to property exempt from taxation.

Introduction and first reading, 510.

Second reading and reference, 515.

Reported back, 592.

Third reading, 784.

Passed, 785.

Received from the house, 1246.

**Senate Bill No. 289.—(Walton)**

A bill for an act to amend sections 2 and 4 of chapter 68 of North Dakota for 1907, relating to the practice in the county courts.

Introduction and first reading, 510.

Second reading and reference, 515.

Indefinitely postponed, 1057.

**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 violation thereof.

Introduction and first reading, 536.

Second reading and reference, 538.

Reported back, 870.

Third reading, 1002.

Passed, 1002.

Received from the house, 1260.

Amended 1260.

Amendments concurred in, 1293.

**Senate Bill No. 291.—(Welch)**

A bill for an act to amend sections 10393 and 10394 of the revised codes of 1905, relating to the manufacture of brick by the convict labor of the state and restricting the disposition and sale thereof.

**Senate Bill No. 291.—Continued.**

Introduction and first reading,  
236.

Second reading and reference  
538.

Reported back, 931.  
Indefinitely postponed, 931.

**Senate Bill No. 292.—(Bessesen)**

A bill for an act creating the eleventh judicial district of North Dakota, also changing the boundaries of the third, fifth and sixth judicial districts, and providing for terms in each of said districts, and providing for the disposition of pending actions in the counties of Sheridan and Steele, and authorizing and empowering the governor to appoint a judge in and for the eleventh district.

Introduction and first reading  
236.

Second reading and reference  
539.

Reported back, 1079.  
Amended, 1080.

**Senate Bill No. 293.—(Movius)**

A bill for an act granting recognition to diplomas issued by first class high schools as teacher's diplomas.

Introduction and first reading  
537.

Second reading and reference  
539.

Reported back, 723.  
Third reading, 825.  
Passed, 825.

Received from the house, 1246.

**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.

Introduction and first reading  
537.

Second reading and reference,  
539.

Reported back, 722, 931.  
Third reading, 826, 1033.  
Passed, 1034.

Received from the house, 1247.

**Senate Bill No. 295.—(Holliday)**

A bill for an act to repeal sections 1967, 1968, 1969, 1970, and 1971 of the revised codes of 1905, relating to wolf bounty.

Introduction and first reading,  
537.

Second reading and reference,  
539.

Reported back, 1073.  
Indefinitely postponed, 1074.

**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, how printed, and number.

Introduction and first reading,  
537.

Second reading and reference,  
539.

Reported back, 802.  
Third reading, 961.  
Passed, 962.

Received from the house, 1240.

**Senate Bill No. 297.—(Whitcher by request)**

A bill for an act limiting the qualifications for holding the office of county state's attorney or city attorney.

Introduction and first reading,  
564.

Second reading and reference,  
628.

Reported back, 730.

**Senate Bill No. 298.—(Overson)**

A bill for an act to amend and reenact 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.

Introduction and first reading,  
564.

Second reading and reference,  
628.

Reported back, 754.  
Third reading, 897.  
Passed, 898.

Received from the house, 1240.

**Senate Bill No. 299.—(Simpson)**

A bill for an act to amend and reenact section 2613 of the revised codes of North Dakota for the year 1905.

Introduction and first reading, 564.

Second reading and reference, 628.

Reported back, 1073.

**Senate Bill No. 300.—(Irwin)**

A bill for an act to amend section 6710 of the revised codes of 1905, relating to holidays.

Introduction and first reading, 564.

Second reading and reference, 628.

Reported back, 916.

Third reading, 1034.

Passed, 1035.

Received from the house, 1247.

**Senate Bill No. 301.—(Talcott)**

A bill for an act to amend section 2594 of the revised codes of the state of North Dakota, providing for the salary of the register of deeds.

Introduction and first reading, 564.

Second reading and reference, 628.

Reported back, 1066.

**Senate Bill No. 302.—(Wallin by request)**

A bill for an act to amend section 5513 of the revised code 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, 564.

Second reading and reference, 628.

Reported back, 729.

Indefinitely postponed, 729.

**Senate Bill No. 303.—(Talcott)**

A bill for an act to amend section 871 of the revised codes of the

**Senate Bill No. 303.—Continued.**

state of North Dakota of 1905, relating to education.

Introduction and first reading, 565.

Second reading and reference, 628.

Reported back, 869.

Third reading, 1002.

Passed, 1003.

Received from the house, 1258.

**Senate Bill No. 304.—(Overson)**

A bill for an act to amend paragraph 1, section 604 of article 3 of chapter 8 of the political code, 1905.

Introduction and first reading, 565.

Second reading and reference, 629.

Reported back, 755.

Indefinitely postponed, 755.

**Senate Bill No. 305.—(Overson)**

A bill for an act creating and defining the Twelfth judicial district within the state of North Dakota, providing for the election of a judge therein and fixing the terms of court in said district.

Introduction and first reading, 565.

Second reading and reference, 629.

Reported back, 1054.

**Senate Bill No. 306.—(Gronvold)**

A bill for an act to amend section 1438 of the revised codes of 1905 of the state of North Dakota relating to compensation of overseers of highways.

Introduction and first reading, 606.

Second reading and reference, 608.

**Senate Bill No. 307.—(Duis)**

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

**Senate Bill No. 307.—Continued.**

political parties," the same being chapter 109 of the session laws of 1907.

Introduction and first reading, 606.

Second reading and reference, 608.

Reported back, 807, 1131.

Indefinitely postponed, 807, 1131.

Other action, 808.

**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.

Introduction and first reading, 607.

Second reading and reference, 609.

Reported back, 730.

Third reading, 826.

Passed, 827.

Received from the house, 1241.

**Senate Bill No. 309.—(Talcott by request)**

A bill for an act to license transient merchants, hawkers and peddlers in the state of North Dakota.

Introduction and first reading, 607.

Second reading and reference, 609.

Reported back, 1161.

Indefinitely postponed, 1161.

**Senate Bill No. 310.—(Trimble)**

A bill for an act to amend section 2249 of the revised codes of 1905, providing for storage receipts to be given by public warehousemen, establishing a standard form, and providing a penalty for its nonobservance.

Introduction and first reading, 607.

Second reading and reference, 609.

Third reading, 898, 958.

Passed, 958.

Received from the house, 1305.

**Senate Bill No. 311.—(Bessesen)**

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.

Introduction and first reading, 607.

Second reading and reference, 609.

Reported back, 990.

Third reading, 1099.

Passed, 1099.

Received from the house, 1269.

Amended, 991.

**Senate Bill No. 312.—(Syvertson)**

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, 607.

Second reading and reference, 609.

Reported back, 1271.

**Senate Bill No. 313.—(Leutz)**

A bill for an act to amend and reenact 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 and labor, and making it a misdemeanor for violation of the same.

Introduction and first reading, 608.

Second reading and reference, 610.

Reported back, 724.

Indefinitely postponed, 975.

Received from the house, 975.



**Senate Bill No. 314.—(Whitcher)**

A bill for an act to regulate the use of moving picture machines.

Introduction and first reading, 608.

Second reading and reference, 610.

**Senate Bill No. 315.—(Pierce)**

A bill for an act to protect the game birds known as prairie chicken or grouse until January 1st, 1911, and to provide penalties for the violation thereof.

Introduction and first reading, 608.

Second reading and reference, 610.

Reported back, 1273.

**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.

Introduction and first reading, 626.

Second reading and reference, 629.

Reported back, 860.

Third reading, 1003.

Passed, 1004.

Received from the house, 1305.

**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.

Introduction and first reading, 627.

Second reading and reference, 629.

Reported back, 861.

Third reading, 1005.

Passed, 1006.

Received from the house, 1288.

**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

**Senate Bill No. 318.—Continued.**

not less than 6,000 inhabitants, and for the construction of a system of sewerage and water mains therein.

Introduction and first reading, 627.

Second reading and reference, 629.

Reported back, 929.

Third reading, 1036.

Passed, 1036.

Indefinitely postponed, 1244.

Received from the house, 1244.

**Senate Bill No. 319.—(Stevens)**

A bill for an act to amend section 2723 of the revised codes of 1905, relating to the jurisdiction of police magistrates.

Introduction and first reading, 627.

Second reading and reference, 629.

Reported back, 804.

Indefinitely postponed, 804.

**Senate Bill No. 320.—(Rice by request)**

A bill for an act taxing the occupation of auctioneers, regulating and licensing of persons engaged in such occupation, increasing the ordinary county revenue by such taxation, and prescribing penalties for violation of its provisions.

Introduction and first reading, 627.

Second reading and reference, 630.

Reported back, 1064.

Indefinitely postponed, 1064.

**Senate Bill No. 321.—(Gilbert)**

A bill for an act to amend section 4464 of the revised codes of North Dakota for 1905.

Introduction and first reading, 627.

Second reading and reference, 630.

Reported back, 863.

Third reading, 1006, 1009.

Passed, 1009.

Lost, 1007.

Received from the house, 1305.

Amended, 1008.

**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.

Introduction and first reading, 627.

Second reading and reference, 630.

Reported back, 679.

Third reading, 701.

Passed, 702.

Received from the house, 836.

Other action, 1143.

**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.

Introduction and first reading, 735.

Second reading and reference, 736.

Reported back, 922.

Third reading, 1036.

Passed, 1037.

Received from the house, 1244.

**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.

Introduction and first reading, 735.

Second reading and reference, 736.

Reported back, 925.

Third reading, 1037.

Passed, 1038.

Received from the house, 1301.

Amended, 926.

**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.

Introduction and first reading, 735.

**Senate Bill No. 325.—Continued.**

Second reading and reference, 736.

Reported back, 930.

Third reading, 1040.

Passed, 1040.

Received from the house, 1301.

**Senate Bill No. 326.—(Simpson)**

A bill for an act to amend section 536 of the revised codes of 1905, relating to notaries public.

Introduction and first reading, 735.

Second reading and reference, 736.

Reported back, 988.

Third reading, 1101.

Passed, 1101.

Received from the house, 1269.

**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 prescribing the punishment therefor.

Introduction and first reading, 769.

Second reading and reference, 772.

Reported back, 924.

Received from the house, 1301.

**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 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

**Senate Bill No. 328.—Continued.**

plant and protect trees in public streets and highways.

Introduction and first reading, 769.

Second reading and reference, 772.

Reported back, 992.

Third reading, 1101.

Passed, 1101.

Received from the house, 1338.

**Senate Bill No. 329.—(Bessesen)**

A bill for an act defining a prostitute, and prescribing the punishment therefor.

Introduction and first reading, 770.

Second reading and reference, 772.

Reported back, 919, 981.

Third reading, 1118.

Passed, 1118.

Received from the house, 1302.

Amended, 1302.

Amendments concurred in, 1341.

**Senate Bill No. 330.—(Bessesen)**

A bill for an act defining the crime of fornication, and prescribing the punishment therefor.

Introduction and first reading, 770.

Second reading and reference, 772.

Reported back, 923, 924.

Third reading, 1038.

Passed, 1039.

Received from the house, 1304.

**Senate Bill No. 331.—(Bessesen)**

A bill for an act defining the crime of indecent assault, and prescribing the punishment therefor.

Introduction and first reading, 770.

Second reading and reference, 772.

Reported back, 918.

Third reading, 1117.

Passed, 1117.

Received from the house, 1269.

**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 punishment therefor.

Introduction and first reading, 770.

Reported back, 923.

Third reading, 1039.

Passed, 1039.

Received from the house, 1294.

**Senate Bill No. 333.—(Bessesen)**

A bill for an act prescribing what evidence makes a prima facie case in prosecutions under chapter 34 of the penal code of North Dakota in the revised codes for 1905, and in prosecutions for keeping a house of ill-fame, and specifying what witnesses are not privileged from testifying.

Introduction and first reading, 770.

Second reading and reference, 773.

Indefinitely postponed, 1057.

**Senate Bill No. 334.—(Baker)**

A bill for an act to provide for the recording in the offices of the registers of deeds of the several counties, the approved lists of the lands selected by the state of North Dakota under the acts of congress granting public lands to the state for educational and charitable purposes, which lists remain on file in the office of the commissioner of university and school lands.

Introduction and first reading, 771.

Second reading and reference, 773.

Reported back, 1063.

Indefinitely postponed, 1064.

**Senate Bill No. 335.—(Bessesen)**

A bill for an act defining the crime of assault and battery with intent to do great bodily harm, and prescribing the punishment therefor.

**Senate Bill No. 355.—Continued.**

Introduction and first reading,  
771.  
Second reading and reference,  
773.  
Reported back, 922.  
Third reading, 1041.  
Passed, 1041.  
Received from the house, 1304.

**Senate Bill No. 336.—(Trimble)**

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,  
771.  
Second reading and reference,  
773.  
Reported back, 1193.  
Indefinitely postponed, 1193.

**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.

Introduction and first reading,  
771.  
Second reading and reference,  
774.  
Reported back, 923.  
Third reading, 1040.  
Passed, 1040.  
Indefinitely postponed, 1244.  
Received from the house, 1244.

**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.

Introduction and first reading,  
774.  
Second reading and reference,  
774.  
Reported back, 920.  
Third reading, 1031.  
Passed, 1032.  
Received from the house, 1258.

**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.

Introduction and first reading,  
818.  
Second reading and reference,  
819.  
Reported back, 839.  
Third reading, 943.  
Passed, 943.  
Received from the house, 1241.  
Amended, 1241.  
Amendments concurred in, 1307.

**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.

Introduction and first reading,  
818.  
Second reading and reference,  
819.  
Reported back, 860.  
Received from the house, 1259.  
Amended, 1259.  
Amendments concurred in, 1295.

**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.

Introduction and first reading,  
818.

**Senate Bill No. 341.—Continued.**

Second reading and reference,  
919.

Reported back, 871.

Third reading, 1008.

Passed, 1008.

Received from the house, 1288.

**Senate Bill No. 342.—(Simpson)**

A bill for an act to amend and re-enact section 786 of the revised codes of North Dakota for the year 1905, providing for the legalizing of the organization of school districts.

Introduction and first reading,  
897.

Second reading and reference,  
897.

Reported back, 929.

Third reading, 1009.

Passed, 1010.

Received from the house, 1288.

**Senate Bill No. 343.—(Talcott)**

A bill for an act to protect trade and commerce against unlawful restraints and monopolies, providing penalties and forfeitures for violation of its provisions, authorizing certain courts to grant writs of injunction and prohibition, forbidding the violation of its provisions, defining the duties of the prosecuting attorneys, the attorney general and the governor of this state with reference thereto, and declaring an emergency.

Introduction and first reading,  
947.

Second reading and reference,  
948.

**Senate Bill No. 344.—(Talcott)**

A bill for an act requiring shippers of grain to make record of the weight of such grain at the time of such shipment, and attach this record of weight to the inside of the car in which such grain is shipped.

Introduction and first reading,  
947.

Second reading and reference  
948.

**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.

Introduction and first reading,  
998.

Second reading and reference,  
998.

Reported back, 1050.

Third reading, 1100.

Passed, 1100.

Received from the house, 1338.

**Senate Bill No. 346.—(LaMoure)**

A joint resolution authorizing the auditing board to pay the sum of five hundred dollars, or so much thereof as may be necessary, to Daniel E. Willard, director of the state geological survey of the agricultural college for expenses incurred in prosecuting said work.

Introduction and first reading,  
998.

Second reading and reference,  
998.

**HOUSE BILLS****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.

Received from the house, 156.

First reading, 176.

Second reading and reference,  
176.

Reported back, 863.

Passed, 1222.

**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.

Received from the house, 420.

First reading, 485.

Second reading and reference,  
485.

Reported back, 531.

Passed, 1115.

**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.

Received from the house, 157.

**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.

Received from the house, 212.

First reading, 272.

Second reading and reference, 272.

Reported back, 373.

Passed, 490.

**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.

Received from the house, 156.

First reading, 176.

Second reading and reference 176.

Reported back, 369.

Passed, 491.

**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.

Received from the house, 233.

First reading, 273.

Second reading and reference, 273.

Reported back, 813.

Passed, 892.

**House Bill No. 13.—(Doyle of Foster)**

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

Received from the house, 1047.

First reading, 1110.

Second reading and reference, 1110.

Reported back, 1132.

**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.

Received from the house, 156.

First reading, 176.

Second reading and reference, 176.

Reported back, 1058.

Indefinitely postponed, 1058.

**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 belonging to the school divisions of the state.

Received from the house, 292.

First reading, 339.

Second reading and reference, 339.

Reported back, 1164.

Indefinitely postponed, 1164.

**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

**House Bill No. 24.—Continued.**

control of dangerous, contagious and infectious diseases of domestic animals."

Received from the house, 345.

First reading, 485.

Second reading and reference, 485.

Reported back, 672.

Passed, 719.

**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.

Received from the house, 180.

First reading, 209.

Second reading and reference, 209.

Reported back, 216.

Passed, 274.

**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.

Received from the house, 156.

First reading, 177.

Second reading and reference, 117.

Reported back, 405.

Passed, 492.

**House Bill No. 33.—(So-lie)**

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

Received from the house, 1047.

First reading, 1110.

Second reading and reference, 1110.

Reported back, 1299.

**House Bill No. 36.—(Price)**

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

Received from the house, 211.

First reading, 272.

Second reading and reference, 272.

Reported back, 983.

Passed, 1348.

**House Bill No. 38.—(Ployhar)**

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

Received from the house, 550.

First reading, 639.

Second reading and reference, 639.

Reported back, 1266.

**House Bill No. 44.—(Skulason)**

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

Received from the house, 157.

First reading, 177.

Second reading and reference, 177.

Reported back, 317.

Passed, 519.

**House Bill No. 46.—(Dibley)**

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.

Received from the house, 292.

First reading, 339.

Second reading and reference, 339.

Reported back, 372.

Passed, 520.

**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.

Received from the house, 157.

First reading, 177.

Second reading and reference, 177, 290.

Reported back, 400.

Passed, 545.

**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.

Received from the house, 157.

First reading, 177.

Second reading and reference, 177.

Indefinitely postponed, 1057.

**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.

Received from the house, 837, 1015.

First reading, 1015.

Second reading and reference, 1015.

Reported back, 1070.

Passed, 1370.

**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.

First reading, 272.

Second reading and reference, 272.

Reported back, 347.

Passed, 546.

**House Bill No. 64.—(Dibley)**

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

Received from the house, 391.

First reading, 485.

Second reading and reference, 485.

Reported back, 1057.

Indefinitely postponed, 1057.

**House Bill No. 65.—(White)**

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

Received from the house, 179.

First reading, 209.

Second reading and reference, 209.

Reported back, 1113.

Passed, 1113.

**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.

Received from the house, 211,

First reading, 272.

Second reading and reference, 272.

Reported back, 502.

Passed, 1116.

**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.

Received from the house, 830.

First reading, 847.

Second reading and reference, 847.

Reported back, 993.

**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.

First reading, 272.

Second reading and reference, 272.

Passed, 1114.

**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 allow-



**House Bill No. 69.—Continued.**

ed administrators and executors when no provision is made in the will.

Received from the house, 211.

First reading, 273.

Second reading and reference, 273.

Reported back, 530.

Passed, 1122.

**House Bill No. 70.—(Johnson of Bottineau.)**

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

Received from the house, 250.

First reading, 290.

Second reading and reference, 290.

Reported back, 526.

Passed, 1122.

**House Bill No. 71.—(Aasheim)**

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

Received from the house, 211.

First reading, 273.

Second reading and reference, 273.

Reported back, 296.

Passed, 340.

**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.

Received from the house, 211.

First reading, 273.

Second reading and reference, 273.

Reported back, 300.

Indefinitely postponed, 300.

**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 year 1907, prescribing the salary of the state's attorney, assistant and clerk.

Received from the house, 179.

First reading, 209.

**House Bill No. 73.—Continued.**

Second reading and reference, 209.

Reported back, 726.

Indefinitely postponed, 726.

**House Bill No. 76.—(White)**

A bill for an act entitled an act prohibiting railroads, railroad corporations and common carriers from carrying any passenger 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.

Received from the house, 832.

First reading, 847.

Second reading and reference, 847.

**House Bill No. 80.—(Skulason)**

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

Received from the house, 522.

First reading, 572.

Second reading and reference, 572.

Reported back, 1058.

Indefinitely postponed, 1058.

**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.

Received from the house, 420.

First reading, 486.

Second reading and reference, 486.

Reported back, 584.

Indefinitely postponed, 584.

**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 of construction of all cars used as cabooses and fixing the penalties for violation of this act.

Received from the house, 345.  
First reading, 486.  
Second reading and reference, 486.  
Reported back, 927.  
Passed, 1349.

**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.

Received from the house, 345.  
First reading, 486.  
Second reading and reference, 486.

**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.

Received from the house, 838, 1015.  
First reading, 1015.  
Second reading and reference, 1015.  
Reported back, 1153.

**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.

Received from the house, 345.  
First reading, 486.  
Second reading and reference, 486.  
Reported back, 530.  
Passed, 1123.

**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.

Received from the house, 345.  
First reading, 486.  
Second reading and reference, 486.  
Reported back, 1054.

**House Bill No. 94.—(Skulason)**

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

First reading, 273.  
Second reading and reference, 273.  
Reported back, 1058.  
Indefinitely postponed, 1058.

**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.

Received from the house, 211.  
First reading, 273.  
Second reading and reference, 273.  
Reported back, 1114.  
Passed, 1114.

**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.

Received from the house, 276.  
First reading, 339.  
Second reading and reference, 339.  
Reported back, 1115.  
Passed, 1206.

**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.

Received from the house, 391.  
First reading, 486.  
Second reading and reference, 486.  
Reported back, 531.  
Passed, 1199.

**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.

Received from the house, 345.  
First reading, 487.  
Second reading and reference, 487.  
Reported back, 1216.  
Passed, 1216.

**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.

Received from the house, 839, 1015.  
First reading, 1015.  
Second reading and reference, 1015.  
Reported back, 1154.  
Indefinitely postponed, 1154.

**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.

Received from the house, 391.  
First reading, 487.  
Second reading and reference, 487.  
Reported back, 729, 800.  
Passed, 1218.

**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.

Received from the house, 1047.  
First reading, 1110.  
Second reading and reference, 1110.  
Reported back, 1147.  
Passed, 1364.

**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.

Received from the house, 575.  
First reading, 639.  
Second reading and reference, 639.

**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.

Received from the house, 521.  
First reading, 572.  
Second reading and reference, 572.  
Reported back, 945, 981.  
Passed, 1298.

**House Bill No. 110.—(Wolbert)**

A bill for an act requiring state officials to reside at the capital and to provide adequate compensation, 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."

**House Bill No. 110.—Continued.**

Received from the house, 722, 800.  
 First reading, 848.  
 Second reading and reference  
 848.  
 Reported back, 1159.  
 Passed, 1376, 1388.

**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.  
 Received from the house, 1047.  
 First reading, 1110.  
 Second reading and reference, 1110.  
 Reported back, 1164.  
 Indefinitely postponed, 1164.

**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.  
 Received from the house, 912, 1020.  
 First reading, 1020.  
 Second reading and reference, 1020.

**House Bill No. 114.—(Ganssle)**

A bill for an act to amend chapter 189 of the session laws of 1907.  
 Received from the house, 645.  
 First reading, 785.  
 Second reading and reference, 785.  
 Reported back, 917.  
 Passed, 1225.

**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 of court in the fifth judicial district.  
 Received from the house, 276.  
 First reading, 340.  
 Second reading and reference, 340.  
 Reported back, 1118.  
 Passed, 1118.

**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:

Received from the house, 838, 1015.  
 First reading, 1015.  
 Second reading and reference, 1015.  
 Reported back, 1148.  
 Passed, 1308.

**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.  
 Received from the house, 346.  
 First reading, 487.  
 Second reading and reference, 487.  
 Reported back, 728.  
 Indefinitely postponed, 728.

**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."  
 Received from the house, 390.  
 First reading, 487.  
 Second reading and reference, 487.  
 Reported back, 582.  
 Passed, 1201.

**House Bill No. 131.—(Traynor)**

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.

Received from the house, 391.  
First reading, 487.  
Second reading and reference, 487.  
Reported back, 581.  
Passed, 1206.

**House Bill No. 133.—(Homnes)**

A bill for an act prescribing the powers, duties and liabilities of constables.

Received from the house, 344.  
First reading, 488.  
Second reading and reference, 488.  
Reported back, 1058.  
Indefinitely postponed, 1058.

**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.  
that the same shall read as follows:

Received from the house, 831.  
First reading, 848.  
Second reading and reference, 848.  
Reported back, 1151.  
Passed, 1350.

**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.

Received from the house, 958,  
1021.  
First reading, 1021.  
Second reading and reference, 1021.  
Reported back, 1065.  
Indefinitely postponed, 1065.

**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.

Received from the house, 346.  
First reading, 488.  
Second reading and reference, 488.  
Reported back, 502.

**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.

Received from the house, 612.  
First reading, 785.  
Second reading and reference, 785.  
Reported back, 865, 1058.  
Indefinitely postponed, 1058.

**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.

Received from the house, 911,  
1021.  
First reading, 1021.  
Second reading and reference, 1021.  
Reported back, 1131.  
Passed, 1353, 1365.

**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.

Received from the house, 831.  
First reading, 848.  
Second reading and reference, 848.  
Reported back, 1151.  
Passed, 1351.

**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.

Received from the house, 420.

First reading, 488.

Second reading and reference, 488.

Reported back, 920.

Passed, 1230.

**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.

Received from the house, 831.

First reading, 848.

Second reading and reference, 848.

Reported back, 1057.

Indefinitely postponed, 1058.

**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.

Received from the house, 740.

First reading, 845.

Second reading and reference, 845.

Reported back, 1066.

Indefinitely postponed, 1066.

**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.

Received from the house, 644.

First reading, 785.

Second reading and reference, 785.

Reported back, 799.

Indefinitely postponed, 799.

**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.

Received from the house, 419.

First reading, 488.

Second reading and reference, 488.

Reported back, 503.

Passed, 1119.

**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.

Received from the house, 788.

First reading, 845, 1102.

Second reading and reference, 845.

Reported back, 913, 1081, 1097.

Passed, 913, 1102.

**House Bill No. 157.—(Wolbert)**

A bill for an act to provide for probation for persons convicted of felonies and misdemeanors.

Received from the house, 551.

First reading, 640.

Second reading and reference, 640.

Reported back, 989.

Passed, 1373.

**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.

Received from the house, 895, 1015.

First reading, 1015.

Second reading and reference, 1015.

Reported back, 1052.

Passed, 1374.

**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.

Received from the house, 722.

First reading, 785.

Second reading and reference, 785.

Reported back, 1063.

Passed, 1372.

**House Bill No. 162.—(Moen of Benson)**

A bill for an act to regulate the public service of stallions of North Dakota.

Received from the house, 644.

First reading, 786.

Second reading and reference, 786.

Reported back, 861.

Passed, 1222.

**House Bill No. 163.—(Gibbens)**

For amendment to the constitution of the state of North Dakota, relating to revenue and taxation.

Received from the house, 838, 1016.

First reading, 1016.

Second reading and reference, 1016.

Reported back, 1056.

Indefinitely postponed, 1058.

**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.

Received from the house, 391.

First reading, 488.

Second reading and reference, 488.

Reported back, 504.

Passed, 1120.

**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.

**House Bill No. 166.—Continued.**

Received from the house, 345.

First reading, 488.

Second reading and reference, 488.

Reported back, 652.

Passed, 720.

**House Bill No. 167.—(Thoreson)**

A bill for an act to permit the construction of canteenways under public highways; regulating the construction of same, and prescribing duties of road supervisors in relation thereto.

Received from the house, 739.

First reading, 845.

Second reading and reference, 845.

Reported back, 917.

Passed, 1227.

**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.

Received from the house, 840, 1016.

First reading, 1016.

Second reading and reference, 1016.

Reported back, 1051.

**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

Received from the house, 392.

First reading, 489.

Second reading and reference, 489.

Reported back, 944.

Passed, 1226.

**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.

Received from the house, 810.

Reported back, 984.

**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.

Received from the house, 420.  
First reading, 489.  
Second reading and reference 489.  
Reported back, 532.  
Passed, 1199.

**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.

Received from the house, 295, 1016.  
First reading, 1016.  
Second reading and reference, 1016.  
Reported back, 1155.

**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.

Received from the house, 810.  
First reading, 848.  
Second reading and reference, 848.  
Reported back, 983.

**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.

Received from the house, 391.  
First reading, 489.  
Second reading and reference, 489.  
Reported back, 534.  
Passed, 1200.

**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.

Received from the house, 392.  
First reading, 489.  
Second reading and reference, 489.  
Reported back, 504.  
Passed, 1121.

**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.

Received from the house, 551.  
First reading, 640.  
Second reading and reference, 640.  
Reported back, 762.

**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.

Received from the house, 551.  
First reading, 640.  
Second reading and reference, 640.  
Reported back, 763.

**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.

Received from the house, 740.  
First reading, 846.  
Second reading and reference, 846.  
Reported back, 1057.  
Indefinitely postponed, 1058.



**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.  
 Received from the house, 551.  
 First reading, 640.  
 Second reading and reference, 640.  
 Reported back, 728.  
 Passed, 1207.

**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.  
 Received from the house, 522.  
 First reading, 573.  
 Second reading and reference, 573.  
 Reported back, 727.  
 Indefinitely postponed, 1206.

**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.  
 Received from the house, 644.  
 First reading, 786.  
 Second reading and reference, 786.  
 Reported back, 801.  
 Passed, 1218, 1219.

**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 advertisement, and limiting the time in which proceedings for such foreclosure may be commenced.  
 Received from the house, 420.  
 First reading, 489.  
 Second reading and reference, 489.  
 Reported back, 725.  
 Indefinitely postponed, 726.

**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.  
 Received from the house, 810.  
 First reading, 849.  
 Second reading and reference, 849.  
 Reported back, 849, 984.

**House Bill No. 200.—(Honey)**

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.  
 Received from the house, 391.  
 First reading, 490.  
 Second reading and reference, 490.  
 Reported back, 863.  
 Passed, 1223.

**House Bill No. 202.—(Knox)**

A bill for an act to amend section 2693 of the revised codes of 1905, relating to qualifications of city officers.  
 Received from the house, 721.  
 First reading, 786.  
 Second reading and reference, 786.  
 Reported back, 930.  
 Passed, 1229.

**House Bill No. 204.—(Nyhus)**

A bill for an act prohibiting the locking or obstructing of railroad crossings on rural high-ways 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.  
 Received from the house, 786.  
 First reading, 786.  
 Reported back, 928.  
 Passed, 1231.

**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.

Received from the house, 576.

First reading, 640.

Second reading and reference, 640.

Reported back, 763.

Passed, 1217.

**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.

Received from the house, 577.

First reading, 640.

Second reading and reference, 640.

Reported back, 931.

Passed, 1247.

**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.

Received from the house, 576.

First reading, 641.

Second reading and reference, 641.

Reported back, 1216.

Passed, 1216.

**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.

Received from the house, 521.

First reading, 573.

Second reading and reference, 573.

Reported back, 799.

Indefinitely postponed, 799.

**House Bill No. 211.—(Schull)**

A bill for an act relating to the issuance of stock by corporations

Received from the house, 786.

**House Bill No. 211.—Continued.**

First reading, 786.

Second reading and reference, 786.

Reported back, 865, 1135.

Passed, 1386.

**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.

Received from the house, 612.

**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.

Received from the house, 831.

First reading, 849.

Second reading and reference, 849.

Reported back, 849, 1152.

Passed, 1341.

**House Bill No. 216.—(Garden)**

A bill for an act for the inspection of fermented and spiritous 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.

Received from the house, 896, 1016.

First reading, 1016.

Second reading and reference, 1016.

Reported back, 1165.

**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.

Received from the house, 974, 1022.

First reading, 1022.

Second reading and reference, 1022.

**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.

Received from the house, 577.

First reading, 641.

Second reading and reference, 641.

Reported back, 987.

**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.

Received from the house, 912, 1021.

First reading, 1021.

Second reading and reference, 1021.

Reported back, 1051.

**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.

**House Bill No. 288.—Continued.**

Received from the house, 644.

First reading, 787.

Second reading and reference, 787.

Reported back, 800.

Passed, 1221.

**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.

Received from the house, 975, 1022.

First reading, 1022.

Second reading and reference, 1022.

Reported back, 1268.

Passed, 1383.

**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.

Received from the house, 738.

First reading, 846.

Second reading and reference, 846.

Reported back, 1134.

**House Bill No. 231.—(Kneeland)**

A bill for an act to amend section 9650 of the revised codes of 1905, relating to bastardy proceedings.

Received from the house, 576.

First reading, 641.

Second reading and reference, 641.

Reported back, 728.

Passed, 1208.

**House Bill No. 232.—(Kneeland)**

A bill for an act to amend section 8320 of the revised codes of 1905, relating to inheritance tax.

Received from the house, 522.  
First reading, 573.  
Second reading and reference, 573.  
Reported back, 727.  
Indefinitely postponed, 727.

**House Bill No. 233.—(Honey)**

A bill for an act to define what is an official newspaper.

Received from the house, 522.  
First reading, 573.  
Second reading and reference, 573.  
Reported back, 927.  
Passed, 1229.

**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.

Received from the house, 1019.  
First reading, 1019.  
Second reading and reference, 1019.  
Reported back, 1153.  
Indefinitely postponed, 1153.

**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.

Received from the house, 575.  
First reading, 641.  
Second reading and reference, 641.

**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.

Received from the house, 971, 1022.  
First reading, 1022.  
Second reading and reference, 1022.  
Reported back, 1192.  
Passed, 1363.

**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.

Received from the house, 972, 1022.  
First reading, 1022.  
Second reading and reference, 1022.  
Reported back, 1150.  
Passed, 1378.

**House Bill No. 247.—(Homnes)**

A bill for an act to amend section 7459 of the revised codes of North Dakota of 1905, relating to the publication of notice of foreclosure by advertisement, and prescribing the duty of the party, attorney or agent foreclosing the mortgage.

Received from the house, 612.  
First reading, 787.  
Second reading and reference, 787.  
Reported back, 801.

**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.

Received from the house, 576.  
First reading, 641.  
Second reading and reference, 641.  
Reported back, 741.  
Passed, 1209.

**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.

**House Bill No. 249.—Continued.**

Received from the house, 576.  
 First reading, 642.  
 Second reading and reference,  
 642.  
 Reported back, 726.  
 Passed, 1210.

**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, 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.

Received from the house, 838,  
 1016.  
 First reading, 1016.  
 Second reading and reference,  
 1016.  
 Reported back, 1072.  
 Indefinitely postponed, 1073.

**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.

Received from the house, 850,  
 1017.  
 First reading, 1017.  
 Second reading and reference,  
 1017.  
 Reported back, 1267.  
 Passed, 1360.

**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.

Received from the house, 837,  
 1017.  
 First reading, 1017.  
 Second reading and reference,  
 1017.  
 Reported back, 1134.

**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.

Received from the house, 837,  
 1017.  
 First reading, 1017.  
 Second reading and reference,  
 1017.  
 Reported back, 1138.

**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.

Received from the house, 576.  
 First reading, 642.  
 Second reading and reference,  
 642.

**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.

Received from the house, 644.  
 First reading, 787.  
 Second reading and reference,  
 787.  
 Reported back, 862.  
 Passed, 1224.

**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.

Received from the house, 974,  
 1022.  
 First reading, 1022.  
 Second reading and reference,  
 1022.  
 Reported back, 1062.

**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.

Reported back, 1071.

**House Bill No. 261.—(Traynor)**

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.

Received from the house, 739.

First reading, 846.

Second reading and reference, 846.

Reported back 1053.

**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.

Received from the house, 643.

First reading, 787.

Second reading and reference, 787.

Reported back, 862.

Passed, 1225.

**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.

Received from the house, 831.

First reading, 849.

Second reading and reference, 849.

Reported back, 849, 916, 1069.

**House Bill No. 267.—(White)**

A bill for an act relating to railroad stations.

Received from the house, 612.

First reading, 787.

Second reading and reference, 787.

Reported back, 928.

**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.

Received from the house, 612.

First reading, 787.

Second reading and reference, 787.

**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.

Received from the house, 895, 1017.

First reading, 1017.

Second reading and reference, 1017.

Reported back, 1133.

Passed, 1380.

**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.

Received from the house, 831.

First reading, 849.

Second reading and reference, 849.

Reported back, 849, 990.

**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.

Received from the house, 1098.

First reading, 1111.

Second reading and reference, 1111.

Reported back, 1156.

Passed, 1208.

**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.

Received from the house, 832.

First reading, 849.

Second reading and reference, 849.

Reported back, 849, 918.

Passed, 1228.

**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.

Received from the house, 837.  
1017.

First reading, 1017.

Second reading and reference,  
1017.

Reported back, 1137.

Passed, 1384.

**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.

Received from the house, 1011,  
1026.

First reading, 1026.

Second reading and reference,  
1026.

Reported back, 1147.

Passed, 1289.

Indefinitely postponed, 1197.

**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.

Received from the house, 850,  
1017.

First reading, 1017.

Second reading and reference,  
1017.

Reported back, 1053.

Passed, 1339.

**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.

Received from the house, 576.

First reading, 642.

Second reading and reference,  
642.

Reported back, 725.

Passed, 1210.

**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.

Received from the house, 575.

First reading, 642.

Second reading and reference,  
642.

Reported back, 725.

Indefinitely postponed, 725.

**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.

Received from the house, 704.

First reading, 787.

Second reading and reference,  
787.

Reported back, 1064.

**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.

Received from the house, 895,  
1018.

First reading, 1018.

Second reading and reference,  
1018.

Reported back, 1133.

**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.

Received from the house, 740.

First reading, 846.

Second reading and reference,  
846.

Reported back, 982.

Passed, 1369.

**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. Received from the house, 974, 1023.

First reading, 1023.

Second reading and reference, 1023.

Reported back, 1063.

Passed, 1260.

**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. Received from the house, 830.

First reading, 849.

Second reading and reference, 849.

Reported back, 849, 1148.

Passed, 1360.

**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.

Received from the house, 838, 1018.

First reading, 1018.

Second reading and reference, 1018.

Reported back, 1052.

**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.

Received from the house, 971, 1023.

First reading, 1023.

Second reading and reference, 1023.

Reported back, 1267.

Passed, 1314.

**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.

Received from the house, 974, 1023.

First reading, 1023.

Second reading and reference, 1023.

Reported back, 1137.

Passed, 1167.

**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.

Received from the house, 911, 1021.

First reading, 1021.

Second reading and reference, 1021.

Reported back, 1149.

Passed, 1316.

**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.

Received from the house, 739.

First reading, 846.

Second reading and reference, 846.

Reported back, 1056.

Indefinitely postponed, 1058.



**House Bill No. 310.—(Jewett)**

A concurrent resolution amending the constitution of the state of North Dakota, relating to the taxation of farm property.

Received from the house, 911, 1021.

First reading, 1021.

Second reading and reference, 1021.

Reported back, 1056.

Indefinitely postponed, 1058.

**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.

Received from the house, 704.

First reading, 788.

Second reading and reference, 788.

Reported back, 1071.

Indefinitely postponed, 1071.

**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.

Received from the house, 739.

First reading, 847.

Second reading, and reference, 847.

Reported back, 1055. 1132.

Indefinitely postponed, 1132.

**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.

Received from the house, 839, 1018.

First reading, 1018.

Second reading and reference, 1018.

Reported back, 1149.

Passed, 1372.

**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.

Received from the house, 850, 1018.

First reading, 1018.

Second reading and reference, 1018.

Reported back, 1150.

Passed, 1317.

**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.

Received from the house, 973, 1023.

First reading, 1023.

Second reading and reference, 1023.

Reported back, 1154.

Indefinitely postponed, 1154.

**House Bill No. 320.—(Christenson)**

A bill for an act to prohibit the marriage of insane, epileptic or feeble minded persons.

Received from the house, 839, 1018.

First reading, 1018.

Second reading and reference, 1018.

**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.

Received from the house, 739.  
First reading, 847.  
Second reading and reference, 847.  
Reported back, 1056.  
Indefinitely postponed, 1058.

**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.

Received from the house, 1035.  
First reading, 1109.  
Second reading and reference, 1109.  
Reported back, 1139.

**House Bill No. 324.—(Homnes)**

A bill for an act prescribing the powers and duties of village marshals.

Received from the house, 1027.  
First reading, 1027.  
Second reading and reference, 1027.  
Reported back, 1065.  
Indefinitely postponed, 1065.

**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.

Received from the house, 1185.

**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.

Received from the house, 971.  
1024.  
First reading, 1024.  
Second reading and reference, 1024.  
Reported back, 1071.  
Passed, 1305.

**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.

Received from the house, 739.  
First reading, 847.  
Second reading and reference, 847.  
Reported back, 992.

**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.

Received from the house, 838,  
1019.  
First reading, 1019.  
Second reading and reference, 1019.  
Reported back, 1070.

**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.

Received from the house, 839,  
1024.

**House Bill No. 334.—Continued.**

First reading, 1024.  
 Second reading and reference,  
 1024.  
 Reported back, 1139.  
 Passed, 1359.

**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.  
 Received from the house, 840, 1019.  
 First reading, 1019.  
 Second reading and reference, 1019.  
 Reported back, 1050.  
 Passed, 1384.

**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.  
 Received from the house, 973, 1024.  
 First reading, 1024.  
 Second reading and reference, 1024.  
 Reported back, 1266.

**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 compensation of superintendents of county boards of health.  
 Received from the house, 839, 1019.  
 First reading, 1019.  
 Second reading and reference, 1019.  
 Reported back, 1069.

**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.  
 Received from the house, 839, 1019.  
 First reading, 1019.  
 Second reading and reference, 1019.  
 Reported back, 1145, 1277.

**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.  
 Received from the house, 840, 1019.  
 First reading, 1019.  
 Second reading and reference, 1019.  
 Reported back, 1141.  
 Passed, 1355, 1379.

**House Bill No. 345.—(Kinney of Richland)**

A bill for an act providing that all state banks shall be known and designated by an official number.  
 Received from the house, 973, 1024.  
 First reading, 1024.  
 Second reading and reference, 1024.  
 Reported back, 1133.  
 Passed, 1374.

**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.  
 Received from the house, 839, 1019.  
 First reading, 1019.  
 Second reading and reference, 1020.  
 Reported back, 1052.  
 Passed, 1382.

**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.  
 Received from the house, 838, 1020.  
 First reading, 1020.  
 Reported back, 724, 1276.  
 Passed, 1291.

**House Bill No. 349.—(Law)**

A bill for an act to amend section 889, of the revised codes of 1905.

Received from the house, 972, 1025.

First reading, 1025.

Second reading and reference, 1025.

Reported back, 1152.

Passed, 1382.

**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.

Received from the house, 840, 1020.

First reading, 1020.

Second reading and reference, 1020.

Reported back, 1058.

Indefinitely postponed, 1058.

**House Bill No. 351.—(Baker of Cass)**

A bill for an act to provide a military code of the state of North Dakota.

Received from the house, 911, 1022.

First reading, 1022.

Second reading and reference, 1022.

Reported back, 1136.

Passed, 1248.

**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.

Received from the house, 1035.

First reading, 1109.

Second reading and reference, 1109.

Reported back, 1136.

Passed, 1381.

**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

**House Bill No. 356.—Continued.**

of aldermen in cities, and the term of office of such aldermen.

Received from the house, 840, 1020.

First reading, 1020.

Second reading and reference, 1020.

Reported back, 1068.

**House Bill No. 359.—(Martin)**

A bill for an act to prevent discrimination by surety companies.

Received from the house, 1011, 1026.

First reading, 1026.

Second reading and reference, 1026.

Reported back, 1144.

**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.

Received from the house, 974, 1025.

First reading, 1025.

Second reading and reference, 1025.

**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.

Received from the house, 1025.

First reading, 1025.

Second reading and reference, 1025.

Reported back, 1155.

**House Bill No. 363.—(Duncan)**

A bill for an act making it unlawful to move, run, drive or trans-

**House Bill No. 363.—Continued.**

port 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.

Received from the house, 974, 1025.

First reading, 1025.

Second reading and reference, 1025.

Reported back, 1138.

**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.

Received from the house, 1027.

First reading, 1027.

Second reading and reference, 1027.

Reported back, 1066.

Indefinitely postponed, 1067.

**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.

Received from the house, 973, 1025.

First reading, 1025.

Second reading and reference, 1025.

Reported back, 1140.

Indefinitely postponed, 1140.

**House Bill No. 367.—(Peart)**

A bill for an act to amend section 4464 of the revised codes of North Dakota for 1905.

Received from the house, 974, 1025.

First reading, 1025.

Second reading and reference, 1025.

**House Bill No. 368.—(Traynor)**

A bill for an act to amend chapter 179 of the session laws of North Dakota, approved March

**House Bill No. 368.—Continued.**

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.

Received from the house, 1011, 1026.

First reading, 1026.

Second reading and reference, 1026.

Reported back, 1068.

**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.

Received from the house, 850, 1020.

First reading, 1020.

Second reading and reference, 1020.

Reported back, 1270.

Passed, 1376.

**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.

Received from the house, 1028.

First reading, 1028.

Second reading and reference, 1028.

Reported back, 1061.

Passed, 1362.

**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."

Received from the house, 1047.  
First reading, 1110.  
Second reading and reference, 1110.  
Reported back, 1162.  
Passed, 1378.

**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 perpetuation of the record of such audit and examination and for installing and completing an adequate system of books and records for said institutions.

Received from the house, 1011, 1027.  
First reading, 1027.  
Second reading and reference 1027.  
Reported back, 1112, 1146.  
Passed, 1166.

**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.

Received from the house, 972, 1026.  
First reading, 1026.  
Second reading and reference, 1026.  
Reported back, 1067.

**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

**House Bill No. 377.—Continued.**

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."

Received from the house, 1027.  
First reading, 1027.  
Second reading and reference, 1027.  
Reported back, 1145.

**House Bill No. 378.—(Shells 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.

Received from the house, 972, 1026.  
First reading, 1026.  
Second reading and reference, 1026.  
Reported back, 1135.  
Indefinitely postponed, 1135.

**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.

Received from the house, 972, 1022.  
First reading 1022.  
Second reading and reference, 1022.  
Reported back, 1067.  
Passed, 1314.

**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.

**House Bill No. 380.—Continued.**

Received from the house, 1047.  
 First reading, 1110.  
 Second reading and reference  
 1110.  
 Reported back, 1157.  
 Passed, 1367.

**House Bill No. 383.—(Price)**

A bill for an act to amend section  
 4210 of the revised codes of  
 North Dakota for 1905, relat-  
 ing to dividends and limita-  
 tions of indebtedness of cor-  
 porations.

Received from the house, 1035.  
 First reading, 1109.  
 Second reading and reference,  
 1109.  
 Reported back, 1193.  
 Passed, 1358.

**House Bill No. 387.—(Burns)**

A bill for an act to amend section  
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**House Bill No. 387.—Continued.**

North Dakota for 1905, relating  
 to issuing of marriage licenses.  
 Received from the house, 1012,  
 1027.  
 First reading, 1027.  
 Second reading and reference,  
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 Reported back, 1056.  
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**House Bill No. 388.—(Bjorndahl)**

A bill for an act to require tele-  
 phone exchanges to contract  
 with telephone toll lines, for  
 the greater convenience of the  
 public in transmitting tele-  
 graphic messages.

Received from the house, 1047.  
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